



CITY OF COSTA MESA

PLANNING COMMISSION

Agenda

Monday, July 24, 2023

6:00 PM

**City Council Chambers
77 Fair Drive**

The Commission meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having system outages or experiencing other critical issues, the meeting will continue in person.

TRANSLATION SERVICES AVAILABLE / SERVICIOS DE TRADUCCIÓN DISPONIBLE

Please contact the City Clerk at (714) 754-5225 to request language interpreting services for City meetings. Notification at least 48 hours prior to the meeting will enable the City to make arrangements.

Favor de comunicarse con la Secretaria Municipal al (714) 754-5225 para solicitar servicios de interpretación de idioma para las juntas de la Ciudad. Se pide notificación por lo mínimo 48 horas de anticipación, esto permite que la Ciudad haga los arreglos necesarios.

Members of the public can view the Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/costamesatv).

Zoom Webinar:

Please click the link below to join the webinar:

<https://zoom.us/j/96060379921?pwd=N2lvbzhJM2hWU3puZkk1T3VYTXhoQT09>

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

Enter Webinar ID: 960 6037 9921 / Password: 595958

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

Participate via telephone:

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION REGULAR MEETING

JULY 24, 2023 – 6:00 P.M.

ADAM ERETH
ChairRUSSELL TOLER
Vice ChairJOHNNY ROJAS
Planning CommissionerANGELY ANDRADE VALLARTA
Planning CommissionerJIMMY VIVAR
Planning CommissionerJON ZICH
Planning CommissionerJENNIFER LE
Director of Economic and
Development ServicesTARQUIN PREZIOSI
Assistant City Attorney**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****ANNOUNCEMENTS AND PRESENTATIONS****PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA****Comments are limited to three (3) minutes, or as otherwise directed.****COMMISSIONER COMMENTS AND SUGGESTIONS****CONSENT CALENDAR:**

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

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1. [APRIL 26, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1314](#)
RECOMMENDATION:
Planning Commission approve Minutes of a regular meeting of April 26, 2021.
Attachments: [April 26, 2021 Unofficial Minutes](#)
 2. [MAY 10, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1315](#)
RECOMMENDATION:
Planning Commission approve Minutes of a regular meeting of May 10, 2021.
Attachments: [May 10, 2021 Unofficial Minutes](#)
 3. [JULY 12, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1316](#)
RECOMMENDATION:
Planning Commission approve Minutes of a regular of July 12, 2021.
Attachments: [July 12, 2021 Unofficial Minutes](#)
 4. [JULY 26, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1317](#)
RECOMMENDATION:
Planning Commission approve Minutes of a regular meeting of July 26, 2021
Attachments: [July 26, 2021 Unofficial Minutes](#)
 5. [AUGUST 9, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1318](#)
RECOMMENDATION:
Planning Commission approve Minutes of regular meeting of August 9, 2021.
Attachments: [August 9, 2021 Unofficial Minutes](#)
 6. [NOVEMBER 8, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1319](#)
RECOMMENDATION:
Planning Commission approve Minutes of a regular meeting of November 8, 2021.
Attachments: [November 8, 2021 Unofficial Minutes](#)

7. [NOVEMBER 22, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1320](#)

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of November 22, 2021.

Attachments: [November 22, 2021 Unofficial Minutes](#)

8. [AUGUST 23, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1321](#)

RECOMMENDATION:

Planning commission approve Minutes of a regular meeting of August 23, 2021.

Attachments: [August 23, 2021 Unofficial Minutes](#)

9. [SEPTEMBER 13, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1322](#)

RECOMMENDATION:

Planning Commission approve minutes of a regular meeting of September 13, 2021.

Attachments: [September 13, 2021 Unofficial Minutes](#)

10. [SEPTEMBER 27, 2021 UNOFFICIAL MEETING MINUTES](#) [23-1323](#)

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of September 27, 2021.

Attachments: [September 27, 2021 Unofficial Minutes](#)

PUBLIC HEARINGS:

1. [PLANNING APPLICATION 23-06 AND ZONING APPLICATION 23-0923-1324 TO MODIFY AND EXPAND EXISTING MORTUARY OPERATIONS INTO 766 W 19TH ST FOR THE NEPTUNE SOCIETY LOCATED AT 758 W 19TH ST](#)

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 23-06 and Zoning Application 23-09, 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. PA-89-69](#)
- [7. Project Plans](#)

2. [PLANNING APPLICATION 22-12 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY, and a Minor conditional use permit for compact parking LOCATED AT 141 E. 16th Street \(THE mercantile\)](#)

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-12, 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. Cannabis Storefront CUP Map](#)
- [7. Project Plans](#)
- [8. Public Comments](#)

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

DEPARTMENT REPORTS:

1. PUBLIC WORKS REPORT
2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY

ADJOURNMENT

PLANNING COMMISSION MEETING:

Costa Mesa Planning Commission meets on the second and fourth Monday of each month at 6:00 p.m.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an affected party files an appeal to the City Council, or a member of City Council requests a review. Applications for appeals are available through the City Clerk's Office; please call (714) 754-5225 for additional information.

CONTACT CITY STAFF:

77 Fair Drive, Costa Mesa, CA 92626
Planning Division (714) 754-5245
planninginfo@costamesaca.gov



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1314

Meeting Date: 7/24/2023

TITLE:

APRIL 26, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING
DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of April 26, 2021.

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**MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION**

**April 26, 2021
Regular Meeting – 6:00 p.m.**

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Chair de Arakal led the Pledge of Allegiance.

Chair de Arakal read a brief statement into the record regarding COVID-19, and how the public can participate in the meeting.

OATH OF OFFICE FOR NEWLY APPOINTED PLANNING COMMISSIONERS BY CITY CLERK:

City Clerk Brenda Green administered the oath of office to Council-appointed Planning Commissioner Adam Ereth.

ROLL CALL:

Present: Chair Byron de Arakal, Vice-Chair Kedarious Colbert, Commissioner Adam Ereth, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jenna Tourje

Absent: Commissioner Jon Zich

Officials Present: Director of Economic and Development Services Jennifer Le, Associate Planner Justin Arios, Assistant Planner Chris Yeager, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang, City Clerk Brenda Green, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS: None

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA:

Chair de Arakal opened Public Comments at 6:04 p.m.

Caller 1: Steven Chan, resident, provided a 3-minute video clip regarding the noise from Strut Bar and Smart and Final.

Chair de Arakal closed Public Comments at 6:10 p.m.

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COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Ereth stated he is excited to be joining the Commission.

Commissioner Toler shared information regarding the newly reinstated monthly bike ride held on April 25, 2021 with Councilmember Reynolds. They are held on the 3rd/4th Sunday of the Month

Commissioner Russell stated the bike ride was fun and it was great to see the City from a different perspective. She shared information regarding the Sanitation and Water Departments' Zoom Presentation on their conservation efforts held on April 22, 2021. She also shared information regarding Costa Mesa Step Up – a challenge to track steps and be entered into a drawing for prizes (over 8,000 steps).

Vice-Chair Colbert made a statement regarding the verdict in the Derek Chauvin case.

Chair de Arakal announced the upcoming April 27, 2021 Study Session with City Council and the Planning Commission regarding the Housing Element and encouraged everyone to participate.

CONSENT CALENDAR:

A member of the public pulled Consent Calendar Item No. 1.

Commissioner Toler pulled Consent Calendar Item No. 1.

1. 2020 ANNUAL REVIEW OF THE COSTA MESA 2015 – 2035 GENERAL PLAN

Recommended Action: Staff recommends that the Planning Commission recommend that the City Council approve the 2020 Annual Review of the 2015 – 2035 Costa Mesa General Plan for final submittal to the State Planning and Research and the State Department of Housing and Community Development.

Associate Planner Justin Arios presented the staff report.

Commissioner Toler requested clarification of the Land Management System. Director Le gave an overview of Permits Plus, the current permitting software used, and noted it is a 20-year-old system in need of upgrading.

Commissioner Tourje' inquired regarding the Annual Review's Circulation Element Policy C-1.4 and whether OCTA responded with any requests to downgrade streets. City Engineer Yang responded that he will provide an answer separately as he needs to consult with the City's Transportation liaison. Commissioner Tourje' also inquired about the next steps to pursue keeping some of the landscaping or gathering places or parklets that are existing right now during COVID with the social distancing in place

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in the Annual Review's Circulation Element Policy C1.6. Director Le responded that the urgency ordinance that allowed flexibility for restaurants during the pandemic expires at the end of 2021 and afterwards staff would look to City Council to provide direction on whether the flexibility would continue. Commissioner Commissioner Tourje' also commented on where the City will be identifying housing opportunity sites in the City's Housing Element update and how neighborhood character will be preserved.

Commissioner Russell stated the term "ongoing" seems to be overused, and would like to see a timeline for some of the projects listed.

Commissioner Ereth echoed Commissioner Russell's statement, that he would like more detailed status updates in the report.

Vice-Chair Colbert inquired about the minimum 4.26 acre of parkland per 1,000 persons and how the requirement is determined and met. Director Le stated it is determined by population, and several implementing documents are used that assist with the calculations.

Chair de Arakal opened Public Comments at 6:57 p.m.

Caller 1: David Martinez, resident, made several statements/questions on several items in the report (General Plan Policies C1.15, C1.16, C2.1, C3.2, C3.3, C4.18, C4.4, C5.6, C7.12, C7.1, C7.5, C7.13, C7.15, C7.19, C8.12, C8.19, and C9.14).

Chair de Arakal closed Public Comments at 7:00 p.m.

MOTION: A motion was made by Chair de Arakal for the Planning Commission to recommend that the City Council approve the 2020 Annual Review of the 2015 – 2035 Costa Mesa General Plan for final submittal to the State of Planning and Research and the State Department of Housing and Community Development.

Moved by Chair de Arakal, seconded by Vice-Chair Colbert.

The motion carried by the following roll call vote:

Ayes: de Arakal, Colbert, Ereth, Russell, Toler, Tourje'

Nays: None

Absent: Zich

Recused: None

Motion carried: 6-0

PUBLIC HEARINGS:

- 1. PLANNING APPLICATION 20-18 FOR A MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY (SCCC GROUP) LOCATED AT 3505 CADILLAC AVENUE, UNIT M-104**

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Project Description: Planning Application 20-18 is a request for a Conditional Use Permit (CUP) to operate a marijuana manufacturing and distribution facility within a 2,184-square-foot tenant space at 3505 Cadillac Avenue, Unit M-104. The applicant is proposing to use the tenant space for non-volatile cannabis manufacturing, packaging, and distribution. Security systems are proposed throughout the facility. No cultivation of marijuana or marijuana dispensary is permitted.

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.

There were no written public comments received.

No ex-parte communications to report.

Assistant Planner Chris Yeager presented the staff report.

Chair de Arakal opened the Public Hearing at 7:25 p.m.

Hazelina Laskey of SCCC Group gave a presentation. She stated she read the staff report and agreed to the conditions of approval.

Commissioner Ereth asked if there are any limitations of concentration in their product (cannabinoids). Applicant stated there are limits.

Chair de Arakal inquired if it is addictive. Applicant stated it is not.

Chair de Arakal opened Public Comments at 7:37 p.m.

PUBLIC COMMENTS:

No public comments.

Chair de Arakal closed Public Comments at 7:37 p.m.

Chair de Arakal closed the Public Hearing at 7:37 p.m.

MOTION: A motion was made by Chair de Arakal to approve Planning Application 20-18.

Moved by Chair de Arakal, seconded by Commissioner Tourje'.

The motion carried by the following roll call vote:

Ayes: de Arakal, Colbert, Ereth, Russell, Toler, Tourje'

Nays: None

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Absent: Zich
Recused: None
Motion carried: 6-0

RESOLUTION NO. PC-2021-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 20-18 TO ALLOW A MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY (SCCC GROUP) IN THE PDI ZONE FOR PROPERTY AT 3505 CADILLAC AVENUE, UNIT M-104

The Chair explained the appeal process.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S):

1. Public Services Report – City Engineer Yang reported that the Merrimac Way and 18th Street projects are still underway.
2. Development Services Report – Director Le announced there is a Joint Study Session scheduled for April 27, 2021 at 5:00 p.m. regarding the City's General Plan Housing Element.

CITY ATTORNEY'S OFFICE REPORT(S):

1. City Attorney – none.

ADJOURNMENT AT 7:42 P.M.:

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1315

Meeting Date: 7/24/2023

TITLE:

MAY 10, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONIMIOIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING
DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of May 10, 2021.

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**MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION**

**May 10, 2021
Regular Meeting – 6:00 p.m.**

CALL TO ORDER:

Chair de Arakal called Zoom webinar meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE:

Chair de Arakal led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jenna Tourje

Absent: Vice-Chair Kedarious Colbert, and Commissioner Adam Ereth

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Planner Nancy Huynh, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang, City Clerk Brenda Green, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

Chair de Arakal read a brief statement into the record regarding COVID-19, and how the public can participate in the meeting.

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA:

Chair de Arakal opened Public Comments at 6:04 p.m.

Caller 1: Steven Chan, resident, provided a 3-minute video clip on the noise and laser pointers at security cameras from Strut Bar as well as noise from Smart n Final.

Chair de Arakal closed Public Comments at 6:08 p.m.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Toler provided a slide presentation to promote “May is Bike Month”. Happy Bike Month.

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Commissioner Zich stated he rides his bike 50 – 70 miles a week.

Commissioner Russell reminded everyone about the Love Costa Mesa event on 05/15/2021, 9:00 a.m – 12:00 p.m. www.lovecostamesa.org.

Commissioner Tourje' participated in the recent Plan and Play event with Costa Mesa students. It was a pleasure to advise the students. She will be participating in Love Costa Mesa event.

Chair de Arakal thanked Staff, Kimley Horn, and members of the Public who participated in the recent Study Session for the Housing Element.

CONSENT CALENDAR:

A member of the Public, Flo Martin, pulled Consent Calendar Item No. 1.

Commissioners Zich and Toler pulled Consent Calendar Item No. 1.

1. GENERAL PLAN CONFORMITY RESOLUTION FOR THE CITY OF COSTA MESA ONE-YEAR FY 2021 – 2022 AND FIVE-YEAR FY 2021 – 2026 CAPITAL IMPROVEMENT PROGRAMS

Recommended Action: Staff recommends that the Planning Commission recommend adopt a Resolution to find that the City's proposed CIP is in conformance with the 2015 – 2035 General Plan and that the General Plan conformance finding for the City's proposed CIP is not a "project" and is not subject to CEQA.

Director Raja Sethuraman presented the staff report.

Chair de Arakal opened Public Comments at 6:31 p.m.

Caller 1: Flo Martin, resident, provided comments on Transportation/Baker – Placentia – Victoria – West 19th Traffic Signal Synchronization. She fears synchronized traffic signals will cause drivers to speed.

Caller 2: David Martinez, resident, echoed Flo Martin's statement. He provided comments on items 7.4, 7.5, and 7.13. He also stated Class 1, Class 2, and Class 4 should also be a priority.

Chair de Arakal closed Public Comments at 6:38 p.m.

Commissioner Zich inquired about signal synchronization, funding sources, Fipack involvement, Senate Bill 1 (Road Repair and Accountability Act of 2017), street improvements average cost/budget, and Westside park development.

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Commissioner Toler inquired about citywide street improvements named and unnamed, grant money, review process (consultants, Bikeway Committee, experts), signal synchronization, traffic congestion, reducing driver frustration, C7, C8 and C10.

Commissioner Tourje' noted her appreciation that Shalimar Park is included in the 5-year plan.

MOTION: A motion was made by Chair de Arakal to adopt a Resolution to find that the City's proposed CIP is in conformance with the 2015 – 2035 General Plan and that the General Plan conformance finding for the City's proposed CIP is not a "project" and is not subject to CEQA.

Moved by Chair de Arakal, seconded by Commissioner Zich.

The motion carried by the following roll call vote:

Ayes:	de Arakal, Russell, Toler, Tourje', Zich
Nays:	None
Absent:	Colbert, Ereth
Recused:	None
Motion carried:	5 – 0

PUBLIC HEARINGS:

1. PLANNING APPLICATION 20 – 15 FOR A MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY (NEW NORMAL LABS) AT 3505 CADILLAC AVENUE, UNIT M-204

Project Description: Planning Application 20 – 15 is a request for a Conditional Use Permit (CUP) to operate a marijuana manufacturing and distribution facility within a 2,333-square-foot tenant space at 3505 Cadillac Avenue, Unit M-204. The applicant is proposing to use the tenant space for non-volatile cannabis manufacturing, packaging, and distribution. The applicant proposes to have security systems throughout the facility. No cultivation of marijuana or marijuana dispensary is permitted.

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.

Recommended Action: Staff recommends that 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 20-15, subject to conditions of approval.

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There were no written public comments received.

No Ex-parte communications to report.

Assistant Planner Chris Yeager presented the staff report.

Chair de Arakal inquired about the unsecured transportation between manufacturing to distribution.

Commissioner Zich inquired if HdL reviewed and approved the plan, and if cultivation approval would be by Ordinance.

Chair de Arakal opened the Public Hearing at 7:14 p.m.

Amanda Kilroe and Emily Hackerman, New Normal authorized agents, answered the Commissioners' inquiries. They have read the staff report and agreed to the conditions of approval.

Chair de Arakal opened the Public Comments at 7:20 p.m.

PUBLIC COMMENTS: None

Chair de Arakal closed the Public Comments at 7:21 p.m.

Chair de Arakal closed the Public Hearing at 7:24 p.m.

MOTION: A motion was made by Chair de Arakal to approve Planning Application 20 – 15, subject to the conditions of approval.

Moved by Chair de Arakal, seconded by Commissioner Russell.

The motion carried by the following roll call vote:

Ayes: de Arakal, Russell, Toler, Tourje', Zich

Nays: None

Absent: Colbert, Ereth

Recused: None

Motion carried: 5 – 0

2. PLANNING APPLICATION 20 – 16 FOR A MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY (ASH CAPITAL) AT 3505 CADILLAC AVENUE, UNIT O-108

Project Description: Planning Application 20 – 16 is a request for a Conditional Use Permit (CUP) to operate a marijuana manufacturing and distribution facility within a 2,275-square-foot tenant space at 3505 Cadillac Avenue, Unit O-108. The applicant is proposing to use the tenant space for non-volatile cannabis

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manufacturing, packaging, and distribution. The applicant proposes to have security systems throughout the facility. No cultivation of marijuana or marijuana dispensary is permitted.

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.

Recommended Action: Staff recommends that 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 20 – 16, subject to conditions of approval.

There were no written public comments received.

No Ex-parte communications to report.

Assistant Planner Johnwilly Aglupos presented the staff report.

Commissioner Zich asked for clarification on purchasing bulk extract concentrates and pre-roll filling machine.

Chair de Arakal enquired if the Bureau of Cannabis prohibits the passage of product from a limited-access through a non-licensed area.

Director Le confirmed with HdL it is allowed under State regulations as long as it is logged in the track and trace system.

Chair de Arakal opened the Public Hearing at 7:35 p.m.

Sean Maddocks, Ash Capital authorized agent, has read the staff report and agreed to the conditions of approval. He gave additional information regarding bulk extract concentrates and pre-roll filling machine – flower will be purchased for pre-roll in addition to bulk extract and will be logged in the track and trace system, and only purchased from licensed providers per the State's definition.

Chair de Arakal opened the Public Comments at 7:37 p.m.

PUBLIC COMMENTS: None

Chair de Arakal closed the Public Comments at 7:38 p.m.

Chair de Arakal closed the Public Hearing at 7:38 p.m.

UNOFFICIAL UNTIL APPROVED

MOTION: A motion was made by Chair de Arakal to approve Planning Application 20 – 16, subject to the conditions of approval.

Moved by Chair de Arakal, seconded by Commissioner Tourje’.

The motion carried by the following roll call vote:

Ayes:	de Arakal, Russell, Toler, Tourje’, Zich
Nays:	None
Absent:	Colbert, Ereth
Recused:	None
Motion carried:	5 – 0

DEPARTMENTAL REPORT(S):

1. Public Services Report – City Engineer Yang noted the City Council recognized the month of May as Costa Mesa Bike Month at the 05/04/2021 Council Meeting. He briefed the Commission on Public Services promotion “3 Feet for Safety Act”.
2. Development Services Report – Director Le reminded everyone of the 05/11/2021 City Council Study Session on the proposed Capital Improvement Program.

CITY ATTORNEY’S OFFICE REPORT(S):

1. City Attorney – Mr. Preziosi had no report.

ADJOURNMENT AT 7:42 P.M.:

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1316

Meeting Date: 7/24/2023

TITLE:

JULY 12, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING
DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a regular of July 12, 2021.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION****July 12, 2021
6:00 p.m.****CALL TO ORDER:**

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

PLEDGE OF ALLEGIANCE:

Commissioner Tourjé led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Commissioner Adam Ereth (via Zoom), Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jenna Tourjé, Commissioner Jon Zich

Officials Present: Director of Economic and Development Services Jennifer Le, Associate Planner Katelyn Walsh, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang, City Clerk Brenda Green, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

Chair de Arakal presented Kedarious Colbert with a proclamation for his faithful and excellent service.

Mr. Colbert provided comments and thanked the Commission.

Commissioners thanked Mr. Colbert for his service on the Commission.

ELECTION OF OFFICERS:

- 1. Selection of Vice Chairperson: Chair de Arakal declared nominations open for Vice Chairperson.**

Public Comments: None.

MOTION: Commissioner Russell nominated Commissioner Tourjé as Vice Chair.

Moved by Commissioner Russell, seconded by Commissioner Ereth.

UNOFFICIAL UNTIL APPROVED

The motion carried by the following roll call vote:

Ayes: de Arakal, Russell, Stephens, Toler

Nays: Zich

Absent: None

Recused: None

Abstained: Tourjé

Motion carried: 4-1-0-1

ACTION: Appointed Commissioner Tourjé as Vice Chair of the Planning Commission.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Chair de Arakal opened Public Comments at 6:22 p.m.

David Martinez spoke about Zoning Code requirements for the R-1 zone, including minimum setbacks, and parking requirements. He stated the City needs to reform their system.

Chair de Arakal closed Public Comments at 6:27 p.m.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Zich welcomed everyone back to the Council Chambers. He also thanked Staff for their efforts to keep the Planning Commission meetings and City Hall running over the last year.

Commissioner Russell echoed Commissioner Zich's comments. During the last year, Staff did an amazing job of communicating with Commissioners and the community. She also invited everyone to the Norma Hertzog Community Center and Lions Park Playground Ribbon-cutting Ceremony on July 17, 2021, at 10:00 a.m.

Commissioner Toler thanked Planning Staff and IT Staff for the hybrid meetings over the last year.

Vice-Chair Tourjé thanked Planning Staff and IT Staff for their efforts over the last year and stated how much she appreciates everyone. She encouraged everyone to stay cautious and to continue to support local businesses.

Commissioner Ereth stated it was wonderful to work with Planning Staff and IT Staff over the last year. The information provided was thorough and informative. He also invited everyone to the Norma Hertzog Community Center and Lions Park Playground Ribbon-cutting Ceremony.

UNOFFICIAL UNTIL APPROVED

Chair de Arakal stated it was good to be back in the Council Chambers. He echoed his fellow Commissioners on their gratitude towards Planning Staff, IT Staff, and City Clerk Staff. He noted everyone handled themselves with grace and professionalism.

CONSENT CALENDAR:

Commissioner Toler pulled Consent Calendar Item No. 3 for discussion.

1. MINUTES FOR THE MEETING OF JANUARY 25, 2021

Recommended Action: Approve the minutes of a meeting of the Planning Commission held on January 25, 2021.

2. MINUTES FOR THE MEETING OF FEBRUARY 8, 2021

Recommended Action: Approve the minutes of a meeting of the Planning Commission held on February 8, 2021.

Public Comments – None.

MOTION: A motion was made by Commissioner Ereth to approve Consent Calendar Items 1 and 2.

Moved by Commissioner Ereth, seconded by Vice-Chair Tourjé.

The motion carried by the following roll call vote:

Ayes: de Arakal, Tourjé, Ereth, Russell, Toler, Zich

Nays: None

Absent: None

Recused: None

Motion carried: 6-0

ACTION: Planning Commission approved Consent Calendar Items 1 and 2.

ITEM PULLED FROM THE CONSENT CALENDAR:**3. GENERAL PLAN CONFORMITY REPORT AND RESOLUTION THEREOF FOR THE PROPOSED VACATION OF EXCESS RIGHT-OF-WAY LOCATED AT 154 BROADWAY ON THE FULLERTON AVENUE FRONTAGE**

Recording Secretary Colgan read the item into the record.

Associate Planner Katelyn Walsh presented the Staff Report.

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Commission and Staff discussed whether a sidewalk would be City responsibility, the “Missing Sidewalk Program”, High-Density/Residential zoning, and ADU requirements and eligibility.

Chair de Arakal opened Public Comment at 6:45 p.m.

PUBLIC COMMENTS:

David Martinez spoke about Minimum Lot Area (12,000 square feet) and requested the City eliminate it as a requirement.

Daniel Morgan, applicant, thanked Staff for their consideration of his project.

Chair de Arakal closed Public Comments at 6:47 p.m.

MOTION: A motion was made by Chair de Arakal to approve Consent Calendar Item 3.

Moved by Chair de Arakal, seconded by Commissioner Ereth.

The motion carried by the following roll call vote:

Ayes: de Arakal, Tourjé, Ereth, Russell, Toler, Zich

Nays: None

Absent: None

Recused: None

Motion carried: 6-0

ACTION: The Planning Commission adopted a resolution to:

1. Adopt the agenda report for this item for purposes of reporting to the City Council on general plan conformance, and find that the proposed vacation of excess right-of-way of the Fullerton Avenue frontage of 154 Broadway is in conformance with the City of Costa Mesa General Plan, serves the public interest, is a public benefit, and;
2. Find it is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3).

RESOLUTION PC-2021-13 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE VACATION OF EXCESS RIGHT-OF-WAY BY THE CITY OF COSTA MESA, AT 154 BROADWAY ON THE FULLERTON AVENUE FRONTAGE, IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN.

PUBLIC HEARINGS: None.

OLD BUSINESS: None.

UNOFFICIAL UNTIL APPROVED

NEW BUSINESS: None.**DEPARTMENTAL REPORT(S):**

1. Public Services Report – City Engineer Seung Yang reported construction on Fairview Road and Village Way is underway; Merrimac Way road construction is almost complete. He invited everyone to the Norma Hertzog Community Center and Lions Park Playground Ribbon-cutting Ceremony.
2. Development Services Report – Director Le welcomed Commissioners and the public back to the Council Chambers and to City Hall. City Hall reopened on July 12, 2021. She gave an overview of the WaitWhile online appointment system program. At Commissioner Russell's request, Director Le also gave an update on the Housing Element.

CITY ATTORNEY'S OFFICE REPORT(S):

1. City Attorney - none.

COMMISSIONER COMMENTS:

Chair de Arakal stated the Orange County Fair opens at the end of the week.

ADJOURNMENT AT 6:53 P.M.:

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1317

Meeting Date: 7/24/2023

TITLE:

JULY 26, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING
DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of July 26, 2021

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION**

**July 26, 2021
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 Zich led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Vice Chair Jenna Tourjé, Commissioner Adam Ereth, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jon Zich

Officials Present: Director of Economic and Development Services Jennifer Le, Associate Planner Justin Arios, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Chair de Arakal opened Public Comments.

No public comments.

Chair de Arakal closed Public Comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Toler informed the public about the pop-up protected bike lane that will lead to the concert in the park over the weekend.

Commissioner Russell acknowledged staff for their work on putting together the grand opening of the Community Center and Lions Park.

Commissioner Zich requested to hear an update on the Adams Avenue Improvement Project and for a brief update on small cell site construction.

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Vice Chair Tourjé acknowledged Commissioner Zich's question about the small cell site and stated she was also interested in receiving an update on construction.

CONSENT CALENDAR: None.

PUBLIC HEARINGS:

1. PLANNING APPLICATION 21-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A MICROBLADING USE (SIMILAR TO A TATTOO USE) AT 1525 MESA VERDE DRIVE EAST, SUITE 213

Project Description: Planning Application 21-04 is a request for a Conditional Use Permit (CUP) that would allow operation of Ramz Studios as a microblading use at 1525 Mesa Verde Drive East, Suite 213, in a 1,350-square-foot suite located on the second floor of the existing two-story commercial building.

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

No ex-parte communications.

Associate Planner Justin Arios presented staff report.

Chair de Arakal asked about state licensing requirements. He also asked if training for microblading is allowed in the zone.

Chair de Arakal opened the Public Hearing.

Ramsey Husain, Applicant, presented a slide show.

Chair de Arakal asked the applicant whether his services needed to be licensed by the State of California and whether he plans to hire any of the individual's he will be training.

Chair de Arakal asked the applicant whether he had read the conditions of approval and if they agreed with them. Applicant stated he read and agreed to the conditions of approval.

PUBLIC COMMENTS:

No public comments.

The Chair closed the Public Hearing.

UNOFFICIAL UNTIL APPROVED

MOVED/SECOND: de Arakal/Tourjé

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Ereth, Tourjé, Russell, Toler, Zich

Nays: None

Absent: None

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; and
2. Approve Planning Application 21-04, subject to conditions of approval.

RESOLUTION NO. PC-2021-14 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A MICROBLADING USE (SIMILAR TO A TATTOO USE) IN THE C1 ZONE FOR PROPERTY AT 1525 MESA VERDE DRIVE EAST, SUITE 213

The Chair explained the appeal process.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S):

1. Public Services Report – Mr. Yang provided an update on the Adams Avenue Project.
2. Development Services Department – Ms. Le gave a brief update on Accessory Dwelling Unit applications and on the Housing Element.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney - None.

ADJOURNMENT AT 6:27 P.M.

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1318

Meeting Date: 7/24/2023

TITLE:

AUGUST 9, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of regular meeting of August 9, 2021.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION**

**August 09, 2021
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 Russell led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, , Commissioner Adam Ereth (via Zoom),
Commissioner Dianne Russell, Commissioner Jon Zich

Absent: Commissioner Russell Toler

Officials Present: Director of Economic and Development Services Jennifer Le, Associate
Planner Justin Arios, Assistant City Attorney Tarquin Preziosi, City
Engineer Seung Yang and Recording Secretary Julie Colgan

PRESENTATION:

Presentation recognizing Vice Chair Tourjé for her service on the Planning Commission.

Chair de Arakal read a Proclamation commending Vice Chair Tourjé for her service on the Planning Commission.

ELECTION OF VICE-CHAIR:

No public comments.

Nomination: Chair de Arakal nominated Commissioner Zich. Seconded by Commissioner Russell.

MOVED/SECOND: de Arakal/Russell

MOTION: Motion to appoint Jon Zich as Vice Chair for the Planning Commission.

The motion carried by the following roll call vote:

Ayes: de Arakal, Russell, Zich

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Nays: Ereth
Absent: Toler
Recused: None
Motion carried: 3-1-1-0

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Jay Humphrey, resident, expressed concerns regarding housing in the City, traffic, and gave alternative ideas for providing affordable housing.

Speaker 2 asked the Commission for follow through on creating the Human Relations and Equity Committee.

Caller 1 spoke about the sound study that was performed for Smart and Final and expressed concerns with the results of the study.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Russell expressed her enjoyment attending the concert in the park over the weekend and encouraged bike riding in the city.

Vice Chair Zich thanked his fellow Commissioners for his nomination as Vice Chair.

Chair de Arakal expressed concerns on the City's population growth becoming stagnant. He gave examples of surrounding city's growth numbers. He also expressed concerns about over crowded housing and the amount of affordable housing available.

CONSENT CALENDAR: None.

PUBLIC HEARINGS:**1. PLANNING APPLICATION 21-06 FOR A CONDITIONAL USE PERMIT FOR THE SERVICE AND REPAIR OF MOTOR VEHICLES WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTY AT 261-263 BRIGGS AVENUE**

Project Description: Planning Application 21-06 is a request for a Conditional Use Permit to establish a motor vehicle service and repair facility for Rivian, an electric vehicle maker, within 200 feet of residentially-zoned property. The proposed facility will act as Rivian's pre-inspection and delivery center and provide minor vehicle service and repairs, such as wheel alignment, hardware replacement, and software program updates. The proposed use would be a 24/7 operation and all service activities would take place inside the existing building, with the exception of outdoor vehicle storage.

Commissioner Ereth recused himself at 6:48 p.m. due to working on a project within close proximity of the project location.

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Motion: Chair de Arakal announced this item would be moved to the next regularly scheduled meeting due to a lack quorum.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S):

1. Public Services Report – Mr. Yang announced the Wilson Street Water Main project by Mesa Water Direct.
2. Development Services Department – Ms. Le provided a status update on the Housing Element and an update on the Smart and Final Noise Study.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney - None.

ADJOURNMENT AT 6:27 P.M.

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1319

Meeting Date: 7/24/2023

TITLE:

NOVEMBER 8, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of November 8, 2021.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION****November 8, 2021
6:00 P.M.****CALL TO ORDER:**

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

PLEDGE OF ALLEGIANCE:

Commissioner Rojas led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Adam Ereth (via Zoom), Commissioner Johnny Rojas, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jimmy Vivar

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Economic and Development Services Scott Drapkin, Associate Planner Katelyn Walsh, Associate Planner Justin Arios, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

No public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Rojas stated that he toured the Crevier facility.

Commissioner Russell thanked the Costa Mesa Alliance for Better Streets for sending a copy of a book titled 'Confessions of a Recovering Engineer' and stated that she would be attending the Strong Town event on November 19, 2021 at the Norma Herzog Community Center.

Commissioner Toler presented a PowerPoint about Smart Growth America's Form-Based Codes and encouraged the public to read Smart Growth America's 'Zoned In' report. He encouraged the public to attend the Strong Town's event on November 19, 2021 at the Norma Herzog Community Center.

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Chair de Arakal commended Commissioner Toler on his PowerPoint. Chair de Arakel encouraged the Commission and the public to review the City of El Cerrito's website to see how they use Form-Based Codes.

Jennifer Le, Director of Economic and Development Services, announced the Light House Church item was not on the agenda and will be noticed again for a future meeting.

CONSENT CALENDAR: None.

PUBLIC HEARINGS:

1. **PLANNING APPLICATION PA-21-01 FOR A CONDITIONAL USE PERMIT FOR AN EVENT CENTER WITH ON-SITE VALET PARKING; ZONING APPLICATION 21-40 FOR A MINOR CONDITIONAL USE PERMIT TO DEVIATE FROM PARKING REQUIREMENTS BASED ON UNIQUE OPERATING CHARACTERISTICS OF AN EVENT CENTER LOCATED AT 2995 AIRWAY AVENUE, UNIT B; AND AN AMENDMENT TO ZONING APPLICATION 17-31 TO MODIFY THE HOURS OF OPERATION FOR A CHURCH ON THE SAME PROPERTY OCCUPYING 2995 AIRWAY AVENUE UNIT A**

Project Description: Planning Application 21-01 is a request for a Conditional Use Permit (CUP) for a 300-person capacity event center/banquet facility for Crevier Classic Cars with onsite valet parking and Zoning Application 21-40 is a request for a Minor Conditional Use Permit (MCUP) to deviate from parking requirements due to the unique operating characteristics of an event center located at 2995 Airway Ave, Unit B. The applicant is also requesting an amendment to Zoning Application 17-31 to modify the hours of operation of a church on the same property occupying Unit A. The event space is proposed within a portion of an existing automotive storage warehouse owned and operated by Crevier Classic Cars. The event center/banquet facility proposes to operate until 11 PM daily and would operate outside of the normal Crevier Classic Cars operation hours and the Saint James Anglican Church's Administrative Hours (Monday through Friday, from 8:00 AM to 4:00 PM) and Specified Assembly Hours (Sundays from 7:30 AM to 1:00 PM).

