

City of Costa Mesa PLANNING COMMISSION Agenda

Monday, June 13, 2022

6:00 PM

City Council Chambers 77 Fair Drive

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

You may participate via the following options:

- 1. Attending in person: Attendees are encouraged to wear masks at their discretion. If you are feeling ill, you may still participate in the meeting via Zoom.
- 2. Members of the public can view the Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv.

3. 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.

The City of Costa Mesa aims to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is currently provided, the Clerk's office will attempt to accommodate in a reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la Ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que actualmente se proporciona, la oficina del Secretario de la Ciudad intentara de complacer en una forma razonable. Favor de comunicarse con la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov.

PLANNING COMMISSION REGULAR MEETING

MONDAY, JUNE 13, 2022 - 6:00 P.M.

BYRON DE ARAKAL Chair

JON ZICH Vice Chair

DIANNE RUSSELL Planning Commissioner

RUSSELL TOLER Planning Commissioner

ADAM ERETH Planning Commissioner

JOHNNY ROJAS
Planning Commissioner

JIMMY VIVAR Planning Commissioner

TARQUIN PREZIOSI Assistant City Attorney

JENNIFER LE
Director of Economic and
Development Services

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.

CONSENT CALENDAR: None.

PUBLIC HEARINGS:

1. PLANNING APPLICATION 22-10 REQUEST FOR A CONDITIONAL 22-724
USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE AT
3390 HARBOR BOULEVARD

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

- 1. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
- 2. Approve Planning Application 22-10, subject to conditions of approval.

Attachments: PA-22-10 Report

- 1. Draft Planning Commission Resolution
- 2. Applicant Letters
- 3. Vicinity Map
- 4. Zoning Map
- 5. Site Photos
- 6. Project Plans
- 2. REVIEW OF PLANNING DIVISION ZONING APPROVAL BC21-00147 22-723
 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND
 REMODEL AT 283 EAST 19TH STREET

RECOMMENDATION:

Staff recommends the Planning Commission uphold the Planning Division's administrative approval of the proposed second story addition at 283 East 19th Street with direction to the applicant to work with staff for submitting a revised window design at "Master Bedroom 2" to improve neighbor privacy.

Attachments: Call for Review Report

- 1. Draft Planning Commission Resolution
- 2. Summary Sheet
- 3. Applicant Statement
- 4. Neighbor Statement
- 5. Second Story Notification
- 6. Vicinity Map
- 7. Zoning Map
- 8. Pictures
- 9. Plans

3. PLANNING APPLICATION 21-22 FOR A RETAIL CANNABIS 22-726
STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2301
NEWPORT BOULEVARD

RECOMMENDATION:

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 21-22, subject to conditions of approval.

Attachments: PA-21-22 Report

- 1. Draft Planning Commission Resolution
- 3. Vicinity Map
- 4. Zoning Map
- 5. Site Photos
- 6. Conceptual Plans
- 4. PLANNING APPLICATION 21-21 FOR A RETAIL CANNABIS 22-756
 STOREFRONT BUSINESS LOCATED AT 1990 HARBOR
 BOULEVARD

RECOMMENDATION:

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 21-21, subject to conditions of approval.

Attachments: PA-21-21 Report

- 1. Draft Planning Commission Resolution
- 2. Applicant Letter
- 3. Vicinity Map
- 4. Zoning Map
- 5. Site Photos
- 6. Conceptual Plans
- 7. Public Comment

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENT REPORTS:

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

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY

ADJOURNMENT

Next Meeting: Planning Commission regular meeting, June 27, 2022 - 6:00 p.m.



City of Costa Mesa Agenda Report

File #: 22-724 Meeting Date: 6/13/2022

TITLE:

PLANNING APPLICATION 22-10 REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE AT 3390 HARBOR BOULEVARD

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING

DIVISION

PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER CONTACT INFORMATION: CHRIS YEAGER, 714.754.4883;

Christopher.Yeager@costamesaca.gov

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

- 1. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
- 2. Approve Planning Application 22-10, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

Carmen Twork of Harbor Associates is the authorized agent for the applicant (Orange County Superior Court).

BACKGROUND:

The subject property is located at the southeast corner of the intersection of Harbor Boulevard and Sunflower Avenue. The site is developed with an existing two-story 77,556-square-foot commercial office building. The applicant (Orange County Superior Court) is requesting approval to temporarily occupy the second floor and a small portion of the first floor building area. The remainder of the space is vacant and was formerly occupied by an administrative office for "OptumRx" (a distributor of pharmaceutical products). Prior to the OptumRx tenancy, National University occupied the entire building. Vehicle access to the existing parking lot is provided by two driveways located on Harbor Boulevard and Sunflower Avenue. The site is accessible by the 43 OCTA Bus Route and a Class II Bikeway along Sunflower Avenue. The property is zoned Industrial Park (MP) and has a General Plan Land Use Designation of Industrial Park.

The properties surrounding the site include office and secondary educational uses. The subject property abuts 1375 South Coast Drive and 3370 Harbor Blvd which are both zoned Planned Development Commercial (PDC) and are part of the Anduril headquarters campus currently under construction. The property across Harbor Boulevard is zoned MP and is occupied by Sofia University. The property at the northwest corner of the intersection of Harbor Boulevard and Sunflower Avenue is zoned Planned Development Industrial (PDI), and the properties across Sunflower Avenue are located in the City of Santa Ana.

The subject site is approximately 1,200 feet from the nearest residential use.

DESCRIPTION:

Planning Application 22-10 is a request for a Conditional Use Permit (CUP) to allow for the Orange County Superior Court (OCSC) to establish a temporary public courthouse use within the MP zone, while the Court's permanent Santa Ana location is being renovated (estimated completion of the Santa Ana facility is in 2025). The project proposes various tenant improvements to allow for eight courtrooms, eight private judge offices, space for administrative support and areas for the general public. The use of the facility will be for small claims and probate cases and the majority of the cases will occur remotely (via video-conferencing). The facility will not have any jurors onsite, no criminal proceedings will take place, and there will be no detention facilities on the premises.

According to the Costa Mesa Municipal Code (CMMC) Section 13-30 (land use matrix), public offices and facilities, such as city halls, courthouses, and police/fire stations are a conditionally permitted use in the MP Zone.

ANALYSIS:

Proposed Use

The OCSC has indicated that they intend to occupy the space for approximately three years while the current facility in Santa Ana is under construction. A total of eight courtrooms are proposed to address small claims and probate issues only.

The OCSC is requesting to operate Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m. Based on current court operations, approximately 191 cases are anticipated to be heard each day, with the majority of the cases being reviewed remotely. According to the applicant, an average of 24 of the 191 cases are being held in person at the Court's Santa Ana facility, which is also expected to continue at the proposed temporary location, unless State law changes to require onsite proceedings.

Tenant Improvement

Because the building improvements already included large classrooms (when previously occupied by National University), only minimal construction is required to convert the vacant tenant space for the Court's use. The proposed tenant improvements include removing partition walls on the first floor and constructing partition walls on the second floor to allow for judge offices and courtrooms. The project does not propose any exterior modifications.

Parking

The site is developed with a 608-space parking lot that serves the 77,556-square-foot commercial office building. Due to operational similarities, the proposed temporary court facility will require the same amount of staff and will have the same amount of visitor demand as the currently operating Santa Ana OCSC facility for small claims and probate cases.

Based on empirical data, approximately 191 small claims and probate cases are heard each day at the Santa Ana OCSC facility, and each case is typically completed in less than an hour. The applicant further indicates that the maximum number of staff to operate the court's small claims and probate division is 116 (including both employees and judges). Table 1 below provides empirical weekday small claims and probate case visitor attendance data based on recent court records. Based on the average daily peak visitor occupancy (Monday) and including the maximum number of judges and

employees, the total maximum occupancy for the temporary Court facility use per hour would be 153 occupants.

Table 1- Courthouse Peak Parking Demand

	to the Court Per Day	,	Total Occupancy per Hour (Visitors + 116 Employees)
Monday	330	37	153
Tuesday	310	35	151
Wednesday	320	36	152
Thursday	265	29	145
Friday	125	14	130

^{*191} cases per day in the facility results in approximately three cases per hour in each courtroom. The visitors per hour column is calculated by dividing the maximum number of visitors per day by nine (the total hours the facility is open per day).

A courthouse is not a specified use in the City's parking standards. Pursuant to CMMC Section 13-90, the parking requirements for uses not specified in the City's parking standards shall be determined by the planning division and shall be based upon the requirements for the most comparable use specified in the City's parking standards "or other appropriate sources". Staff believes that the above empirical data indicating a maximum of 153 people per hour can be used to anticipate peak hourly parking demand as an "appropriate source."

Requiring one parking space per vehicle (including both Court staff and visitors) is considered a conservative estimate in that court visitors are likely to carpool. In addition, the data was gathered prior to the COVID-19 pandemic and includes the conservative assumption that all court cases would be heard on-premises. However, and unless State law changes, the applicant proposes to operate similar to the current operation of the Santa Ana courthouse facility which would have a minimal impact on parking in that the majority of cases are heard remotely (approximately 87%). Thus, it is anticipated that the parking demand for the facility will be much less than what is described above. The Costa Mesa Municipal Code requires that office uses provide four (4) parking spaces per 1,000 square feet of floor area. Therefore, the other on-site office use (formerly occupied by "OptiumRX") that has a floor area of 34,149 square feet requires 137 parking spaces. In addition, the property owner has temporarily leased 347 parking spaces to an adjacent use (Anduril), while their headquarters are under construction.

Table 2- Total Site Parking Demand

Use:	Parking Required
Office Use	137
OCSC	153
Anduril	347
Total Demand:	637
Total Supply:	608
Difference:	-29

The above Table 2 shows the anticipated total site parking demand, including the proposed temporary courthouse, the existing office and the temporary parking spaces leased to Anduril during their construction. As indicated in Table 2, the parking demand with the proposed OCSC facility would exceed the site's 608 parking space capacity at peak periods by 29 parking spaces. However, as indicated above, the estimated demand is conservative as current court operations involve the majority of cases being heard remotely (approximately 87%).

In order to ensure that the site's parking capacity is not exceeded, COA No. 9 requires that, if the operation of the courthouse changes due to a change in State Law (regarding in-person court attendance), the parking agreement with Anduril will be modified to reduce the number of parking spaces they may lease. Further, COA No. 10 requires that the applicant monitor the parking lot daily for the first eight weeks of operation or after any operational change which increases the number of visitors onsite. If parking demand is determined to exceed site capacity, the Anduril parking lease shall be reduced or eliminated. Staff will also perform site visits during initial court operations to confirm adequate parking is being provided.