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.

Ex-parte Communications: Commissioner Ereth spoke with the applicant; Commissioner Rojas participated in a site tour and spoke with the applicant; Commissioner Vivar participated in a site tour and spoke with the assistant manager of the site; Commissioner Toler participated in a site tour and spoke with the applicant; Commissioner Russell toured the site and spoke with the applicant and applicant's representative; Vice Chair Zich met with the applicant and applicant's team on site and spoke with the applicant before meeting commenced; and Chair de

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Arakal participated in a site tour and spoke with the applicant and applicant's representative.

Katelyn Walsh, Associate Planner, presented the staff report.

Commissioner Vivar asked for clarification on where ride hailing services, such as Uber, will pick up and drop off their customers for events; Vice Chair Zich questioned the rationale behind the roping off of cars in facility, and the minimum number of vehicles in the building; and Chair de Arakal questioned the valet configuration and grade of the parking lot.

The Chair opened the public hearing.

Coralee Newman, applicant's representative, introduced the applicants, their team and presented their item.

PUBLIC COMMENTS:

No public comments.

Chair de Arakal acknowledged the electronic public comment received.

Vice Chair Zich inquired whether the 300-person occupancy limit was set by the Fire Department; and Chair de Arakal inquired about the revisions to the egress plan.

The Chair closed the public hearing.

MOVED/SECOND: Zich/de Arakal

MOTION: Move staff's recommendation with a modification eliminating Condition of Approval No. 6.

Ms. Le suggested not to eliminate Conditional of Approval No. 6 and recommended a modification to the condition.

Revised Motion: Move staff's recommendation with a modification to Condition of Approval No. 6.

Commissioner Toler wanted to confirm that the passing of this Resolution would still allow Condition of Approval No. 9 fees to be calculated appropriately. After confirmation, he stated he was in support of this motion.

Commissioner Rojas stated he was in support of the motion.

Commissioner Russell stated she was in support of the motion.

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Commissioner Vivar confirmed that the only modification was on the sixth condition. Once confirmed, he stated he was in support of this motion.

Chair de Arakal stated he was in support of the motion.

The motion carried by the following roll call vote:

Ayes: de Arakal, Ereth, Russell, Toler, Rojas, Vivar, Zich

Nays: None

Absent: None

Recused: None

Motion carried: 7-0

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; and
2. Approve Planning Application 21-01, Zoning Application 21-40, and Zoning Application Amendment 17-31 A1 subject to conditions of approval with a modification to Condition of Approval No. 6.

MODIFIED CONDITION:

Condition of Approval No. 6: The operator shall conduct events in accordance with the approved plans. No display vehicles shall be located in the event attendee available parking spaces.

RESOLUTION NO. PC-2021-20 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PA-21-01 FOR A CONDITIONAL USE PERMIT FOR AN EVENT CENTER WITH ON-SITE VALET PARKING; ZONING APPLICATION 21-40 FOR A MINOR CONDITIONAL USE PERMIT TO DEVIATE FROM PARKING REQUIREMENTS BASED ON UNIQUE OPERATING CHARACTERISTICS OF AN EVENT CENTER LOCATED AT 2995 AIRWAY AVENUE, UNIT B; AND AN AMENDMENT TO ZONING APPLICATION 17-31 TO MODIFY THE HOURS OF OPERATION FOR A CHURCH ON THE SAME PROPERTY OCCUPYING 2995 AIRWAY AVENUE UNIT A

The Chair explained the appeal process.

2. CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

Project Description: 2021-2029 Housing Element Sixth Cycle Update Introduction. Development Services staff will be providing the Planning Commission an introductory presentation regarding the current status of the 2021-2029 City of Costa

UNOFFICIAL UNTIL APPROVED

Mesa 6th Cycle Housing Element Update. The presentation will be focused on providing the Planning Commission with an update of the Draft Housing Element process and current status. A subsequent noticed public hearing will be held on a future date for the Planning Commission to consider and make a Housing Element recommendation to the City Council.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Initial Study has been prepared to evaluate the potential environmental effects associated with the City of Costa Mesa 2021-2029 Housing Element Update. Based on the conclusions of the environmental analysis, the City's Housing Element Update would have less than significant impact on the following environmental issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Energy, Geology, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. Additionally, the Housing Element Update would have less than significant impacts with the implementation of mitigation on: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. The Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for public comments on October 29, 2021. The public comment period ends on November 29, 2021. At a future public hearing, the Planning Commission will be requested to consider the Housing Element and IS/MND and make a recommendation to the City Council.

Director Jennifer Le introduced the presentation and Consultant Nick Chen presented.

The Chair opened the public hearing and opened Public Comments.

PUBLIC COMMENTS:

Rich Gomez requested that the Planning Commission require the City use local contractors that live within the city boundaries

Kathy Esfahani urges the City to adopt an inclusionary ordinance and asked that lower-income units be exempt from Measure Y.

Caller Three asked that City staff provide a redline version of the Housing Element for the public.

Commissioner Ereth requested a redline version of the draft and more assistance for moderate income families in regards to homeownership.

Commissioner Vivar echoed Ereth for moderate income homeownership and requested more information on displacements of residents and businesses.

UNOFFICIAL UNTIL APPROVED

Commissioner Toler commented on including more information to address available financing for production of homes, applying the dwelling unit per acre metric to parcel by parcel zoning and onsite parking requirements.

Commissioner Russell requested a redline version of the draft and more details on ADU's and Measure Y.

Vice Chair Zich spoke on increasing ownership in the City and suggested addressing every aspect of affordability, not just rentals.

Chair de Arakal stated concerns on how HCD might react to the implementation of the certified Housing Element and requested more information on Measure Y.

MOVED/SECOND: de Arakal/Zich

MOTION: Leave the Public Hearing open and continue the item to the November 22, 2021 meeting.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Rojas, Russell, Toler, Vivar

Nays: None

Absent: None

Recused: None

Motion carried: 7-0

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S):

1. Public Services Report – Mr. Yang commented that the City received grant funding from Cal Trans for a Local Roadway Safety Plan (LRSP).
2. Development Services Report – Ms. Le stated staff will provide a presentation regarding Senate Bill 9 at the next meeting.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT AT 11:28 P.M.

Submitted by:

UNOFFICIAL UNTIL APPROVED

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1320

Meeting Date: 7/24/2023

TITLE:

NOVEMBER 22, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING
DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of November 22, 2021.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION****November 22, 2021
6:00 P.M.****CALL TO ORDER:**

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

PLEDGE OF ALLEGIANCE:

Commissioner Toler led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Adam Ereth (via Zoom), Commissioner Johnny Rojas, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jimmy Vivar

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

No public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Toler encouraged the public to watch the recording of the Merrimac Way Ribbon Cutting on YouTube, specifically the Mayors speech. He also mentioned attending the Strong Town Event on Friday, November 19 and encouraged the public to view Strong Town's website at strongtown.org.

Vice Chair Zich inquired about the City's Sales Tax Quarterly Report and wished everyone a Happy Thanksgiving.

Chair de Arakal wished everyone a Happy Thanksgiving.

CONSENT CALENDAR: None.

PUBLIC HEARINGS:**1. CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)**

Project Description: 2021-2029 Housing Element Sixth Cycle Update. The Planning Commission will be holding a public hearing regarding the 2021-2029 City of Costa Mesa Sixth Cycle Housing Element Update on November 22, 2021. A subsequent noticed public hearing will be held on December 13, 2021 for the Planning Commission to consider and make a recommendation to the City Council.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Initial Study has been prepared to evaluate the potential environmental effects associated with the City of Costa Mesa 2021-2029 Housing Element Update. Based on the conclusions of the environmental analysis, the City's Housing Element Update would have less than significant impact on the following environmental issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Energy, Geology, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. Additionally, the Housing Element Update would have less than significant impacts with the implementation of mitigation on: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. The Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for public comments on October 29, 2021. The public comment period ends on November 29, 2021. At a future public hearing, the Planning Commission will be requested to consider the Housing Element and IS/MND and make a recommendation to the City Council.

No written public comments were received.

Director Jennifer Le presented a slideshow on the item.

The Chair re-opened the public comments from the continued public hearing.

PUBLIC COMMENTS

Tony Velazquez asked that local hire be implemented along with a skilled and trained work force.

Kathy Esfahani asked for analysis on SB82 for Fairview and its limitation of 20 acres for affordable housing. She also asked for a master planned housing village to be built at Fairview Developmental Center.

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John Hanna asked the City to focus on having a Diversified Housing Policy. He also asked that the carbon footprint be reduced by ensuring that the City prioritize hiring those that live in Costa Mesa and adjacent cities.

Caller Four asked for additional analysis on the site inventory to address concerns regarding site development constraints. She also asked that the City strengthen Housing Element Program 3F to ensure that longtime residents are protected.

Commission and staff discussion included:

Commissioner Ereth inquired about the impacts from a local hire provision.

Commissioner Vivar asked about the potential displacement of small businesses and what help might be provided to those businesses. He asked for confirmation that the site where El Metate is located is not included as one of the housing opportunity sites.

Commissioner Toler spoke against onsite parking requirements and dwelling unit per acre (DUA) caps.

Commissioner Russell stated that her main focus will be on how the City will implement housing changes moving forward.

Commissioner Zich asked to focus Housing Element programs on increasing homeownership opportunities and incentivize production of for sale housing. He encouraged the public to speak up, show up and get involved in this process. He also acknowledged Ms. Esfahani's comments on Fairview Developmental Center and stated she highlighted a unique opportunity for the City.

Chair de Arakal spoke on the Housing Programs in Chapter 4, in favor of an Inclusionary Housing Ordinance, and asked that the Community Profile Indicators in Chapter 4, Section 4-3 of the Housing Element include references to Housing Element Programs 2A, 2E and 2I to help bring in the outside market to the City. He commented on the local hire policy and Project HomeKey. He also asked if the Housing Element is subject to a Measure Y vote.

Commissioner Toler agreed with Commissioner Zich on increasing homeownership opportunities. He also asked staff what their strategy was for the next three years for amending zoning.

Commissioner Vivar stated he agreed with Vice Chair Zich on ownership opportunities. He also stated he likes the idea of mixed-use buildings.

MOVED/SECOND: de Arakal/Vivar

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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Ayes: de Arakal, Ereth, Russell, Toler, Rojas, Vivar, Zich
Nays: None
Absent: None
Recused: None
Motion carried: 7-0

ACTION: Chair de Arakal moved to continue the Housing Element Update to the regularly scheduled meeting on December 13, 2021.

OLD BUSINESS: None.

NEW BUSINESS:

1. STAFF REPORT REGARDING SENATE BILL 9 RELATING TO TWO-UNIT DEVELOPMENTS AND URBAN LOT SPLITS IN SINGLE FAMILY RESIDENTIAL ZONES

Recommended Action: Staff recommends that the Planning Commission receive and file this report.

No written public comments were received on this item.

Director Jennifer Le and Chris Yeager presented the staff report.

PUBLIC COMMENTS:

No public comments.

Commissioner Toler asked about the High Quality Transit Corridor, parking requirements, whether there were repercussions for asking owners to live in the residence for three years and about public concern regarding properties that are torn down and rebuilt.

Commissioner Vivar asked staff about building footprints and height restrictions.

Commissioner Ereth asked staff whether there is an estimate of how many property owners will opt to subdivide their property.

Vice Chair Zich asked about building height restrictions. He also asked how staff would manage provisions of the SB9 Bill and the intent of this bill.

Chair de Arakal spoke on concerns he has with the bill.

ACTION: The Planning Commission received and filed the staff report.

DEPARTMENTAL REPORT(S):

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1. Public Services Report – City Engineer Yang spoke on the Merrimac Way ribbon cutting and the Highway Safety Improvement Project.
2. Development Services Report – none.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT AT 11:28 P.M.

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1321

Meeting Date: 7/24/2023

TITLE:

AUGUST 23, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION

RECOMMENDATION:

Planning commission approve Minutes of a regular meeting of August 23, 2021.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION****August 23, 2021****CALL TO ORDER**

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Toler 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

Absent: None

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, Assistant Planner Chris Yeager, Associate Planner Justin Arios, City Engineer Seung Yang and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

None.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Toler commented on and thanked former Commissioners Tourje and Colbert. He also commented on the City of Costa Mesa releasing its preliminary Housing Element. He also thanked the Public Services Department for their efforts on the protective bike lanes on Victoria Street.

Vice Chair Zich also thanked former Commissioners Tourje' and Colbert. He also commented on ways the public can search the City website for information and project approvals for properties in the City.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 21-06 FOR A CONDITIONAL USE PERMIT FOR THE SERVICE AND REPAIR OF MOTOR VEHICLES WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTY AT 261-263 BRIGGS AVENUE

Project Description: Planning Application 21-06 is a request for a Conditional Use Permit to establish a motor vehicle service and repair facility for Rivian, an electric vehicle maker, within 200 feet of residentially-zoned property. The proposed facility will act as Rivian's pre-inspection and delivery center and provide minor vehicle service and repairs, such as wheel alignment, hardware replacement, and software program updates. The proposed use would be a 24/7 operation and all service activities would take place inside the existing building, with the exception of outdoor vehicle storage.

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

No ex-parte communications reported.

Commissioner Ereth recused himself from this item and left the Council Chambers.

Christopher Yeager, Assistant Planner, presented the staff report.

Commissioners asked staff questions regarding the conditions of approval and restrictions within the 200-foot buffer zone, street parking restrictions for business patrons and employees, water quality management for the on-site car wash and vehicle battery storage at the property.

Chair de Arakal asked whether Condition of Approval No. 9, regarding the expiration of the CUP was a standard condition placed on all applicants.

Mr. Yeager noted this was a standard condition.

The Chair opened the Public Hearing.

Donald Lamm, representing the applicant, stated he had read and agreed to the conditions of the approval.

Mr. Lamm thanked staff for their great customer service and provided an overview of Rivian and their electric vehicle business that will be at this location.

The Chair opened Public Comments.

PUBLIC COMMENTS:

No public comments.

The Chair closed Public Comments.

The Chair closed the Public Hearing.

Chair de Arakal made a motion. Seconded by Vice Chair Zich.

Vice Chair Zich commented that he is excited that Rivian is coming to the City and pleased that the condition regarding employee parking was added.

MOVED/SECOND: de Arakal/Zich

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Russell, Toler

Nays: None

Absent: None

Recused: Ereth

Motion carried: 4-0

ACTION: The Planning Commission adopted a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 Existing Facilities (Class 1), and Section 15332 (Class 32) In-Fill Development; and
2. Approve Planning Application 21-06, subject to conditions.

RESOLUTION PC-2021-15 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-06 FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE SERVICE AND REPAIR OF MOTOR VEHICLES WITHIN 200 FEET OF A RESIDENTIALLY ZONED PROPERTY (261-263 BRIGGS AVENUE)

The Chair explained the appeal process.

Commissioner Ereth returned to the meeting at 7:20 p.m.

2. **ZONING APPLICATION 20-14 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW AN INDIVIDUAL AND GROUP COUNSELING USE IN THE GENERAL INDUSTRIAL (MG) ZONE AND TO DEVIATE FROM PARKING REQUIREMENTS, LOCATED AT 1640 SUPERIOR AVENUE**

Project Description: Zoning Application 20-14 is a request for a Minor Conditional Use Permit to deviate from parking requirements due to unique operating

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characteristics for an individual and group counseling use (Tree House Recovery) located within an existing industrial building (8,155 square feet) at 1640 Superior Avenue.

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

No ex-parte communications reported.

Justin Arios, Associate Planner, presented the staff report.

Commissioners asked staff questions regarding the minor conditional use permit requirement for this use in an industrial zone, parking requirements, deviations from parking requirements, security and operational measures anticipated in order to comply with the requirement to allow the quiet enjoyment of the surrounding neighborhood.

The Chair opened the Public Hearing.

Justin McMillan, applicant, stated he had read and agreed to the conditions of approval.

Justin McMillan presented an overview of the business for the Commission.

Brandon Thender, a member of Tree House Recovery, spoke in favor of the project.

Commissioner Ereth requested clarification whether medications are administered on site and whether the applicant was operating other recovery homes in the City of Costa Mesa.

Mr. McMillan answered in the negative to both questions.

The Chair opened Public Comments.

PUBLIC COMMENTS:

Dr. Nadar McHale, a Costa Mesa resident, commented that parking is the main issue. Parking is very limited in the area.

The Chair closed Public Comments.

Vice Chair Zich received confirmation from staff that the 500-foot radius notification and posting was done for this property.

The Chair closed the Public Hearing.

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Vice Chair Zich made a motion. Seconded by Commissioner Russell.

Chair de Arakal asked the maker of the motion to include a new condition (Condition No. 14) to the conditions of approval.

Vice Chair Zich was in agreement and asked that a new condition (Condition No. 14) be added. Seconded by Commissioner Russell.

Commissioner Toler commented further on the parking requirements.

Commissioner Russell spoke on the parking and the need for this type of service for the community.

MOVED/SECOND: Zich/Russell

MOTION: Move staff's recommendation adding a new Condition of Approval No. 14
The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Russell, Toler

Nays: None

Absent: None

Recused: None

Motion carried: 5-0

ACTION: The Planning Commission adopted a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 Existing Facilities (Class 1), and Section 15332 (Class 32) In-Fill Development; and
2. Approve Zoning Application 20-14, subject to conditions with a new condition added by the Commission.

NEW CONDITION ADDED BY COMMISSION:

Condition of Approval No. 14: The minor conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The minor conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, or if, in the opinion of the Director of Economic and Development Services or his designee, any of the findings upon which approval was based are no longer applicable.

RESOLUTION PC-2021-16 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION 20-14 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW FOR AN INDIVIDUAL AND GROUP COUNSELING USE IN THE MG ZONE AND TO DEVIATE FROM PARKING REQUIREMENTS, LOCATED AT 1640 SUPERIOR AVENUE

The Chair explained the appeal process.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang noted the Fairview Road project is ongoing, with the new traffic signal at Village Way being installed and street repair continuing. City Hall elevators are being repaired and upgraded and completed by spring.
2. Development Services Report – Ms. Le provided an update on the Housing Element. The draft Housing Element has been posted online for review and public comments, which are due by September 15th. A community meeting has been scheduled for September 2, 2021 via Zoom at 6 p.m. A joint Planning Commission/City Council Study session will also be scheduled in September.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 7:20 P.M.

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1322

Meeting Date: 7/24/2023

TITLE:

SEPTEMBER 13, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING
DIVISION

RECOMMENDATION:

Planning Commission approve minutes of a regular meeting of September 13, 2021.

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**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION**

September 13, 2021

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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

Absent: None

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, Assistant Planner Christopher Yeager, City Engineer Seung Yang and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

None.

COMMISSIONER COMMENTS AND SUGGESTIONS:

None.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

- 1. PLANNING APPLICATION 18-34 A2 (ZA-21-18) TO MODIFY A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO ALLOW FOR A TYPE 7**

MANUFACTURING LICENSE FOR VOLATILE EXTRACTION AT 3503 CADILLAC AVENUE, UNIT F5

Project Description: Planning Application 18-34 A2 is a request to modify the previously-approved Conditional Use Permit for an existing marijuana manufacturing and distribution facility located within a 7,178-square-foot tenant space in an existing multi-tenant industrial building. The applicant is proposing to modify its approved manufacturing license from a Type 6 (non-volatile extraction) to a Type 7 (volatile extraction) license. No cannabis retail or cultivation is proposed.

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

Four ex-parte communications reported:

Vice Chair Zich noted an ex-parte communication via email from the applicant's authorized agent notifying him that this planning application was forthcoming.

Commissioner Russell noted an ex-parte communication via email from the applicant's authorized agent notifying her that this planning application was forthcoming.

Commission Ereth noted an ex-parte communication via email from the applicant's authorized agent as well as the owner notifying him that this planning application was forthcoming.

Chair de Arakal noted an ex-parte communication via email and telephone conversation with the applicant's authorized agent.

Christopher Yeager, Assistant Planner, presented the staff report.

Commission and Staff:

Commissioners asked staff questions regarding the fire safety plans, hazardous materials considerations, and approval by the City's Fire Marshall.

Fire Marshall Jon Neal noted their approval with the equipment and safety plans. He noted no excess butane will be stored at the site.

Commissioner Ereth asked if the applicant is required to submit their communications from the South Coast Air Quality Management Division (SCAQMD) to the City and if this is a condition of approval for a Type 7 license.

Director of Economic and Development Services Jennifer Le noted that this is typically addressed during the building permit process and is not listed as a separate condition of approval.

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Discussion ensued regarding the bio-waste from this facility and if the bio-waste will count towards the City's organic waste numbers, per State regulations.

The Chair opened the Public Hearing

Jim Fitzpatrick, representing the applicant, stated he had read and agreed to the conditions of the approval.

Commission, Applicant and Staff:

Mr. Fitzpatrick thanked staff and provided a brief overview of this application.

Commissioner Ereth requested clarification from the applicant on the status with SCAQMD and where they source their bio mass.

Mr. Fitzpatrick noted they are still in plan review and are not required to contact SCAQMD at this point in the process. He also noted in order for the applicant to control their supply chain process, their bio mass supply is mainly sourced by genetics rather than the location of where it is grown. He noted this will give them a very specialized end product.

The Chair opened Public Comments.

PUBLIC COMMENTS:

Steven Chan, Costa Mesa resident, supported the application as long as they are compliant with all applicable State and Local regulations. He also asked the Chair to again open public comments at the end of the meeting for items not listed on the agenda.

The Chair closed Public Comments

Chair de Arakal requested clarification from staff on why this minor conditional use permit (MCUP) was forwarded to the Planning Commission. He suggested that these types of MCUP's be handled at the Zoning Administrator level in the future.

The Chair closed the Public Hearing

Vice Chair Zich made a motion. Seconded by Commissioner Russell.

Commissioner Ereth requested the maker of the motion include a condition of approval that the applicant provide their SCAQMD paperwork to the City. Commissioner Zich was in agreement.

Mr. Fitzpatrick, applicant's representative, objected to the added condition.

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Vice Chair Zich withdrew his support for the added condition and requested his original motion, seconded by Commissioner Russell.

Commissioner Ereth made a substitute motion adding the SCAQMD requirement as a condition of approval. Motion did not move forward due to a lack of a second.

MOVED/SECOND: Zich/ Russell

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Russell, Ereth, Toler

Nays: None

Absent: None

Recused: None

Motion carried: 5-0

ACTION: The Planning Commission adopted a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 Existing Facilities (Class 1), and
2. Approve Planning Application 18-34 A2 (ZA-21-18), subject to conditions of approval.

RESOLUTION PC-2021-17 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 18-34 A2 (ZA-21-18) TO MODIFY A PREVIOUSLY CONDITIONAL USE PERMIT TO ALLOW TYPE 7 VOLATILE EXTRACTION AT 3505 CADILLAC AVENUE, UNIT F5

The Chair explained the appeal process.

2. **ZONING APPLICATION 21-22 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW A COUNSELING USE IN A CL ZONE AND TO DEVIATE FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE LOCATED AT 3151 AIRWAY AVENUE, SUITE L2**

Project Description: Zoning Application 21-22 is a request for a Minor Conditional Use Permit (MCUP) to allow for a counseling use in the CL zone and to deviate from parking requirements for a group counseling use due to unique operating characteristics located in Suite L2 of an existing multi-tenant commercial property

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

No ex-parte communications reported.

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Christopher Yeager, Assistant Planner, presented the staff report.

Commissioners asked staff questions regarding the 500-foot notification requirement, which staff confirmed was sent to tenants and property owners as required.

The Chair opened the Public Hearing.

Mary and Robert Cass, applicants, stated they had read and agreed to the conditions of approval.

Discussion ensued regarding the definition of intensive individual therapy that would be held at this location and confirmation that medication would not be dispensed at the site.

Discussion also ensued on rapid drug testing and protocols followed when an individual has tested positive.

The Chair opened Public Comments.

PUBLIC COMMENTS:

None.

The Chair closed Public Comments.

MOVED/SECOND: de Arakal/Ereth

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Russell, Toler

Nays: None

Absent: None

Recused: None

Motion carried: 5-0

ACTION: The Planning Commission adopted a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 Existing Facilitates (Class 1), and
2. Approve Zoning Application 21-22, subject to conditions of approval.

RESOLUTION PC-2021-18 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION 21-22 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW A COUNSELING USE IN A CL ZONE AND TO DEVIATE FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE LOCATED AT 3151 AIRWAY AVENUE, SUITE L2

The Chair explained the appeal process.

The Chair reopened Public Comments for items not listed on the agenda.

PUBLIC COMMENTS:

Steven Chan, a Costa Mesa resident, commented on the Housing Element and suggested affordable housing be built in the 100-acre golf practice area and not in the two adjoining golf courses. He also commented that Strut Bar is operating as a public nuisance.

The Chair closed Public Comments.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang noted the city-wide parking study is underway. Three public meetings have been held, and another virtual meeting is being held September 28, 2021 at 6:00 p.m. and invited the community to attend.
2. Development Services Report – Ms. Le thanked Commissioners for participating in the joint study session with City Council regarding the Housing Element. Ms. Le reminded the community the last day to make a public comment on the Housing Element is September 15, 2021.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Mr. Preziosi noted the Ninth Circuit Court of Appeals has upheld the City of Costa Mesa's trial court victory in the Yellowstone matter.

Chair de Arakal asked Mr. Preziosi to provide the Commission a legal analysis on Senate Bills 9 and 10 if signed by the Governor.

ADJOURNMENT AT 7:06 P.M.

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1323

Meeting Date: 7/24/2023

TITLE:

SEPTEMBER 27, 2021 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of September 27, 2021.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION****September 27, 2021****CALL TO ORDER**

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Toler led the Pledge of Allegiance.

OATH OF OFFICE FOR NEWLY-APPOINTED PLANNING COMMISSIONERS BY CITY CLERK

The City Clerk administered the oath of office to Council-appointed Planning Commissioners Johnny Rojas and Jimmy Vivar

Chair de Arakal welcomed the new Commissioners to the Planning Commission.

ROLL CALL

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Adam Erath, Commissioner Johnny Rojas, Commissioner Russell Toler, Commissioner Jimmy Vivar

Absent: Commissioner Dianne Russell

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant Planner Katelyn Walsh, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

Introduction of Scott Drapkin, Assistant Director of Development Services, by Director of Economic and Development Services Jennifer Le.

PUBLIC COMMENTS:

Loren Gameros, City Council member, thanked and welcomed both new Commissioners Rojas and Vivar to the Planning Commission.

Stephen Chan, Costa Mesa resident, displayed a video regarding decibel readings for the Smart and Final store and Strut Club.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Rojas stated he was happy to be appointed to the Planning Commission.

Commissioner Vivar commented on his appointment to the Planning Commission.

Commissioner Ereth welcomed the new Commissioners.

Commissioner Toler welcomed the new Commissioners and invited the public to the Citywide parking study meeting tomorrow at 6:00 p.m. via Zoom.

Vice Chair Zich also welcomed the new Commissioners and Scott Drapkin to the City. He also shared a few comments on affordable housing.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 21-09 FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AFTER 11PM FOR THE EXPANSION OF AN EXISTING RESTAURANT (OAK & COAL) AND ZONING APPLICATION 21-36 TO MODIFY THE HOURS OF OPERATION APPROVED UNDER PLANNING APPLICATION PA-16-49 AND ALLOW A DEVIATION FROM PARKING REQUIREMENTS BASED ON UNUSUAL OPERATING CHARACTERISTICS FOR A RESTAURANT LOCATED AT 333 EAST 17TH STREET, SUITES 2 AND 3

Project Description: Planning Application 21-09/ Zoning Application 21-36 is a request for a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-site consumption after 11 PM within 200 feet of residentially zoned property, to modify previously-approved hours of operation, and to allow a deviation from parking requirements based on unusual operating characteristics for a proposed restaurant expansion (Oak & Coal restaurant) located at 333 East 17th Street, Suites 2 and 3. The applicant is proposing to expand the existing 1,200-square-foot restaurant into the adjacent 966-square-foot tenant space. The proposed hours of operation of the restaurant are 6 PM to 1 AM, seven days per week. No live entertainment is proposed.

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

One ex-parte communication reported:

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Vice-Chair Zich received a telephone call from a member of the public expressing concern on some aspects of the planning application process.

Katelyn Walsh, Assistant Planner, presented the staff report.

Commissioners asked staff questions regarding the requirements for a Conditional Use Permit and clarification on the vacancy of a tenant currently residing in a unit that this restaurant will occupy.

Vice Chair Zich requested clarification on the parking requirements and calculations used in the staff report. Ms. Walsh explained the formula used and provided more information on parking calculations.

Discussion arose regarding remedies if parking becomes problematic and what measures the City and the property owner can implement to address any issues.

The Chair opened the Public Hearing.

Jeffrey Chon, applicant, stated he had read and agreed to the conditions of the approval and provided clarification on parking for the restaurant.

Mr. Chon, thanked staff and provided a brief overview of the application.

Vice Chair Zich asked the applicant for information regarding alcohol sales versus food sales, which the applicant provided.

Discussion followed regarding the process of obtaining a CUP and fees charged.

The Chair opened Public Comments.

PUBLIC COMMENTS:

None.

The Chair closed Public Comments.

Chair de Arakal had questions regarding traffic impact fees, the calculations used by the City and the process by which an applicant must have their project approved.

Commissioner Vivar had questions regarding hours of operation and days of the week, which Ms. Walsh clarified for the Commissioner.

The Chair closed the Public Hearing.

Chair de Arakal made a motion. Seconded by Commissioner Ereth.

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Commissioner Toler was pleased that staff was able to make the parking requirements work for this applicant.

Commissioner Vivar was also pleased with the project.

Commissioner Ereth also commented on his support for the project.

Chair de Arakal commented on parking remedies that can be used, if parking becomes an issue.

MOVED/SECOND: de Arakal/Ereth

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Rojas, Toler, Vivar

Nays: None

Absent: Russell

Recused: None

Motion carried: 6-0

ACTION: The Planning Commission adopted a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 Existing Facilities (Class 1), and
2. Approve Planning Application 21-09 and Zoning Application 21-36, subject to conditions of approval.

RESOLUTION PC-2021-19 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-09 FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AFTER 11PM FOR THE EXPANSION OF AN EXISTING RESTAURANT (OAK & COAL) AND ZONING APPLICATION 21-36 TO MODIFY THE HOURS OF OPERATION APPROVED UNDER PLANNING APPLICATION PA-16-49 AND ALLOW DEVIATION FROM PARKING REQUIREMENTS BASED ON UNUSUAL OPERATING CHARACTERISTICS FOR A RESTAURANT LOCATED AT 333 EAST 17TH STREET, SUITES 2 AND 3

The Chair explained the appeal process.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S)

UNOFFICIAL UNTIL APPROVED

1. Public Services Report – Mr. Yang noted the Citywide Parking study is underway and the next public outreach meeting is scheduled for September 28, 2021 at 6:00 p.m. via Zoom. Mr. Yang also noted the second public outreach meeting for the Pedestrian Master Plan is scheduled for October 6, 2021 at 6:00 p.m. via Zoom. He invited the public to attend these two important meetings.
2. Development Services Report – Ms. Le stated she would be bringing an update with the City Attorney's office on Senate Bills 9 and 10 to the next meeting.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Mr. Preziosi had no report, but welcomed new Commissioners Rojas and Vivar to the Commission.

ADJOURNMENT AT 6:58 P.M.

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1324

Meeting Date: 7/24/2023

TITLE:

PLANNING APPLICATION 23-06 AND ZONING APPLICATION 23-09 TO MODIFY AND EXPAND EXISTING MORTUARY OPERATIONS INTO 766 W 19TH ST FOR THE NEPTUNE SOCIETY LOCATED AT 758 W 19TH ST

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

PRESENTED BY: GABRIEL VILLALOBOS, ASSISTANT PLANNER

CONTACT INFORMATION: GABRIEL VILLALOBOS 714-754-5610
GABRIEL.VILLALOBOS@COSTAMESACA.GOV

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 23-06 and Zoning Application 23-09, subject to conditions of approval.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: July 24, 2023

ITEM NUMBER: PH-1

SUBJECT: PLANNING APPLICATION 23-06 AND ZONING APPLICATION 23-09 TO MODIFY AND EXPAND EXISTING MORTUARY OPERATIONS INTO 766 W 19TH ST FOR THE NEPTUNE SOCIETY LOCATED AT 758 W 19TH ST

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

PRESENTATION BY: GABRIEL VILLALOBOS, ASSISTANT PLANNER

**FOR FURTHER INFORMATION: GABRIEL VILLALOBOS
714-754-5610**

CONTACT: GABRIEL.VILLALOBOS@COSTAMESACA.GOV

RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 23-06 and Zoning Application 23-09, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The authorized agent is Scott Momb, on behalf of the property owner Buck Kamphausen.

PLANNING APPLICATION SUMMARY

Location:	758 & 766 W. 19 th St.	Application Numbers:	PA-23-06 & ZA-23-09
Request:	Planning Application 23-06 for a Conditional Use Permit for the establishment of a mortuary service provider (without crematories) located at 766 W 19 th St. and Zoning Application 23-09 for a Minor Conditional Use Permit to amend an existing entitlement (PA-89-69) to allow embalming services.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	C1 (Local Business District)	North:	R2-HD (Multi-Family Residential, High Density)
General Plan:	General Commercial	South:	C1 (Local Business District); R2-HD (Multi-Family Residential, High Density)
Lot Dimensions:	758 – 50 feet x 104 feet 766 – 50 feet x 104 feet	East:	C1 (Local Business District)
Lot Area:	758 – 5,200 SF 766 – 5,200 SF	West:	C1 (Local Business District)
Existing Development:	One existing 1,836-square-foot, two-story commercial building located at 758 W 19 th St and one existing 1,317-square-foot, one-story commercial building located at 766 W 19 th St both occupied by the Neptune Society.		

DEVELOPMENT STANDARDS COMPARISON

Development Standard		Required/Allowed C1 Dev. Standard	Proposed/Provided
Building Height		2 stories/30 feet	758 W. 19 th St. – 27 ft. 6 in. 766 W. 19 th St. – 15 ft.
Setbacks:			
Front		20 ft.	758 W. 19 th St. – 14 ft. 766 W. 19 th St. – 14 ft.
Side (left/ right)		15 ft. / 0 ft.	758 W. 19 th St. – 15 ft. / 2 ft. 766 W. 19 th St. – 12 ft. 6 in. / 0 ft.
Rear		0 ft.	758 W. 19 th St. – 19 ft. 766 W. 19 th St. – 64 ft.
Landscape Setback – front		20 ft.	758 W. 19 th St. – 14 ft. 766 W. 19 th St. – 14 ft.
Parking		13 spaces	12 spaces
Floor area ratio (FAR)		0.30	758 W. 19 th St. – 0.32 766 W. 19 th St. – 0.23
CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)		
Final Action	Planning Commission		

BACKGROUND

The project site is located at 758 and 766 West 19th Street, between Wallace Avenue and Placentia Avenue. The applicant (“The Neptune Society”), is an existing mortuary service that operates an office use that facilitates cremations and the disposition of human remains and provides temporary storage of decedents (persons that are deceased). The Neptune Society is currently approved to operate at 758 West 19th Street. The project site is zoned C1 (Local Business District) and is surrounded by properties zoned C1 to the east and west, and R2-HD (Multiple-Family Residential District, High Density) to the north and south. The site has a General Plan land use designation of General Commercial and is surrounded by General Commercial designated parcels to the east, west and south, and High Density Residential designated parcels located to the north and south. Surrounding uses include multi-family residential to the rear of the property (to the north), residential and retail uses located across West 19th Street (to the south), and a mix of residential, retail and offices located to the east and west of the property (located along West 19th Street).

The property located at 758 West 19th Street (existing approved Neptune Society operations) is developed with a 1,836-square-foot, two-story building. The parcel also contains a driveway approach used as the main point of ingress and egress to the rear parking lot, four existing parking spaces located under a carport, and a vehicular gate to limit access to the site. The property located at 766 West 19th Street contains a 1,317-square-foot, one-story commercial building as well as additional uncovered parking in the rear, and a vehicular gate. The building located at 758 West 19th Street was built in 1948 as a single-family residence and in 1982 was converted into a commercial building through Zone Exception Permit 82-41 (ZE-82-41). The building located at 766 West 19th Street was built in 1950, and in 2014 was subsequently renovated to serve as a commercial office. Although located on divided parcels with individual ingress/egress, the property has operated as a single development with common access and parking for many years. The Neptune Society currently operates on both properties.

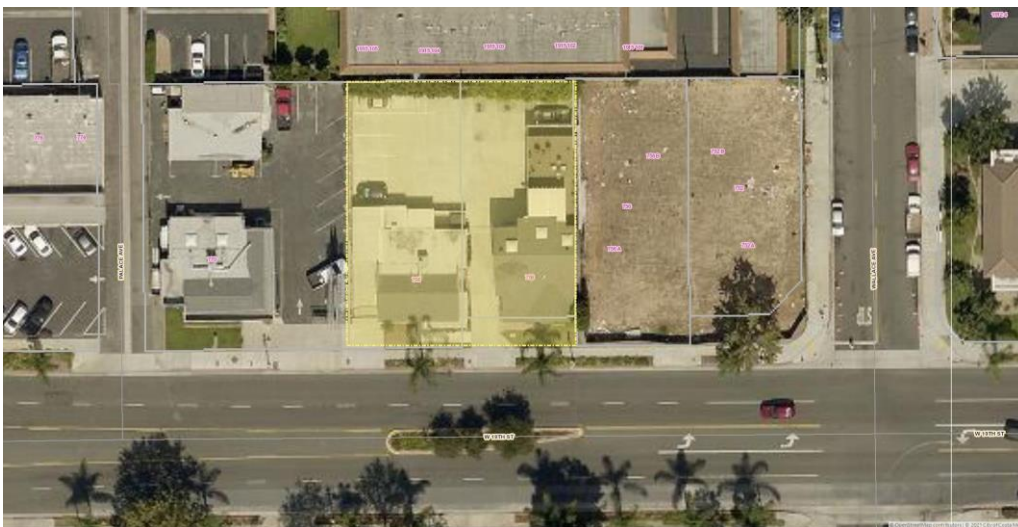


Figure 1. Project Location

On July 24, 1989, the Planning Commission approved a conditional use permit (PA-89-69) to allow temporary storage of deceased persons, with no embalming or cremation, at 758 West 19th Street (see the attached 1989 Planning Commission staff report and Resolution). The approved CUP allowed the Neptune Society to operate at this location as an office use with a cold storage for the temporary holding of decedents until transferred to a crematorium, and for the temporary holding of cremated remains until such time that the remains could be scattered. The building located at 766 West 19th Street was not a component of the original Planning Commission approval (PA-89-69).

DESCRIPTION

The project includes a request for approval to allow embalming at an existing approved mortuary use located at 758 West 19th Street (a service that was not permitted through the original entitlement - PA-89-69), and to expand the operations to an adjacent building located at 766 West 19th Street. As proposed, the cold storage and an embalming room would be located at 766 West 19th Street, and the adjacent two-story building located at 758 West 19th Street (original approved location) would be used for the Neptune Society office/administration.

Operational hours were not conditioned under PA-89-69; however, the Neptune Society has indicated that business operations occur from 8 a.m. to 8 p.m. Transportation of decedents to the project site will generally take place during normal business hours, however, may occasionally occur during non-business hours. Such transportations are scheduled on an as needed basis, and will occur at the rear of the property located at 766 West 19th Street, and screened from public view. For decedent transports that occur during non-business hours, no staff would need to be onsite as the mortuary transport staff would have access to the facility gates and cold storage facility via electric access locks.

The equipment required for the embalming process includes an embalming table and tools used to inject chemical preservatives. Mortuary operations and inspections are regulated by the State of California under various laws that include the California Business and Professions Code – Cemetery and Funeral Law, the State Government Code, the Health and Safety Code, the Welfare and Institutions Code and the Federal Trade Commission Funeral Rule. The State Cemetery and Funeral Bureau annually inspects the use for regulatory compliance.

During business hours, there may be up to six employees onsite. There is no chapel located at the project site and no wake or funeral services are offered at this location. As described by the applicant, customers will generally not use the facility and the primary purpose of the facility is “to assist the mortuary trade in meeting their embalming needs”. Other than very limited viewings for identification purposes, the traffic to and from the site is limited to employees, identification viewings occurring approximately once or twice a month, and transports. As originally approved, customers may also occasionally use the facility to pick-up cremations that occurred offsite.

ANALYSIS

Conditional Use Permit (CUP)

Pursuant to the Costa Mesa Municipal Code (CMMC) Section 13-32(b) and Table 13-30, all mortuary services without crematories are subject to approval of a conditional use permit and specific CUP findings, which are described further below under “Findings”. In addition, Mortuary services are conditionally permitted in the commercial and manufacturing zones, and are prohibited in all residential and planned development zones.

Embalming Use

The application includes adding embalming as a service to the existing mortuary operations. According to the applicant, the requirements for the embalming use include the ability to hold decedents over a period of 24 hours in cold storage, and a preparation room equipped with sanitary flooring, proper ventilation, and the necessary equipment required for the preparation, sanitation, and embalming of decedents for burial and/or transportation. The project site includes a 104 square-foot cold storage located at the rear of the existing commercial building located at 766 West 19th Street. The cold storage has the capability to hold up to nine decedents.

Odor

The proposed use of embalming has a potential to produce nuisance odors. As such, there is a potential for nuisance odors that may linger onsite and/or potentially off-site. The applicants have indicated that odors produced from the project site would not be noticeable off-site as the decedents brought to the facility remain for a period of one to two days and stored in cold refrigeration for the duration. To prevent potential off-site odor, staff has also conditioned the project to ensure that no off-site odors will occur.

Parking and Circulation

Per Section 13-89 of the CMMC, mortuaries are required to provide one space for every three fixed seats or one space for every 35 square feet of seating area, if there are no fixed seats. This CMMC parking requirement is intended specifically for land uses with assembly areas such as churches, theaters, and auditoriums. However, the applicant indicates that the proposed mortuary service is classified by the State as a “storefront mortuary” which does not include a public assembly area. Therefore, the aforementioned parking standards related to assembly are not applicable, as there is no seating area or assembly area associated with the use. As such, the City’s commercial office/retail parking ratio of four spaces per 1,000 square feet is applicable to the proposed use, and has been applied to the project.

The parking lot is currently legal non-conforming as the City's commercial office/retail parking ratio of four spaces per 1,000 square feet for both structures onsite is 13 parking spaces and only 11 spaces are provided. Pursuant to the nonconforming provisions of the Costa Mesa Municipal Code (CMMC) Section 13-204, a new use can replace an existing use without compliance with parking requirements at a nonconforming site, as long as the parking demand from the proposed use does not exceed the parking demand of the previous use. Since the proposed use parking demand is comparable with the previous parking demand for a commercial office space, the use is allowed pursuant to the CMMC nonconforming provisions. In addition, staff believes that the 11 existing parking spaces is adequate to serve the anticipated parking demand of six employees, decedent transports and the limited customer demand of the site.

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 business provides a unique and necessary service for the community and to other local funeral homes. The business has existed for many years in the City and has provided and continues to provide local employment opportunities.

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

Consistency: The proposal would allow an existing business to remain at their current location and provide additional services that serve the public and other mortuaries without embalming services.

Policy S-2.17: *Encourage best practices in hazardous waste management, and ensure consistency with City, County, and federal guidelines, standards, and requirements.*

Consistency: The proposal is conditioned to comply with local and State regulations regarding waste management, including prior to embalming operations obtaining review and approval by the City's Fire Department, Costa Mesa Sanitation District, and the Orange County Sanitation District. The facility has and will continue to be annually inspected by the California Cemetery and funeral Bureau to ensure compliance with all local and State laws.

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 meet 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 allowed to include a wide range of goods and services, including mortuary services. In addition, the properties are located on one of the City's seven commercial corridors, within the West 19th Street corridor, which is primarily intended for commercial uses. Pursuant to the CMMC, mortuary services are conditionally permitted in the City's commercial zones and may be regulated to ensure compatibility with the surrounding area. All activities associated with the mortuary service would take place under roof, with no outdoor storage allowed, and operations would be conditioned to be compliant with all applicable local and State laws to minimize potential impacts. Staff does not anticipate that the request to allow embalming at the project location, and as conditioned, would be materially detrimental to the adjacent uses that include retail, office and residential uses.

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

The proposed project would 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, as the project has been conditioned to maintain compliance with local and State regulations regarding the embalming process. The project site is screened from the adjacent businesses and residences, and overnight deliveries would occur infrequently. In addition and as

conditioned, all chemicals and waste would be properly used and disposed of in a manner compliant with local and State regulations. Lastly, odors produced from the project are conditioned to be controlled and not occur off-site.

- Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

The use is consistent with the General Plan goals and policies as discussed previously in this report. The proposal includes an amendment to an already existing and previously approved land use type, adding a new service that would be available to the public and businesses within the same industry. The use density and intensity is allowed by the General Plan and Zoning Code.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities (Class 1). This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in floor area. 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 significant 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. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support or 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 July 24, 2023 Planning Commission meeting will be provided separately.

CONCLUSION

The proposed project is an amendment to an existing conditional use permit (PA-89-69) and an application for a new conditional use permit to permit the Neptune Society to perform embalming at 766 W. 19th Street. The use, as conditioned, is consistent with the Costa Mesa Municipal Code provisions and findings, and the City's General Plan goals and policies.

RESOLUTION NO. PC-2023-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-06 AND ZONING APPLICATION 23-09 TO MODIFY AND EXPAND EXISTING MORTUARY OPERATIONS INTO 766 W 19TH STREET FOR THE NEPTUNE SOCIETY LOCATED AT 758 W 19TH STREET**

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

WHEREAS, Planning Application 23-06 and Zoning Application 23-09 was filed by Scott Momb, authorized agent for the property owner, Buck Kamphausen requesting approval of the following:

A Conditional Use Permit for the property located at 758 and 766 West 19th Street to entitle the mortuary service “Neptune Society” to expand operations into an existing adjacent 1,317-square-foot commercial building, and a Minor Conditional Use Permit to amend a previous approval to allow embalming.

WHEREAS, a duly noticed public hearing held by the Planning Commission on July 24, 2023 with all persons having the opportunity to speak for and against the proposal;

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

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 23-06 and Zoning Application 23-09 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 23-06 and Zoning Application 23-09 upon applicant’s compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, 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 24th day of July, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2022- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on July 24, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-__

EXHIBIT A

FINDINGS

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

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

Facts in Support of Findings: The subject site is located within a commercial zone (C1 – Local Business District) where commercial development is allowed to include a wide range of goods and services, including mortuary services. In addition, the properties are located in one of the City's seven commercial corridors, within the West 19th Street corridor, which is primarily intended for commercial uses. Pursuant to the CMMC, mortuary services are conditionally permitted in the City's commercial zones and may be regulated to ensure compatibility with the surrounding area. All activities associated with the mortuary service would take place underroof, with no outdoor storage allowed, and operations would be conditioned to be compliant with all applicable local and State laws to minimize potential impacts. Staff does not anticipate that the request to allow embalming at the project location, and as conditioned, would be materially detrimental to the adjacent uses that include retail, office and residential uses.

Finding: Granting the conditional use permit will not be materially detrimentally 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 project would 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, as the project has been conditioned to maintain compliance with local and State regulations regarding the embalming process. The project site is screened from the adjacent businesses and residences and overnight deliveries would occur infrequently. In addition, all hazardous chemicals and waste would be properly handled and disposed of in a manner compliant with local and State regulations. Odors produced from the project location would be negligent, and decedents would be cared for in a period of one to two days.

Finding: Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The use is consistent with the General Plan goals and policies as discussed previously in this report. The proposal includes

an amendment to an already existing and previously approved land use type, adding a new service that would be available to the public and businesses within the same industry. The use density and intensity is allowed by the General Plan and Zoning Code, and the property already functions as a mortuary service provider.

- B. The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities (Class 1). This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in floor area. 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 significant cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.
- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

General

1. The use shall be limited to the type of operation described in the staff report and applicant's letters, subject to conditions. Any change in the operational characteristics including, but not limited to, additional square footage or services provided, shall be subject to Planning Division review and may require an amendment to the minor/conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. Prior to embalming operations, the applicant shall contact the City's Fire Department and obtain an inspection for all proposed chemicals types, storage and quantities to be used at the facility. Embalming operations shall not begin until the Fire Department has provided approval for chemical use, storage and quantities.
3. Prior to embalming operations, the applicant shall contact the Costa Mesa Sanitary District and the Orange County Sanitation District to obtain approval and inspection for all potential chemicals and waste that may/will enter into the local waste water (sewer) collection system. Embalming operations shall not begin until the Costa Mesa Sanitary District and the Orange County Sanitation District has provided approval as to any required/necessary sewer intercept devices, filters and/or storage devices needed to insure waste water compliance. Plans may need to be submitted to the Districts and the City's Building Department prior to inspections.
4. Prior to embalming operations, odor control devices and techniques shall be incorporated/installed to ensure that odors from all mortuary services are not detected outside the property, anywhere on adjacent property or public rights-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. If 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.
5. All previous land use conditions of approval stated in PA-89-69 are still valid and shall be complied with, except where superseded by this Resolution.
6. Customer services shall be limited and at no time shall mortuary services on-site be provided that require public assembly.
7. The applicant shall post signs within the parking lot directing the decedent transporters to limit voices, loud music, and to turn-off vehicle engines

during evening and morning business hour transports. The language of the parking lot signs shall be reviewed and approved by the Planning Division prior to installation.

8. The applicant shall defend, with attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's 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 resolution 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. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29(k)(6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
11. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
12. 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

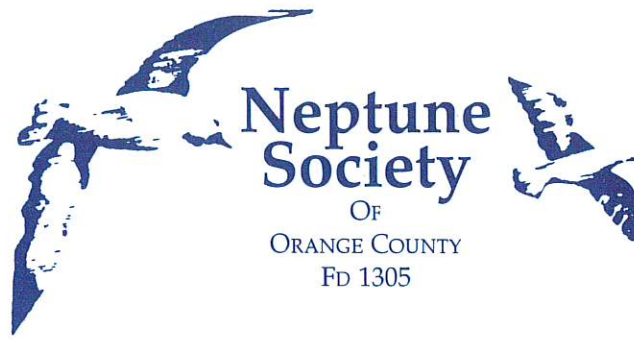
violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.

13. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
14. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
15. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
16. All uses shall be conducted under-roof. Outdoor uses or display is prohibited.
17. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
18. The project shall be limited to the type of building as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Conditional Use Permit.
19. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or it, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
20. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

21. 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.
22. Equipment shall comply with the California Building and Fire Code requirements, including, but not limited to, the requirement that equipment be approved by a recognized testing laboratory for the specific use.
23. The above conditions of approval shall supersede and replace the conditions of approval for the prior entitlements for this property.

Prior to Issuance of Building Permits

1. The conditions of approval of planning application PA-23-06, ZA-23-09 and PA-89-69 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
2. Plans shall be prepared by a California licensed Architect or Engineer. Plans shall be wet stamped and signed by the licensed Architect or Engineer.
3. Prior to the Building Division issuing a demolition permit. contact South Coast Air Quality Management District (AQMD) located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
or
Visit their web site:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>. The Building Div. will not issue a demolition permit until an Identification Number is provided by AQMD.
4. The plans shall comply with the requirements of the 2022 California Fire Code, including the 2022 Intervening Update and referenced standards as amended by the City of Costa Mesa.



Gabriel Villalobos,

Thank you for getting back to us so quickly. There is absolutely no change to the property in our CUP for 766 W. 19th St., the embalming room was built some 20 years ago and is in perfect condition. It was never used as an embalming "prep" room, only a storage room. It is ready to be used for what it was built and approved for.

The property at 766 W. 19th St. is currently being used as a storage facility. With approval of the CUP, it will be used as an embalming and human storage facility.

The equipment that is needed for this facility is already in place, mainly the embalming table as well as a walk in cooler for human storage. We are ready to start! As far as state licenses, after the city issues us the CUP, the state will come and approve the site, once the state approves, they will issue a license, then we will be able to open the embalming room.

Embalming fluids are safe when used and stored as OSHA directs. The state inspects the facility annually to make sure the mortuaries are in compliance with state law.

Very small "I.D." viewing services would be provided. There is not a chapel, but the embalming services are more for other mortuaries who do not have embalming rooms. Very few if any services will be here,

This facility is to assist the mortuary trade in meeting their embalming needs.

If there was a service at this facility, they would be over by 8:00pm. General hours of operation are 8:00am to 8:00pm.

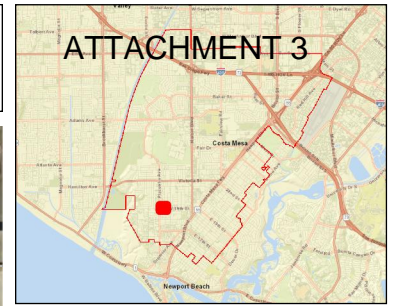
Number of employees added would to this facility would be one full time employee.

Square footage of building is 1,575 feet

We would like to proceed with the fastest/most simple/most cost effective pathway, we are relying on your expertise to help guide us as the General Contractor we hired in 2013 to do the remodel was paid to handle all of the proper permits and we are now finding he did not..

Let me know the next step and what we need to do next..

Scott Monro



Legend

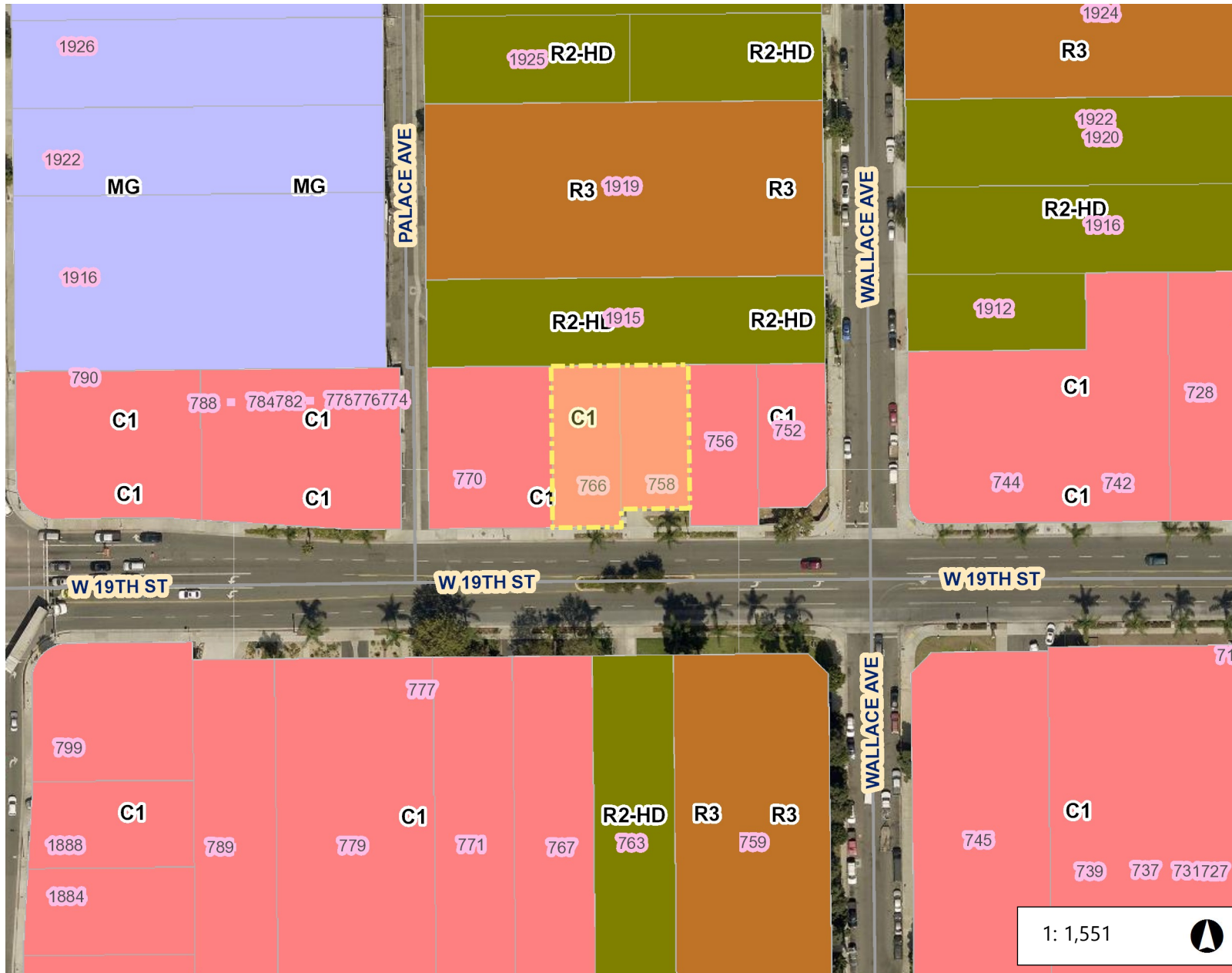
 Costa Mesa

Notes

0.0 0 0.02 0.0 Miles

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



Legend

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

Notes

0.0 0 0.02 0.0 Miles

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© City of Costa Mesa

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1: 1,551















04/20/2023 11:39 AM







PLANNING DIVISION STAFF REPORT

AGENDA NO. 6.1.SITE LOCATION 758 West 19th StreetAPPLICATION NO. PA-89-69AP # 422-271-22MANDATORY ACTION DATE Dec. 17, 1989APPLICANT Peter Rodgers
(Owner of Record)

AUTHORIZED AGENT _____

ADDRESS 758 West 19th Street

ADDRESS _____

Costa Mesa, CA 92627

Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

PREPARED BY Willa Bouwens-Killeen,
Senior Planner
SUBMITTED BY Willa Bouwens-Killeen,
Senior Planner

REQUEST:

Conditional Use Permit to allow temporary storage of deceased persons (no embalming or cremation), in conjunction with a Neptune Society office in an existing commercial building.

STAFF RECOMMENDATION:

Approve, subject to conditions.

FINAL COMMISSION ACTION: July 24, 1989

Approved, based on Planning Staff analysis and findings and subject to conditions contained in the Planning Division Staff Report.

(5-0)

APPLICANT NOTIFIED sf DATE July 26, 1989

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92628-1200 (714) 754-5245



I. DESCRIPTION

A. Subject Property

1. Location - 758 West 19th Street
2. General Plan Designation - General Commercial
3. Zone - C1
4. Present Development - Two story office building
5. Lot Area - 5,850 sq.ft.
6. CEQA - Exempt

B. Surrounding Property

1. North - R2, miscellaneous residential
2. South - C1, miscellaneous commercial
3. East - C1, miscellaneous commercial
4. West - C1, miscellaneous commercial

C. Request

A Conditional Use Permit to allow temporary storage of deceased persons (no embalming or cremation) in conjunction with the establishment of a Neptune Society office in an existing commercial building.

D. Background

In 1982, Planning Commission approved ZE-82-41, a Conditional Use Permit for a contractor's office with storage to the rear of the site in conjunction with the remodeling of an existing commercial building.

II. PROJECT DESCRIPTION

The applicant proposes to establish a Neptune Society office in his existing commercial office building. The majority of the space would be occupied by file cabinets and other related storage equipment. Approximately 3 to 5 employees are proposed to occupy the building. Also proposed is the temporary storage of cremated human remains until such time that the ashes can be scattered. Planning Staff required the Conditional Use Permit when it became apparent that temporary storage of uncremated remains in a refrigerated, air-tight holding area was also proposed. This area is proposed to be approximately 175 sq.ft., with remains proposed to be held for no longer than 48 hours. The remains would then be transferred to a crematorium.

The applicant has stated that the storage area will be able to hold up to 6 deceased persons. Delivery of the bodies to the site is proposed to be 24 hours a day, seven days a week. However, based on the experiences with other locations, the applicant has stated that late night deliveries should be relatively few.

III. PLANNING STAFF ANALYSIS

For the most part, the business will be conducted as an office use only. Planning Staff's main concern is the impact the deliveries to this site could have on the residents to the north. Planning Staff is concerned with both the noise impacts that could be generated when deliveries occur in the nighttime hours, and potential view impacts. However, when the Conditional Use Permit for the contractor's office was approved, conditions of approval required the screening of the site from the abutting residentially zoned property to the north through plant materials; a block wall already existed on the north property line. Additionally, the area that would be used as a loading/unloading zone is covered by an existing carport that is proposed to be retained. Consequently, it would appear that the existing buffering should be adequate to screen adjacent residents from potential noise and view impacts.

Staff will include the standard renewal condition in the conditions of approval. However, Staff also wishes to remind the applicant that noncompliance with conditions of approval and/or applicable ordinance requirements and/or if any complaints are received gives the City basis for revocation of the Conditional Use Permit whether the permit is due for renewal or not.

IV. PLANNING STAFF FINDINGS

- A. The information presented substantially complies with Section 13-347 of the Costa Mesa Municipal Code in that the proposed use will not adversely impact subject or surrounding properties and because approval of this permit will not allow a use or intensity inconsistent with the General Plan designation of the property.
- B. The project is consistent with Article 22-1/2, Transportation Systems Management of the Costa Mesa Municipal Code in that no intersection to which the project contributes measurable traffic shall operate at less than the Standard Level of Service as a result of project implementation.

V. PLANNING STAFF RECOMMENDATION

Approve, subject to conditions.

VI. CONDITIONS, IF APPROVED

Shall meet all requirements of the various City Departments,
copy attached hereto.

CONDITIONS OF APPROVAL

- Plng. 1. The use shall be conducted as described within Sections II. and III. of the attached report.
2. If the applicant wishes to modify the existing landscaping on the property, approval from the Planning Staff shall first be obtained.
3. Approval of the Planning Action is valid for one (1) year and will expire at the end of that period unless building permits are obtained or the applicant applies for and is granted an extension of time.
4. Approval shall be for a period of one year. Prior to expiration, applicant may request renewal, subject to reevaluation at that time. The Development Services Director may extend the Planning Action for a period not to exceed two (2) years if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable Ordinance requirements. Thereafter, the Development Services Director may extend the permit for successive two (2) year periods under the same terms.
5. Street addresses shall be displayed on the ground sign (if permitted) or on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be 12" in height with not less than 3/4" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
6. The Conditions of Approval of Planning Action PA-89-69 shall be blueprinted on the face of the site plan.

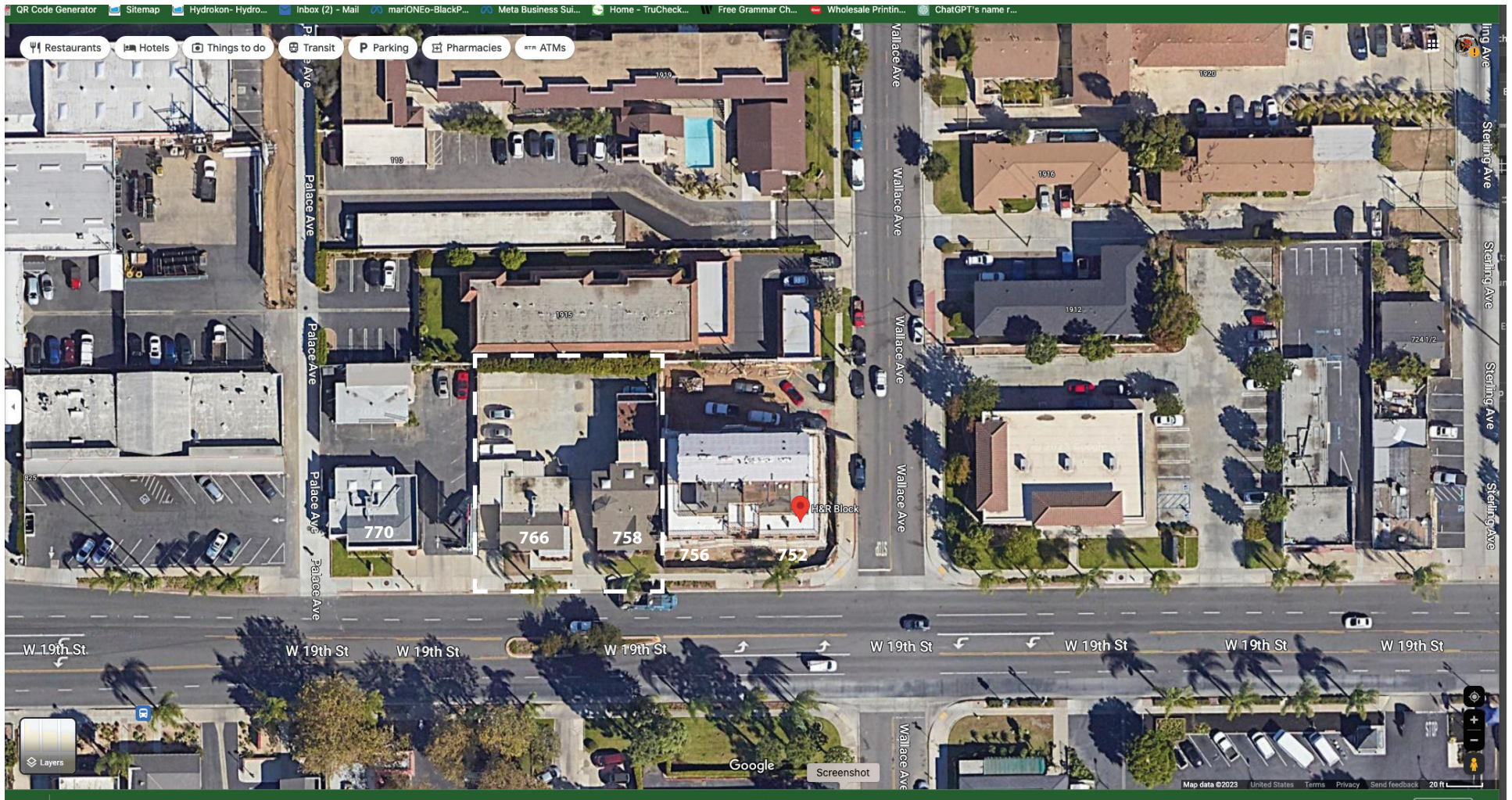
ORDINANCE OR CODE PROVISIONS

The following list of Federal, State and local laws applicable to the project has been compiled by Staff for the applicant's reference.

- Plng. 1. All 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, and final inspections will not be granted until all such licenses have been obtained.
2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

- | | | |
|--------|----|--|
| Bldg. | 3. | Comply with the requirements of the Uniform Building Code as to design and construction. |
| | 4. | Comply with the requirements of the Uniform Plumbing Code, 1985 edition, as to design and construction. |
| Trans. | 5. | As required by Article 22-1/2, Transportation System Management of the Costa Mesa Municipal Code, pay applicable traffic impact fees identified for the Traffic Analysis Zone in which the project is located prior to the issuance of building permits. |
| Fire | 6. | Contact the Fire Department prior to installation of the refrigeration unit. |

(3PA8969)



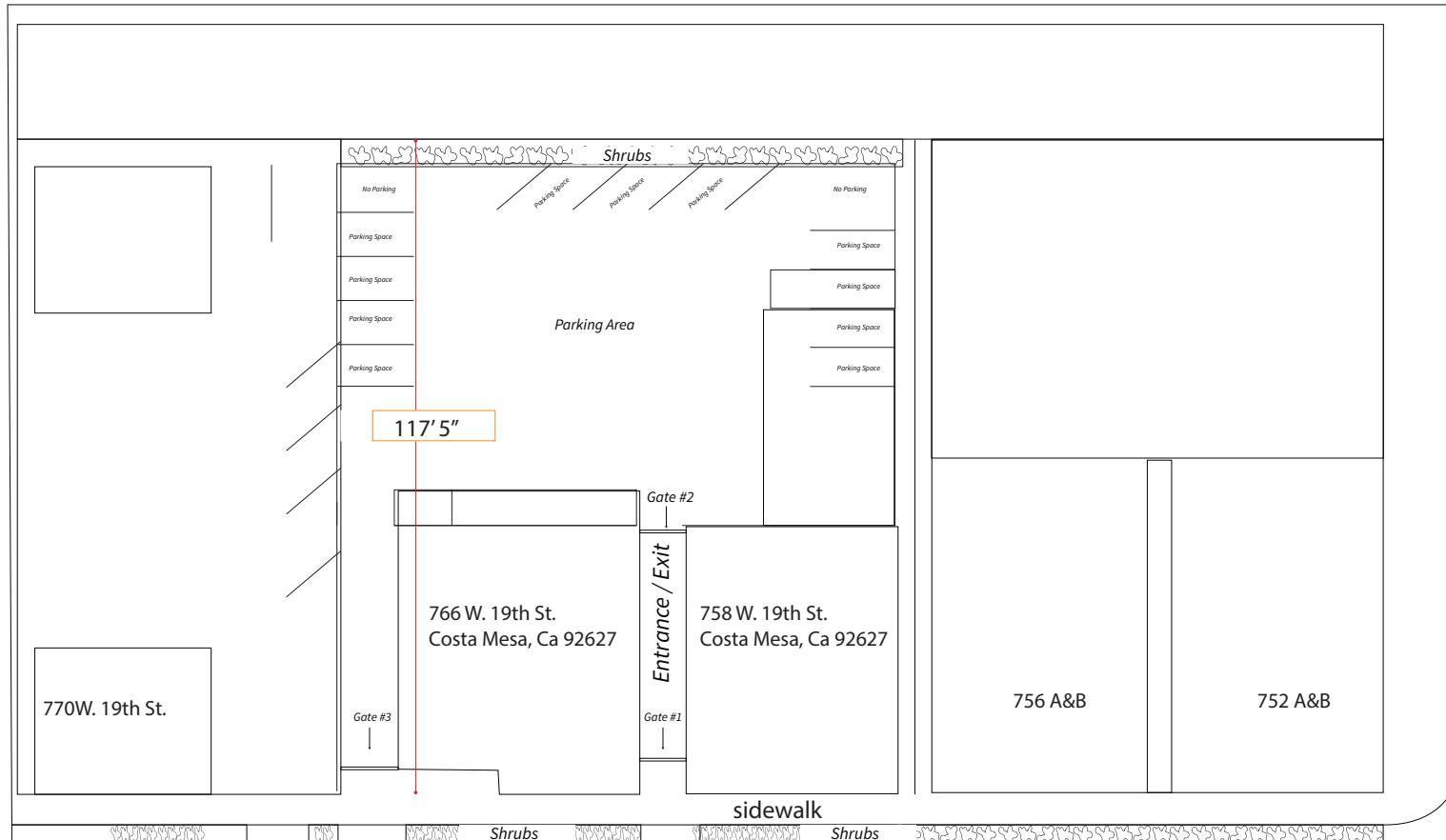
AREA PHOTO

Project Name: Neptune Society
 Contact Person: Buck Kamphausen
 Tel. (949) 646-7431
 Site Address: 758 W. 19th St.
 Costa Mesa, Ca 92627

SITE PLAN

Project Name: Neptune Society
 Contact Person: Buck Kamphausen
 Tel. (949) 646-7431
 Site Address: 758 W. 19th St.
 Costa Mesa, Ca 92627

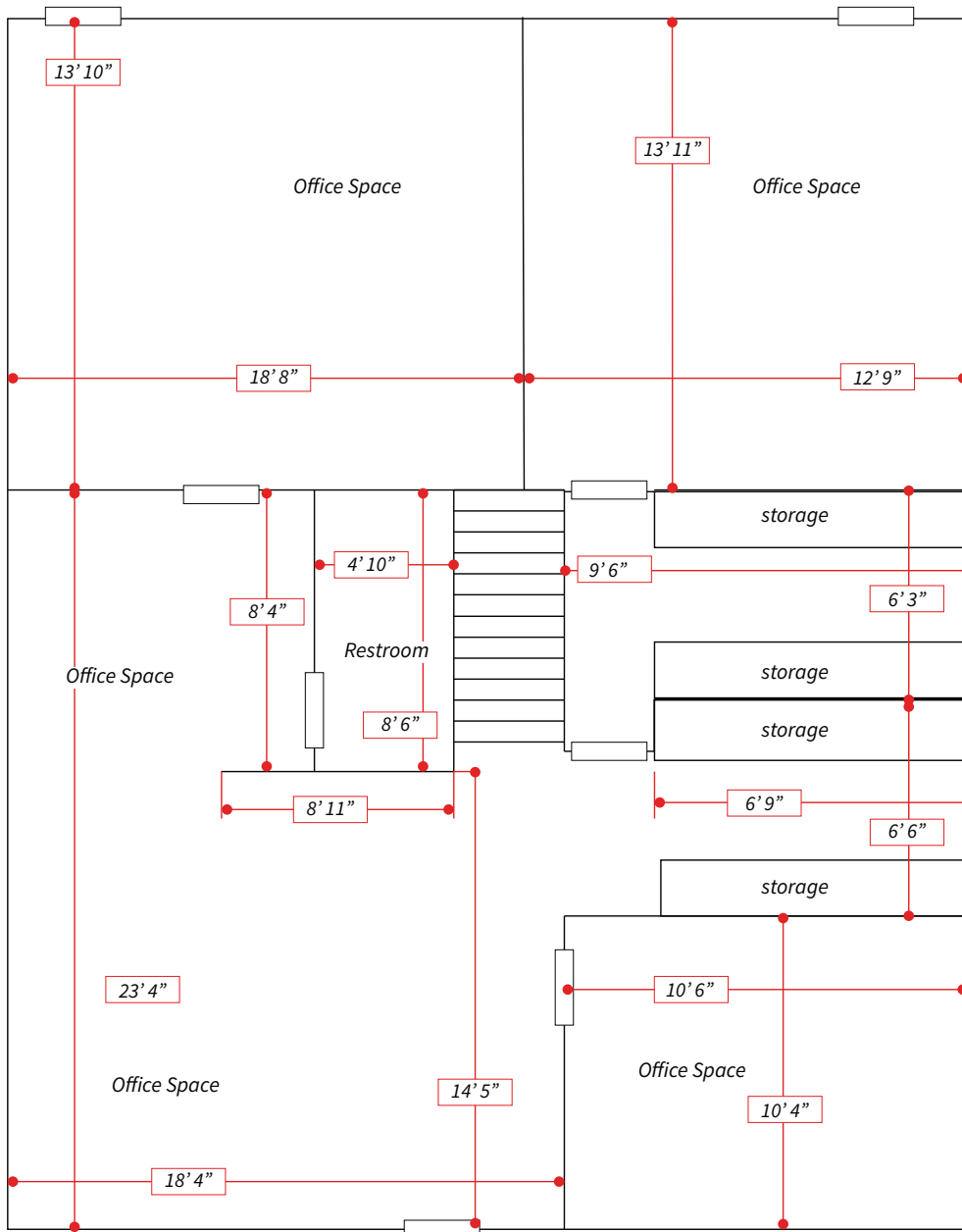
Palace Ave.