Police Department

The Police Department has reviewed and is supportive of the application as conditioned.

GENERAL PLAN CONFORMANCE:

The property has a General Plan designation of Industrial Park. Under the General Plan designation, Industrial Park is intended to apply to large districts that contain a variety of industrial, compatible office, institutional and support commercial uses. As a result, the proposed courthouse use which includes both office and institutional uses conforms to the City's General Plan. The following section evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan.

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

Consistency: The applicant (OCSC) will occupy an existing building in North Costa Mesa (located north of the I-405). The building is currently vacant and the courthouse use will take advantage of the buildings existing layout and provide an office/institutional use within the empty suite.

Policy LU-6.11: Provide opportunities for mixed-use, office, manufacturing and retail development that respond to the market and community needs in terms of size, location and cost.

Consistency: The proposed institutional office use will temporarily occupy a large existing office space that is currently vacant and provide the community with nearby access to a governmental facility. The size of the space is equivalent to the existing OCSC Santa Ana facility, and the location is near the 405 Freeway, the 43 OCTA Bus Route, and a Class II Bikeway that provides users with adequate and convenient access. Lastly, it is anticipated that the temporary use will facilitate additional nearby commercial activity from court staff and visitors.

JUSTIFICATIONS FOR APPROVAL:

Pursuant to CMMC Section 13-29 (g)(2), CUP Findings, in order to approve the project, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of the below facts and findings, which are also reflected in the draft Resolution.

• 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.

As conditioned, the proposed project will be compatible with uses that exist within the general neighborhood. Due to the limited on-site visitor use of the proposed temporary courthouse, the use will have minimal impact on surrounding properties. As conditioned, adequate parking is provided to satisfy parking demand, and the proposed use would not modify the existing site or circulation. Lastly, if court operations are required to change, conditions have been included to respond to potential increased parking demand.

 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 courthouse use will be required to comply with all applicable California Building and Fire Code requirements to ensure the use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. As conditioned, the proposed use is compatible with other similar office uses in the area and will not negatively affect the surrounding industrial and office properties.

• 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 project site is zoned MP (Industrial Park) and has a General Plan Land Use Designation of Industrial Park. The project does not propose to expand the existing facility and complies with the intent of the Zoning Code and General Plan as it pertains to use (when approved by a conditional use permit) and parking. In addition, the CMMC Section 13-30 (land use matrix), specifies that public offices and facilities, such as "courthouses," are a conditionally permitted use in the MP Zone.

ENVIRONMENTAL DETERMINATION:

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1) Existing Facilities. The exemption applies to the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of the existing or former use.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. Approve the project: The Planning Commission may approve the project as proposed, subject

to the conditions outlined in the attached Resolution.

2. Approve the project with modifications: The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow for additional information or analysis. In the event of significant modifications to the proposal, staff will return with a revised resolution incorporating new findings and/or conditions.

3. <u>Deny the project</u>. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings for denial into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for at least six months.

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

- **1. Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
- 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 this report, no written public comments have been received. Any public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The proposed use is consistent with the City's Zoning Code and General Plan and, as conditioned, would not have a detrimental impact to surrounding properties or the general neighborhood. The proposed temporary courthouse use will occupy an existing vacant office space in North Costa Mesa and provide a centrally located courthouse to the community. In addition, conditions of approval have been included to prevent potential parking impacts. Staff recommends that the Planning Commission approve the conditional use permit, subject to the conditions of approval.

77 Fair Drive Costa Mesa, CA 92626



City of Costa Mesa Agenda Report

File #: 22-724 Meeting Date: 6/13/2022

TITLE:

PLANNING APPLICATION 22-10 REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE AT 3390 HARBOR BOULEVARD

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER

CONTACT INFORMATION: CHRIS YEAGER, 714.754.4883;

Christopher.Yeager@costamesaca.gov

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

- 1. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
- 2. Approve Planning Application 22-10, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

Carmen Twork of Harbor Associates is the authorized agent for the applicant (Orange County Superior Court).

BACKGROUND:

The subject property is located at the southeast corner of the intersection of Harbor Boulevard and Sunflower Avenue. The site is developed with an existing two-story 77,556-square-foot commercial office building. The applicant (Orange County Superior Court) is requesting approval to temporarily occupy the second floor and a small portion of the first floor building area. The remainder of the space is vacant and was formerly occupied by an administrative office for "OptumRx" (a distributor of pharmaceutical products). Prior to the OptumRx tenancy, National University occupied the entire building. Vehicle access to the existing parking lot is provided by two driveways located on Harbor Boulevard and Sunflower Avenue. The site is accessible by the 43 OCTA Bus Route and a Class II Bikeway along Sunflower Avenue. The property is zoned Industrial Park (MP) and has a General Plan Land Use Designation of Industrial Park.

The properties surrounding the site include office and secondary educational uses. The subject property abuts 1375 South Coast Drive and 3370 Harbor Blvd which are both zoned Planned Development Commercial (PDC) and are part of the Anduril headquarters campus currently under construction. The property across Harbor Boulevard is zoned MP and is occupied by Sofia University.

File #: 22-724

Meeting Date: 6/13/2022

The property at the northwest corner of the intersection of Harbor Boulevard and Sunflower Avenue is zoned Planned Development Industrial (PDI), and the properties across Sunflower Avenue are located in the City of Santa Ana.

The subject site is approximately 1,200 feet from the nearest residential use.

DESCRIPTION:

Planning Application 22-10 is a request for a Conditional Use Permit (CUP) to allow for the Orange County Superior Court (OCSC) to establish a temporary public courthouse use within the MP zone, while the Court's permanent Santa Ana location is being renovated (estimated completion of the Santa Ana facility is in 2025). The project proposes various tenant improvements to allow for eight courtrooms, eight private judge offices, space for administrative support and areas for the general public. The use of the facility will be for small claims and probate cases and the majority of the cases will occur remotely (via video-conferencing). The facility will not have any jurors onsite, no criminal proceedings will take place, and there will be no detention facilities on the premises.

According to the Costa Mesa Municipal Code (CMMC) Section 13-30 (land use matrix), public offices and facilities, such as city halls, courthouses, and police/fire stations are a conditionally permitted use in the MP Zone.

ANALYSIS:

Proposed Use

The OCSC has indicated that they intend to occupy the space for approximately three years while the current facility in Santa Ana is under construction. A total of eight courtrooms are proposed to address small claims and probate issues only.

The OCSC is requesting to operate Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m. Based on current court operations, approximately 191 cases are anticipated to be heard each day, with the majority of the cases being reviewed remotely. According to the applicant, an average of 24 of the 191 cases are being held in person at the Court's Santa Ana facility, which is also expected to continue at the proposed temporary location, unless State law changes to require onsite proceedings.

Tenant Improvement

Because the building improvements already included large classrooms (when previously occupied by National University), only minimal construction is required to convert the vacant tenant space for the Court's use. The proposed tenant improvements include removing partition walls on the first floor and constructing partition walls on the second floor to allow for judge offices and courtrooms. The project does not propose any exterior modifications.

Parking

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Santa Ana OCSC facility for small claims and probate cases.

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GENERAL PLAN CONFORMANCE:

The property has a General Plan designation of Industrial Park. Under the General Plan designation, Industrial Park is intended to apply to large districts that contain a variety of industrial, compatible office, institutional and support commercial uses. As a result, the proposed courthouse use which includes both office and institutional uses conforms to the City's General Plan. The following section evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan.

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

Consistency: The applicant (OCSC) will occupy an existing building in North Costa Mesa (located north of the I-405). The building is currently vacant and the courthouse use will take advantage of the buildings existing layout and provide an office/institutional use within the

empty suite.

Policy LU-6.11: Provide opportunities for mixed-use, office, manufacturing and retail development that respond to the market and community needs in terms of size, location and cost.

Consistency: The proposed institutional office use will temporarily occupy a large existing office space that is currently vacant and provide the community with nearby access to a governmental facility. The size of the space is equivalent to the existing OCSC Santa Ana facility, and the location is near the 405 Freeway, the 43 OCTA Bus Route, and a Class II Bikeway that provides users with adequate and convenient access. Lastly, it is anticipated that the temporary use will facilitate additional nearby commercial activity from court staff and visitors.

JUSTIFICATIONS FOR APPROVAL:

Pursuant to CMMC Section 13-29 (g)(2), CUP Findings, in order to approve the project, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of the below facts and findings, which are also reflected in the draft Resolution.

• 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.

As conditioned, the proposed project will be compatible with uses that exist within the general neighborhood. Due to the limited on-site visitor use of the proposed temporary courthouse, the use will have minimal impact on surrounding properties. As conditioned, adequate parking is provided to satisfy parking demand, and the proposed use would not modify the existing site or circulation. Lastly, if court operations are required to change, conditions have been included to respond to potential increased parking demand.

 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 courthouse use will be required to comply with all applicable California Building and Fire Code requirements to ensure the use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. As conditioned, the proposed use is compatible with other similar office uses in the area and will not negatively affect the surrounding industrial and office properties.

 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 project site is zoned MP (Industrial Park) and has a General Plan Land Use Designation of Industrial Park. The project does not propose to expand the existing facility and complies with the

intent of the Zoning Code and General Plan as it pertains to use (when approved by a conditional use permit) and parking. In addition, the CMMC Section 13-30 (land use matrix), specifies that public offices and facilities, such as "courthouses," are a conditionally permitted use in the MP Zone.

ENVIRONMENTAL DETERMINATION:

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1) Existing Facilities. The exemption applies to the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of the existing or former use.

ALTERNATIVES:

The Planning Commission has the following alternatives:

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

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

- 1. Mailed notice. A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
- 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 this report, no written public comments have been received. Any public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

File #: 22-724

Meeting Date: 6/13/2022

CONCLUSION:

The proposed use is consistent with the City's Zoning Code and General Plan and, as conditioned, would not have a detrimental impact to surrounding properties or the general neighborhood. The proposed temporary courthouse use will occupy an existing vacant office space in North Costa Mesa and provide a centrally located courthouse to the community. In addition, conditions of approval have been included to prevent potential parking impacts. Staff recommends that the Planning Commission approve the conditional use permit, subject to the conditions of approval.

RESOLUTION NO. PC-2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-10 FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE USE LOCATED AT 3390 HARBOR BOULEVARD

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

WHEREAS, Planning Application 22-10 was filed by Carmen Twork of Harbor Associates, authorized agent for the applicant, Orange County Superior Court, requesting approval of Conditional Use Permit (CUP) to allow for the Orange County Superior Court (OCSC) to establish a temporary public courthouse use within the MP zone while the Court's permanent Santa Ana location is renovated (estimated completion in 2025). The project proposes various tenant improvements to allow for eight courtrooms, eight private offices for judges, spaces for legal and administrative support, and areas for the general public. The primary use of the facility will be for small claims and probate cases and the majority of the cases will occur remotely (via videoconference). The facility will not have any jurors onsite, no criminal proceedings will take place, and there will be no detention facilities on the premises.