Wallace Ave.

W. 19th St.

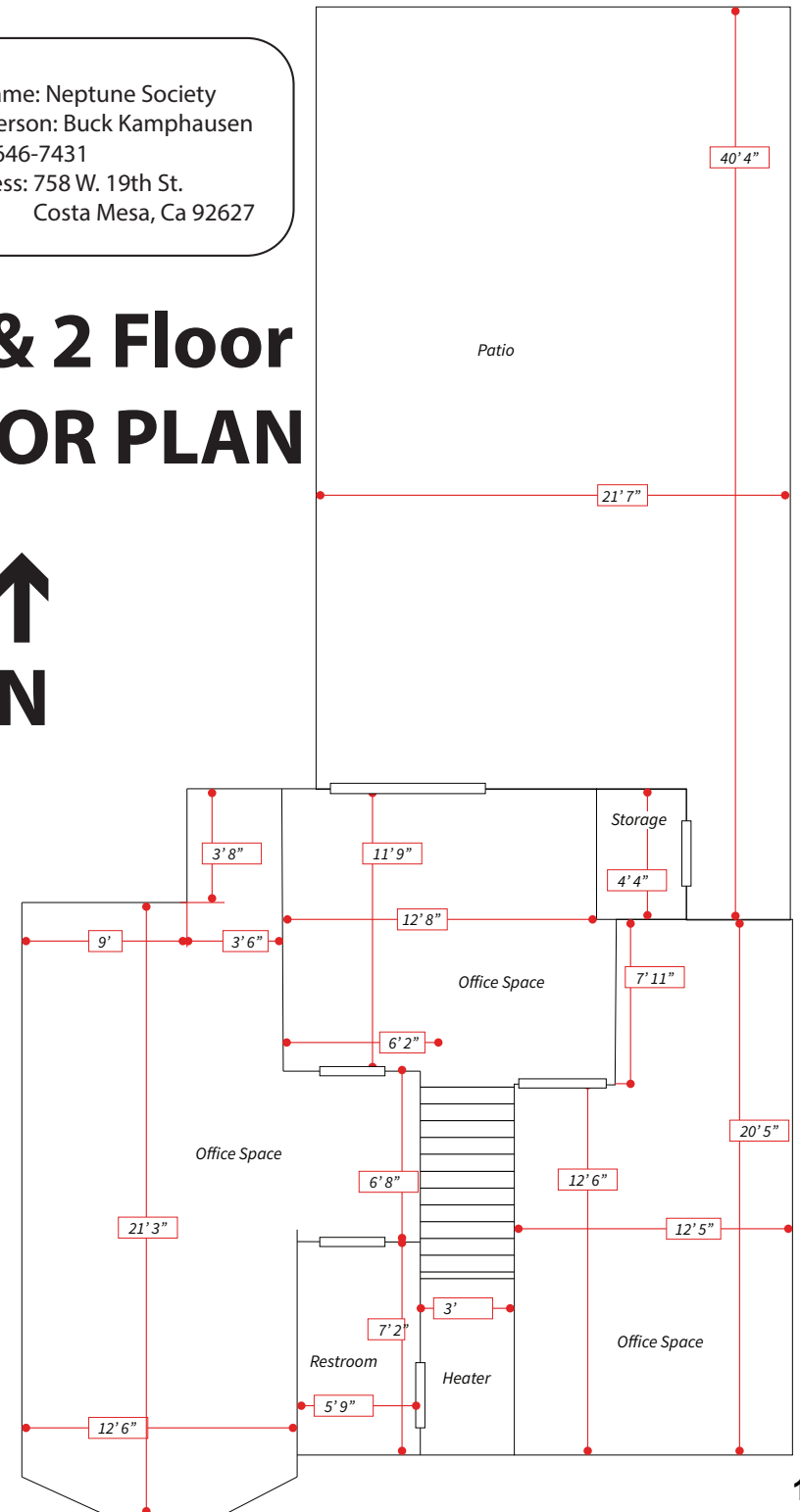




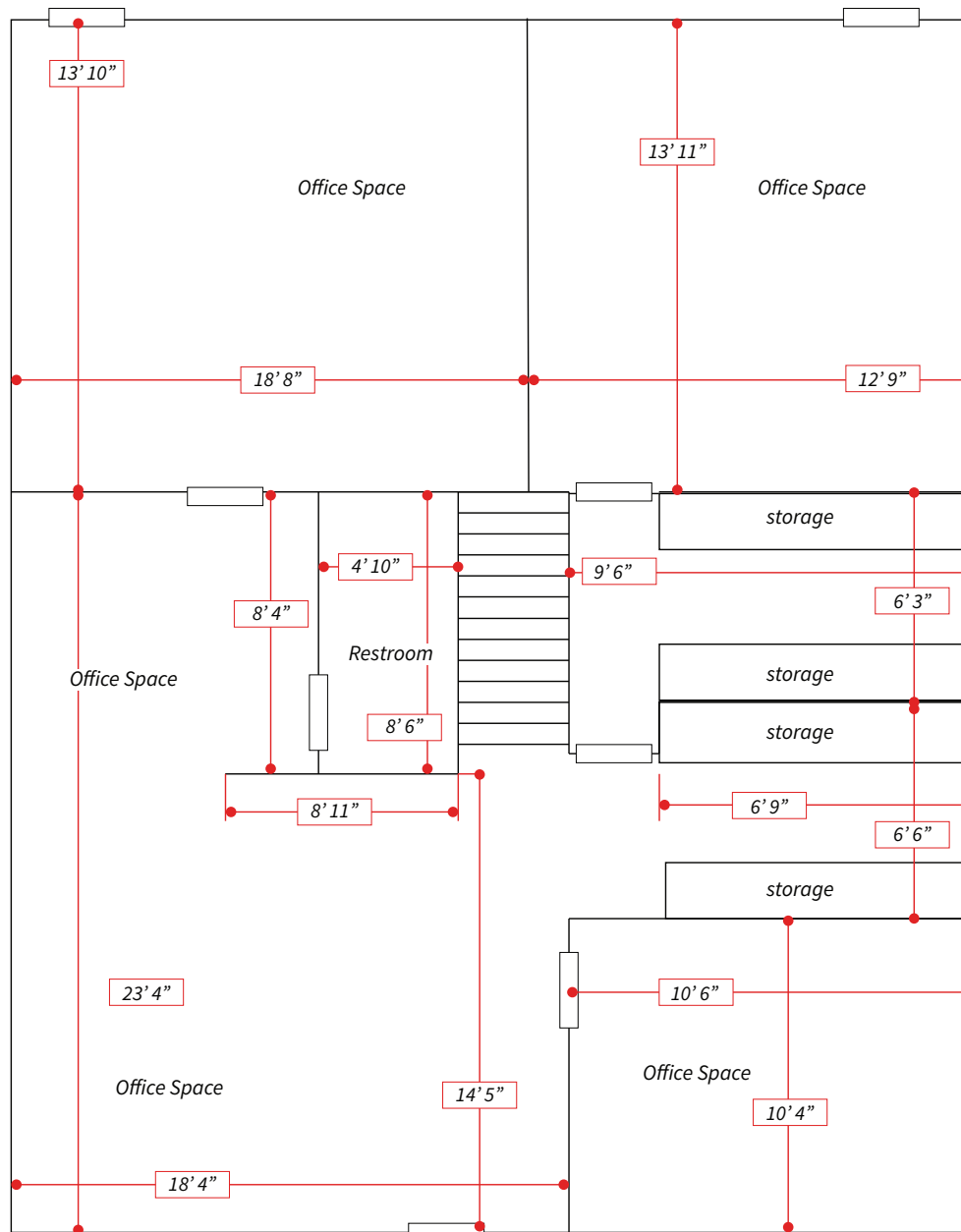
1st Floor

Project Name: Neptune Society
 Contact Person: Buck Kamphausen
 Tel. (949) 646-7431
 Site Address: 758 W. 19th St.
 Costa Mesa, Ca 92627

1st & 2 Floor FLOOR PLAN



2nd Floor



W. 19th St.

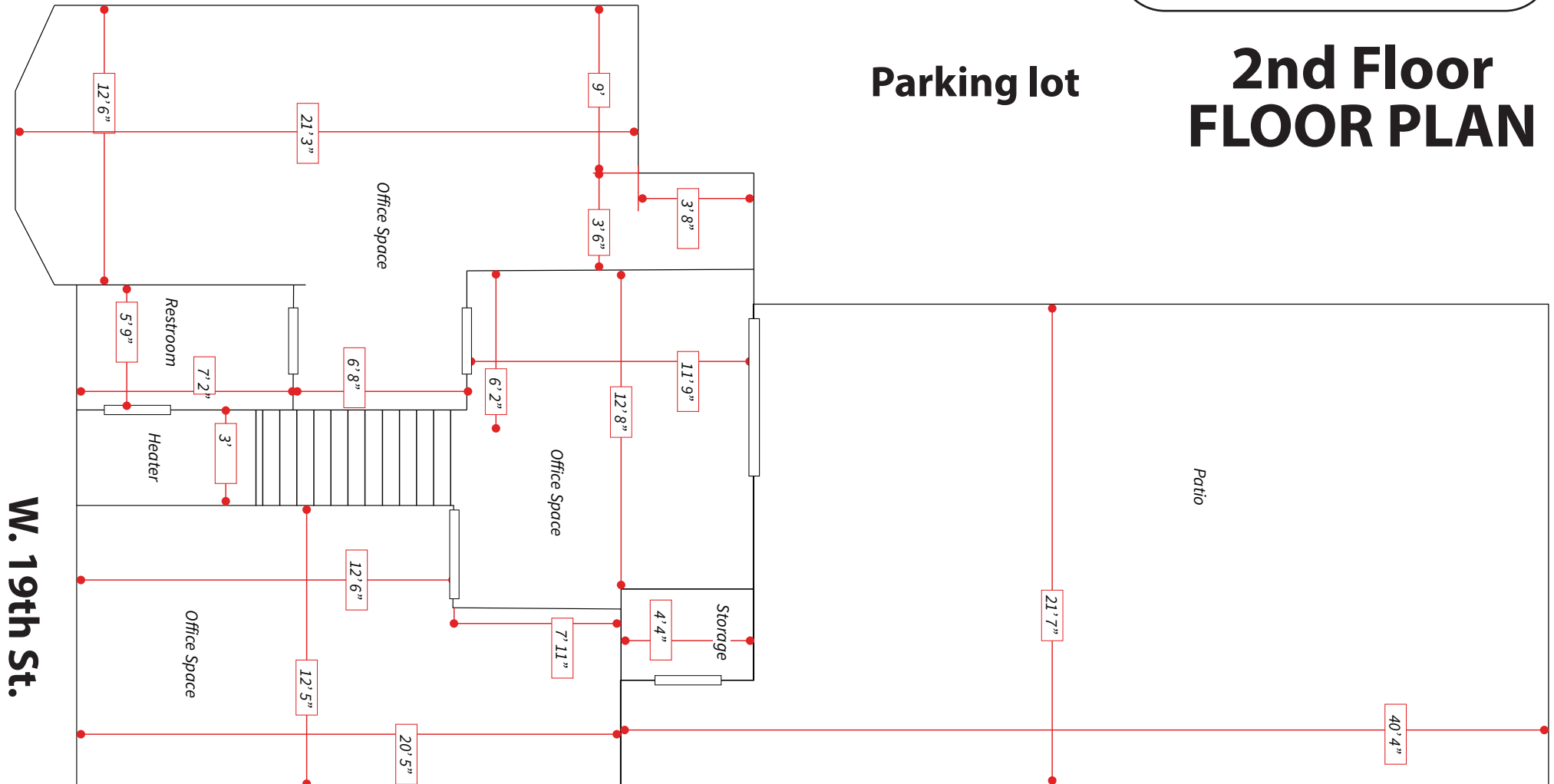
Project Name: Neptune Society
Contact Person: Buck Kamphausen
Tel. (949) 646-7431
Site Address: 758 W. 19th St.
Costa Mesa, Ca 92627

1st Floor FLOOR PLAN

Project Name: Neptune Society
 Contact Person: Buck Kamphausen
 Tel. (949) 646-7431
 Site Address: 758 W. 19th St.
 Costa Mesa, Ca 92627

2nd Floor FLOOR PLAN

Parking lot



W. 19th St.

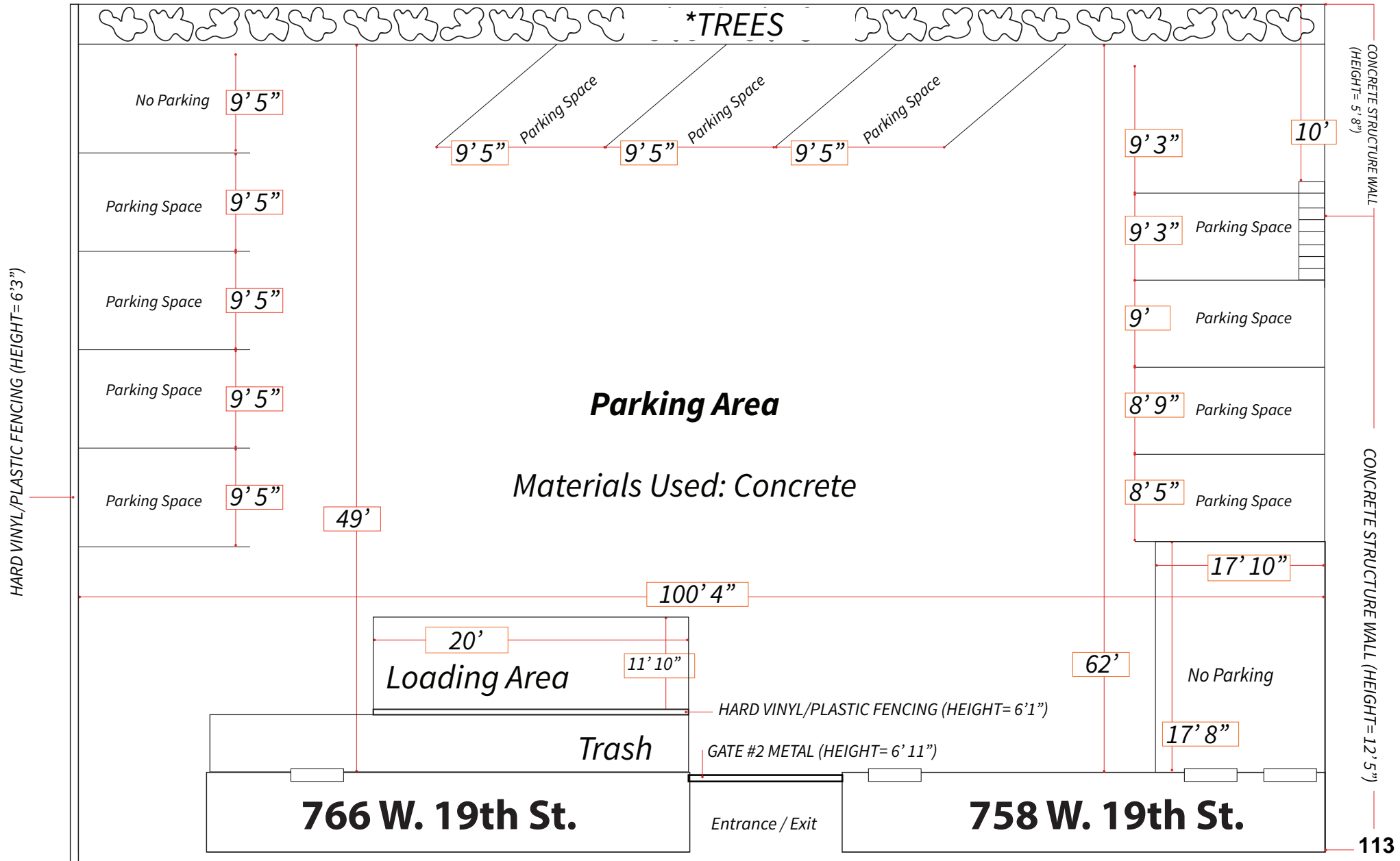


Parking Area

Project Name: Neptune Society
 Contact Person: Buck Kamphausen
 Tel. (949) 646-7431
 Site Address: 758 W. 19th St.
 Costa Mesa, Ca 92627

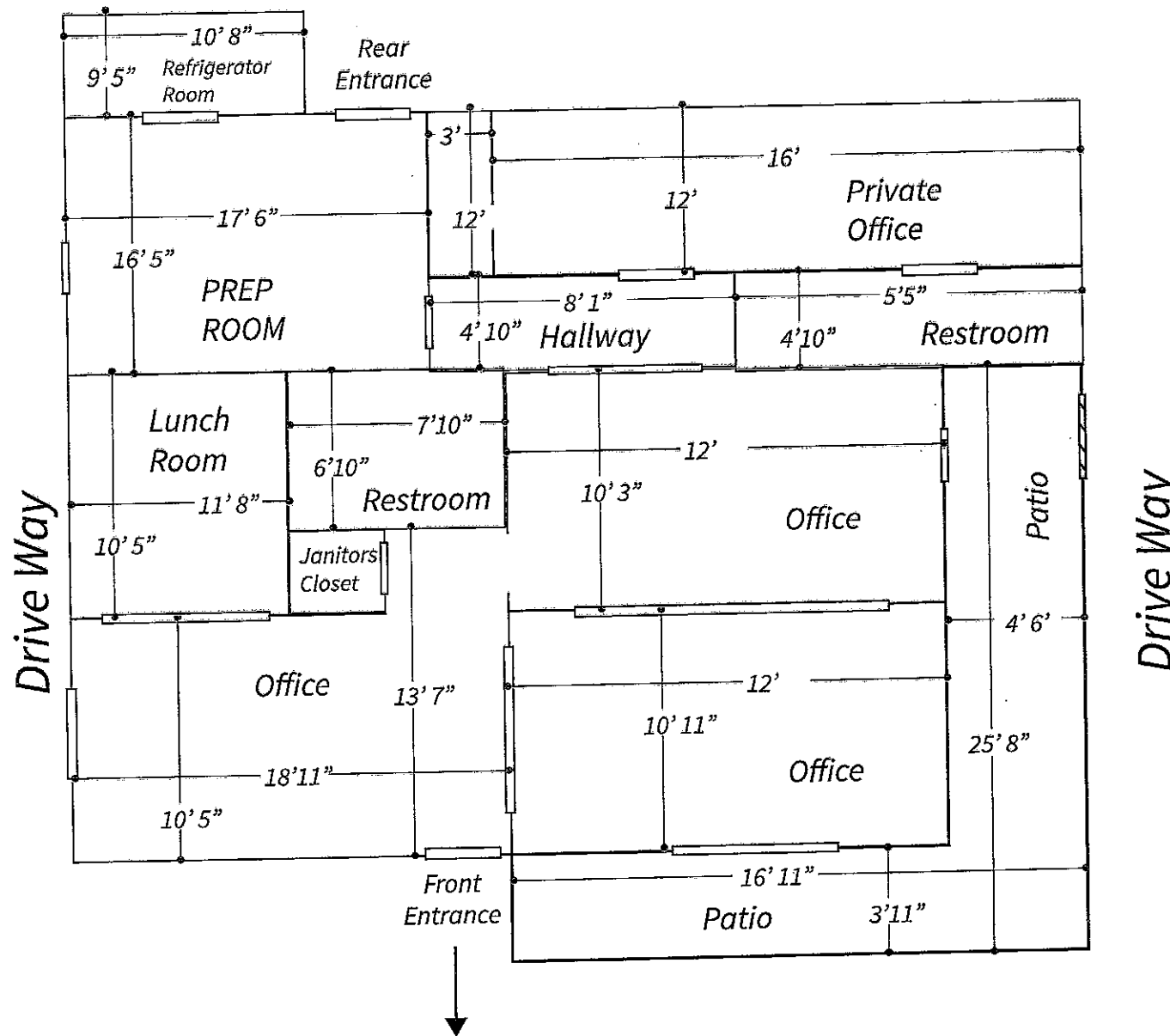


*TREES ALONG BACK WALL +12' IN HEIGHT



Parking Area

Location: 766 19th St.



Map Not
Drawn to Scale

Key

— = Door
— = Gate

19th St.



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1325

Meeting Date: 7/24/2023

TITLE:

PLANNING APPLICATION 22-12 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING LOCATED AT 141 E. 16TH STREET (THE MERCANTILE)

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

PRESENTED BY: **MICHELLE HALLIGAN, CONTRACT PLANNER**

CONTACT INFORMATION: **MICHELLE HALLIGAN 714.754.5608; Michelle.Halligan@costamesaca.gov**

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-12, subject to conditions of approval.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: July 24, 2023

ITEM NUMBER: PH-2

SUBJECT: PLANNING APPLICATION 22-12 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING LOCATED AT 141 E. 16TH STREET (THE MERCANTILE)

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

PRESENTATION BY: MICHELLE HALLIGAN, CONTRACT PLANNER

FOR FURTHER INFORMATION: MICHELLE HALLIGAN

714.754.5608

CONTACT: Michelle.Halligan@costamesaca.gov

RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-12, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The applicant is Aaron Brower and the authorized agent is Jim Fitzpatrick, on behalf of the property owner, Boatyard Fund, LLC.

PLANNING APPLICATION SUMMARY

Location:	141 E. 16 th Street	Application Number(s):	PA-22-12
Request:	Planning Application 22-12 is for a Conditional Use Permit to operate a retail cannabis storefront business with delivery.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	C2 (General Business District)	North:	C1 (Local Business District)
General Plan:	General Commercial	South:	C2 (General Business District)
Lot Dimensions:	100 ft. x 300 ft.	East:	C2 (General Business District)
Lot Area:	30,000 sq. ft.	West:	C2 (General Business District)
Existing Development:	The property is developed with two one-story buildings totaling 7,659 square feet. The proposed cannabis storefront would be located in a 2,038-square-foot suite at the rear property.		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed Zoning Dev. Standard	Proposed/Provided
Minimum Lot Size	12,000 sq. ft.	30,000 sq. ft.
Minimum Lot Width	60 ft.	100 ft.
Building Height	2 stories / 30 ft.	1 story / 15 ft.
Setbacks:		
Front	20 ft.	75 ft.
Side (interior)	15 ft. / 0 ft.	7 ft. 5 in. 0 ft. ¹
Rear (interior)	0 ft.	0 ft.
Parking	31 spaces ²	33 spaces ²
Floor area ratio (FAR)	0.20	0.25
1. The floor area ratio and one side setback of the building in the rear are legal non-conforming. 2. The existing surface parking lot is not striped and is non-conforming. The proposed number of parking spaces includes seven compact parking spaces and a credit of one space for installing a bike rack.		
CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)	
Final Action	Planning Commission	

BACKGROUND

The subject property is located at 141 E. 16th Street, west of Newport Boulevard, east of Superior Avenue, and north of Commercial Way. The site is zoned C2 (General Business District) and is surrounded by other C2 zoned properties. Properties located to the north, across E. 16th Street, are zoned C1 (Local Business District). The site has a General Plan Land Use Designation of General Commercial and is also located in the “19 West Urban Plan” area, which establishes an overlay zoning district that allows mixed-use commercial/residential development opportunities within the urban plan area. However, since the proposed project does not include a mixed-use “commercial/residential” component, the specific plan refers the project to the underlying zoning district requirements of the C2 Zone, and the City’s applicable Zoning Code for permitted uses and development standards.

Existing development on the subject property consists of an approximate 3,357-square-foot one-story building located on the southeast side of the property, a 4,302-square-foot one-story building located at the rear of the property, and a surface parking lot. The property has been primarily used in the past for boat building and repair (boatyard). The boatyard property was sold in December of 2021 to the current property owner. Surrounding uses include a mobile home park to the west, a motorcycle dealership to the north across E. 16th Street, a former home furnishings center to the east (now vacant), and a marine supply store and boat repair and storage facility to the south. The existing mobile home park, “Sea Breeze Villas”, is located directly adjacent to the subject property and several residential units are located within close proximity of the proposed use. The mobile home park is physically divided from the subject property by an existing six-foot block wall.

City records for the subject property include permits commencing in 1954. At that time, the property featured a residence along E. 16th Street and an approximate 2,600-square-foot nonresidential structure on the southeast side of the property. Over the years, various additions were approved and the residential building was demolished. The building in the rear that is proposed to be partially converted into a cannabis storefront appears to have been permitted following a variance in the 1960s. At that time, a 25-foot-rear setback was required and a variance was needed to construct the building within that setback. However, the rear structure is located in compliance with the current C2 Zoning District in that this District requires no rear yard setback.

This property and certain surrounding properties are located in an established “Opportunity Zone”. An “Opportunity Zone” is a federal program that provides tax incentives for investment in designated census tracts. Investments made by individuals through special funds in these zones would be allowed to defer or eliminate federal taxes on capital gains. Opportunity Zones incentivize investment and economic development in distressed communities by providing federal tax benefits to investors for qualified uses. The incentive enables a temporary deferral on capital gains for qualified investments through a Qualified Opportunity Fund (QOF) established with the Internal Revenue Service (IRS). Taking advantage of the “Opportunity Zone” benefits is the

responsibility of the property owner and/or business owner. To obtain these tax incentives, the property owner and/or business owners must work with the program administrations including, but not limited to, the Internal Revenue Service (IRS) and the California Department of Finance (DOF). According to the applicant, the property owner is currently investigating the benefits and may participate in the program.

The proposed retail cannabis storefront use with delivery, “The Mercantile”, would occupy a 2,038-square-foot suite within the existing 4,302-square-foot rear structure. Cannabis uses are not proposed in the remaining part of the rear structure nor within the other existing building on the property. The remaining suites would be occupied with tenants as allowed by the C2 zone.

There are no open Code Enforcement cases on this property.

Nonconforming Development

The existing development is legal nonconforming in terms of the floor area ratio, landscaping, a side setback, and parking, 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 the rear 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 site is currently devoid of any landscaping. The applicant proposes to install 800 square feet of landscaping, including twelve trees, to bring it into closer conformance with minimum landscaping requirements. The existing surface parking lot is unstriped. The parking lot would be striped to meet the City’s commercial parking design standards, including establishing up to seven compact parking stalls to meet the requirement of one stall per 1,000 square feet of floor area. The property complies with all other applicable commercial zone development standards including the front and rear setbacks, 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 Equity Permit Program

In 2021, concurrently with the adoption of the ordinance adding cannabis retail provisions to the Municipal Code, the City Council directed the City Manager or designee to develop and implement a cannabis social equity program to minimize barriers of entry into the industry for local persons that have been disproportionately impacted by cannabis prohibition/enforcement, and to positively impact those communities.

According to the City's established "Equity Permit Program", an eligible Equity applicant is defined as a legal United States' resident who meets the following criteria:

- Is a current resident of Costa Mesa and has been for the past consecutive five years;
- Has an annual household income at or less than the Orange County "Area Median" as specified by the State Department of Housing and Community Development (HCD);
- Was convicted of a felony in Orange County involving cannabis and/or marijuana for which the underlying cannabis or marijuana offence has subsequently been designated as a misdemeanor or infraction, or decriminalized pursuant to the provisions of the Control, Regulate and Tax Adult Use of Marijuana or federal law; and
- Can pass all other components of the City's specified background check process.

The applicant for this CUP satisfies the above criteria and his application was submitted subject to the City's Cannabis Equity Permit Program provisions. Similar to the incentives provided to the City's existing cannabis manufacturing applicants, social equity applicants meeting specific criteria were allowed to begin the cannabis permitting process one-month in advance of the general public.

In addition to the aforementioned early submittal application incentive, the City's equity program also waives the \$1,500 pre-application fee and an approximate \$20,000 cannabis business permit application fee. Lastly, to participate in the City's social equity program, the social equity individual must own and maintain a controlling interest of at least 51 percent in that company, and receive equal profits, and distributions or other payments proportionate to their ownership interests. This is intended to ensure an ongoing financial interest for the equity applicant.

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 (fees waived for Cannabis Equity Permit Program);
- CBP Notice to Proceed (fees waived for Cannabis Equity Permit Program);
- Conditional Use Permit (CUP);
- Building Permit(s);
- Final City Inspections;
- CBP Issuance; and
- City Business License.

The "Pre-Application Determination" includes staff review of materials provided to verify participation, 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 22-12 is a request for a CUP to allow a retail cannabis use with delivery and an MCUP for compact parking, at a 2,038-square-foot commercial suite located at 141 E. 16th 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.

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, and will not be detrimental to public health, safety, and welfare.

The subject site is located within a commercial zone (C2 – General Business District) where commercial development is specifically allowed to include cannabis retail storefronts subject to a conditional use permit. As defined in the CMMC, “this district is intended to provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature.” 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.

Minor Conditional Use Permit

Pursuant to CMMC Section 13-94(b), “for nonresidential projects with more than twenty-five (25) required parking spaces, a maximum of ten (10) percent of required parking may be designated as small car spaces if authorized by minor conditional use permit”. Additionally, CMMC Section 13-94(c) requires that “in all zones, the small car spaces shall comply with City of Costa Mesa standards and shall be clearly marked “SMALL CAR ONLY” or “COMPACT” under the direction of the planning division. The distribution, location, and marking of small car spaces shall be subject to the approval of the planning division”.

Small car (compact) parking spaces can be authorized by a Minor Conditional Use Permit (MCUP), an application typically reviewed by the Zoning Administrator. However and for processing consistency purposes, the CUP for the proposed cannabis use, and MCUP for the small car (compact) parking are being processed concurrently. The proposed small car parking is necessary to necessary to comply with parking requirements and the proposed site plan complies with City parking design standards.

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.

Staff analyzes the separation between a proposed storefront and sensitive uses during the pre-application process. For the subject application, staff issued a letter confirming that the proposed premises met the minimum separation requirements on December 6, 2021. Staff issued a Notice to Proceed letter on January 25, 2022. Should any sensitive uses be introduced within the minimum separation area after that time, the application is allowed to continue.

On July 18, 2023, staff received correspondence from a managing member of the mobile home park that is located adjacent to the subject site. The letter indicated that there is a tot lot within the park and therefore the proposed project would not meet the minimum separation requirements from a playground. Pursuant to CMMC Section 13-200.93(e), “no cannabis retail storefront use shall be located within one thousand (1,000) feet from a K-12 school, playground, child daycare, or homeless shelter, or within six hundred (600) feet from a youth center, *that is in operation at the time of submission of a completed cannabis business permit application* [emphasis added]. According to City records, the applicant submitted a completed cannabis business permit application on January 25, 2022. Staff visited the adjacent mobile home park site in December of 2021 and no playground or tot lot existed. In addition, staff has reviewed Google Streetview images taken in 2021, 2022, and 2023, and no playground or tot lot can be identified in the subject location identified by the correspondence. Therefore, staff believes the application is compliant with the aforementioned CMMC separation provisions.

Exterior Tenant Improvements

The applicant proposes to update the building façade with new paint, doors, and lighting. Other proposed exterior improvements include:

- Constructing one new commercial driveway, sidewalk, and curb along E. 16th Street;
- Constructing an accessible path of travel from E. 16th Street to both buildings on the property;
- Repaving and restriping the surface parking lot to comply with the City’s Parking Design Standards including standards for compact parking stalls;
- Adding a bicycle rack to encourage multi-modal transportation;
- Constructing a new trash enclosure;
- Provide landscaping to bring the property into closer conformance with CMMC landscape requirements. The site is not currently landscaped. Landscaping would be installed along the street frontage and within the parking lot, including twelve

new canopy trees, a variety of 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;

- Installing new 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.

Interior Tenant Improvements

The proposed interior improvements involve the construction of demising walls to create new rooms, mainly for "back-of-house" areas including an employee area, storage, and restroom. The proposed retail sales area is an open floor plan including a lobby that would be located by the front entrance. Below is a floor area summary of the 2,038-square-foot tenant space.