WHEREAS, a duly noticed public hearing was continued by the Planning Commission on April 11, 2022 to the April 25, 2022 public hearing;

WHEREAS, at the April 25, 2022 hearing, the applicant requested an additional continuance to the June 13, 2022 Planning Commission hearing;

WHEREAS, on June 13, 2022, the Planning Commission considered the application in a public hearing 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.

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 22-10 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 22-10 and 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 13th day of June, 2022.

Byron de Arakal, 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 June 13, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

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

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

Facts in Support of Finding: As conditioned, the proposed project will be compatible with uses that exist within the general neighborhood. Due to the limited on-site visitor use of the proposed temporary courthouse, the use will have minimal impact on surrounding properties. As conditioned, adequate parking is provided to satisfy parking demand, and the proposed use would not modify the existing site or circulation. Lastly, if court operations are required to change, conditions have been included to respond to potential increased parking demand.

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 courthouse use will be required to comply with all applicable California Building and Fire Code requirements to ensure the use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. As conditioned, the proposed use is compatible with other similar office uses in the area and will not negatively affect the surrounding industrial and office properties.

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 project site is zoned MP (Industrial Park) and has a General Plan Land Use Designation of Industrial Park. The project does not propose to expand the existing facility and complies with the intent of the Zoning Code and General Plan as it pertains to use (when approved by a conditional use permit) and parking. In addition, the CMMC Section 13-30 (land use matrix), specifies that public offices and facilities, such as "courthouses," are a conditionally permitted use in the MP Zone.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed use is compatible and harmonious with uses both on site as well as those on surrounding properties. The project would be compatible with

- surrounding industrial and commercial uses. As conditioned, no parking or environmental impacts are anticipated.
- b. Safety and compatibility of the design of the parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The proposed use, as conditioned, would not increase traffic or parking demand beyond existing capacity.
- c. The project, as conditioned, is consistent with the General Plan land use designation of Industrial Park. The project complies with Policy LU-6.3 in that the applicant (OCSC) will occupy an existing commercial building in North Costa Mesa (located north of the I-405). The building is currently vacant and the courthouse use will take advantage of the buildings existing layout and provide an office/institutional use within the empty suite. In addition, the project complies with Policy LU-6.11 in that the proposed institutional office use will temporarily occupy a large existing office space that is currently vacant and provide the community with nearby access to a governmental institutional facility. The size of the space is equivalent to the existing OCSC Santa Ana facility, and the location is nearby the 405 Freeway, the 43 OCTA Bus Route, and a Class II Bikeway that provides users with adequate and convenient access. Lastly, it is anticipated that the temporary use will facilitate additional nearby retail activity from court visitors.
- d. The planning application is for a project-specific case and does not establish a precedent for future development. Approval will apply to this project-specific location. Conditions have been included that are specific to the proposed project.
- D. **Finding:** The project is exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines Section 15301 (Class 1) for Existing Facilities. The Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion or use beyond what that is existing at the time of the lead agency's determination. Because the tenant improvements at the project site will not include major alterations or expansion to the existing building and because the proposed use is similar to the prior use of the subject suite, the project qualifies for this exemption.
- E. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

Plng.

- 1. The use shall be limited to the type of operation described in this staff report: a temporary courthouse to operate within an existing building until December 31, 2025. Any change in the operational characteristics 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. The applicant is reminded that the Costa Mesa Municipal 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. The conditions of approval, code requirements, and special district requirements of PA-22-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
- The applicant shall defend, indemnify, and hold harmless the City, its elected 3. 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 and/or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. 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. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by the City.
- 4. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- 5. A copy of the conditions of approval for the conditional use permit must be kept on premises and present 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.
- 6. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures that are necessary to comply with this requirement.

- 7. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Director of Economic and Development Services or his designee, any of the findings upon which the approval was based are no longer applicable.
- 8. Any activity not consistent with all of the terms and conditions of all applicable zoning approvals and approved plans granted by the city is considered a nuisance and will be required to be immediately abated.
- Should State Law change to require additional on-site proceedings of court cases, any parking lease with off-site uses shall be modified or removed to reduce the number of parking spaces subject to Planning Division review and approval.
- 10. The applicant shall monitor the parking lot for the first eight weeks of operation and if parking demand is exceeded, the existing parking leases with off-site uses shall be reduced to accommodate on-site use parking. If the operational characteristics are modified to require additional on-site court proceedings, the applicant shall monitor the parking lot for the first eight weeks of modified operation and if parking demand is exceeded, the existing parking leases with off-site uses shall be further reduced or removed to accommodate on-site use parking.

CODE REQUIREMENTS

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

- Plng.
- 1. 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.
- 2. The property owner is responsible for the maintenance of the landscaping on their property. Any dead, dying, or diseased trees, shrubbery, vines, groundcover, or turf, must be replaced within sixty (60) days of written notice from the development services or public services departments. Tree stakes shall be removed when no longer needed to support the tree. Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning according to International Society of Arborists (ISA) standards, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. Compost and/or mulch used

as a groundcover shall maintain a consistent two (2)-inch minimum layer over soil.

- All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- 4. 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.
- Approval of the planning application is valid for two years from the 5. 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 30 days or more than 60 days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Economic and 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.
- Bldg. 6. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
 - 7. Comply with the requirements of the following adopted codes Code, 2019 California Building Code, 2019 California Electrical code, 2019 California Mechanical code, 2019 California Plumbing code, 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Building code California Electrical code, California Mechanical code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code. A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the 2019 California Building Code.

8. Prior to the Building Div. (AQMD) issuing a demolition permit contact South Coast Air Quality Management District located at:

21865 Copley Dr.

Diamond Bar, CA 91765-4178

Tel: 909- 396-2000

Or

Visit their web site

http://www.costamesaca.gov/modules/showdocument.aspx?documentid =23381

The Building Division will not issue a demolition permit until an Identification number is provided by AQMD.

Fire 9. Comply with the 2019 CFC as adopted and amended by the City of Costa Mesa.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

AQMD 1. Applicants shall contact the Air Quality Management District (AQMD) at 1-(800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD

C.J. SEGERSTROM & SONS

3315 Fairview Road · Costa Mesa, California 92626 Telephone (714) 546-0110

February 9, 2022

Mr. Chris Yeager City of Costa Mesa, Planning Division 77 Fair Drive Costa Mesa, CA 92626

Subject:

Conditional Use Permit

Orange County Superior Court

3390 Harbor Boulevard, Costa Mesa, CA

Dear Chris,

Please accept the enclosed application for the Conditional Use Permit on behalf of the Superior Court of California, County of Orange.

The subject building was previously occupied by National University, who vacated in December of 2021. The Judicial Council of California, for use by the Orange County Superior Court ("OCSC"), has entered into a short-term lease agreement with Harbor Associates to temporarily occupy approximately 37,410 USF of space to relocate a portion of their operations from their building at 700 Civic Center West in Santa Ana while it undergoes a fire sprinkler retro-fit.

Because the subject building improvements already contain large size classrooms, construction to convert the space with courtrooms for OCSC is minimal. The enclosed plans will show eight (8) courtrooms, eight (8) private offices for each of the judges, along with legal and administrative support and general public areas.

It is important to note the following:

- The primary use of this building will be for Small Claims and Probate issues
- The majority of cases will be heard and addressed remotely via video teleconferencing
- There will be no jurors needed and no juror boxes constructed
- There will not be any criminal proceedings
- There will be no detention facilities within the premises

This building has ample parking at a ratio of 7.9/1000. Given that the previous occupant was an educational facility with large classrooms, and the remote aspect of the courtroom operations, we don't anticipate much increase, if any, impact to traffic or parking. Also, the building is located on Harbor Boulevard in the proximity of office and industrial uses.

C. J. SEGERSTROM & SONS

Mr. Chris Yeager City of Costa Mesa, Planning Division February 9, 2022 Page 2

We support this use and submit the enclosed CUP application for your consideration. Feel free to contact me directly if you have any questions or need additional information.

Best,

Carmen Twork

C.J. Segerstrom & Sons

Enclosures

cc: Superior Court of California



Superior Court of California County of Orange

700 CIVIC CENTER DRIVE WEST SANTA ANA, CALIFORNIA 92701 657-622-7017

DAVID H. YAMASAKI COURT EXECUTIVE OFFICER

January 20, 2022

Mr. Chris Yeager City of Costa Mesa, Planning Division 77 Fair Drive Costa Mesa, CA 92626

Subject: Planning Approval Request

Orange County Superior Court, 3390 Harbor Boulevard, Costa Mesa, CA

Dear Mr. Yeager:

The Judicial Council of California, for use by the Orange County Superior Court, has entered into a short-term lease agreement to TEMPORARILY move a portion of our operations and occupy approximately 37,410 USF of space at the above noted address (formerly, the National University Building).

The purpose of the move is to allow time for our current building at 700 Civic Center West in Santa Ana to undergo a fire sprinkler retro-fit. We anticipate that the fire sprinkler retro-fit will last approximately 3 years. In order for the fire sprinkler retro-fit to commence on schedule, it is imperative that our tenant improvements be completed at 3390 Harbor Boulevard, no later than July 1, 2022.

As this is a short-term use for the building, we have found that the current construction (postsecondary educational facility) and its existing classrooms are ideal and conducive to our needs. They require a relatively minimal amount of construction compared to other potential spaces available in the Orange County area. This equates to a significant savings in construction costs.

Important items to note about our use. For your consideration:

- The primary use of this building will be to address Small Claims and Probate issues.
- The majority of cases will be heard and addressed remotely.
- There will be no detention facilities within the premises.
- There will be no criminal proceedings.
- There will be no need for juries.

With this in mind, we are asking that the City of Costa Mesa allow this project to proceed without the requirement of a Conditional Use Permit (CUP). At minimum, we would request that the demolition plans and Tenant Improvement Construction drawings be reviewed for approval in tandem with an application for a CUP if it is deemed to be required.

As necessitated by the schedule, the proposed Demolition Plans have been submitted for City approval, and the Tenant Improvement Construction drawings are currently scheduled to be completed and submitted for City review on, or about February 1, 2022.

Your prompt response in regard to this request would be appreciated, so as to not cause any delays.

Please let me know if you require any additional information or have any additional questions or concerns.

Thank you.

Sincerety

Erick L. Larsh Presiding Judge

David H. Yamasaki

Court Executive Officer

CC:

C.J. Segerstrom & Sons 3315 Fairview Road Costa Mesa, CA 92626

John Marzich J. Marzich Design, Inc. 25 Cantar Street Rancho Mission Viejo, CA 92694

C.J. SEGERSTROM & SONS

3315 Fairview Road • Costa Mesa, California 92626 Telephone (714) 546-0110

February 23, 2022

Mr. Chris Yeager City of Costa Mesa, Planning Division 77 Fair Drive Costa Mesa, CA 92626

Subject: Planning Application 22-10 – 3390 Harbor Boulevard

Conditional Use Permit Orange County Superior Court

Dear Chris,

Thank you for your letter dated February 22, 2022 regarding the CUP application submitted on behalf of the Orange County Superior Court. Please see our response below to your request for additional information.

- 1. Please see attached site plan showing the building and parking lot areas.
 - a. Total building size is 77,556 square feet
 - b. Total parking spaces equal 608 for a Parking Ratio of 7.8/1000
- 2. The total building is 77,556 square feet
 - a. Orange County Superior Court is leasing 43,707 square feet
 - i. 4,256 square feet on the first floor
 - ii. 39,151 square feet on the second floor
 - b. Optum/United Health Care leases 34,149 square feet on the balance of the first floor
 - c. There will be no other tenants within the building
- 3. The Orange County Superior Courthouse will operate from 8:00 AM to 5:00 PM Monday through Friday, with staff showing up a little earlier and staying a little later. There will be eight (8) courtrooms and approximately 191 cases heard each day. However, most cases will be heard remotely (via Zoom or similar) as the majority of the parties involved prefer to appear remotely. Currently an average of 24 cases are being held in person each day for these courtrooms. The goal of Orange County Superior Courts is to have only a minimal amount of public traffic at this location. There will be no holding facility, inmate transportation, criminal cases, etc.
- 4. Orange County Sheriffs will only have jurisdiction within the premises itself. Costa Mesa PD will maintain jurisdiction outside the facility. That said, OC Sheriffs will respond to any dangerous situations, but would not make any official arrests outside the facility. They would call Costa Mesa PD to pick up and process the individual(s). Additionally, the Sheriff personnel on site will most likely be Sheriff Special Officers (SSO's) which do not have the same ability to make arrests as a normal Deputy would.

C.J. SEGERSTROM & SONS

Mr. Chris Yeager City of Costa Mesa, Planning Division February 23, 2022 Page 2

Chris, please feel free to contact me directly if you have any questions or need additional information. We look forward to a favorable response from the City of Costa Mesa.

Best,

Carmen Twork

C.J. Segerstrom & Sons

Carmen Twork

Enclosures

cc: Superior Court of California



Vicinity Map



0.1 Miles

0.07



Legend

Costa Mesa

Notes

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.

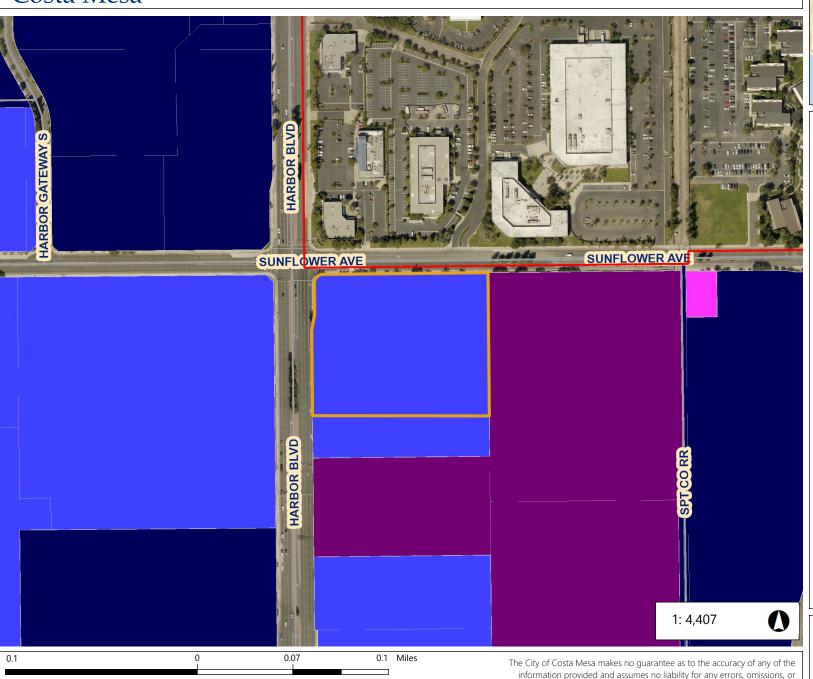
WGS_1984_Web_Mercator_Auxiliary_Sphere © City of Costa Mesa



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© City of Costa Mesa

Zoning Map





Legend

Costa Mesa

Zoning

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

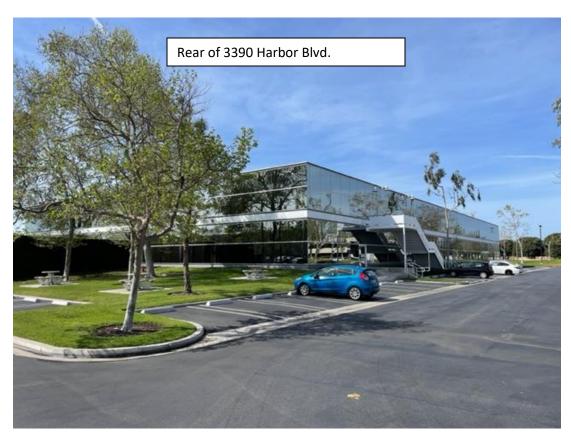
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inaccuracies.