Table 1 – Floor Plan Summary

Operational Area	Square Feet
Lobby and Reception	242
Customer and Sales Area	1,231
Office/Employee Area	298
Restroom	75
Storage Room	177
Closet	15
Total:	2,038

Customer and Employee Access

Customer access is limited to the lobby and customer area (sales floor). Customer circulation into the proposed establishment includes entering the licensed premise through a door that connects directly to the lobby. A greeter employee would verify the customer's identity and age before allowing the customer to enter the sales floor. After a customer's identity and age is verified and their transaction is completed, they must leave the premise through the same door located in the lobby. 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 through either the main entrance or a limited-access door accessible on the northwest side of the building.

Delivery Operations and Vendor Access

During business hours, delivery and vendor vehicles would use the designated “loading” zone that is located adjacent to the building. When loading/unloading vehicles, delivery employees and licensed vendors would enter/exit through the access-controlled door located on the northwest portion of the building which is approximately 65 feet from the loading area. The applicant is proposing the use of two delivery vehicles; however, the applicant indicates that delivery will not be immediately offered. Vendors are required to check-in at the lobby and would only be allowed to enter the premise while accompanied by an employee with the proper security credential. Cannabis and cannabis products must be transported in secured containers between the licensed premise and delivery or distribution vehicles as conditioned. As conditioned, the access-controlled doors, product path of travel, and the loading/unloading area would be under camera surveillance at all times.

Storefront/Delivery 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 non-business hours;
- At least one licensed security guard shall be on premises 24-hours a day;
- The premises and the vicinity must be monitored by security and/or other staff to ensure that patrons immediately leave and do not consume cannabis onsite or within close proximity. The CMMC prohibits the consumption of cannabis or cannabis products in public areas; cannabis consumption is limited to non-public areas, such as within a private residence. State law further prohibits cannabis consumption and open container possession within 1,000 feet of sensitive uses and while riding in or driving a vehicle;
- There must be continuous video monitoring and recording of the interior and exterior of the premises;
- Adequate security lighting shall be provided and shall be designed to prevent offsite light spill;
- Onsite sales of alcohol or tobacco products and on-site consumption of alcohol, cannabis, and tobacco products is prohibited;
- No one under the age of 21 is allowed to enter the premises. If the business holds a retail medical cannabis license (M-license) issued by the State, persons over the age of 18 may be allowed with the proper medical approvals i.e. physician’s recommendation or medical card pursuant to CMMC Section 9-495(h)(6);
- Prior to employment, all prospective employees must successfully pass a background check conducted by the City, and the employee must obtain a City issued identification badge;

- Customers are only granted access to the retail area after their age and identity has been confirmed by an employee;
- Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information:
 - Date and time of transaction;
 - Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity; and
 - Total transaction amount paid.
- There must be video surveillance of the point-of-sale area and where cannabis goods are displayed and/or stored;
- Cannabis products shall not be visible from the exterior of the building;
- Free samples of cannabis goods are prohibited;
- When receiving new inventory from licensed distributors, employees will verify the distributor's identity and license prior to allowing them to enter the facility through an access-controlled door. After distributor's credentials have been confirmed, an employee will escort the distributor to the shipping and receiving area 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 pre-packaged 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 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 described the owners' professional 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, including drivers, 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;
- Delivery drivers shall be trained on delivery safety protocols;
- Employees and vendors will be trained regarding cash and product transportation protocol;
- All facility entry and exit points and locations where cash or cannabis products are handled or stored shall be under camera surveillance;
- Delivery vehicle drivers shall be at least age 21, have a current driver's license, successfully complete a live scan, and have a City-issued badge;
- The business operator shall ensure that all delivery vehicles are properly maintained, all delivery drivers have a good driving record, and each driver conducts a visual inspection of the vehicle at the beginning of a shift; and
- 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.

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 2,038-square-foot facility would be required to provide eight onsite parking spaces. The two buildings combined include 7,659 square feet of commercial square footage. When applying the City's general commercial parking requirement to both buildings at a ratio of four spaces per 1,000 square feet of gross floor area, the site would need to accommodate a minimum of 31 parking stalls.

The subject property is developed with a surface parking lot that is not striped to meet current codes. As part of the project scope, the parking lot will be redesigned and restriped in order to comply with current parking standards. The reconfigured parking lot would provide 32 parking spaces, of which up to seven would be small car spaces. With the addition of a new bike rack for a credit of one space, the parking lot would have 33 total spaces. The proposed parking configuration thus exceeds the number of parking spaces required by the CMMC. In addition, the project proposes a portion of the parking lot adjacent to the storefront to be striped for loading and unloading only. The loading area is not counted as a parking space. The property proposes one point of vehicular access via a new two-way driveway located on E. 16th Street. Pedestrian access would be provided by new sidewalk located along E. 16th Street and a new pedestrian path connecting the sidewalk to the building in the rear.

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. 7 in

the attached Resolution). Examples of parking demand management techniques include, but are not limited to, offsite parking for employees, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, encouraging 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 \$41,747. 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 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 residential mobile home park. Two existing mobile homes are situated within ten feet of the proposed licensed premise. 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 7 AM to 10 PM;
- Security lighting would be shielded and directed down/away from the residential 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 8 AM and 8 PM; 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 with delivery 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.

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

Consistency: The subject property is located adjacent to a mobile home park. As conditioned, the proposed use would be required to control odor, noise, limit trash enclosure access, and provide adequate security and parking lot monitoring to ensure compatibility between the proposed use and the adjacent residential uses.

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

Consistency: With the proposed storefront use, parking lot activity and associated noise could be greater than past boat building and repair operations. Conditions of approval requiring 24-hour onsite security, parking lot monitoring, signage regarding noise, and limiting the hours the exterior trash enclosure can be used are intended to ensure compatibility between the proposed use and adjacent residences.

REQUIRED FINDINGS

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, in order to approve the project including, the Planning Commission must find that the evidence presented in the administrative record substantially meets specified CUP and MCUP 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 (C2 - General Business District) where commercial development is specifically allowed to include retail uses, including those with small car parking. 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. The proposed storefront would be located in an area where there is a mixture of commercial and residential uses. The previous use of the subject property was boat building, repair, and sales, and did not include a striped parking lot. Other existing uses in the immediate area include boatyards, vehicle sales and repair, and a mobile home community. Additionally, the proposed cannabis retail storefront use was 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 at the time the completed cannabis business permit was submitted (January 25, 2022). All proposed 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 a mobile home park, and vehicle repair, sales, rental, and storage. The project would include features such as: odor control filters, limiting vendor deliveries and customer services to the hours between 7 AM and 10 PM, posting signs in the parking lot directing all to use consideration, having a security guard onsite at all times, having a staff member periodically monitor the parking lot, limiting the hours the trash enclosure can be used, and shielding security lighting down and away from residential uses. Therefore, as proposed

and conditioned, the proposed retail storefront would be substantially compatible with developments in the area.

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

The proposed cannabis retail storefront use with delivery and compact parking spaces 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, security devices shall be installed before operation, and site parking/circulation shall be constructed in compliance with local and State safety and accessibility standards. 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, including delivery drivers, 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." It is the intent of this land use designation to permit a wide range of uses that serve both local and regional needs. 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. The proposed site improvements, such as landscaping and parking lot striping (including compact spaces), are designed to address existing non-conformities. No additional square footage is proposed; therefore, approving the CUP would not increase site density or intensity.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting

and/or minor alteration of Existing Facilities (Class 1). This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in floor area. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations. The project also complies with all applicable business operational standards of Title 9 and 13 of the CMMC. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a significant 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. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the denial findings into the Resolution. 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, three written public comments have been received. Any public comments received prior to the July 24, 2023 Planning Commission meeting will be provided separately.

CONCLUSION

The proposed project is a retail cannabis storefront business with delivery and compact parking spaces at a developed commercial property. Staff and the City's cannabis consultant completed the Cannabis Equity Permit Program evaluation, 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 compatible with other uses in the C2 zone, the Zoning Code, and the City's General Plan. The required findings for the CUP and MCUP can be made, as described above, and therefore, staff recommends approval of Planning Application 22-12 subject to conditions of approval.

RESOLUTION NO. PC-2023-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-12 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING, (THE MERCANTILE) IN THE C2 ZONE AT 141 E. 16TH 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 22-12 was filed by Jim Fitzpatrick, the authorized agent for the property owner, Boatyard Fund LLC, requesting approval of the following:

A Conditional Use Permit to operate a retail cannabis storefront and non-storefront cannabis business (delivery) within a 2,038-square-foot commercial tenant space, and a Minor Conditional Use Permit for compact parking at 141 E. 16th Street. 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 July 24, 2023 with all persons having the opportunity to speak for and against the proposal;

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

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 22-12 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 22-12 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 24th day of July, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on July 24, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-__

EXHIBIT A

FINDINGS

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

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

Facts in Support of Findings: The subject site is located within a commercial zone (C2 - General Business District) where commercial development is specifically allowed to include retail uses, including those with small car parking. 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. The proposed storefront would be located in an area where there is a mixture of commercial and residential uses. The previous use of the subject property was boat building, repair, and sales, and did not include a striped parking lot. Other existing uses in the immediate area include boatyards, vehicle sales and repair, and a mobile home community. Additionally, the proposed cannabis retail storefront use was 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 at the time the completed cannabis business permit was submitted (January 25, 2022). All proposed 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 a mobile home park, and vehicle repair, sales, rental, and storage. The project would include features such as: odor control filters, limiting vendor deliveries and customer services to the hours between 7 AM and 10 PM, posting signs in the parking lot directing all to use consideration, having a security guard onsite at all times, having a staff member periodically monitor the parking lot, limiting the hours the trash enclosure can be used, and shielding security lighting down and away from residential uses. Therefore, as proposed and conditioned, the proposed retail storefront would be substantially compatible with developments in the area.

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

Facts in Support of Finding: The proposed cannabis retail storefront use with delivery and compact parking spaces 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, security devices shall be installed before operation, and site parking/circulation shall be constructed in compliance with local and State safety and accessibility standards. 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, including delivery drivers, 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.

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." It is the intent of this land use designation to permit a wide range of uses that serve both local and regional needs. 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. The proposed site improvements, such as landscaping and parking lot striping (including compact spaces), are designed to address existing non-conformities. No additional square footage is proposed; therefore, approving the CUP would not increase site density or intensity.

- B. The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities (Class 1). This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in floor area. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations. The project also complies with all applicable business operational standards of Title 9 and 13 of the CMMC.

Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a significant 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)].
 2. Approval of the planning/zoning application is valid for two years from the effective date of this approval and will expire at the end of that period unless the applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 30 days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
 3. No person may engage in any cannabis business or in any cannabis activity within the City including delivery or sale of cannabis or a cannabis product unless the person:
 - a. Has a valid Cannabis Business Permit from the City;
 - b. Has paid all Cannabis Business Permit and all application fees and deposits established by resolution of the City Council, including annual Community Improvement Division inspection deposits;
 - c. Has obtained all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to operate;
 - d. Has obtained a City business license pursuant to Chapter I of the Municipal Code;
 - e. Is in compliance with all requirements of the Community Improvement Division regarding the property;
 - f. Has obtained any and all licenses required by State law and/or regulations; and
 - g. Has satisfied all CUP conditions of approval.

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

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

11. A parking and security management plan, including techniques described in Operational Condition of Approval No. 7, 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-21-43. 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-22-12 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 Improvement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
20. Third parties are prohibited from providing delivery services for non-storefront retail.
21. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business, except as otherwise specifically provided for by state law and CMMC Section 9-495(h)(6). It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.
- PD 22. Every manager, supervisor, employee or volunteer of the cannabis business must submit fingerprints and other information specified on the Cannabis Business Permit for a background check by the Costa Mesa Police Department to verify that person's criminal history. No employee or volunteer may commence paid or unpaid work for the business until the background checks have been approved. No cannabis business or owner thereof may employ any person who has been convicted of a felony within the past 7 years, unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code sections 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance.
- CID 23. Should any employee, volunteer or other person who possesses an identification badge be terminated or cease their employment with the

business, the applicant shall return such identification badge to the City of Costa Mesa Community Improvement Division within 24 hours, not including weekends and holidays.

24. The property owner and applicant shall use “Crime Prevention Through Environmental Design” techniques to reduce opportunities for crime, loitering and encampments on the property as deemed appropriate by the Community Improvement Manager and Director of Economic and Development Services.
- Finance 25. This business operator shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under State and local law. This business operator shall cooperate with the City with respect to any reasonable request to audit the cannabis business’ books and records for the purpose of verifying compliance with the CMMC and this CUP, including but not limited to a verification of the amount of taxes required to be paid during any period.
26. The following records and recordkeeping shall be maintained/conducted:
 - a. The owner/operator of this cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis, or at any time upon reasonable request of the City, the owner/operator shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.
 - b. The owner/operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this condition shall be provided to the City Manager upon a reasonable request.
 - c. The owner/operator shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the retail sale process. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA), the owner/operator shall allow City officials to have access to the business’s books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City’s request, unless otherwise stipulated by the City.
 - d. The owner/operator shall have in place a point-of-sale tracking system to track and report on all aspects of the cannabis business including,

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

- Insp.
27. The City Manager or designees may enter this business at any time during the hours of operation without notice, and inspect 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.
 28. Inspections of this cannabis business by the City will be conducted, at a minimum, on a quarterly basis. The applicant will pay for the inspections according to the adopted Fee Schedule.
 29. Quarterly Fire & Life Safety Inspections will be conducted by the Community Risk Reduction Division to verify compliance with the approved operation. The applicant will pay for the inspection according to the Additional Required Inspections as adopted in the Fee Schedule.
 30. Annual Fire & Life Safety Inspections will be conducted by the Fire Station Crew for emergency response pre-planning and site access familiarization. The applicant will pay for the inspection according to the adopted Fee Schedule.
 31. Pursuant to Title 9, Chapter VI, it is unlawful for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law.

Prior to Issuance of Building Permits

1. Plans shall be prepared, stamped and signed by a California licensed Architect or Engineer.
2. The conditions of approval and ordinance or code provisions of Planning Application 22-12 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 bike rack, parking space design and striping in conformance with CMMC and Transportation Division requirements (with up to seven compact stalls), and a landscape and irrigation plan that includes water efficient plants and/or California native plants and at least twelve trees with a minimum 24-inch box size (palm trees only count as half of a tree).
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 and Knox Box access.
8. The Traffic Impact Fee as calculated by the Transportation Services Division shall be paid in full.
9. Construction documents shall include a temporary fencing and temporary security lighting exhibit to ensure the site is secured during construction and to discourage crime, vandalism, and illegal encampments.
10. The applicant shall submit a lighting plan to the Planning Division for review and approval. The lighting plan shall show locations of all security lighting. As determined by the Director of Economic and Development Services or their designee, a photometric study may be required to demonstrate compliance with the following: (a) lighting levels on the property including the parking lot shall be adequate for safety and security purposes (generally, at least 1.0 foot candle), (b) lighting design and layout shall minimize light spill at the adjacent residential property line and at other light-sensitive uses (generally, no more than 0.5-footcandle at the property line), and (c) glare shields may be required to prevent light spill.

11. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

Prior to Issuance of a Certificate of Use/Occupancy

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

Prior to Issuance of Cannabis Business Permit

1. The applicant shall contact the Planning Division for a facility inspection and provide a matrix of conditions of approval explaining how each was met prior to issuance of a Cannabis Business Permit.
2. The applicant shall pay the 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;
 - b. 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. 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 two vehicles. Delivery vehicles shall not be parked on City streets.
4. At least one security guard shall be onsite at all times.
5. The operator shall maintain free of litter all areas of the property under which applicant has control.
6. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute appropriate security and operational measures as necessary to comply with this requirement.
7. If parking shortages or other parking-related problems develop, the business owner or operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the 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 incentivizing online and phone orders.
8. While working, employees shall not park on residential streets unless doing so temporarily to make a cannabis delivery.
9. 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.
10. 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.
11. The operator shall ensure that deliveries are grouped to minimize total vehicle trips.

12. 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.
13. Delivery/vendor vehicle loading and unloading shall only take place within direct unobstructed view of surveillance cameras, located in close proximity to the limited access 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. Cannabis products must be transported in secured containers between the licensed premise and delivery/distribution vehicles.
14. 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.
15. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
16. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
17. Cannabis shall not be consumed on the property at any time, in any form.
18. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
19. 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.
20. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
21. 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.
22. 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.
23. 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.
24. 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.
25. Waste disposal to the exterior trash enclosure shall be limited between the hours of 8 AM and 8 PM to prevent noise impacts to the abutting residential zoned property.
 26. 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.

Applicant Letter – MERCANTILE – 141 East 16th Street

THE MERCANTILE



141 East 16th Street - Applicant Letter

APPLICANT: The Mercantile, LLC**Operator:** The Mercantile

Request: The request is for a Conditional Use Permit to allow a Cannabis Retail Storefront (Type 10), Cannabis Non Retail Storefront and non Storefront – Delivery. Then a Cannabis Business Permit.



EXECUTIVE SUMMARY

This site is the former Boat Yard that will be go through a process of an adaptive Re-Use as the site is reimagined. Costa Mesa's history is steeped in nautical adventures, as the one-time pleasure boat building capital of the world. The site will be redeveloped preserving the historic elements while breathing new life, introducing modern elements and general site improvements. This site has long been intended for redevelopment and the City is excited to see the future site once again become an important part of the City.

The Cannabis Retail Store will be located in the rear, Southwest corner, with ample parking. The property is located within the Opportunity Zone and is utilizing tax benefits from this designation. This Cannabis Measure Q Retail Application is **unique**, as it is the only Social Equity Application, a special type of Cannabis Application designed by the City to benefit the Social Equity Applicant. The Social Equity Applicant is also a Costa Mesa Resident. The exceptional location is within Costa Mesa's southern neighborhood, close and convenient to the beach. The Team will be supported by several different operations groups, locally and across the state.

100 Year Boat Yard: This historic property has been a long standing Boat Yard. Before Costa Mesa became the Car Crazy Capital of California, before Costa Mesa became the action sports capital of the world, Costa Mesa was known for Boat Building, and servicing Newport Harbor. These iconic ship builders from another era populated this Harbor Gateway area. Most recently this property was home to Gil's Catamarans, of the Iwamoto Family, since 1955.

Site Selection: This site was selected because of visibility from Newport Blvd and the fact that this location will be the southernmost Cannabis Retail Store in Costa Mesa. It is on the beach drive side and will be the first Cannabis Retail Store customers pass when coming from PCH up Newport Blvd. Next door, the former Von Hemert Furniture site is being redeveloped where both properties will breathe new life to the neighborhood.

New Ownership: Dan Kang is the new owner and visionary architect of the future and will share his advanced technology solutions with the cannabis retail operations. The long term owners sought a buyer that would respect the site's history, yet modernize the property as a featured destination site. The Property Owner is exploring other sites in proximity, to leverage the 19 West Overlay and Measure K. More to come.

Social Equity Applicant and Program: Aaron Brower is a long time Costa Mesa resident and Costa Mesa's only Social Equity Applicant. The City developed this special and unique category of Applicants to benefit those harmed by the War on Drugs.

Aaron admittedly made some bad decisions earlier in his life, right here in Costa mesa. He has paid the price for these actions, turned around his life, and uses those experiences to help others get on a pathway to a better life.

Aaron was the primary architect in putting this property acquisition opportunity and cannabis application team together. He identified a partner that could acquire the land. And a partner that could fund and operate the cannabis business. And individuals that will support operations.

Aaron and his team are excited at the opportunity to reimagine this historic property and make his fellow Costa Mesa residents and businesses proud.

Aaron will utilize his local knowledge and vast relationships combining that with the Team's operational excellence to deliver quality cannabis, and a solid customer experience and journey

Property: This property has visibility from Newport Blvd, that will improve once the Von Hemert building is demolished. The Site has 2 buildings and ample parking. The Over 4,000 feet of Office will close about 5 pm, and be closed Saturday and Sunday, further providing some of the best parking in Costa Mesa.

The cannabis store will be located in the South West corner, or in the back to the right. The other half of the building will be a retail use. The Farmhouse will remain office space.

The Site will be modernized, with a sidewalk, California and Drought Tolerant landscape, an actual parking lot, new ADA path of travel from the Right of Way as well as other Improvements.

The property has a space to the rear for City approved events. Like a Blood Drive, or a Pet Adoption Day.

Team: Aaron Brower is the Social Equity Applicant and Owner, joined by Vivian Nguyen, with experience in operating a cannabis business. The Team will be supported by 3 groups on operations and the supply chain. 2 are Local and one operates Statewide.

Service Providers: Supporting operations is the well know Cannabis Security Expert Tom Johnson of Post Alarm. Jennifer Farrel and Patrick Munoz from RUTAN for legal compliance and Land Use. Jim Fitzpatrick for Cannabis Regulatory Compliance.

Competitive Point of Difference: Location! Location! Location! This is a significant point of difference and a competitive advantage. This prominent and conveniently located property has ample parking customers will enjoy, and return back to. Ease of access is an amenity customers value.

We have quality support from experienced Operators. They will provide support and excellence in design and store layout, opening, sourcing a quality supply chain at the lowest cost. Hiring, training and retaining employees. We will leverage technology to facilitate an efficient and excellent customer journey.

Local knowledge, local relationships and local partners will help our store connect with the community.

Significant Levels of Support: We have support from both vicinity Residents and Businesses as well as those that support long time Resident Aaron Brower. We have a significant amount of Support Letters for the business. And a robust amount of Support Letters for Aaron Brower.

Neighborhood Outreach: We mailed to all Property Owners and Occupants within 500 feet in both English and Spanish. We invited the neighborhood to see the 100 Year Old Boat Yard, and to review our vision for the future. We discussed the Property, the Operations, The Security, the Lighting. We enjoyed delicious food from Trenta that our neighbors really enjoyed. Several took some home. Two came seeking employment.

We canvassed the neighborhood on foot, eight (8) times, knocking on doors, sharing plans, discussing the project. We made calls to property owners not local at the time.

To our knowledge, no one has expressed concern nor opposition to the Project.

Community Benefits: We intend to support the Community in hopes the Community will support our store. At launch we have 2 focused groups we will lend our time, talent and customer base to support: 1) Veterans and 2) Pets. Ownership values these relationships.

Priceless Pets is in the neighborhood. We will have dedicated wall space to highlight “Pets of the Week”. We will place reminders in customer’s exit bags. And seek other ways to support Priceless Pets.

Veterans Alliance of Orange County, or VALOR, supports Veterans. We will work with this group to specifically benefit Veterans, with City approved events to provide services, and offer free medicine under SB 34, that allows a store to provide free medicine to Veterans. All ideas are valued and will be explored if they benefit Veterans. We are committed to having more than 50% of our Security Guards be Veterans.

Applicant Letter – MERCANTILE – 141 East 16th Street

Partner with Labor: Applicant has signed a Labor and Peace Agreement with UFCW, to develop a work force that will delivery on the vision. We are exploring ways UFCW and others will support Social Equity Candidates

Costa Mesa Chamber of Commerce: The Mercantile has been a member of the Chamber of Commerce since our beginning. We support the Chamber and the Chamber supports us. We were the Title Sponsor for the Cannabis Industry Event and Boat Cruise.

Hours of Operation: 7 am to 10 pm.

Home Delivery: We will offer a component of our Retail experience that includes Home Delivery in a post COVID world. We offer this convenient option for those who choose not to visit the store, that seek our Subscription or “New Produce Release” offers. This will also help disperse any potential intensification issues.

Security Plan, Technology Solutions, Process and Training: The reviewed and approved Security Plan is prepared and installed by a trusted local subject matter expert who has a dozen and a half Costa Mesa cannabis projects, and several dozen in Southern California. He and the company have the necessary credentials and experience to provide plans, systems, installations, process and training. The concept of plan development and implementation is the “Secure Layered Onion”. The outer layer is hardened, and several layers are introduced designed to slow down and prevent unwanted access, and control access. The Perimeter has facility design in mind when developing the Site Plan and Floor Plan. Permitter lighting is added as a deterrent and to enhance external video surveillance at night. Any windows have a Security Film. All doors are secure access. Customers check in, Visitors sign in. There are specific areas Customers can go, and Limited Access Areas (properly signed) where only badged Employees or Visitors escorted by an Employee. The Cannabis and Cash are in secure storage areas, with limited access. The Security System can be remotely viewed. Other tools are motion detectors in strategic areas, 100% video surveillance saturation wherever cannabis is located (Including full coverage of external loading and unloading) panic buttons and some proprietary elements to protect people, cannabis and cash. These systems and process have manuals and are integrated into training programs.

A 106 page **Security Plan** was submitted and reviewed by the City 3rd Party expert and was approved without comments. It contained a thorough demonstration of compliance with extensive narrative supported by diagrams to say and show how the operation will comply with State and City Regulations. Covered all aspects of a secure and compliant Cannabis Retail operation components like theft reduction, cash management, Morning – Start of Shift – During Shift – End of Shift SOP’s.

Security Guards: A Security Guard will be onsite 24 hours a day, unless modified by City Council. This 3rd Party Security company has a credentialed, experienced subject matter expert ownership to facilitate the hiring and training of Guards based on a handbook of specific Standard Operating Procedures. The onsite Guard monitors the day to day operations, periodically makes rounds inside and out, oversees all unloading and loading of deliveries. The company has all the required State Licenses and Insurance.

Business Plan: A 92-page Business Plan was submitted and received approval without comments. The Plan covers vast requirements from proof of capital, a plan and budget to open and operate. Facility Diagrams. Standard Operating Procedures. Customer Check In.

Deliveries: All loading and unloading will occur in a dedicated space, closest to the Secure Door. All loading and unloading activities will be under video camera surveillance and under the supervision of the Guard.

###

BEFORE



AFTER



Support Letters

The Mercantile

141 E 16 th St

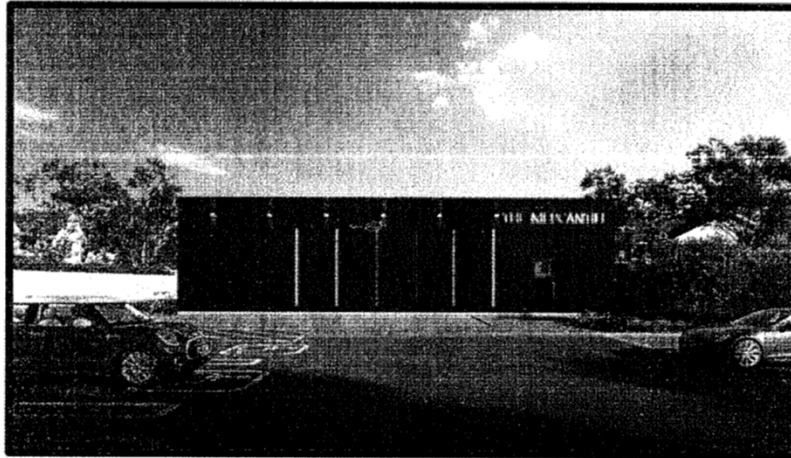
= 41



SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Jared Haiger

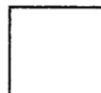
Signature: [Redacted Signature]

Address: 133 E 16th Street Space 1

Date: 6-29-23



Resident

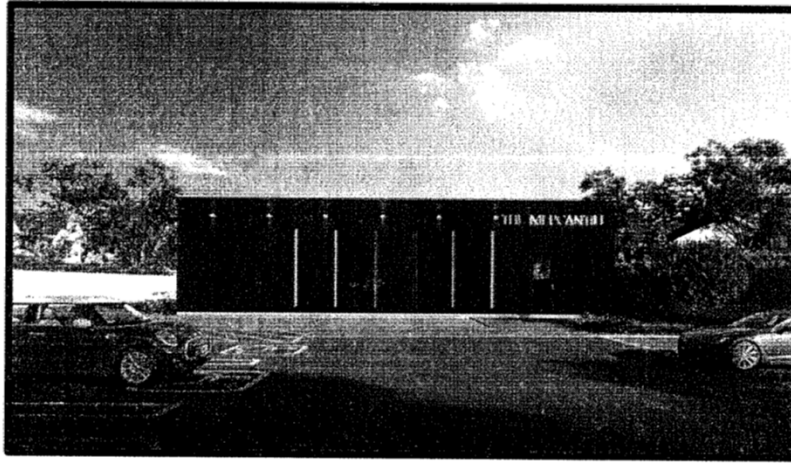


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Ashlyn van der Linden

Signature: 

Address: #2

Date: 6/27/2023

☒

Resident

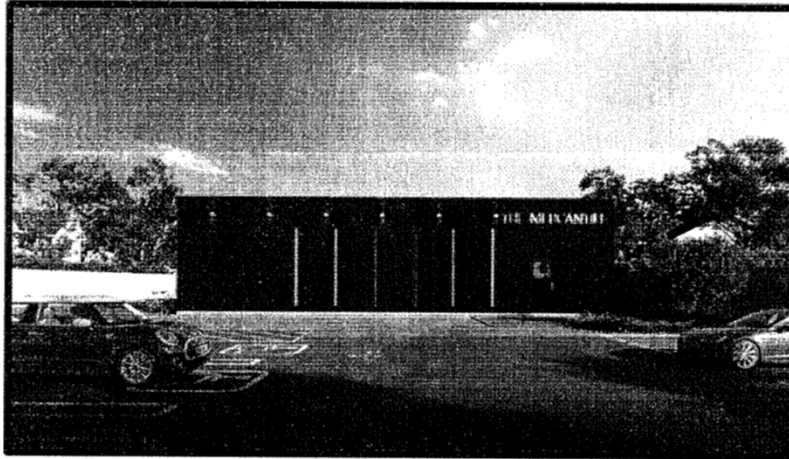
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Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

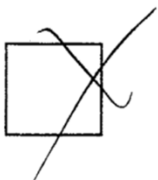
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Kenny Gutierrez

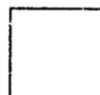
Signature: [Redacted Signature]

Address: 133 E. 16th St. #4

Date: 6-27-2023



Resident

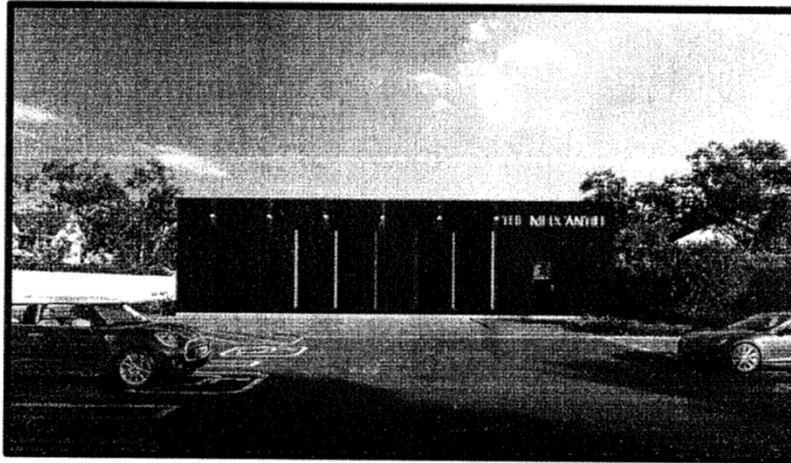


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Linda Jersey

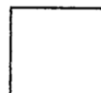
Signature: [Handwritten Signature]

Address: 133 E 16th Street #7

Date: 6/27



Resident

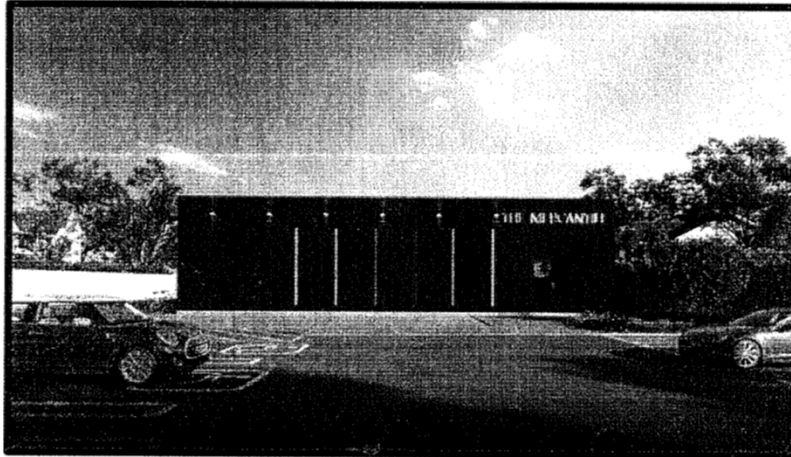


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Leslie Dye

Signature: [Redacted Signature]

Address: 133 E 16th St. #10 - Costa Mesa

Date: 6/27/23

☒

Resident

☐

Business

SUPPORT

THE MERCANTILE

141 East 16th St. Costa Mesa



Hours: 7 AM to 10PM

I am a neighbor, and I support the project at 141 E 16th St to transform the historic Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Elizabeth Wickins

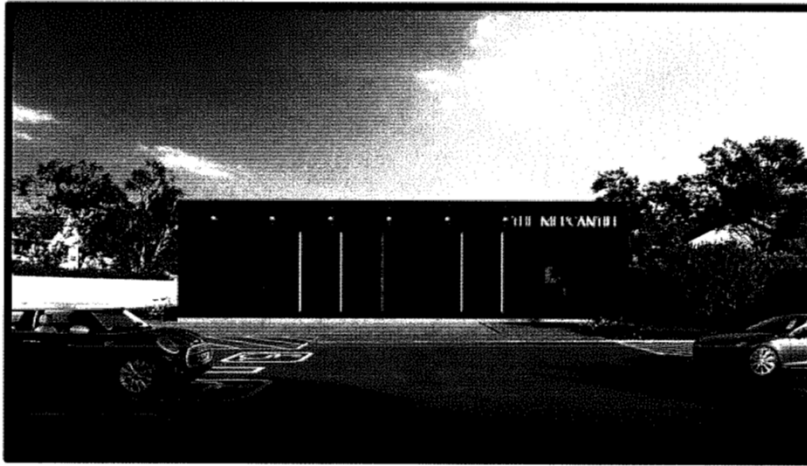
Address: 133 E. 16th St apt 11. Costa Mesa CA
92627

Date: October 2022

SUPPORT

THE MERCANTILE

141 East 16th St. Costa Mesa



Hours: 7 AM to 10PM

I am a neighbor, and I support the project at 141 E 16th St to transform the historic Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Yimi Martinez

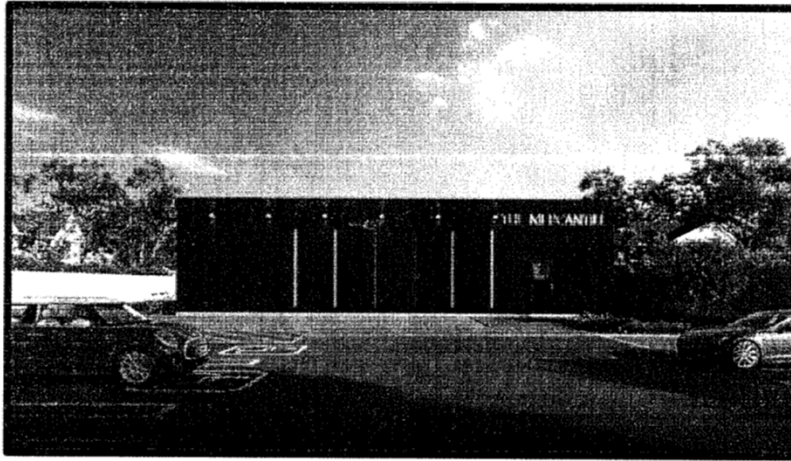
Address: 138 E 16th St¹² Costa Mesa

Date: October 2022

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

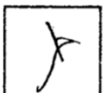
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Brandi Gray

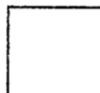
Signature: [Handwritten Signature]