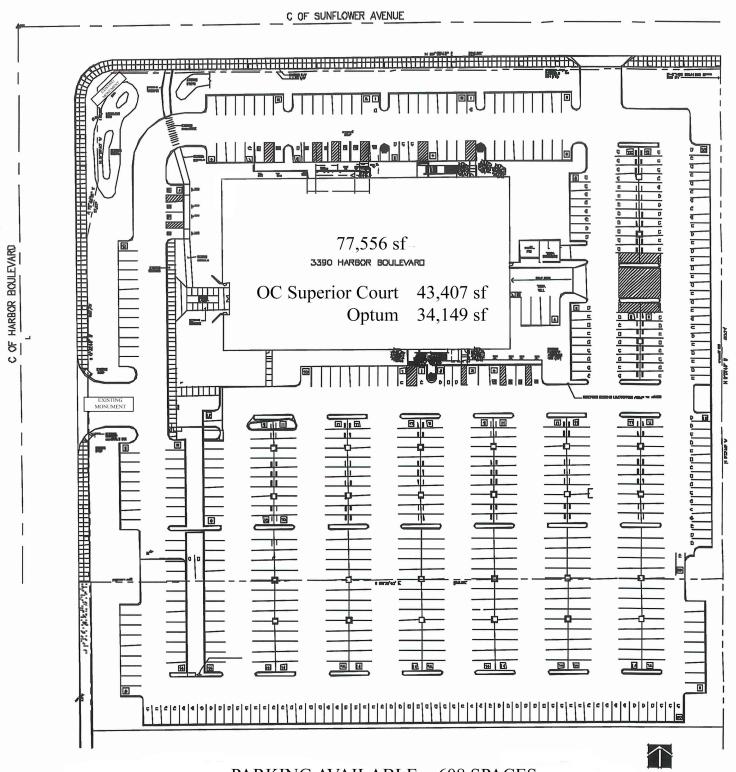
ATTACHMENT 5



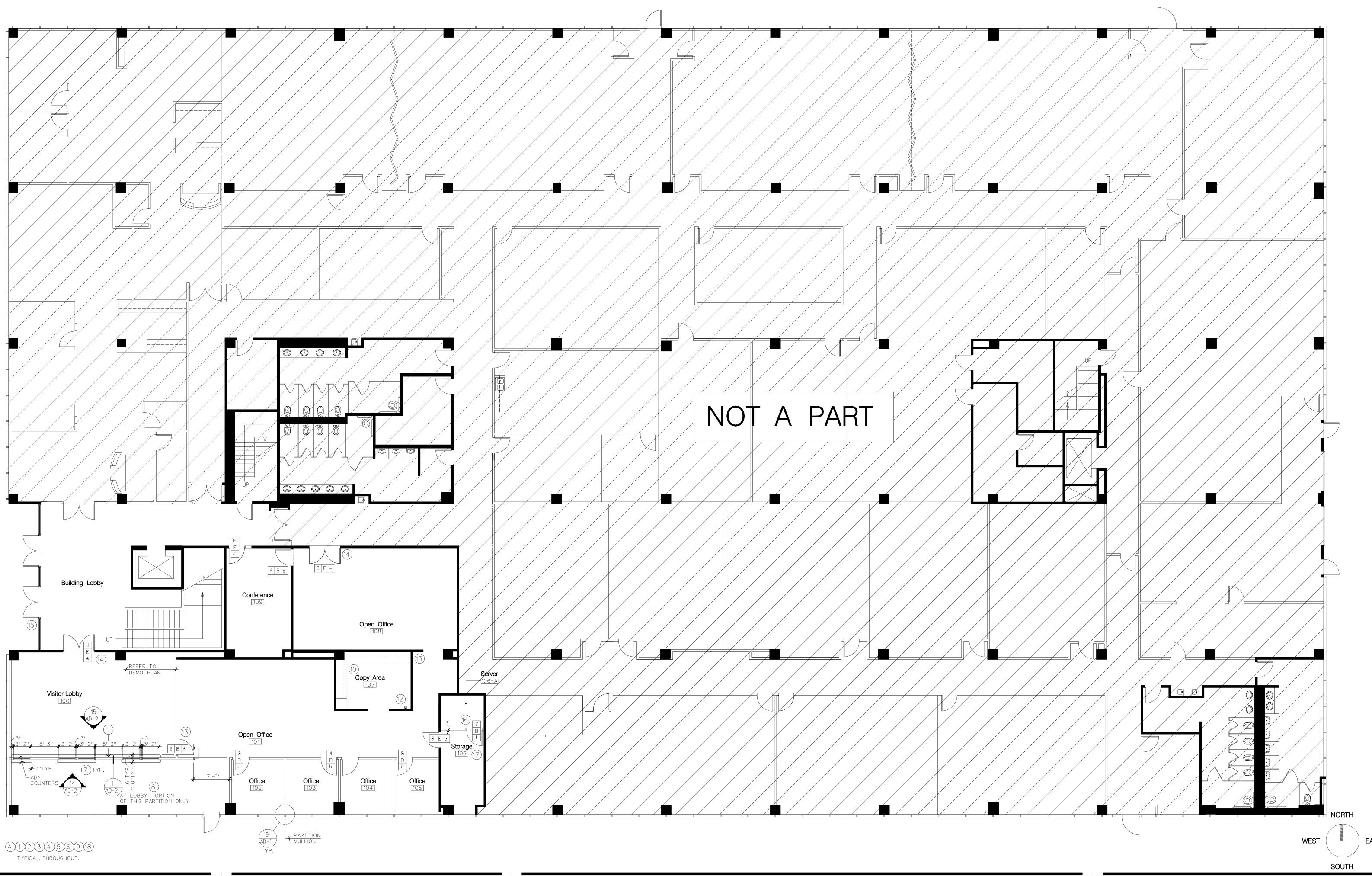








PARKING AVAILABLE = 608 SPACES PARKING RATIO = 7.8/1000



DOOR NOTES

- 1. ALL EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY, SPECIAL KNOWLEDGE OR EFFORT, AND SHALL BE PROVIDED WITH ILLUMINATED "EXIT" SIGNS AS REQUIRED BY THE FIRE
- 2. DOOR OPENINGS IN PARTITIONS NOT DIMENSIONED ARE TO BE LOCATED 4" FROM ADJOINING PARTITION.
- 3. REFER TO DETAIL 2, 3, AND 4 ON SHEET AD-1 FOR TYPICAL DOOR HEAD AND JAMB DETAILS. FOR ABOVE STANDARD DOOR DETAILS (WHERE OCCUR)
- SEE PLAN FOR ELEVATION OR DETAIL REFERENCE SYMBOL. 4. ALL DOORS TO HAVE RAIL SUPPORT AS REQUIRED FOR HARDWARE,
- 5. ALL DOORS SHALL HAVE LEVER TYPE HARDWARE IN COMPLIACE WITH C.B.C. AND
- TITLE 24 REQUIREMENTS. 6. LANDINGS OR FLOOR LEVEL AT DOORS SHALL NOT BE MORE THAN 1/2" BELOW THE THRESHOLD. RAISED THRESHOLDS AND FLOOR LEVEL CHANGES GREATER THAN 1/4" AT DOORWAYS SHALL BE BEVELED WITH A SLOPE NOT GREATER THAN ONE

UNIT VERTICAL IN TWO UNITS HORIZONTAL. CBC 1010.1.7. REFER TO #20/AD-1.

DOOR TYPES

- $3'-0'' \times 8'-0'' \times 1\frac{3}{4}$ " SOLID CORE PAINT GRADE WOOD DOOR WITH FACTORY FINISHED TIMELY BLACK ALUMINUM FRAME (MATCH EXISTING)
- TYPE "B" NEW INTERIOR DOOR (SINGLE)(NON-RATED): 3'-0" x 8'-0" x 13/4" SOLID CORE PAINT GRADE WOOD DOOR WITH FACTORY FINISHED TIMELY BLACK ALUMINUM FRAME (MATCH EXISTING)
- TYPE "C" NEW INTERIOR DOOR (PAIR)(NON-RATED): 6'-0" x 8'-0" x 13/4" SOLID CORE PAINT GRADE WOOD DOOR WITH
- FACTORY FINISHED TIMELY BLACK ALUMINUM FRAME (MATCH EXISTING). TYPE "D" NOT USED.
- TYPE "E" EXISTING DOOR AND FRAME ASSEMBLY SHALL REMAIN.

HARDWARE SETS

- ALL HARDWARE THROUGHOUT SHALL MATCH EXISTING.
- SET "a" 2- PAIR BUTT HINGES 1 - CYLINDRICAL LEVER LATCHSET
 - 1 WALL STOP
- SET "b" 2- PAIR BUTT HINGES 1 - CYLINDRICAL LEVER LOCKSET 1 - WALL STOP
- SET "c" 2- PAIR BUTT HINGES
- 1 CYLINDRICAL LEVER LOCKSET 1 - CLOSER 1 - WALL STOP
- SET "d" 2- PAIR BUTT HINGES 1 - CYLINDRICAL PRIVACY LEVER LOCKSET 1 - CLOSER
- 1 WALL STOP SET "e" EXISTING HARDWARE SHALL REMAIN.
- 2- PAIR BUTT HINGES 1 - CYLINDRICAL STOREROOM FUNCTION LEVER LOCKSET 1 - ELECTRIFIED STRIKE 1 - CLOSER
- 1 WALL STOP SET "g" 4- PAIR BUTT HINGES 2- PANIC PUSHBARS :- CLOSERS
 - 2- WALL STOPS 1 - DUSTPROOF STRIKE 1 - COORDINATOR 1 - ASTRAGAL 1 - AUTO FLUSH BOLT
- PROVIDE SMOKE SEALS AT ALL RATED DOOR LOCATIONS.

PLAN KEY-NOTES

- (1) ALL AREAS SHOWN WITH DIAGONAL SCREENING ARE N.I.C. 2) ALL CONSTRUCTION IS EXISTING TO REMAIN, U.O.N.
- 3 ALL SURFACES AFFECTED BY DEMOLITION SHALL BE PATCHED/PREPPED AS REQUIRED, TO MATCH ADJACENT SURFACES.
- 4 PATCH/PREP ALL GYP. BD. SURFACES THROUGHOUT TENANT SUITE AREA TO RECEIVE NEW FINISHES SHOWN WITHIN THESE DOCUMENTS.
- (5) ALL NEW AND EXISTING PARTITIONS SHALL HAVE A SMOOTH, LEVEL 4 FINISH. ALL PATCHED AREAS SHALL BE PATCHED/PREPPED AS REQUIRED TO RECEIVE
- A LEVEL 4 FINISH. PATCH ALL GYP. BD. AS REQUIRED THROUGHOUT, AND AT ALL DEMO'D POWER, VOICE, AND DATA OUTLETS AS REQUIRED, TO MATCH ADJACENT SURFACES.
- PROVIDE NEW SECURITY GLAZING IN TIMELY BLACK ALUMINUM FRAME AT THIS LOCATION. BOTTOM OF GLASS SHALL BE AT +42" A.F.F. (TRANSACTION COUNTER HEIGHT)(34" A.F.F. AT ADA COUNTER HEIGHT), TOP OF FRAME SHALL ALIGN WITH ADJACENT DOOR FRAME (+8'-0"+/-). GLAZING: PROVIDE LEVEL 2 BULLET RESISTANT GLAZING SYSTEM. MFR.: PACIFIC BULLETPROOF CO. (OR APPROVED EQUAL)
- REFER TO AD-2 FOR ADDITIONAL INFORMATION. AT THIS LOCATION, PROVIDE $\frac{1}{2}$ " BALLISTIC FIBERGLASS PANEL. SPECIFICATION: ARMORTEX O.F. 700 PANELS, UL 752, LEVEL 7. (ONE SIDE, BEHIND FINISHED GYP. BD., LOBBY SIDE).
- REFER TO #1/AD-2 AND #3/AD-4.
- 9 REPAIR/FINISH ALL EXTERIOR WINDOW MULLIONS AFFECTED BY DEMOLITION OF PARTITIONS, AS REQUIRED FOR A "LIKE NEW" APPEARANCE. TYPICAL.
- (10) EXISTING PLASTIC LAMINATE MILLWORK AT THIS LOCATION SHALL REMAIN. CLEAN/REPAIR AS REQUIRED FOR A "LIKE-NEW" APPEARANCE.

(11) PROVIDE NEW PLASTIC LAMINATE TRANSACTION COUNTERTOP AT +42" A.F.F. AS SHOWN.

- (12) EXISTING SURFACE MOUNTED FIRE EXTINGUISHER SHALL REMAIN AT THIS LOCATION.
- PROVIDE NEW TACTILE EXIT SIGN "EXIT ROUTE" AT THIS LOCATION. REFER TO #19/AD-2. PROVIDE NEW TACTILE EXIT SIGN "EXIT" AT THIS LOCATION.
 REFER TO #19/AD-2.

- EXISTING INTERNATIONAL ACCESSIBILITY SYMBOL SIGNAGE PER 2019 CBC SECTION 11B-703.7.2.1.
- (16) PROVIDE 24" x 12" TRANSFER GRILLE IN DOOR AT THIS LOCATION.
- KRUEGER, MODEL 600A, DOUBLE PLATE FRAME, WITH 11/4" MARGIN. COLOR: BLACK. PATCH/PREP EXISTING DRYWALL AT THIS LOCATION AS REQUIRED, TO MATCH ADJACENT SURFACES.
- PROVIDE A MOISTURE TEST OF THE SLAB AT VARIOUS LOCATIONS WITHIN THE OFFICE AREAS ONLY. COORDINATE/DETERMINE LOCATIONS TO BE TESTED WITH LANDLORD. BASED ON MOISTURE TEST RESULTS AND AS DIRECTED BY THE LANDLORD, PROVIDE AN ALTERNATE COST TO INSTALL A MOISTURE BARRIER AT ALL VCT, AND LVT FLOORING SPECIFICATION: SIKA PRODUCTS, EPOXY FLOOR SEALER WITH SIKA PRIMER, AND SIKA

GENERAL CONTRACTOR BID NOTE

A PROVIDE A SEPARATE LINE ITEM COST FOR ALL CONSTRUCTION TO BE COMPLETED DURING NON-BUSINESS OFF HOURS.

GENERAL NOTES

- 1. REFER TO SHEET CS FOR ADDITIONAL INFORMATION AND NOTES. 2. FOR WALL TYPES, REFER TO 1/ AD-1
- 3. DOOR OPENINGS IN PARTITIONS NOT DIMENSIONED ARE TO BE LOCATED WITH IN 4" OF ADJOINING PARTITION.