Address: 133 E 16 #14

Date: 6-27-23



Resident

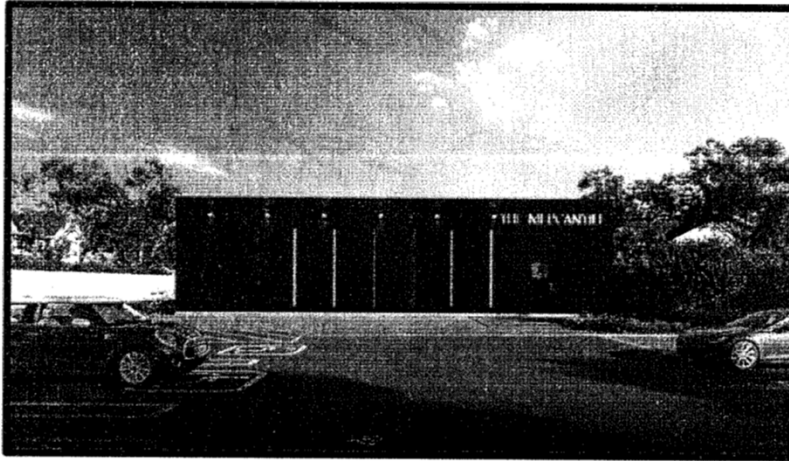


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name:

Katie McGerty

Signature:

[Redacted Signature]

Address:

133 East 16th St. #14 Costa Mesa Ca

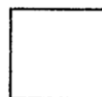
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Date:

6/22/23



Resident

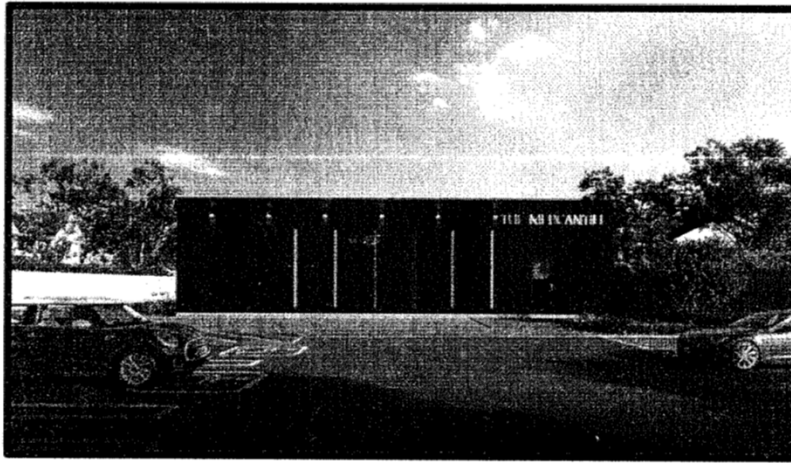


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name:

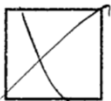
Charles Mauer

Signature:

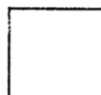
Address: 137 E 16 St #16 Costa Mesa

Date:

6/29/30



Resident

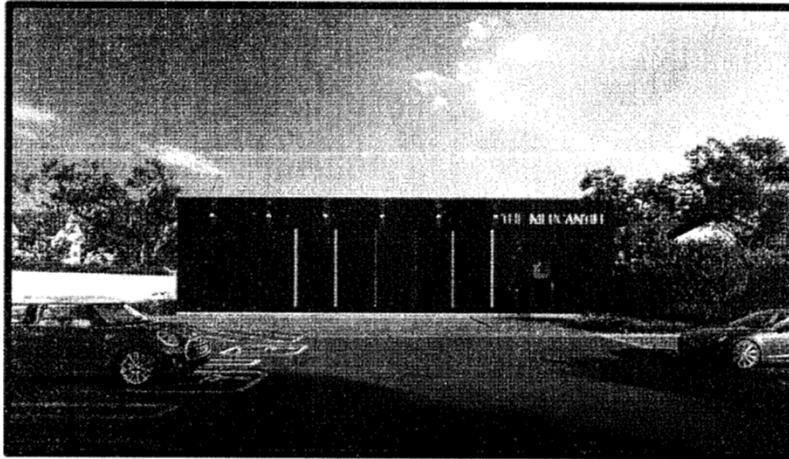


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Chris Denis

Signature: [Handwritten Signature]

Address: 133 E 16th St Apt 17

Date:

☒

Resident

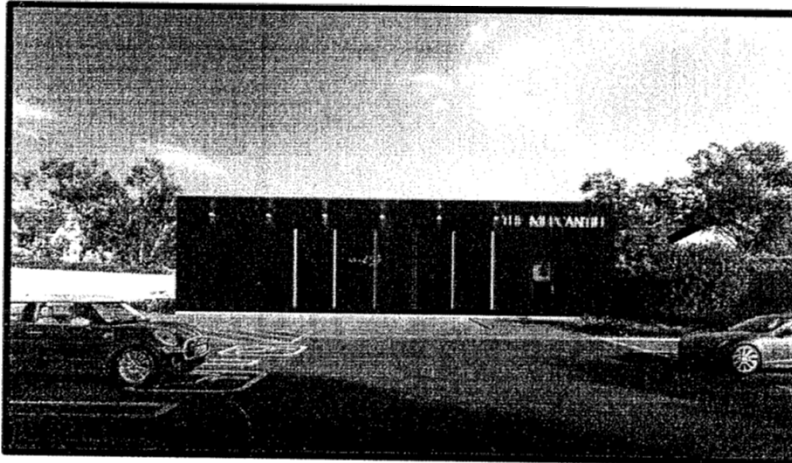
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Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Michael Verdin

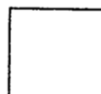
Signature: [Redacted Signature]

Address: 133 E 16th St, Unit 16, Costa Mesa
92627

Date:



Resident

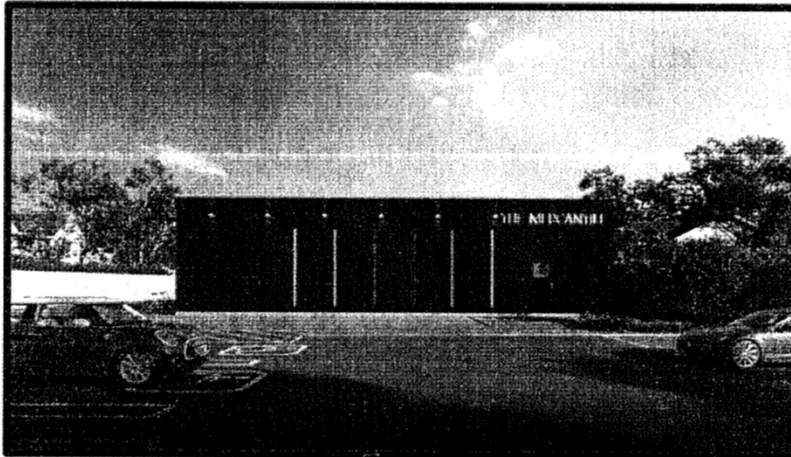


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Woods Vernon-Moore

Signature: [Redacted Signature]

Address: 133 E 16th St #20

Date: 6/29/23

☒

Resident

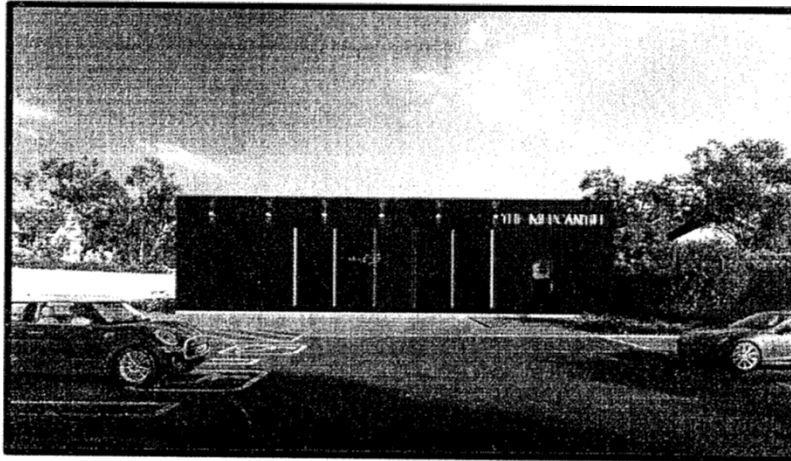
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Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

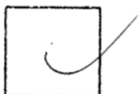
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Alex Myrnes

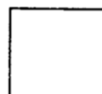
Signature: Alex Myrnes

Address: 733 E 76th Street # 27

Date: July 7



Resident

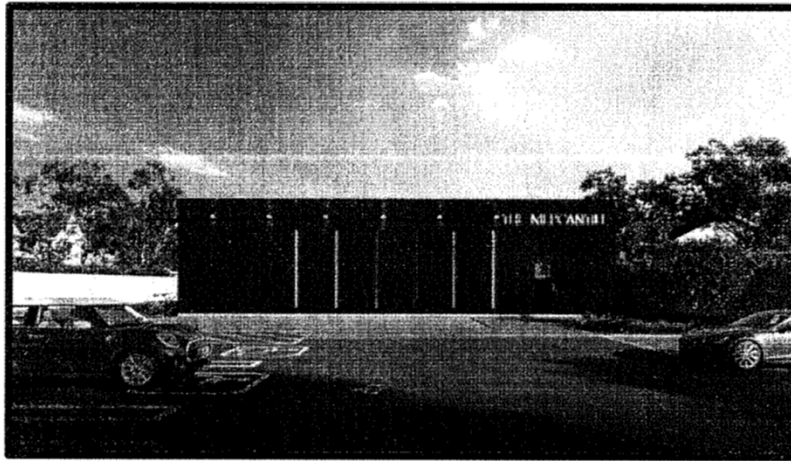


Business

SUPPORT

MERCANTILE


141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Danica Dunville

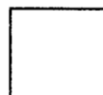
Signature: 

Address: 133 E 16th St Space 22
Costa Mesa 92627

Date:



Resident

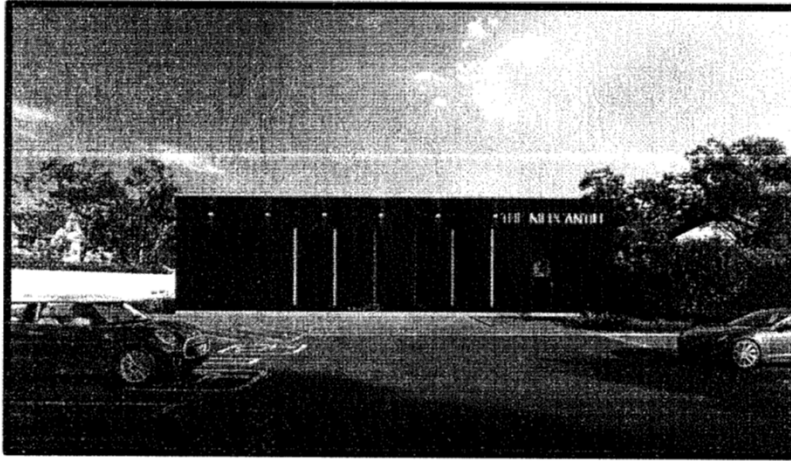


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name:

Kevin Lyons

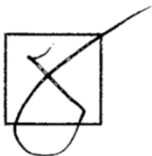
Signature:

Address:

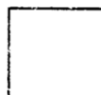
133 E. 16th #24 CM, CA

Date:

9/20/77



Resident

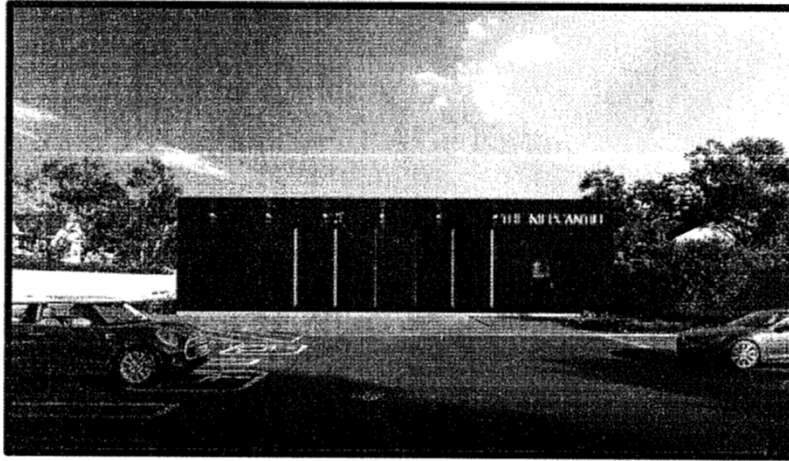


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Jessica Arnold

Signature: [Redacted Signature]

Address: 133 E 16th #25

Date: 6/27/03

☒

Resident

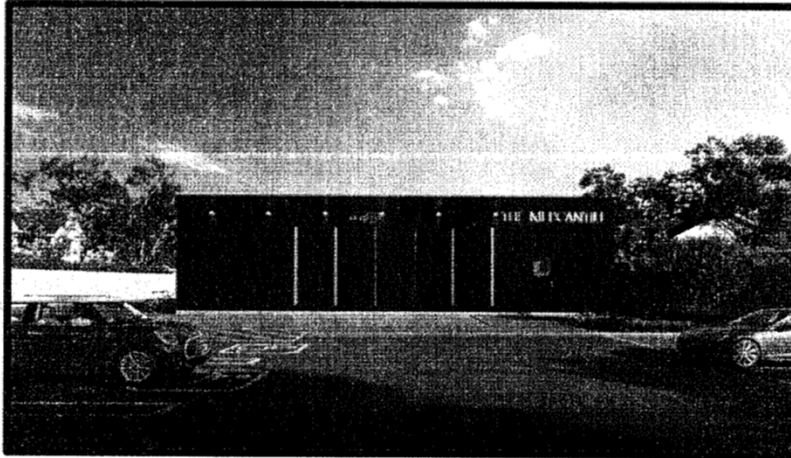
☐

Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: RAYNE ROSE

Signature: 

Address: 177 16th ST 2nd

Date: 6-

☒

Resident

☐

Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name:

Chris VanDusen Melan

Signature:

[Redacted Signature]

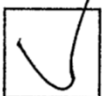
Address:

28 133 E. 16th St

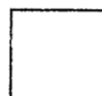
Costa Mesa, CA

Date:

6-27-23



Resident

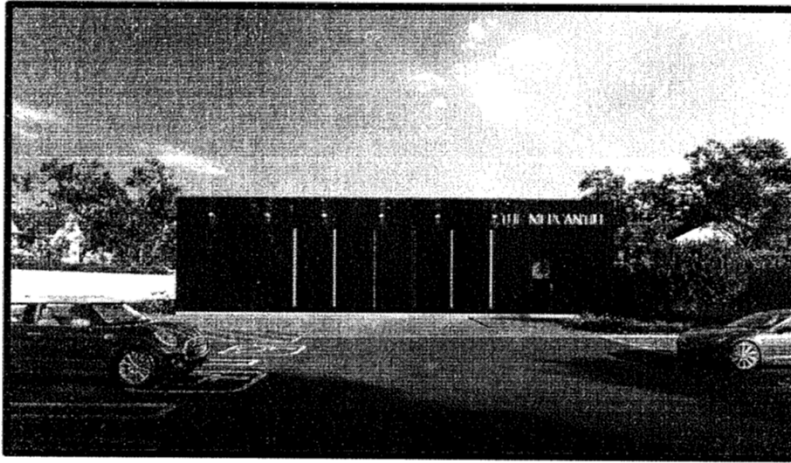


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: George (Jack) Dennis

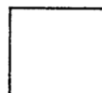
Signature: [Redacted Signature]

Address: 133 E 16th Street, unit #31

Date: 6/27



Resident

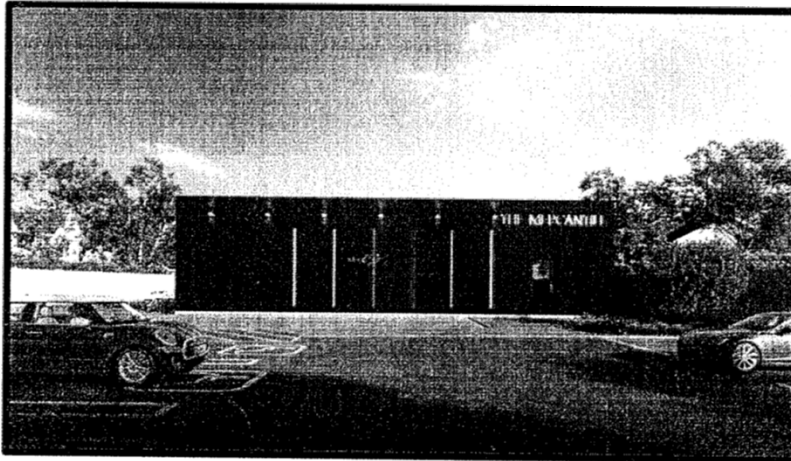


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: _____

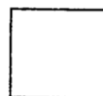
Signature: _____

Address: _____

Date: _____



Resident




Business

MERCANTILE

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Address: 133 E 16th St 37



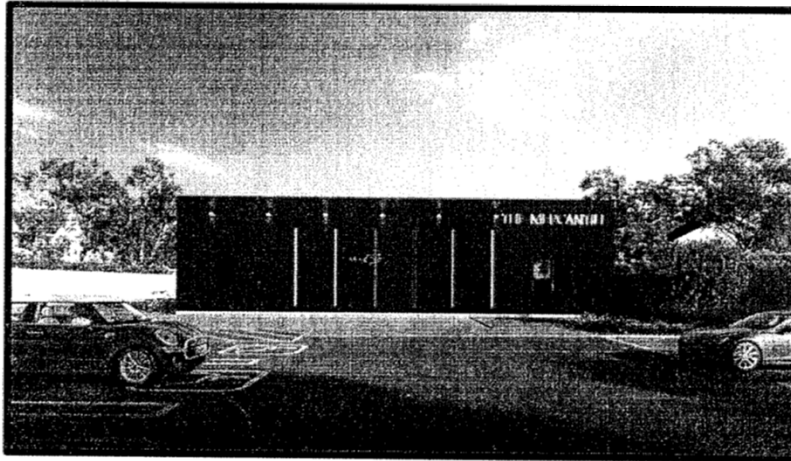
11

182

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name:

Kim Siewers

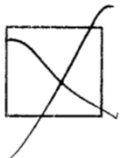
Signature:

Address:

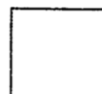
133 E 16th St #42 Costa Mesa
92627

Date:

7/1/23



Resident

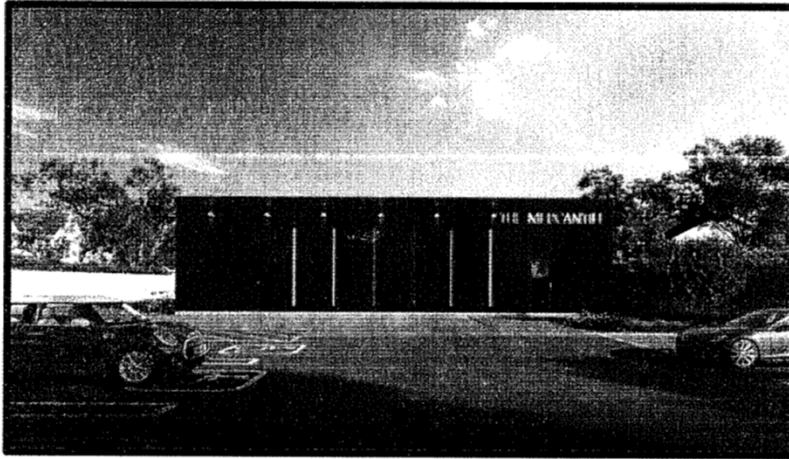


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Frazer Zausch

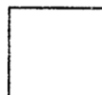
Signature: [Redacted]

Address: 133 E 16th St 43

Date: 7/1/23



Resident

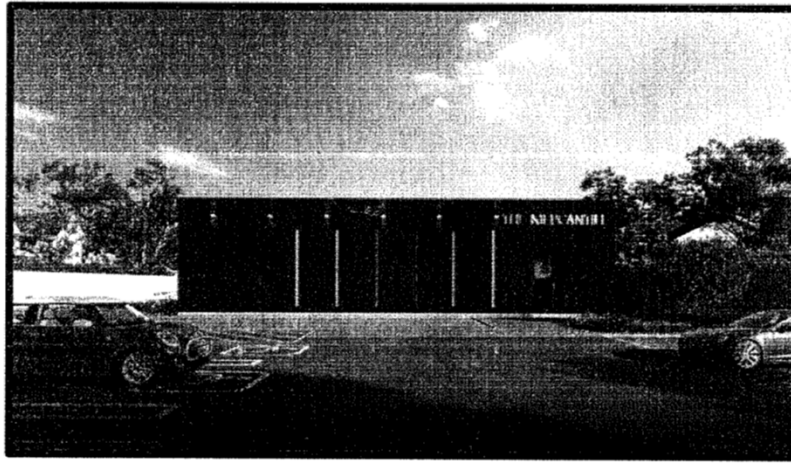


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

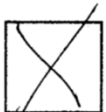
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Shane Fitzgerald

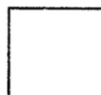
Signature: 

Address: 133 E 16th St 44 92627

Date: 06/29/23



Resident

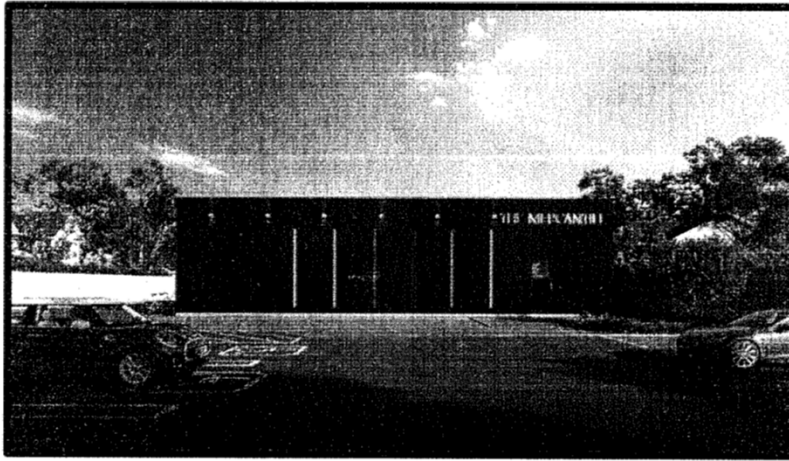


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

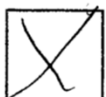
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Dixie Kuvshnikov

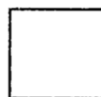
Signature: [Handwritten Signature]

Address: 133 E 16th St 44 Costa Mesa 92627

Date: 06/29/23



Resident

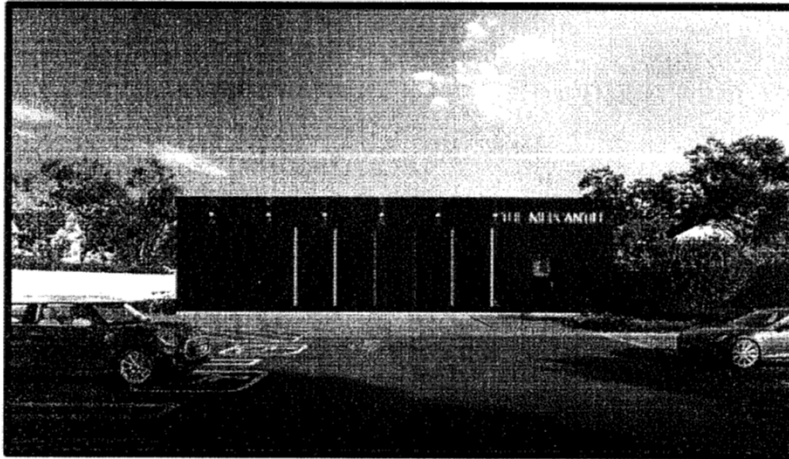


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

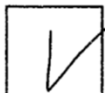
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: _____

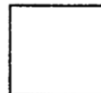
Signature: _____

Address: _____

Date: _____



Resident

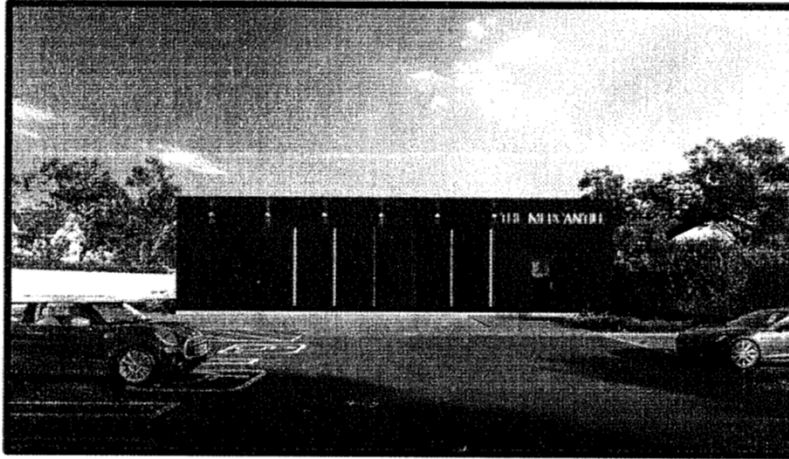


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

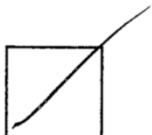
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: JOSEPH LESLIE

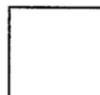
Signature: [Redacted Signature] #9

Address: Jayleslie405@gmail.com

Date: 6/27/23



Resident

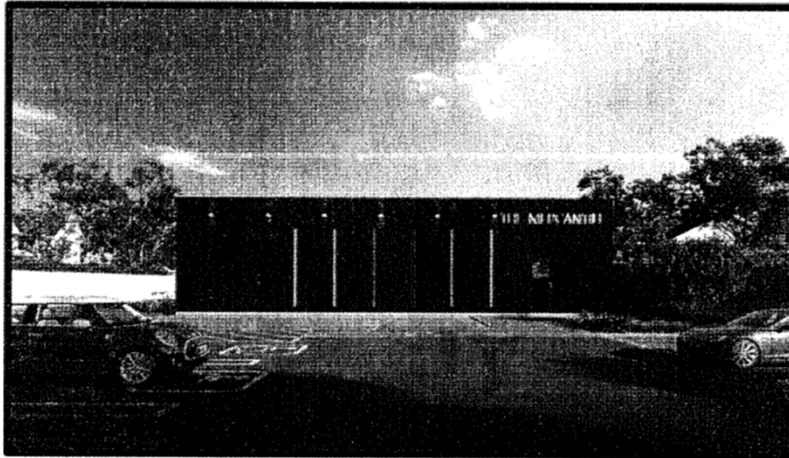


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

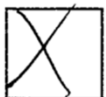
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Chris MacLean

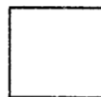
Signature: 

Address: 133 E 16th Spc 49 Costa Mesa

Date:



Resident

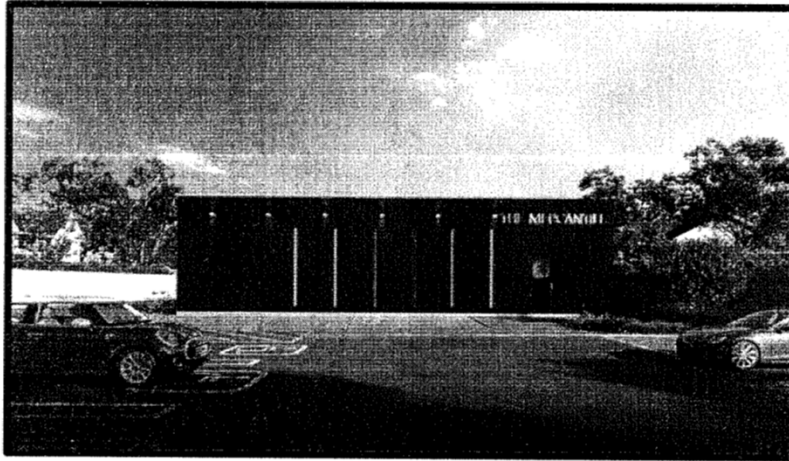


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Megan Escobedo

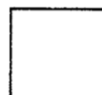
Signature: [Handwritten Signature]

Address: 133 E 16th St. #50, Costa Mesa, Ca.
92626

Date: 6/27/25



Resident

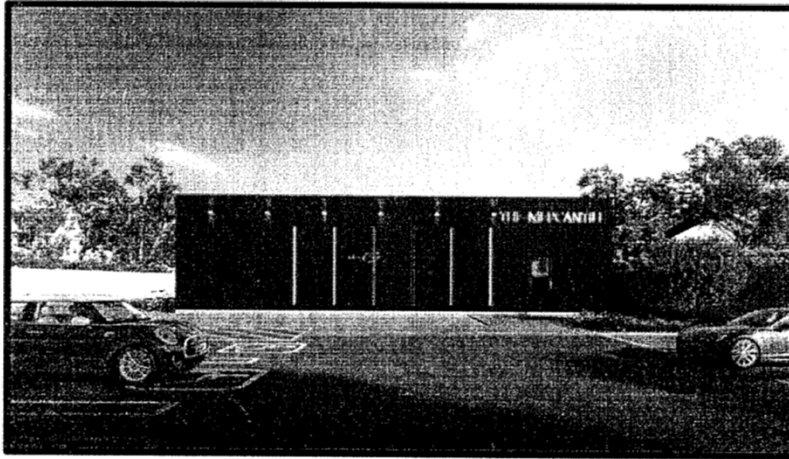


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: CHANDRE RICHARD

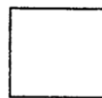
Signature: [Signature]

Address: 133 E. 16TH STREET #54, COSTA MESA CA 92627

Date: 7/1/2023



Resident

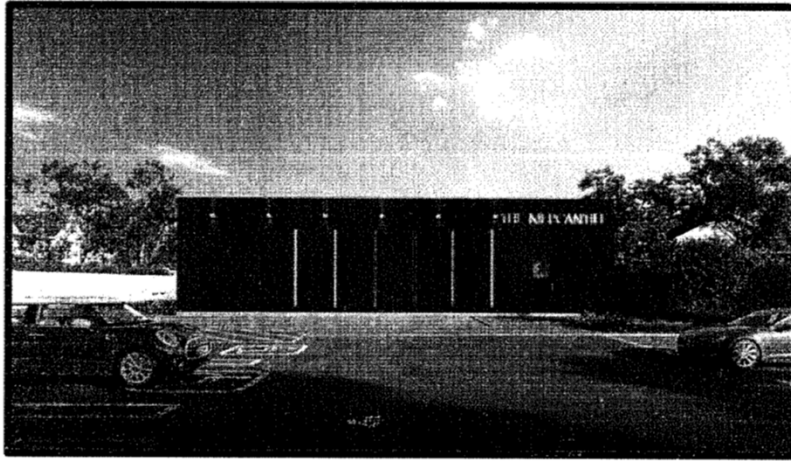


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Jeff Mather

Signature:

Address: 133 E 16th St # 54

Date:

☒

Resident

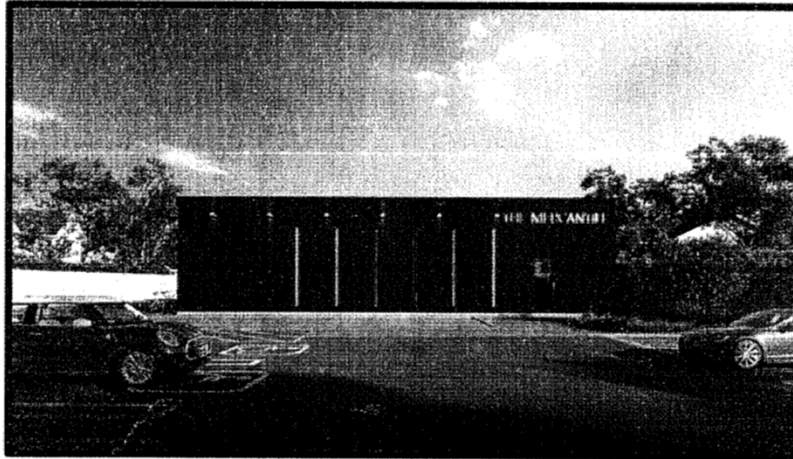
☐

Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

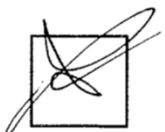
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: DANIEL HOVAGIMIAN

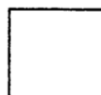
Signature: [Redacted Signature]

Address: 133 E. 16th St. Space #59 COSTA MESA, CA

Date:



Resident

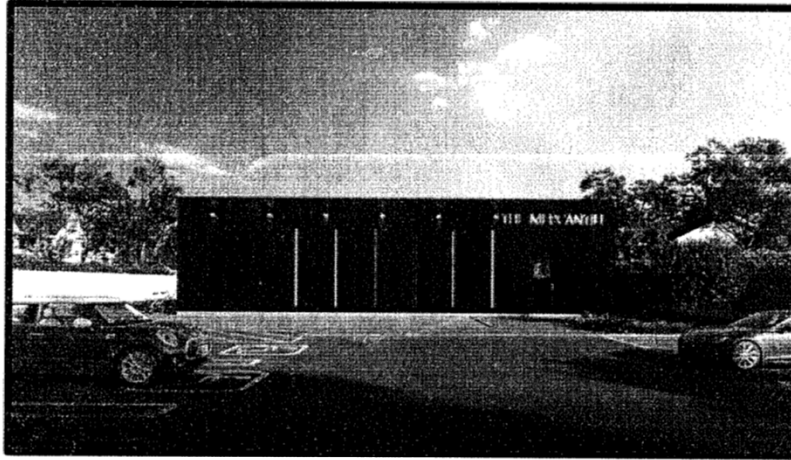


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Share Uzelac

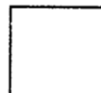
Signature: [Handwritten Signature]

Address: 133 E 16th St SPC 62 Costa Mesa CA

Date: 06/27/2023 92627



Resident

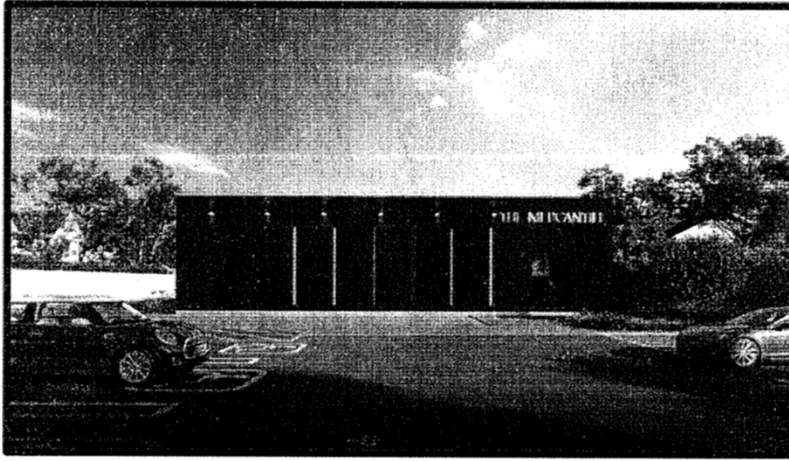


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: NORMAN BATCHELDER

Signature: [Redacted Signature]

Address: 126 E. 16TH ST.