LEGEND

- EXISTING PARTITION TO REMAIN
- EXISTING PARTITION OR CONSTRUCTION TO BE REMOVED
- FULL HEIGHT PARTITION WITH INSULATION REFER TO 1C/AD-1
- FULL HEIGHT ONE-HOUR RATED PARTITION WITH INSULATION REFER TO 1C/AD-1 CEILING HEIGHT INTERIOR TENANT PARTITION (+9'-0''+/-) WITH INSULATION
- LOW PARTITION (+36" HIGH) WITHOUT INSULATION REFER TO #2 AND #6/AD-2

REFER TO 1A/AD-1

INTERIOR TENANT PARTITION (+10'-0") WITH INSULATION

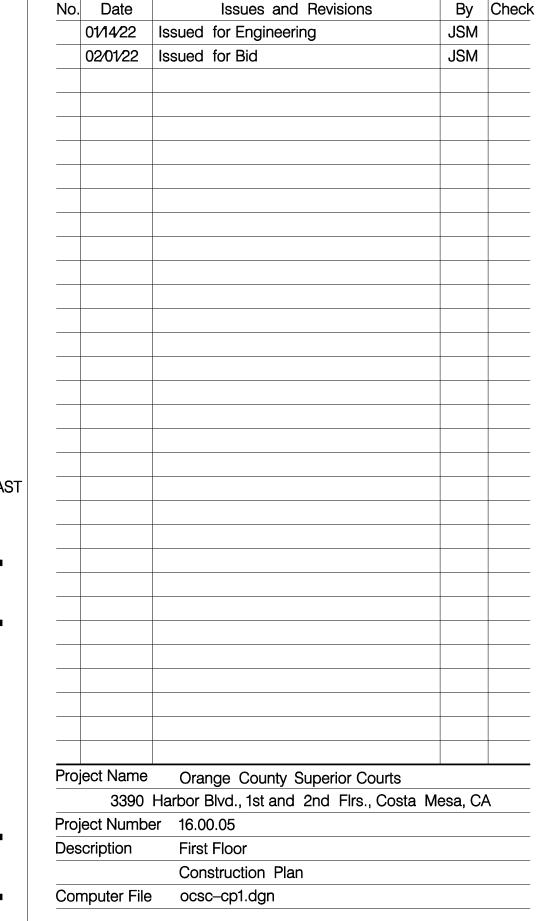
Orange County

3390 Harbor Boulevard 1st and 2nd Floor Costa Mesa, Ca

J. Marzich Design Commercial Interior Planning 25 Cantar St., Rancho Mission Viejo, CA 92694 Tel: (949) 903-0566



FIRST FLOOR CONSTRUCTION PLAN



Issues and Revisions

All drawings and written material appearing herein constitute original and

disclosed without written consent from J. Marzich Design, Inc.

unpublished work of J. Marzich Design, Inc. and may not be duplicated, used or

1/8" = 1'-0" (U.N.O.)



NOTE: REFER TO SHEET A2-1.1 FOR PLAN KEY-NOTES AND ADDITIONAL INFORMATION RELATED TO THIS PLAN.

Orange County Superior Courts

3390 Harbor Boulevard 1st and 2nd Floor Costa Mesa, Ca

J. Marzich Design
Commercial Interior Planning

25 Cantar St., Rancho Mission Viejo, CA 92694
Tel: (949) 903-0566



SECOND FLOOR CONSTRUCTION PLAN



A2-

unpublished work of J. Marzich Design, Inc. and may not be duplicated, used or

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3390 HARBOR BOULEVARD COSTA MESA, CA



WEST FACING ELEVATION



NORTH FACING ELEVATION



EAST FACING ELEVATION



SOUTH FACING ELEVATION



City of Costa Mesa Agenda Report

File #: 22-723 **Meeting Date:** 6/13/2022

TITLE:

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

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING

DIVISION

PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER

CONTACT INFORMATION: CHRIS YEAGER, (714) 754-4883;

Christopher.Yeager@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission uphold the Planning Division's administrative approval of the proposed second story addition at 283 East 19th Street with direction to the applicant to work with staff for submitting a revised window design at "Master Bedroom 2" to improve neighbor privacy. **APPLICANT OR AUTHORIZED AGENT:**

The authorized agent is Alex Hurtado, representing the property owners Hakann Family, LLC. The application was called up for review by the Planning Commission by Mayor John Stephens. **BACKGROUND:**

The subject lot is 6,561 square feet in area and is located on the south side of East 19th Street between Westminster Avenue and Santa Ana Avenue. The site is zoned R1 (Single Family Residential) and has a General Plan land use designation of LDR (Low Density Residential). The site is currently developed with a 3,495-square-foot, two-story, single-family residence with four bedrooms, three full bathrooms, and one-half bathroom. The site is also developed with a detached, two-car garage at the rear of the property with access to a rear alley. The site is surrounded by R1 zoned properties that are developed with a mix of one- and two-story single-family residences. As is required by the City's Residential Design Guidelines, two-story construction in the R1 zone that complies with the Residential Design Guidelines and residential development standards can be approved by Planning staff with a notice of zoning approval which is mailed to the property owners of the immediately adjacent properties. Conversely, deviations from the Residential Design Guidelines require the approval of a Minor Design Review, which requires the Zoning Administrator's approval. The applicant submitted plans and a Building Permit application (BC21-00147), which was reviewed and determined by Planning staff to be in compliance with the City's Zoning Code and the City's Residential Design Guidelines, and was administratively approved.

The notice of zoning approval was sent to the abutting neighbors on April 22, 2021 notifying them of the approval. On April 27, 2021, Mayor John Stephens called the application up for review by the Planning Commission due to concerns from the neighbor at 279 East 19th Street. Following the call for review, staff encouraged the applicant to work with the neighbor at 279 East 19th Street to

potentially resolve the neighbor's concerns. Unfortunately, the applicant and neighbor were unable to come to an agreement.

DESCRIPTION:

Building Permit BC21-00147 is a request to construct a 1,072-square-foot second story addition above the existing residence and detached garage. The second story addition above the garage will be connected to the main residence by an enclosed bridge. The proposed project would increase the size of the existing 3,495-square-foot house to 4,567-square-feet. The proposed residence will include five bedrooms, four full bathrooms, one-half bathroom, a new library, new storage room, new laundry room, as well as an existing great room, living room, and office. The project also proposes to modify windows on the left and right facades.

A Planning Application Summary Sheet is provided as an attachment and outlines the applicable development standards.

Neighbors' Concerns

The neighbors at 279 East 19th Street have submitted a letter outlining their concerns with the project. The letter is included as as an attachment. The concerns include the modification of windows on the second floor overlooking their property, the addition of new windows and two Juliet balconies generally facing their property, shade on their property, and the long façade of the residence.

ANALYSIS:

Appeal and Call for Review Procedures

Costa Mesa Municipal Code (CMMC) Title 2 Chapter IX stipulates appeal and review procedures. The CMMC allows any affected or interested person to appeal a project within specified periods and also allows City Council members to call projects up for review. The CMMC provides for a seven-day appeal period from the decision date. Since Planning Division staff approved the project, pursuant to the CMMC, the decision on the review shall be made by the Planning Commission. If the Planning Commission decision is appealed or called up for review, City Council will be the final review authority.

The CMMC further indicates that the Planning Commission hearing is a de novo hearing in which the Planning Commission may consider the project in its entirety. Pursuant to the de novo hearing process, the Planning Commission may consider all aspects of the proposed project and is not required to limit the discussion to the issues in the call for review. The CMMC also stipulates that the review hearing shall be based on any relevant evidence, submitted at the time of the prior decision and at the hearing, findings, if any, and decision of the person or body whose decision is being appealed.

Pursuant to CMMC Chapter IX, Section 2-303(6), the applicant for the original decision shall have the burden of proof to support the granting of the approval action at the appeal. In regard to this call for review, the applicant has specifically indicated that (1) the proposed development "complies with all code requirements," (2) the "project's impact on the neighbor's property is no different than any other room-addition projects" and (3) that they would be willing to forego the proposed windows adjacent to the neighbors outdoor patio area and instead retain the existing clerestory windows, to reduce the neighbor's perceived privacy impacts. The applicant's plans and a letter responding to the "call for review" is provided as an attachment.

Staff Action

On April 22, 2021, Planning Division staff approved the project in that it complied with the City's development standards and Residential Design Guidelines. As required by the Residential Design

Guidelines for new two-story construction, a notice of zoning approval was sent to the adjoining property owners to inform them of the decision and the appeal period. The notice is provided as an attachment. Mayor John Stephens, filed a call for review with the City Clerk's office on April 27, 2021 due to privacy concerns by the neighbor at 279 East 17th Street.

Project Design

The City's Residential Design Guidelines include the following nine design criteria: (1) Second-Story Designs, (2) Building Mass and Form Considerations, (3) Second-Story Side Setback, (4) Elevation Treatments, (5) Roof Forms, (6) Window Placement, (7) Integration of Second Story Construction, (8) Site Planning Considerations, and (9) Consistency in Architectural Design. A comparison of the proposed project with the applicable City's Residential Design Guidelines criteria is provided below:

- <u>Second-Story Designs</u> According to the City's Residential Design Guidelines, two-story structures shall be designed with elevation articulation and off-sets to avoid boxy appearances from the street and neighboring properties; materials and finishes should be consistent on all elevations; and second-story floor areas should not exceed the size of the first floor areas. As indicated on the development plans, the proposed second-story additions include articulation and avoid boxy appearances by incorporating the proposed connecting bridge and façade treatments. In addition, the proposed second-story does not exceed the size of the first floor. The proposed second-story addition is also setback from the neighboring property lines pursuant to the City's Residential Design Guidelines and articulated to avoid a "boxy" structure massing. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Second-Story Designs" criteria.
- <u>Building Mass and Form Considerations</u> According to the City's Residential Design Guidelines in regard to "Building Mass and Form Considerations," "long, unbroken building facades should be avoided, and offsets and building projections made an integral part of residential design." The Guidelines further indicate that "variety should be accomplished through variation in building heights," and "the creation of interesting massing is encouraged." Lastly, the Guidelines specify that the development effects on light, air and privacy should be considered on adjacent properties, and second-story construction should provide visual relief at the side-yard. The proposed design includes all of the aforementioned design components specifically by incorporating the proposed narrow connection bridge, compliant second-floor side-yard setbacks and articulated roof design. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Building Mass and Form Considerations" criteria. Additionally and as further described below under "Window Placement," the applicant indicated that they would be willing to modify the proposed windows located above the neighbor's patio area to respond to privacy concerns.
- <u>Second-Story Side Setback</u> The second story addition has been designed with articulation and off-sets on the various elevations to avoid a boxy appearance from the street, alley, and neighboring residences. The Residential Design Guidelines indicate that "the second-story interior side building elevation should be set back an average of ten (10) feet and no closer than five (5) feet from the side property line." The proposed average right side setback is 11 feet and 11 feet 7 inches for the left side setback, and therefore complies with the Guidelines.

The neighboring resident's letter indicates that they have concerns about the impacts of

additional shade on their property. The Residential Design Guidelines stipulates that " consideration shall be given to the effect of proposed development on the light, air, and privacy of adjacent properties." Based on the proposed compliant side-setback and the proposed articulated roof slopes facing the neighbor's property, the light and air impacts have been effectively addressed pursuant to the City's Residential Design Guidelines. Additionally, the proposed Juliet balcony accessed from "Master Bedroom 3" faces directly toward the alley at the rear of the property, and the second Juliet balcony accessed from the new library facing the neighbor's property is setback approximately 19 feet from the shared property line. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Second-Story Side Setback" criteria.

- <u>Elevation Treatments</u> According to the City's Residential Design Guidelines in regard to "Elevation Treatments," architectural treatments are encouraged to provide visual focus, and elevations should incorporate both vertical and horizontal stepping. Elevations should also incorporate multiple building planes and offsets, including porches, patio covers and fenestrations. Based on the proposed development plans, the applicant has incorporated a craftsman type architectural style with the use of linear wood paneling treatment for siding. As shown on the plan elevations, the existing house and proposed addition also includes both vertical and horizontal articulation with numerous and varying sizes of windows. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Elevation Treatments."
- Roof Forms The City's Residential Design Guidelines encourage roofs to be designed with a variety of pitches and orientations. As shown on both the proposed elevations and roof plans, the existing house generally includes a 5:12 roof pitch and a large roof segment of the proposed additions include a 3:12 roof pitch. Additionally, the existing and proposed roof includes many orientations with ridges proposed at varying heights. The Guidelines also indicate that the maximum residential building height (27 feet) only be allowed for structures with sloped-roof designs. The proposed additions include an expansion of the existing roof with a 27-foot ridge height and the remaining ridges are proposed under the City's maximum residential height standard. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Roof Forms."
- <u>Window Placement</u> The City's Residential Design Guidelines indicate that second-story windows should incorporate offsets to minimize direct views in neighboring structures, and that landscaping should be used to minimize neighboring privacy impacts. The applicant is proposing new windows on the west façade facing 279 East 19th Street, including two full size windows replacing two existing clerestory windows in the "Master Bedroom 2," two new clerestory windows in the storage room for "Master Bedroom 3," and three additional windows in the breezeway and library, which are approximately 19 feet from the shared property line. The design complies with the Residential Design Guidelines in that there are no direct views into neighboring property windows because the proposed windows are located on the second story, while the neighboring house is single story. Therefore, only indirect views are possible.

The property owner at 297 East 19th Street has indicated concern specifically for the replacement of the existing "Master Bedroom 2" clerestory windows with a typical and larger type window. The neighbor believes that this window change would create privacy impacts to their existing patio area. However and as previously mentioned, the applicant indicated that they would be willing to forego the proposed new window changes located above the neighbor's patio area and instead keep the existing clerestory design. However, the California Residential Building Code requires an "egress window" in all rooms, and the existing clerestory windows are not compliant with this Code section (they are too high from floor level and do not comply with minimum size). In order to retain the clerestory windows, staff believes it would be possible to design a niche (out cove) on this elevation where the "Master Bedroom 2" connects to the proposed "Storage" and within that niche install a compliant egress window that faces the alley to serve the "Master Bedroom 2." For reference, an existing window is shown on the plans to be removed at this location. As another option, staff also believes that the applicant could consider installation of windows that include opaque glass, which could also minimize privacy impacts to the neighbor's below patio area.

- Integration of Second-Story Construction The City's Residential Design Guidelines generally indicates that second-story additions should be designed to "appear as they were part of the original house construction" and that the upper level areas "do not appear out of proportion or top heavy. The proposed modifications and additions are adequately designed to integrate into the existing structure, and include articulated offsets and building projections that are consistent with the existing and proposed craftsman type design. The proposal also includes various building heights with vertical and horizontal second floor stepping that help to avoid continuous elevations, and the additions do not appear top heavy. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Integration of Second-Story Construction."
- <u>Site Planning Considerations</u> The City's Residential Design Guidelines indicate that "the
 location and orientation of all buildings should be designed and arranged to preserve natural
 features by minimizing the disturbance to the natural environment." The proposed project site
 does not include any natural features and nor do any of the neighboring properties. Therefore,
 the proposed residential modification and additions would not result in any disturbance of a
 natural environment.
- Consistency in Architectural Design According to the City's Residential Design Guidelines, new structures and additions should maintain a consistent architectural design and be well crafted in style and detail. The Guidelines further indicate that consistency in architectural design specifically includes the consideration of materials, finishes, decorative details, color and accent features. The proposed project incorporates the aforementioned design elements and is therefore consistent with the City's Residential Design Guidelines in regard to consistency with architectural design.

GENERAL PLAN CONFORMANCE:

The Costa Mesa General Plan includes a Community Design Element that is intended to express the City's goals and policies regarding quality design and development in the City's residential

neighborhoods. While this element does not dictate specific design guidelines (similar to the City's adopted Residential Design Guidelines), it does provide policies to ensure that projects meet the community's expectations in regard to quality design and development. In addition, the City's Land Use Element also includes policies that dictate high standards for residential development. The following analysis evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan:

Policy CD-7.1 Ensure that new and remodeled structures are designed in architectural styles that reflect the City's eclectic quality, yet are compatible in scale and character with existing buildings and the natural surroundings within residential neighborhoods. Continue to update and maintain the Costa Mesa Residential Design Guidelines.

Consistency: Consistent with the City's adopted Residential Design Guidelines, the applicant has incorporated a craftsman type architectural style with the use of linear wood paneling treatment for siding. Additionally, the existing house and proposed addition include vertical and horizontal articulation, multi-oriented roof ridges with varying heights, and varying sizes of windows. Lastly, the house is compatible with the neighborhood as the surrounding residential structures include a mix of single and two-story structures.

Policy LU-2.9 Require appropriate building setbacks, structure orientation, and placement of windows to consider the privacy of adjacent residential structures within the same project and on adjacent properties.

Consistency: The proposed addition meets all applicable setbacks and was designed to orient the structure and windows in a way that will not provide direct visibility into the neighboring dwellings. The second story windows do not provide direct views into the windows of the existing neighboring residence in that the neighboring residence is a single-story home.

Policy LU-3.8 Ensure that new development reflects existing design standards, qualities, and features that are in context with nearby development and surrounding residential neighborhoods.

Consistency: The proposed addition reflects the Residential Design Guidelines, which were approved in that the project proposes quality materials and the project complies with the development standards. The two-story construction is consistent with the neighborhood in that there are multiple two-story homes on the block.

JUSTIFICATIONS FOR APPROVAL:

There are no specific findings to be made for ministerial/administrative project approvals. However, the project was reviewed for compliance with the development standards and Residential Design Guidelines. All development standards are met and the project complies with all of the criteria of Residential Design Guidelines as specifically outlined in the report.

ENVIRONMENTAL DETERMINATION:

The project is exempt from the provisions of the California Environmental Quality Act under section 15301 (Class 1) Existing Facilities. The exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project complies with this exemption in that the proposed 1,072- square-foot addition does not exceed 50 percent of the size of the structure before the addition or 2,500 square feet.

ALTERNATIVES:

The Planning Commission may take the following actions:

- 1. Uphold the staff's decision and approve the project;
- Approve the project, subject to reasonable conditions of approval such as specific design changes that would incorporate equitable design modifications to avoid/reduce neighbor impacts; or
- 3. Reverse staff's decision and deny the project.

LEGAL REVIEW:

The City Attorney has reviewed the draft resolution and has approved it as to form.

PUBLIC NOTICE:

Section 2-308 of the Costa Mesa Municipal Code requires that the notice of the hearing for the appeal or review shall be given in the same manner as any required notice for the hearing at which the decision subject to the appeal or review was made. In all cases for the hearing for an appeal or review, written notice of the date, time, and place shall be given to the original applicant, if any, any prior applicant for appeal regarding the same matter, and for appeals the person requesting the current appeal.

Mailed notice has been provided at least 10 days in advance of the hearing to the immediately adjacent residences (which were also originally notified of the project approval in the Zoning Approval Notice), the applicant, and Mayor John Stephens. In addition, beyond the requirements of the code, a notice has been posted at the subject property.

As of the date of this report, no written public comments have been received. Any public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The applicant's proposal is in compliance with the City's development standards and the applicable design criteria specified in the City's Residential Design Guidelines. Further, the proposed design is articulated within the allowable building envelope, and the building mass is minimized by compliance with setbacks and the use of vertical and horizontal offsets. The proposed development is neighborhood compatible in that the neighborhood includes a mix of single and two-story residences. Lastly, and with certain design modifications to the existing windows in "Master Bedroom 2" as described in this report, the proposed location of decks, windows and other activity areas would not result in substantial neighbor privacy impacts.

Based on compliance with the residential development standards, and Residential Design Guidelines, staff recommends that the Planning Commission uphold the Planning Division Zoning Approval BC21-00147 for issuance of a building permit with direction to the applicant to work with staff to modify the windows located at the "Master Bedroom 2" to either remain as clearstory and add an additional window from a new niche area, or use opaque glass for the those windows.

77 Fair Drive Costa Mesa, CA 92626



City of Costa Mesa Agenda Report

File #: 22-723

Meeting Date: 6/13/2022

TITLE:

REVIEW OF PLANNING DIVISION ZONING APPROVAL BC21-00147 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND REMODEL AT 283 EAST 19TH STREFT

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING

DIVISION

PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER

CONTACT INFORMATION: CHRIS YEAGER, (714) 754-4883;

Christopher.Yeager@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission uphold the Planning Division's administrative approval of the proposed second story addition at 283 East 19th Street with direction to the applicant to work with staff for submitting a revised window design at "Master Bedroom 2" to improve neighbor privacy.

APPLICANT OR AUTHORIZED AGENT:

The authorized agent is Alex Hurtado, representing the property owners Hakann Family, LLC. The application was called up for review by the Planning Commission by Mayor John Stephens.

BACKGROUND:

The subject lot is 6,561 square feet in area and is located on the south side of East 19th Street between Westminster Avenue and Santa Ana Avenue. The site is zoned R1 (Single Family Residential) and has a General Plan land use designation of LDR (Low Density Residential). The site is currently developed with a 3,495-square-foot, two-story, single-family residence with four bedrooms, three full bathrooms, and one-half bathroom. The site is also developed with a detached, two-car garage at the rear of the property with access to a rear alley. The site is surrounded by R1 zoned properties that are developed with a mix of one- and two-story single-family residences.

As is required by the City's Residential Design Guidelines, two-story construction in the R1 zone that complies with the Residential Design Guidelines and residential development standards can be approved by Planning staff with a notice of zoning approval which is mailed to the property owners of the immediately adjacent properties. Conversely, deviations from the Residential Design Guidelines require the approval of a Minor Design Review, which requires the Zoning Administrator's approval.

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DESCRIPTION:

Building Permit BC21-00147 is a request to construct a 1,072-square-foot second story addition above the existing residence and detached garage. The second story addition above the garage will be connected to the main residence by an enclosed bridge. The proposed project would increase the size of the existing 3,495-square-foot house to 4,567-square-feet. The proposed residence will include five bedrooms, four full bathrooms, one-half bathroom, a new library, new storage room, new laundry room, as well as an existing great room, living room, and office. The project also proposes to modify windows on the left and right facades.