Date: 6-29-23



Resident

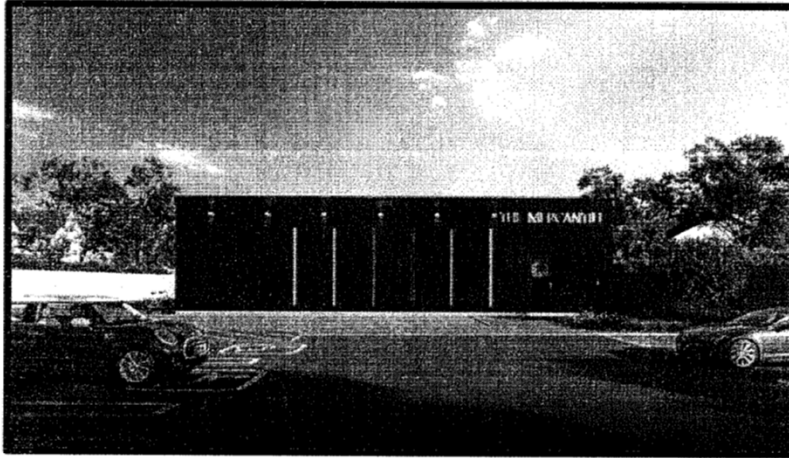


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Samuella Hohaiek

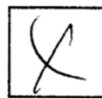
Signature: [Redacted Signature]

Address: 126 E. 16th St, #A C.M.

Date: 6-27-23



Resident

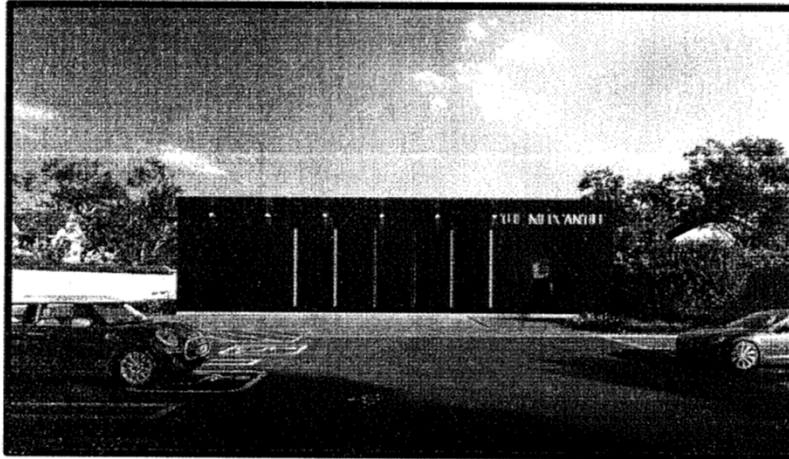


Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: MATTE GREENE

Signature: [Redacted Signature]

Address: 126 E 16th St. #4

Date: 6-27-23

☐

Resident

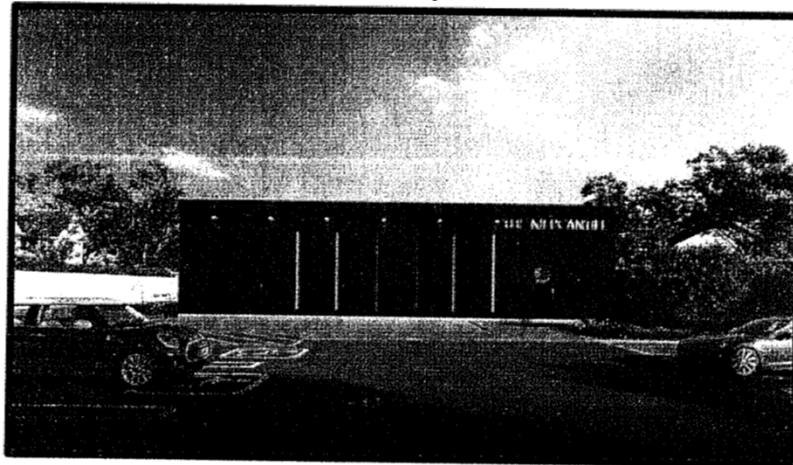
☒

Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Mark Mellor

Signature Mark Mellor

Address: 126 E, 16th St - 1A CM

Date: 6/22/23

☐

Resident

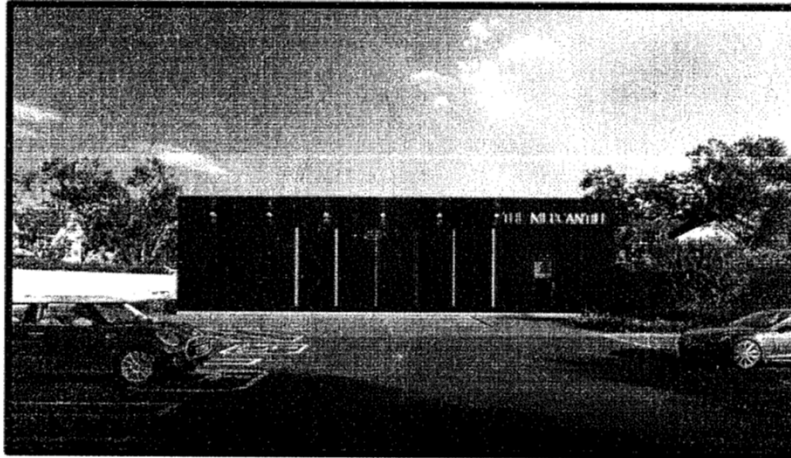
☒

Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Jay Monet

Signature: Jay Monet

Address: 126 16th St. Costa Mesa, CA. 92627

Date: 6/27/23

☐

Resident

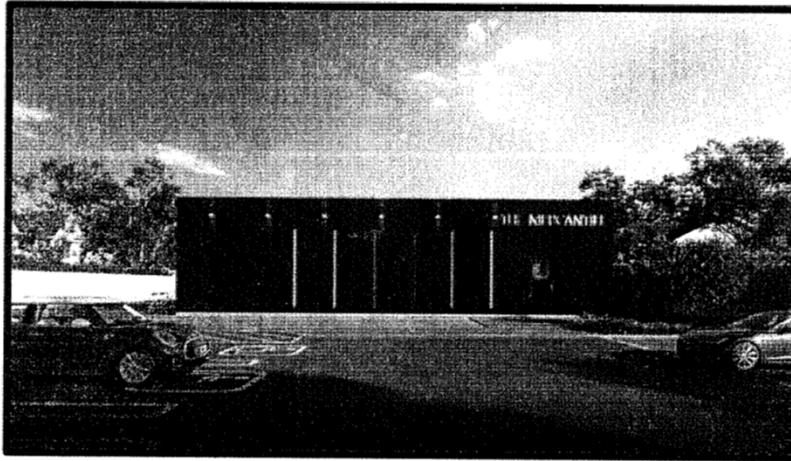
☒

Business

SUPPORT

MERCANTILE


141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Juan Hernandez

Signature: 

Address: 116. E 16th St Costa Mesa, CA 92627

Date: 6/27/23

☐

Resident

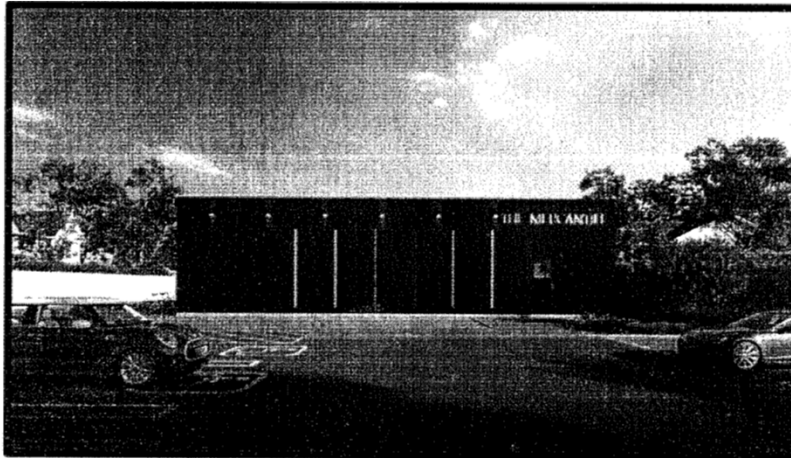
☒

Business

SUPPORT

MERCANTILE

141 East 16th St, Costa Mesa



Hours: 7 am to 10pm

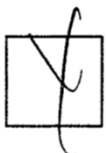
I am a neighbor, and I support the project at 141 E 16th St to transform the former Boat Yard that operated 24 hours a day, seven days a week by modernizing the property, adding landscaping and improving the neighborhood.

Name: Scott Porter

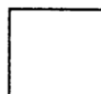
Signature: [Handwritten Signature]

Address: 256 Knox St. Costa Mesa

Date: 6-29-23



Resident

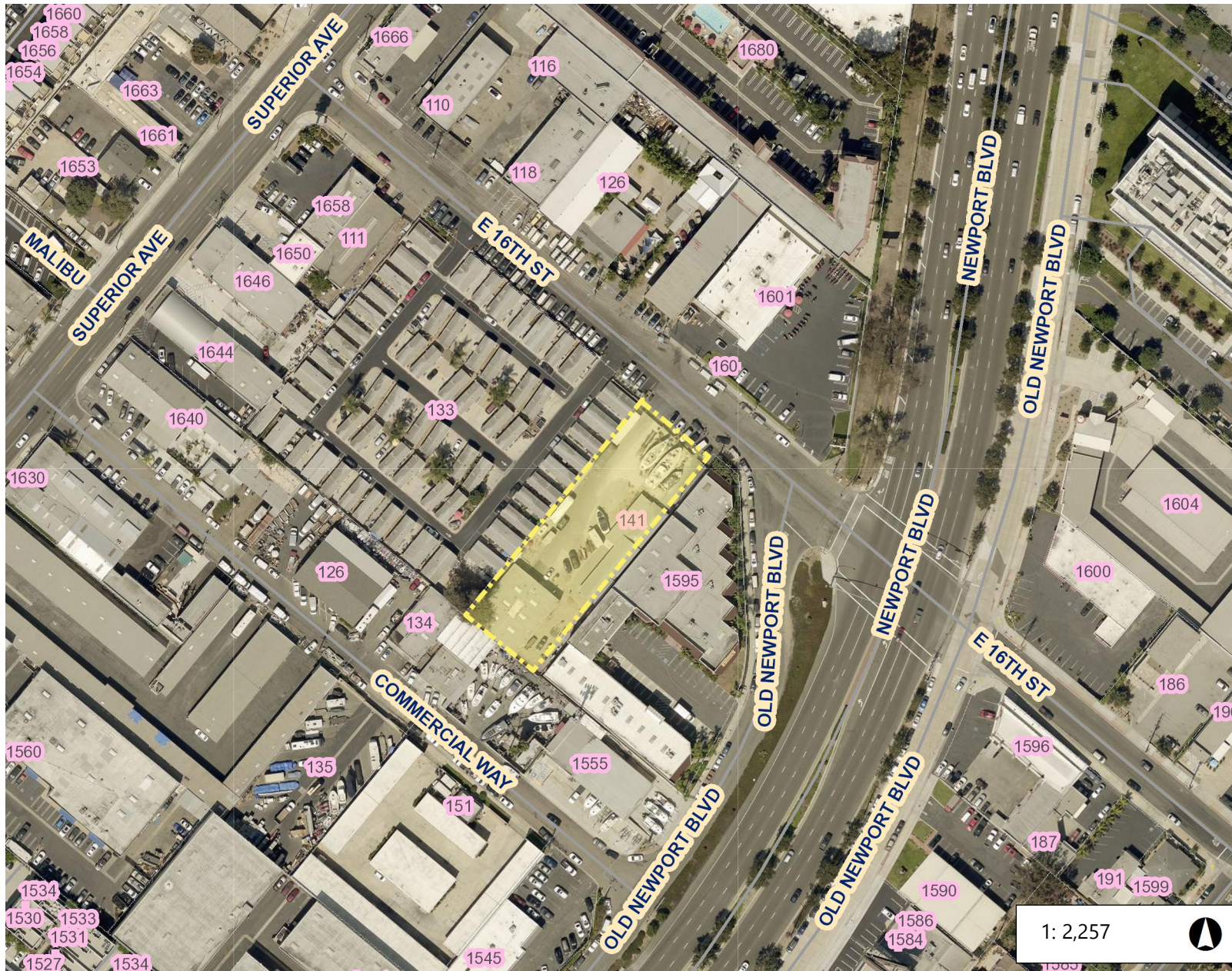


Business



Legend

 Costa Mesa



1: 2,257



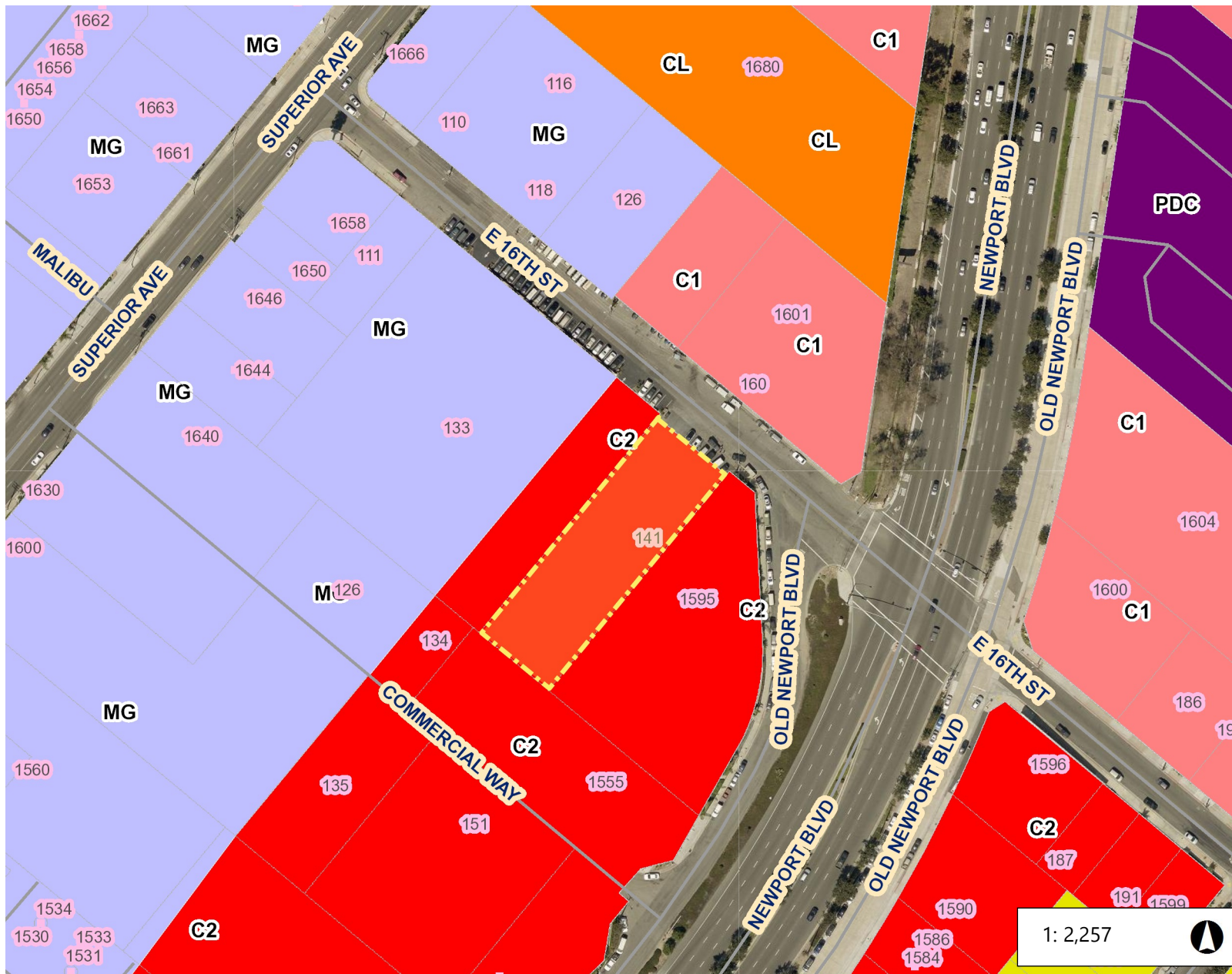
0.1 0 0.04 0.1 Miles

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.

Notes

PA-22-12
141 E. 16th Street



Legend

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

1: 2,257



0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Costa Mesa

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Notes

PA-22-12
141 E. 16th Street

EXISTING SITE PHOTOS 141 E. 16TH STREET



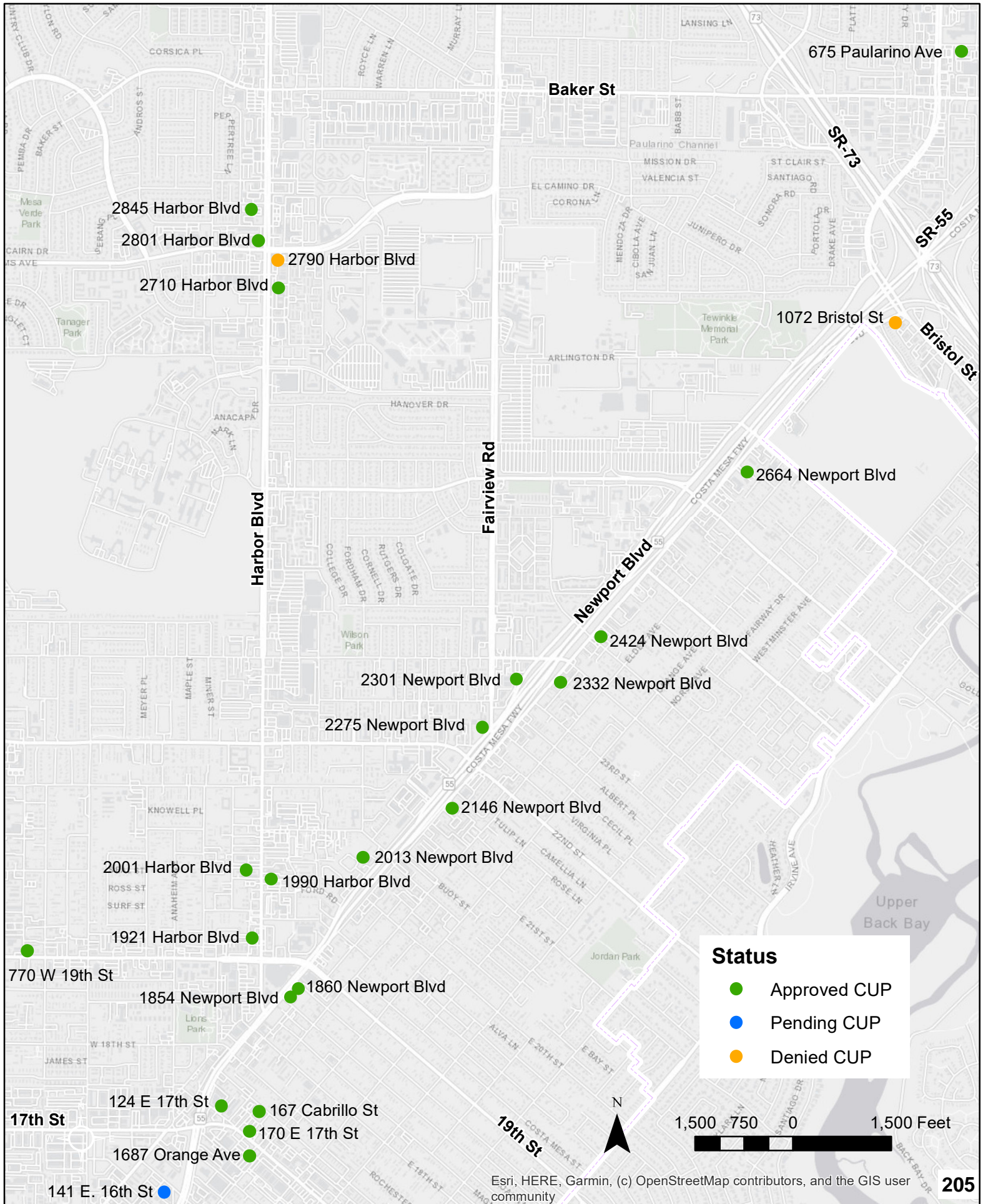
View from W. 16th Street (proposed storefront is in the gray building in the rear)



View from W. 16th Street facing the adjacent mobile home park

Cannabis Storefront CUPs

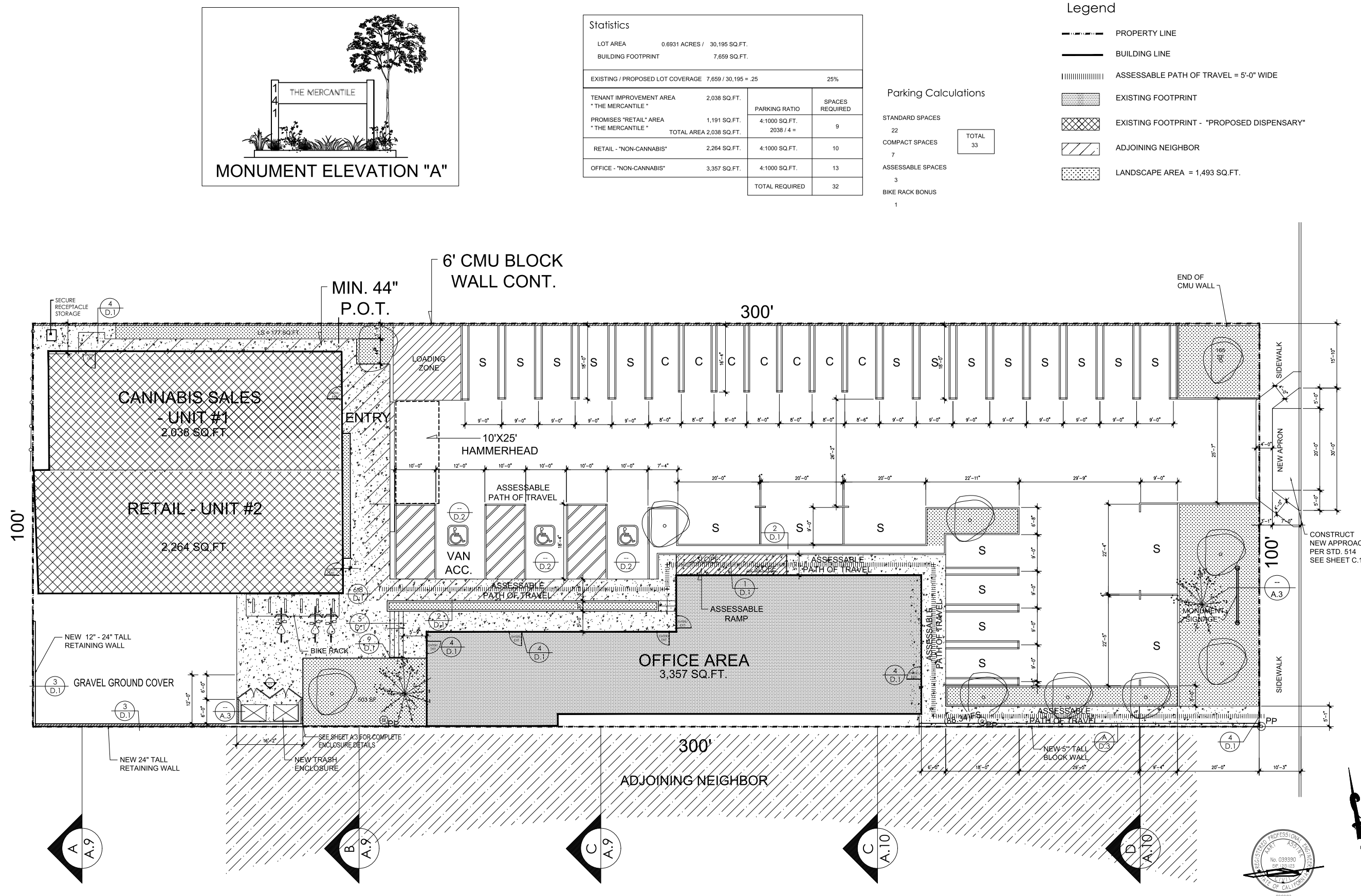
ATTACHMENT 6



2706 Artesia Blvd. Suite D
Redondo Beach, Ca. 90278

C.3

SCALE 3/32" = 1'-0"



- o 310.920.9995

e dg@dgassoc.net

w dgassoc.net

PROPERTY ADDRESS:

141 E. 16th St..
Costa Mesa, Ca. 92627

CLIENT:

The Mercantile
141 E. 16th St..
Costa Mesa, Ca. 92627

[illegible]











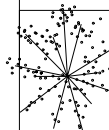
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IMMEDIATELY IF DISCREPANCIES OCCUR. SHOP
DRAWINGS SHALL BE SUBMITTED TO THIS OFFICE
FOR REVIEW PRIOR TO FABRICATION.

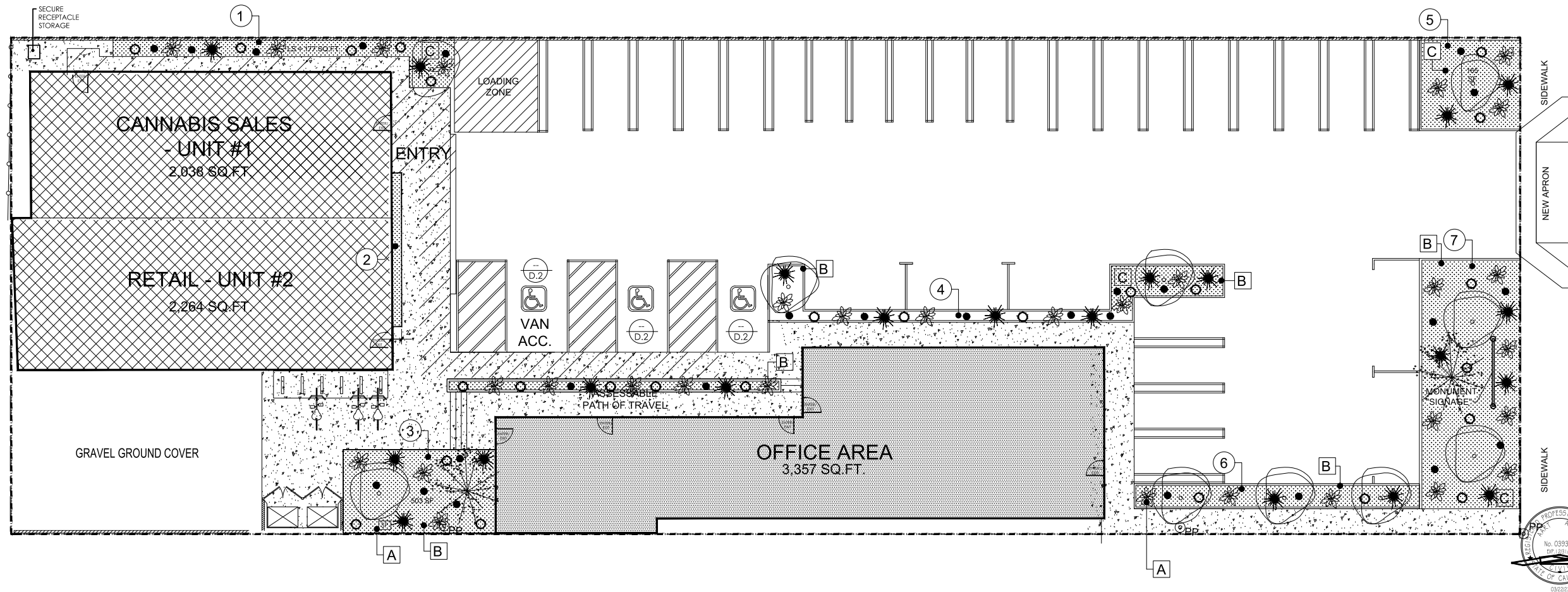
DRAWN BY: D.GREGG DATE : 06/06/23

PROPOSED LANDSCAPE PLAN

LP.1

SCALE 3/32" = 1'-0"


IRRIGATION SYSTEM		AREA CALCULATION									
TECHLINE DRIP SYSTEMS BY NEDIFIM		LOT AREA	29,621 S.F.								
[A] REMOTE CONTROL VALVE W/ DISC FILTER VALVE AND PRV	HARDSCAPE AREA (EXCLUDING FOOTPRINT (7,659 sf)		21,162 S.F.								
	LANDSCAPE AREA		800 S.F.								
[B] TECHLINE 17mm DRIPPERLINE	<div><div>1</div>AREA = 275 SQ. FT.</div> <div><div>2</div>AREA = 58 SQ. FT.</div> <div><div>3</div>AREA = 503 SQ. FT.</div> <div><div>4</div>AREA = 475 SQ. FT.</div> <div><div>5</div>AREA = 338 SQ. FT.</div> <div><div>6</div>AREA = 244 SQ. FT.</div> <div><div>7</div>AREA = 929 SQ. FT.</div>										
				BLUE FESCUE		YUCCA		MEXICAN FEATHER GRASS		PHORMIUM DAZZLER	
[C] MANUAL FLUSH VALVE				PLANT LEGEND							
<h3>SPECIFICATIONS.</h3> <p>Dripper flow rates: 0.4, 0.6 or 0.9 GPH. MAX = 2.0 Dripper spacings: 12", 18" or 24" (24" available in 0.6 and 0.9 GPH only) .</p> <p>Pressure compensation range: 7 to 70 psi (stainless steel clamps recommended above 50 psi)</p> <p>Maximum recommended system pressure: 50 psi</p> <p>Tubing diameter: 0.66" OD; 0.56" ID; 0.050" wall .</p> <p>Coil length: 100', 250' or 1,000' ,</p> <p>Recommended minimum filtration: 120 mesh .</p> <p>Bending radius: 7"</p>				SYMBOL	COMMON NAME	WATER USE	SIZE	HEIGHT	DIAMETER	TYPE	QUANTITY
					PHORMIUM DAZZLER	MEDIUM	5 GAL.	2-3 FT.	2-3 FT.	PLANT	24
					YUCCA	MEDIUM	5 GAL.	2-3 FT.	2-3 FT.	PLANT	21
					MEXICAN FEATHER GRASS	LOW	1 GAL.	1-2 FT.	1-2 FT.	GRASS	16
					BLUE FESCUE	LOW	1 GAL.	1-2 FT.	1-2 FT.	GRASS	29
					TOP SOIL W/ WOOD CHIPS OVER 2" ORGANIC MULCH	N/A	N/A	N/A	N/A	BASE	800 SQ.FT.
					CRAPE MYRTL	LOW	10 GAL.	10 FT.	4-6 FT.	TREE	11
			STELLAR PINK DOGWOOD	LOW	10 GAL.	10 FT.	4-6 FT.	TREE	2		





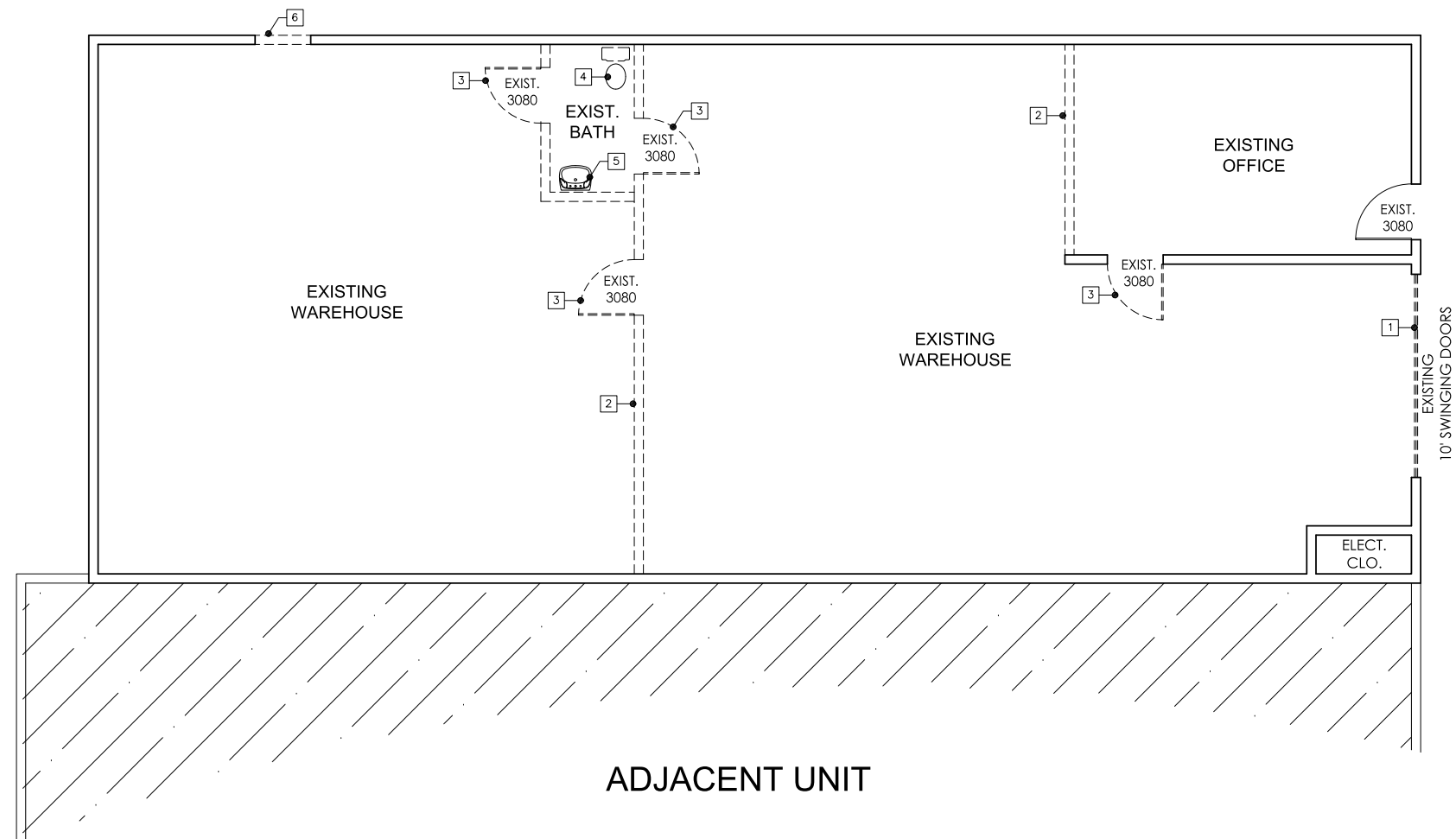
FLOOR PLAN KEY NOTES

- 1 DEMO EXISTING FRON SWINGING DOORS / PREP FOR NEW WINDOW PER A.2
- 2 DEMO EXISTING NON-BEARING WALL
- 3 DEMO EXISTING DOOR
- 4 DEMO EXISTING TOILET
- 5 DEMO EXISTING SINK
- 6 DEMO OPENING TO ACCOMMODATE NEW 3080 DOOR

WALL LEGEND

 EXISTING WALL

 WALL TO BE REMOVED

The logo for the DGA+ (Digital Game Architecture+) conference. It features the text "DGA+" in a large, bold, sans-serif font, with a plus sign. The text is white and is positioned on the right side of a dark, textured background that resembles a book cover or a folder. The background has a vertical crease or fold line running down the center.

DG+Associates llc
Design // Planning // Development

2706 Artesia Blvd. Suite D
Redondo Beach, Ca. 90278

o 310.920.9995
e dg@dgassoc.net
w dgassoc.net

PROPERTY ADDRESS:

141 E. 16th St..
Costa Mesa, Ca. 92627

CLIENT:

The Mercantile
141 E. 16th St..
Costa Mesa, Ca. 92627

ENERGY CONSULTANT:

STRUCTURAL ENGINEERING:
AART ASSINK ASSOCIATES
1611 El Prado Avenue
Torrance, Ca. 90501
Phone (310) 618-0782

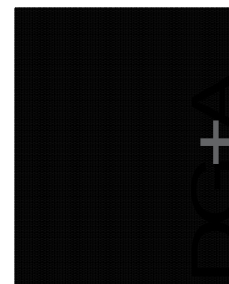
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EXISTING
FLOOR PLAN

A.1

DATE: 02/24/23 SCALE: 1/4" = 1'-0"



2706 Artesia Blvd. Suite D
Redondo Beach, Ca. 90278

o 310.920.9995
e dg@dgassoc.net
w dgassoc.net

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1611 El Prado Avenue
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Phone (310) 618-0782

[illegible]

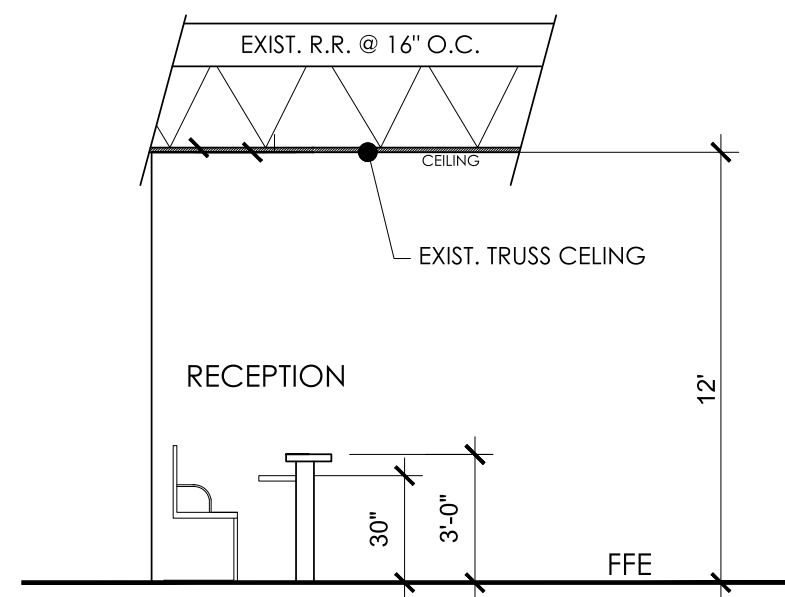
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FABRICATION.

DRAWN BY: D.GREG

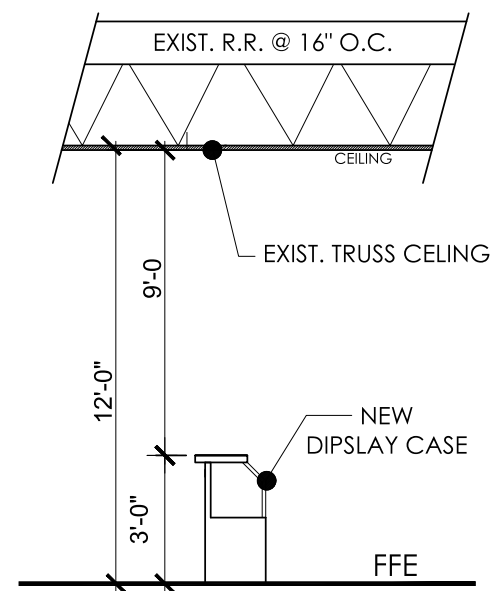
PROPOSED
FLOOR PLAN/ SECTIONS

A.2

DATE : 02/24/23 SCALE : 1/4" = 1'-0"



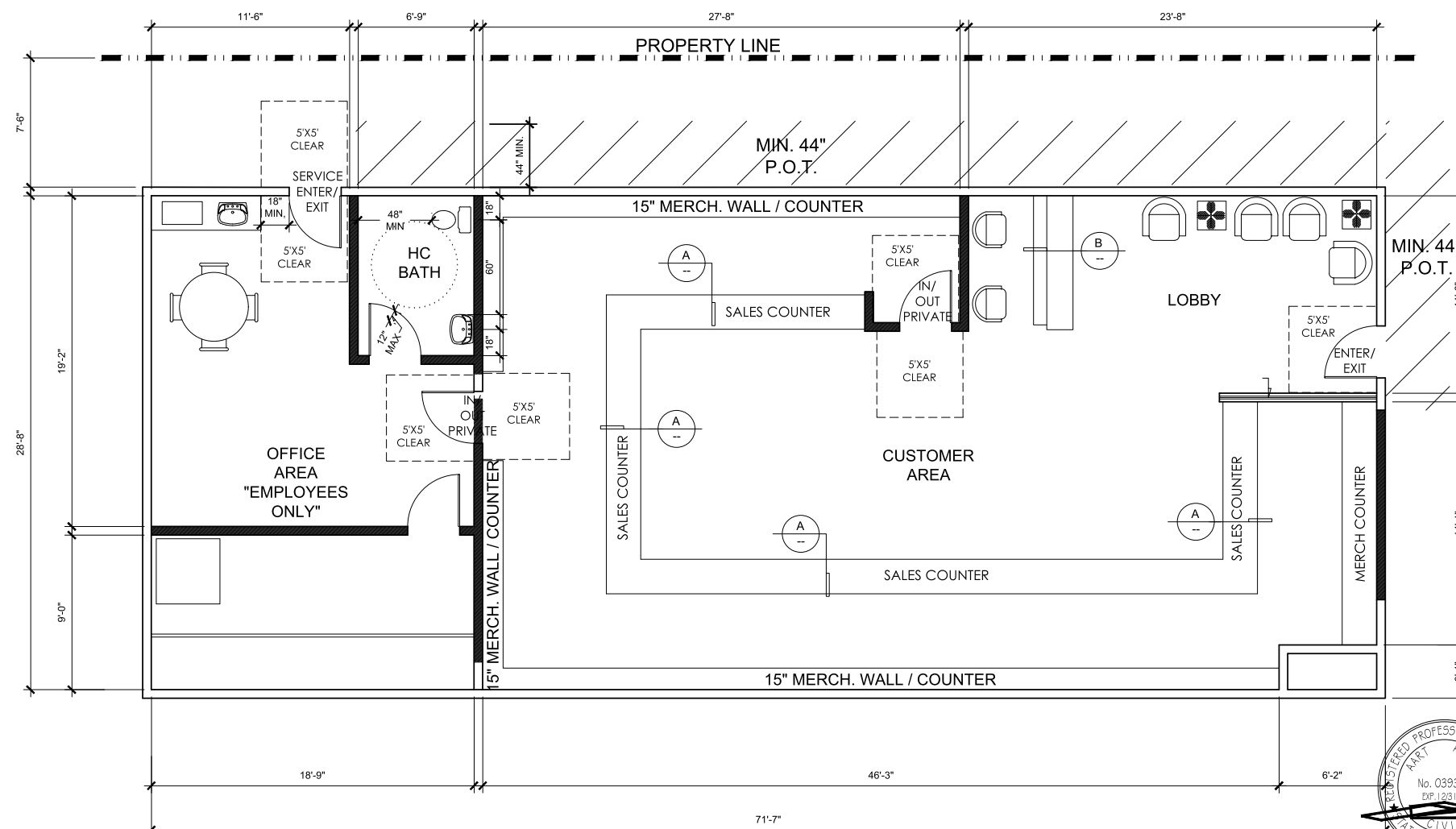
SECTION 'B'

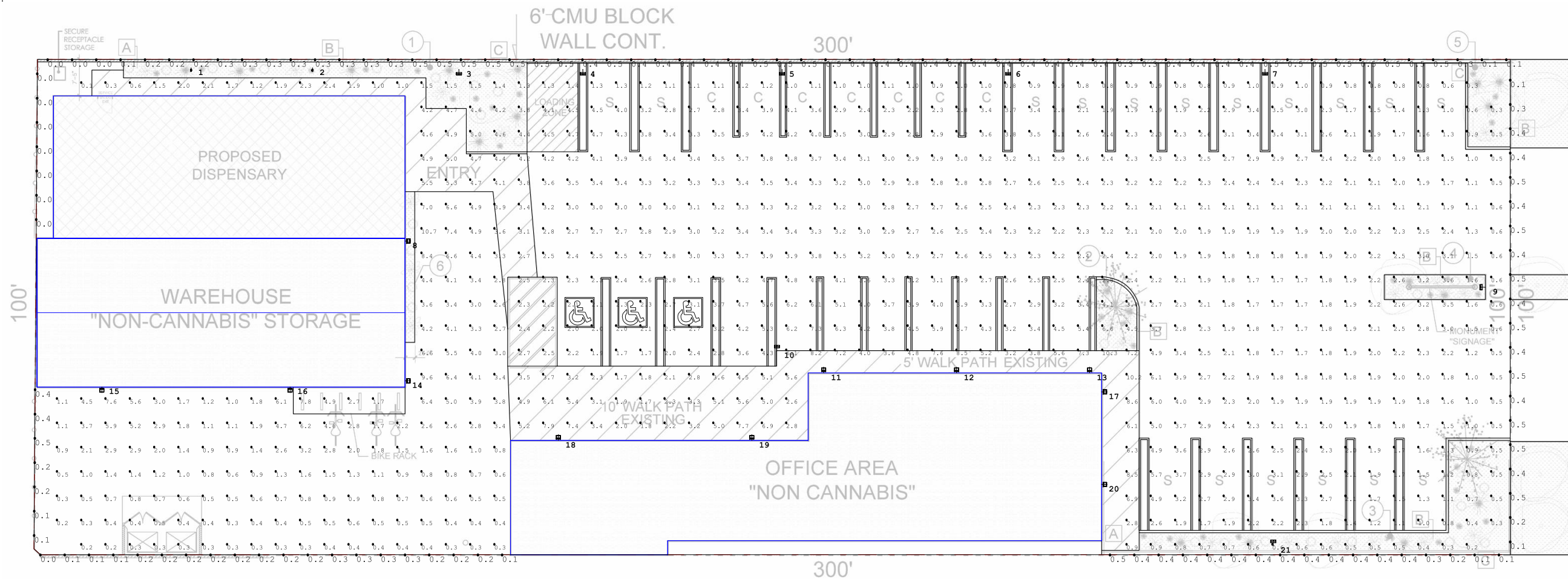


SECTION 'A'



FRONT ELEVATION





Luminaire Schedule					
Symbol	Qty	Label	Arrangement	Lum. Watts	Total Lamp Lumens/LLF
	11	WMX-SM-15W-30W-120V (30W)	SINGLE	30	4200 1.000
	8	LFX-LG-50-150W-120V (80W) - 1	SINGLE	80	13400 0.900
	2	LF4-12V-12W	SINGLE	12	1260 1.000

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min Max/Min
16th Street Workplane	Illuminance	Fc	2.62	10.7	0.1	26.20 107.00
Property Line	Illuminance	Fc	0.32	0.5	0.0	N.A. N.A.

Luminaire Location Summary						
LumNo	Label	X	Y	Z	Orient	Tilt
1	LF4-12V-12W	53.19	106.46	12	270	55
2	LF4-12V-12W	78.17	106.46	12	270	55
3	LFX-LG-50-150W-120V (80W) - 1	108.3	106.12	20.5	270	75
4	LFX-LG-50-150W-120V (80W) - 1	133.79	106.12	20.5	270	75
5	LFX-LG-50-150W-120V (80W) - 1	174.74	106.12	20.5	270	75
6	LFX-LG-50-150W-120V (80W) - 1	221.27	106.12	20.5	270	75
7	LFX-LG-50-150W-120V (80W) - 1	274.11	106.12	20.5	270	75
8	WMX-SM-15W-30W-120V (30W)	97.2	70.85	12	0	0
9	LFX-LG-50-150W-120V (80W) - 1	319.4	61.35	20.5	180	75
10	LFX-LG-50-150W-120V (80W) - 1	173.69	48.27	20.5	90	75
11	WMX-SM-15W-30W-120V (30W)	183.32	43.69	12	90	0
12	WMX-SM-15W-30W-120V (30W)	210.66	43.69	12	90	0
13	WMX-SM-15W-30W-120V (30W)	238	43.69	12	90	0
14	WMX-SM-15W-30W-120V (30W)	97.2	42.07	12	0	0
15	WMX-SM-15W-30W-120V (30W)	34.84	40.82	12	270	0
16	WMX-SM-15W-30W-120V (30W)	73.56	40.82	12	270	0
17	WMX-SM-15W-30W-120V (30W)	240.46	39.81	12	0	0
18	WMX-SM-15W-30W-120V (30W)	128.74	29.8	12	90	0
19	WMX-SM-15W-30W-120V (30W)	168.54	29.8	12	90	0
20	WMX-SM-15W-30W-120V (30W)	240.46	20.76	12	0	0
21	LFX-LG-50-150W-120V (80W) - 1	275.8	8.21	20.5	90	75

NOTES:

Luminaire Schedule - Summarizes specified luminaire types.

Calculation Summary - Summarizes calculation point metrics and Statistical Areas summaries along with their corresponding numerical analysis criteria.

Luminaire Location Summary - Summarizes specified luminaire locations. Arrangements and Groups are listed as single entities with the Arrangement/ Group Insertion Point as the location. For pole-mounted luminaires, X & Y refer to the pole location. Z is the height.

ALL VALUES SHOWN ARE MAINTAINED HORIZONTAL FOOTCANDLES AT GRADE

PHOTOMETRIC DATA USED AS INPUT FOR THESE CALCULATIONS IS BASED ON ESTABLISHED IES PROCEDURES AND PUBLISHED LAMP RATINGS. FIELD PERFORMANCE WILL DEPEND ON ACTUAL LAMP, BALLAST, ELECTRICAL, AND SITE CHARACTERISTICS.

Calculations have been performed according to IES standards and good practice. Some differences between measured values and calculated results may occur due to tolerances in calculation methods, testing procedures, component performance, measurement techniques and field conditions such as voltage and temperature variations. Input data used to generate the attached calculations such as room dimensions, reflectances, furniture and architectural elements significantly affect the lighting calculations. If the real environment conditions do not match the input data, differences will occur between measured values and calculated values.

WESTGATE
THE FUTURE IS HERE... AND IT'S QUITE BRIGHT

Westgate MFG Inc
2462 E. 28th St.,
Vernon, CA 90058

www.westgatemfg.com

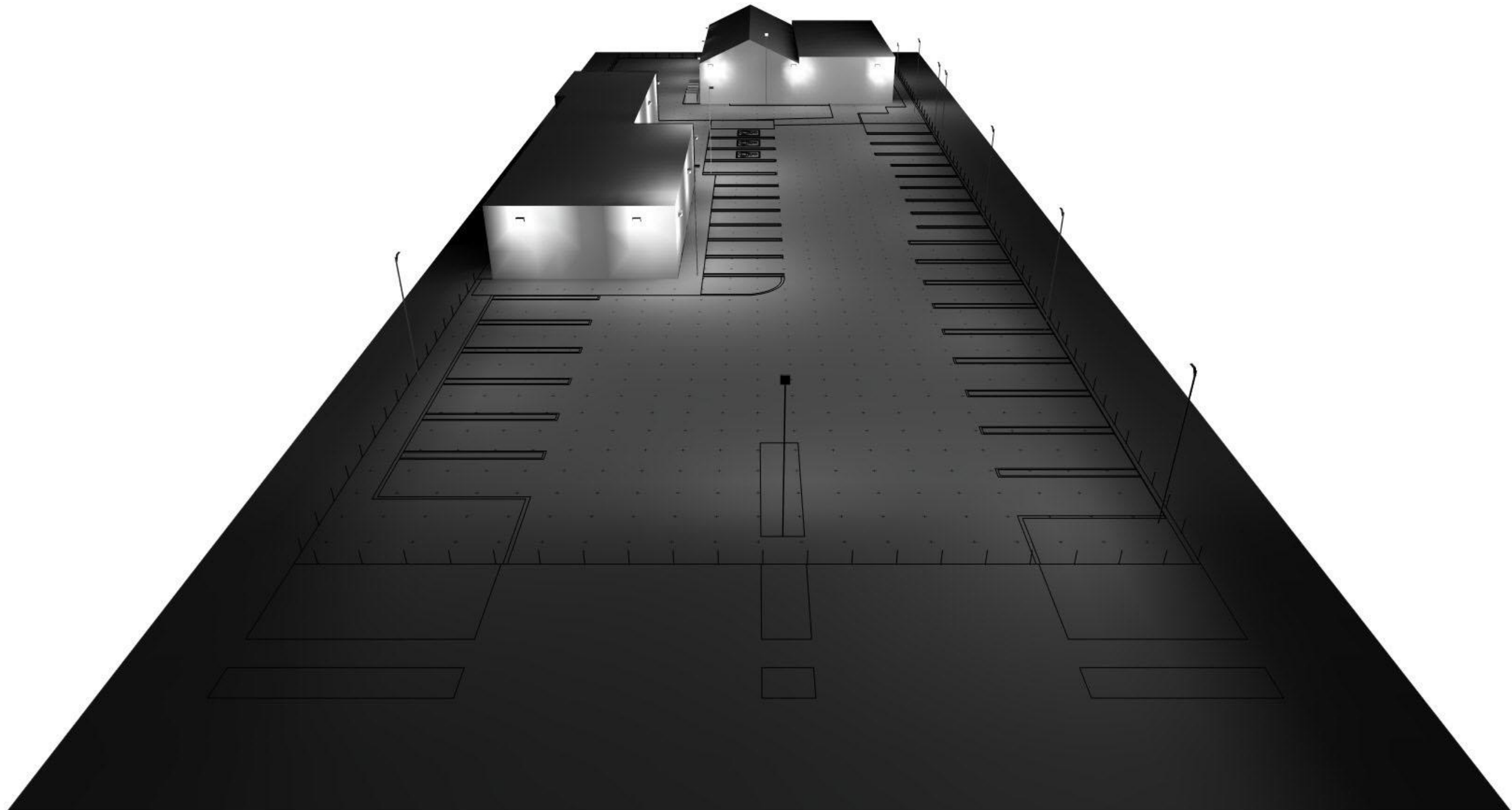


AGI32 VERSION 2.31
AGI(C)1999-2012 LIGHTING ANALYSTS, INC.
10440 BRADFORD ROAD - UNIT A
LITTLETON, CO 80127

PROJECT NAME
20319 | 16th Street

SHEET
1 OF 13

DATE
Date: 8/19/2022







HALLIGAN, MICHELLE

From: PARTIDA, ANNA
Sent: Monday, July 17, 2023 8:41 AM
To: HALLIGAN, MICHELLE
Subject: FW: 141 E. 16th St., Costa Mesa

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

From: Jean Klug <jkonbay@sbcglobal.net>
Sent: Saturday, July 15, 2023 5:34 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: 141 E. 16th St., Costa Mesa

Costa Mesa Planning Commission:

I have a rental property close to where the proposed cannabis shop is seeking a permit to operate. What kind of image is Costa Mesa trying to present to its visitors and residents? According to a quick and not very thorough search, we have 7 or 8 already..... (probably more.) Why do we want to promote such a business? A pot shop on every corner? We have many young people in this community who are influenced by advertisements and other users. Do we need a bunch of loaded people driving on our streets? I am absolutely opposed to granting any more permits for pot shops. Enough is enough! I don't care how much revenue they bring in for the City. Be a thinking, responsible Planning Commission and vote "NO" on this Use Permit.

Thank you.

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HALLIGAN, MICHELLE

From: PARTIDA, ANNA
Sent: Tuesday, July 18, 2023 4:52 PM
To: HALLIGAN, MICHELLE
Subject: FW: PA-22-12: Opposition Submission by local resident

From: Arturo Manas <arturo.manas@gmail.com>
Sent: Tuesday, July 18, 2023 4:48 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: PA-22-12: Opposition Submission by local resident

Dear Planning Commission,

My family (wife and 1 month old son) are **VERY** opposed to the conditional use permit for a retail cannabis store front at 141 E. 16th Street, Costa Mesa. We have lived within the Level 1 Community since the development was built in 2014. It is hard to understand that this "USE" is the highest and best consideration for the area. We are concerned with the increase in traffic and further congestion to the street parking along Newport Blvd that this use would bring. Furthermore, we don't think allowing a cannabis store around the corner from a drug and mental health treatment facility (Pillars Recovery @ 1545 Newport Blvd.) makes a whole lot of sense. We have dealt with vagrants, property damage and theft for several years now (all well documented with local authorities and our property hoa), so we would like to see the planning commission put more logical/rational effort into permit considerations for this location and others in the immediate area.

As a homeowner, father, husband, business professional trying to provide a safe and enjoyable environment, I'm frustrated and upset that the Planning Committee who approved the development of the Level 1 community has not made more of an effort to support the progression of the area surrounding our housing community. Please be more thoughtful of your Committee's uses going forward, as it directly affects the safety of my family and the value of my property.

Regards,

AJ & Michelle Manas
143 Tribeca Way
Costa Mesa, CA 92627

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HALLIGAN, MICHELLE

From: SeaBreezeVillas@verizon.net
Sent: Tuesday, July 18, 2023 4:33 PM
To: HALLIGAN, MICHELLE
Cc: FARRELL HARRISON, LORI ANN; DRAPKIN, SCOTT
Subject: Letter of Opposition to Contract Planner
Attachments: Ordinance No 202109 Cann Page 1.pdf; Ordinance No 202109 Cann page 8.pdf; Page 6 Ordinance No 202108 Cann.pdf; Page 7 Ordinance No 202108 Cann.pdf

Dear Michelle,

I am writing regarding the property 141 E. 16th Street (APN 425-361-07), which I understand has a pending application for a Conditional Use Permit for a storefront cannabis dispensary. I represent the ownership of the property known as Sea Breeze Villas at 133 E. 16th Street, a modular home community located immediately contiguous west of the proposed project. Sea Breeze Villas is home to 60 modular homes, housing families with children. Annual income levels approximately range from \$25,000-\$70,000.

Our organization **OPPOSES** this proposed development, as we believe it to be **incompatible** with both the existing residential land use at 133 E. 16th Street and future residential uses envisioned by Measure K in the entire neighborhood.

Sensitive Uses

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

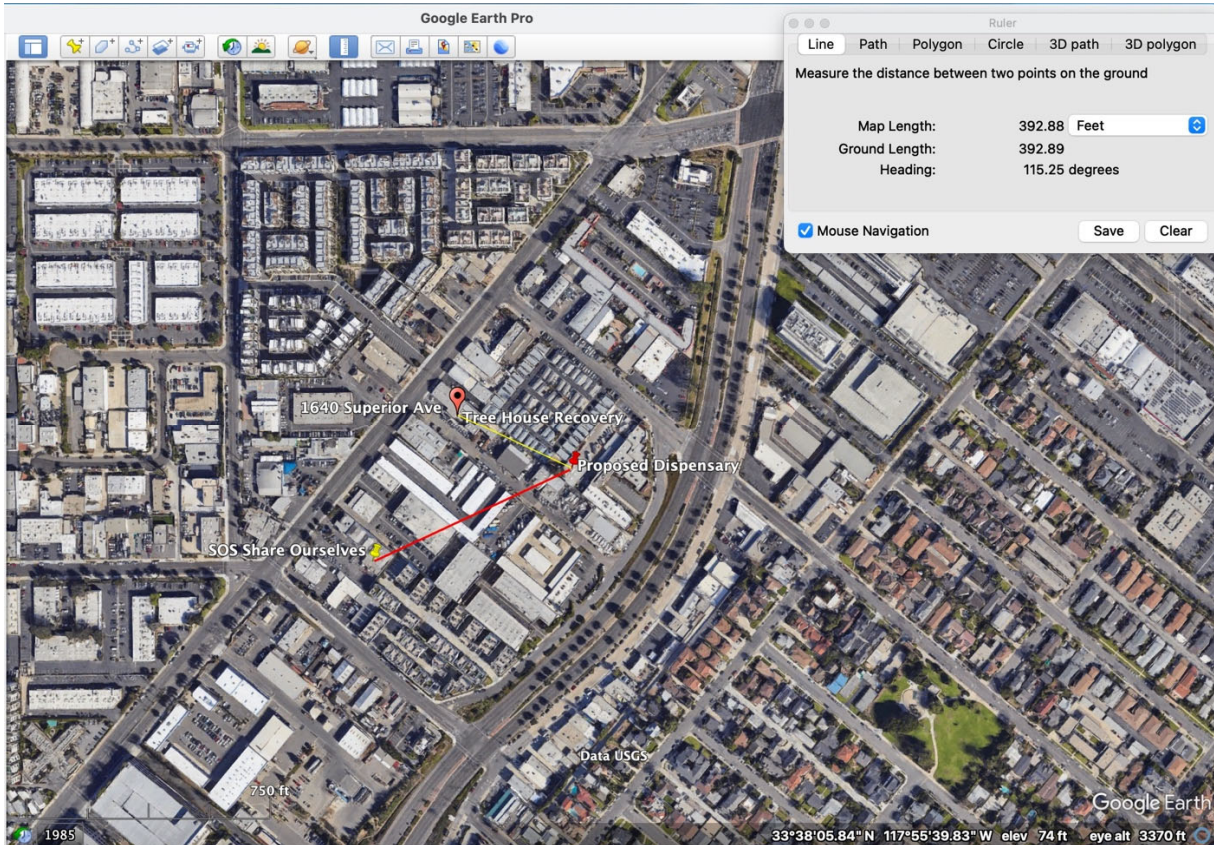


Source: Google Earth Pro

Additional Sensitive Uses

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

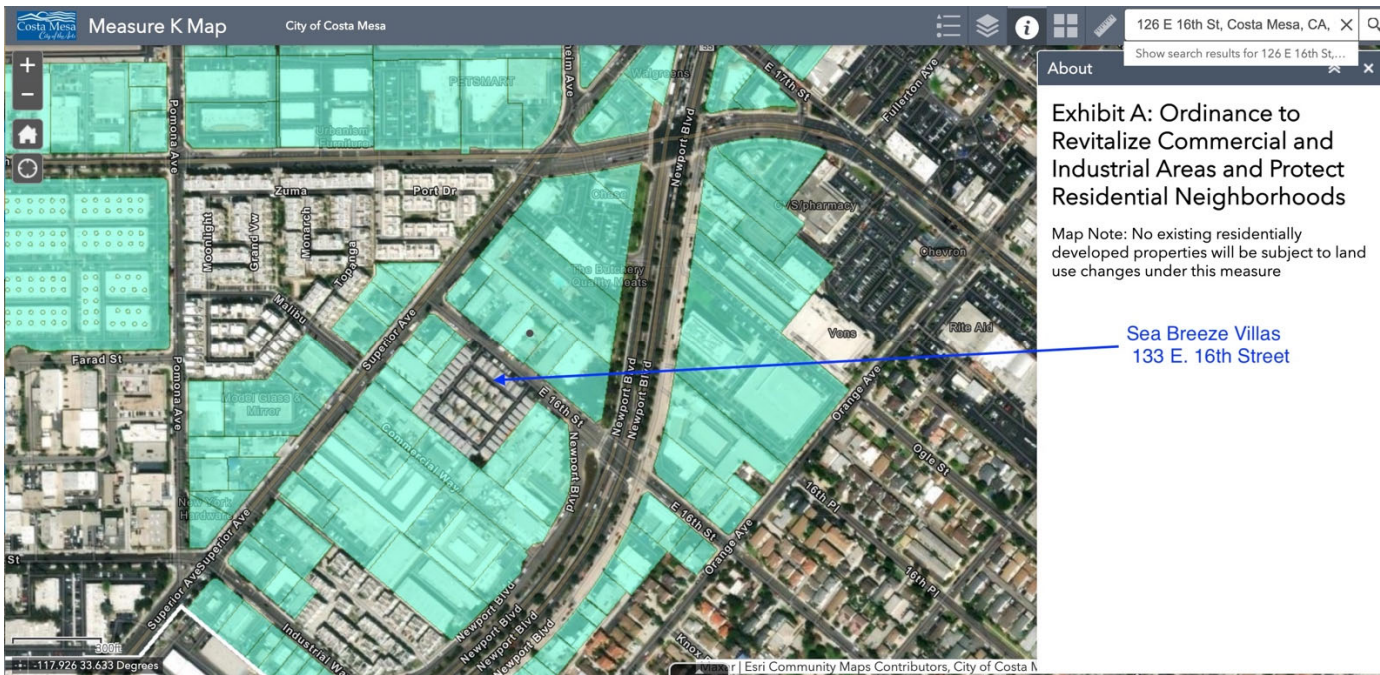
- **700'** to **Share Ourselves Community Health Center**: 1550 Superior Ave, Costa Mesa, CA 92627 <https://www.shareourselves.org/locations/>
- **400'** to **Tree House Recovery** : 1640 Superior Ave, Costa Mesa, CA 92627 <https://treehou recovery.com/>



Residential Use

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

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



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

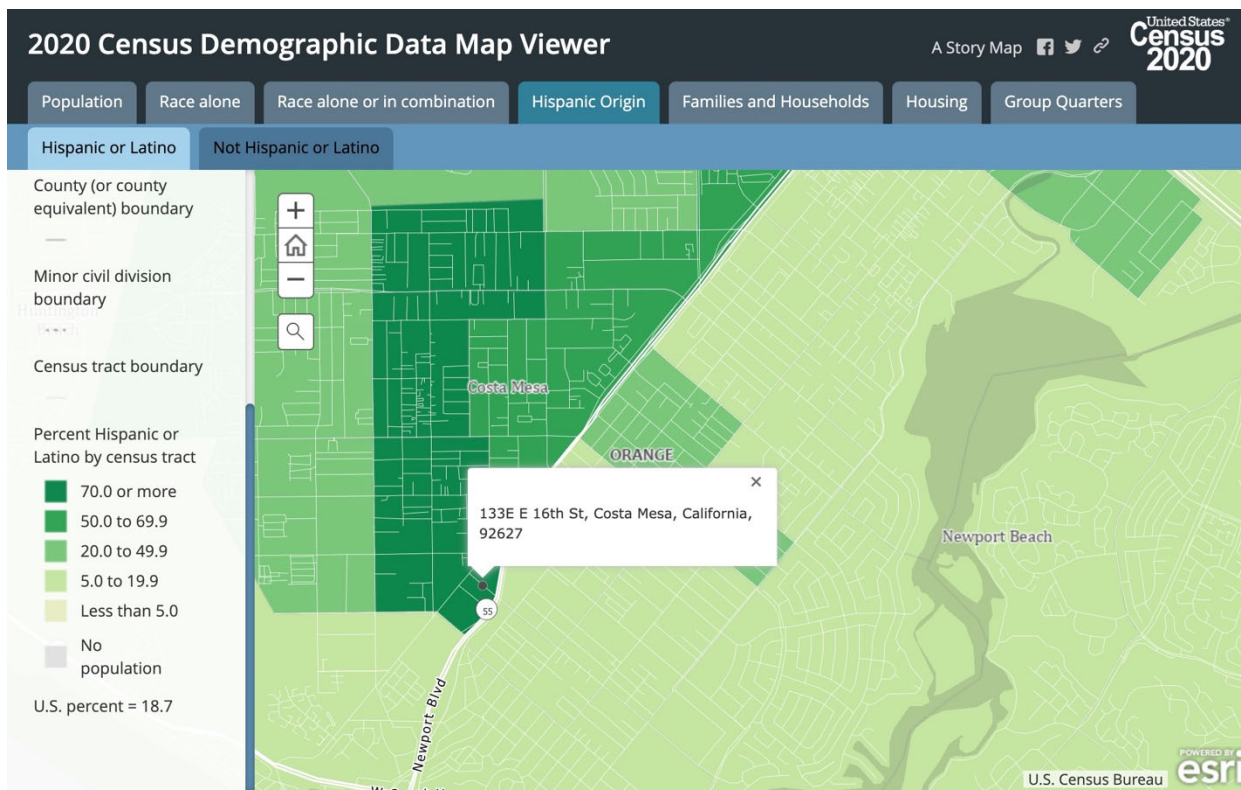
The intent of Measure Q is to locate cannabis storefronts among commercial uses to avoid incompatibility with uses such as residential. The intent of Measure K is to protect residential uses and to expand residential uses.

Documented Negative Impacts

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

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

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



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

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

(g) *Findings.* When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below. Other findings may also be required pursuant to other provisions of this Zoning Code.

(2) Conditional use permit and minor conditional use permit findings:

- a. The proposed development or use **is substantially compatible** with developments in the same general area and would not be materially detrimental to other properties within the area.
- b. Granting the conditional use permit or minor conditional use permit **will not be materially detrimental** to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- c. Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

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

The intent of Measure Q is to locate cannabis storefronts **among** commercial uses. The intent of Measure K is to **protect residential uses** and **to provide for residential uses**. Ordinances 2021-08 and -09 **require retail cannabis businesses to**

meet certain operating requirements including a minimum of one thousand feet (1000') from sensitive uses, which include the tot lot located immediately contiguous to the proposed dispensary.

In conclusion, we request that the proposed retail cannabis storefront proposed at 141 E. 16th Street be **denied** due to all the above referenced points and to the high-risk environment this project would create for our families at Sea Breeze Villas.

Thank you for your consideration.

Steven Schwimer
Managing Member
Sea Breeze Villas, LLC

Footnote ¹

Legal marijuana stores lead to increases in property crime

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

Footnote ²

Impacts Associated with Medical Marijuana Dispensaries in Other Jurisdictions

http://saratoga.granicus.com/MetaViewer.php?view_id=8&clip_id=689&meta_id=26722#:~:text=A%20number%20of%20California%20cities,take%20Dover%20style%20armed%20robberies.

Footnote ³

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

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

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ORDINANCE NO. 2021-09

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

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

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

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

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

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

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

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

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

Manufacturing site means a location where cannabis products are manufactured.

Marijuana means “cannabis,” as that term is defined in this chapter.

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

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

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

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

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

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

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

EXHIBIT 1

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

13-200.90. Purpose.

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

13-200.91. Applicability.

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

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

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

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

- (a) Cannabis retail storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts.
- (b) Cannabis retail non-storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts and within the Green Zone.
- (c) The following planning application shall be required for cannabis retail uses:
 - (1) A conditional use permit shall be required for retail storefronts and non-storefronts; and
 - (2) An amendment to the approved conditional use permit shall be required for existing licensed cannabis distribution or manufacturing businesses to operate a retail non-storefront under the existing business and within the same licensed premise. The amendment shall be processed as a minor conditional use permit.
- (d) A conditional use permit may be issued to allow the location of a retail cannabis use pursuant to subsections (a) and (b) of this section, subject to the following conditions:
 - (1) The requirements of Chapter III of this title have been met;
 - (2) The findings for granting conditional use permit pursuant to section 13-29(g) are met;
 - (3) The applicant obtains a cannabis business license for the location pursuant to Chapter VI of Title 9 of this Code; and
 - (4) The use is conducted in compliance with all applicable state and local laws.
- (e) No cannabis retail storefront use shall be located:
 - (1) Within one-thousand (1,000) feet from a K-12 school, playground, child daycare, or homeless shelter, or within six-hundred (600) feet from a youth center, that is in operation at the time of submission of a completed Cannabis Business Permit application;
 - (2) All distances shall be measured in a straight line from the premises where the cannabis retail use is to be located to the closest property line of a K-12 school, playground, child daycare, homeless shelter or youth center;
 - i. For purposes of this sub-sub-section, the property line of a playground shall be a thirty (30) foot radius from the exterior physical boundaries of the playground equipment area.
 - (3) All distances shall be measured without regard to the boundaries of the city and and/or intervening structures or other barriers;
 - (4) At a property as for which the zoning administrator, director or planning commission determines, based on a preponderance of the evidence, that unpermitted and/or illegal cannabis activity involving sales, delivery and/or dispensing has taken place at any time in the 365 days preceding an application under this Article. If an unpermitted and/or illegal cannabis activity has existed on a property no cannabis business may be permitted on that property unless 365 days has elapsed since that unpermitted and/or illegal cannabis activity has vacated the property, and the owner of that property has compensated the City for any and all expenditure of public funds and resources, including all costs, expenses (including but not limited to the salaries of peace and/or code enforcement officers) and/or attorney's fees, incurred in investigating, abating or attempting to abate the unpermitted use or uses, whether or not any type of civil, criminal or administrative proceedings have been commenced against the property, provided