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ANALYSIS:

Appeal and Call for Review Procedures

Costa Mesa Municipal Code (CMMC) Title 2 Chapter IX stipulates appeal and review procedures. The CMMC allows any affected or interested person to appeal a project within specified periods and also allows City Council members to call projects up for review. The CMMC provides for a seven-day appeal period from the decision date. Since Planning Division staff approved the project, pursuant to the CMMC, the decision on the review shall be made by the Planning Commission. If the Planning Commission decision is appealed or called up for review, City Council will be the final review authority.

The CMMC further indicates that the Planning Commission hearing is a de novo hearing in which the Planning Commission may consider the project in its entirety. Pursuant to the de novo hearing process, the Planning Commission may consider all aspects of the proposed project and is not required to limit the discussion to the issues in the call for review. The CMMC also stipulates that the review hearing shall be based on any relevant evidence, submitted at the time of the prior decision and at the hearing, findings, if any, and decision of the person or body whose decision is being appealed.

Pursuant to CMMC Chapter IX, Section 2-303(6), the applicant for the original decision shall have the burden of proof to support the granting of the approval action at the appeal. In regard to this call for review, the applicant has specifically indicated that (1) the proposed development "complies with all

code requirements," (2) the "project's impact on the neighbor's property is no different than any other room-addition projects" and (3) that they would be willing to forego the proposed windows adjacent to the neighbors outdoor patio area and instead retain the existing clerestory windows, to reduce the neighbor's perceived privacy impacts. The applicant's plans and a letter responding to the "call for review" is provided as an attachment.

Staff Action

On April 22, 2021, Planning Division staff approved the project in that it complied with the City's development standards and Residential Design Guidelines. As required by the Residential Design Guidelines for new two-story construction, a notice of zoning approval was sent to the adjoining property owners to inform them of the decision and the appeal period. The notice is provided as an attachment. Mayor John Stephens, filed a call for review with the City Clerk's office on April 27, 2021 due to privacy concerns by the neighbor at 279 East 17th Street.

Project Design

The City's Residential Design Guidelines include the following nine design criteria: (1) Second-Story Designs, (2) Building Mass and Form Considerations, (3) Second-Story Side Setback, (4) Elevation Treatments, (5) Roof Forms, (6) Window Placement, (7) Integration of Second Story Construction, (8) Site Planning Considerations, and (9) Consistency in Architectural Design. A comparison of the proposed project with the applicable City's Residential Design Guidelines criteria is provided below:

- <u>Second-Story Designs</u> According to the City's Residential Design Guidelines, two-story structures shall be designed with elevation articulation and off-sets to avoid boxy appearances from the street and neighboring properties; materials and finishes should be consistent on all elevations; and second-story floor areas should not exceed the size of the first floor areas. As indicated on the development plans, the proposed second-story additions include articulation and avoid boxy appearances by incorporating the proposed connecting bridge and façade treatments. In addition, the proposed second-story does not exceed the size of the first floor. The proposed second-story addition is also setback from the neighboring property lines pursuant to the City's Residential Design Guidelines and articulated to avoid a "boxy" structure massing. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Second-Story Designs" criteria.
- Building Mass and Form Considerations According to the City's Residential Design Guidelines in regard to "Building Mass and Form Considerations," "long, unbroken building facades should be avoided, and offsets and building projections made an integral part of residential design." The Guidelines further indicate that "variety should be accomplished through variation in building heights," and "the creation of interesting massing is encouraged." Lastly, the Guidelines specify that the development effects on light, air and privacy should be considered on adjacent properties, and second-story construction should provide visual relief at the side-yard. The proposed design includes all of the aforementioned design components specifically by incorporating the proposed narrow connection bridge, compliant second-floor side-yard setbacks and articulated roof design. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Building Mass and Form Considerations" criteria. Additionally and as further described below under "Window Placement," the applicant

indicated that they would be willing to modify the proposed windows located above the neighbor's patio area to respond to privacy concerns.

Second-Story Side Setback - The second story addition has been designed with articulation and off-sets on the various elevations to avoid a boxy appearance from the street, alley, and neighboring residences. The Residential Design Guidelines indicate that "the second-story interior side building elevation should be set back an average of ten (10) feet and no closer than five (5) feet from the side property line." The proposed average right side setback is 11 feet and 11 feet 7 inches for the left side setback, and therefore complies with the Guidelines.

The neighboring resident's letter indicates that they have concerns about the impacts of additional shade on their property. The Residential Design Guidelines stipulates that "consideration shall be given to the effect of proposed development on the light, air, and privacy of adjacent properties." Based on the proposed compliant side-setback and the proposed articulated roof slopes facing the neighbor's property, the light and air impacts have been effectively addressed pursuant to the City's Residential Design Guidelines. Additionally, the proposed Juliet balcony accessed from "Master Bedroom 3" faces directly toward the alley at the rear of the property, and the second Juliet balcony accessed from the new library facing the neighbor's property is setback approximately 19 feet from the shared property line. Therefore, the proposed additions comply with the City's Residential Design Guidelines' "Second-Story Side Setback" criteria.

- <u>Elevation Treatments</u> According to the City's Residential Design Guidelines in regard to "Elevation Treatments," architectural treatments are encouraged to provide visual focus, and elevations should incorporate both vertical and horizontal stepping. Elevations should also incorporate multiple building planes and offsets, including porches, patio covers and fenestrations. Based on the proposed development plans, the applicant has incorporated a craftsman type architectural style with the use of linear wood paneling treatment for siding. As shown on the plan elevations, the existing house and proposed addition also includes both vertical and horizontal articulation with numerous and varying sizes of windows. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Elevation Treatments."
- Roof Forms The City's Residential Design Guidelines encourage roofs to be designed with a variety of pitches and orientations. As shown on both the proposed elevations and roof plans, the existing house generally includes a 5:12 roof pitch and a large roof segment of the proposed additions include a 3:12 roof pitch. Additionally, the existing and proposed roof includes many orientations with ridges proposed at varying heights. The Guidelines also indicate that the maximum residential building height (27 feet) only be allowed for structures with sloped-roof designs. The proposed additions include an expansion of the existing roof with a 27-foot ridge height and the remaining ridges are proposed under the City's maximum residential height standard. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Roof Forms."
- Window Placement The City's Residential Design Guidelines indicate that second-story

windows should incorporate offsets to minimize direct views in neighboring structures, and that landscaping should be used to minimize neighboring privacy impacts. The applicant is proposing new windows on the west façade facing 279 East 19th Street, including two full size windows replacing two existing clerestory windows in the "Master Bedroom 2," two new clerestory windows in the storage room for "Master Bedroom 3," and three additional windows in the breezeway and library, which are approximately 19 feet from the shared property line. The design complies with the Residential Design Guidelines in that there are no direct views into neighboring property windows because the proposed windows are located on the second story, while the neighboring house is single story. Therefore, only indirect views are possible.

The property owner at 297 East 19th Street has indicated concern specifically for the replacement of the existing "Master Bedroom 2" clerestory windows with a typical and larger type window. The neighbor believes that this window change would create privacy impacts to their existing patio area. However and as previously mentioned, the applicant indicated that they would be willing to forego the proposed new window changes located above the neighbor's patio area and instead keep the existing clerestory design. However, the California Residential Building Code requires an "egress window" in all rooms, and the existing clerestory windows are not compliant with this Code section (they are too high from floor level and do not comply with minimum size). In order to retain the clerestory windows, staff believes it would be possible to design a niche (out cove) on this elevation where the "Master Bedroom 2" connects to the proposed "Storage" and within that niche install a compliant egress window that faces the alley to serve the "Master Bedroom 2." For reference, an existing window is shown on the plans to be removed at this location. As another option, staff also believes that the applicant could consider installation of windows that include opaque glass, which could also minimize privacy impacts to the neighbor's below patio area.

- Integration of Second-Story Construction The City's Residential Design Guidelines generally indicates that second-story additions should be designed to "appear as they were part of the original house construction" and that the upper level areas "do not appear out of proportion or top heavy. The proposed modifications and additions are adequately designed to integrate into the existing structure, and include articulated offsets and building projections that are consistent with the existing and proposed craftsman type design. The proposal also includes various building heights with vertical and horizontal second floor stepping that help to avoid continuous elevations, and the additions do not appear top heavy. Therefore, the proposed development complies with the City's Residential Design Guidelines in regard to "Integration of Second-Story Construction."
- <u>Site Planning Considerations</u> The City's Residential Design Guidelines indicate that "the location and orientation of all buildings should be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment." The proposed project site does not include any natural features and nor do any of the neighboring properties. Therefore, the proposed residential modification and additions would not result in any disturbance of a natural environment.

• Consistency in Architectural Design - According to the City's Residential Design Guidelines, new structures and additions should maintain a consistent architectural design and be well crafted in style and detail. The Guidelines further indicate that consistency in architectural design specifically includes the consideration of materials, finishes, decorative details, color and accent features. The proposed project incorporates the aforementioned design elements and is therefore consistent with the City's Residential Design Guidelines in regard to consistency with architectural design.

GENERAL PLAN CONFORMANCE:

The Costa Mesa General Plan includes a Community Design Element that is intended to express the City's goals and policies regarding quality design and development in the City's residential neighborhoods. While this element does not dictate specific design guidelines (similar to the City's adopted Residential Design Guidelines), it does provide policies to ensure that projects meet the community's expectations in regard to quality design and development. In addition, the City's Land Use Element also includes policies that dictate high standards for residential development. The following analysis evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan:

Policy CD-7.1 Ensure that new and remodeled structures are designed in architectural styles that reflect the City's eclectic quality, yet are compatible in scale and character with existing buildings and the natural surroundings within residential neighborhoods. Continue to update and maintain the Costa Mesa Residential Design Guidelines.

Consistency: Consistent with the City's adopted Residential Design Guidelines, the applicant has incorporated a craftsman type architectural style with the use of linear wood paneling treatment for siding. Additionally, the existing house and proposed addition include vertical and horizontal articulation, multi-oriented roof ridges with varying heights, and varying sizes of windows. Lastly, the house is compatible with the neighborhood as the surrounding residential structures include a mix of single and two-story structures.

Policy LU-2.9 Require appropriate building setbacks, structure orientation, and placement of windows to consider the privacy of adjacent residential structures within the same project and on adjacent properties.

Consistency: The proposed addition meets all applicable setbacks and was designed to orient the structure and windows in a way that will not provide direct visibility into the neighboring dwellings. The second story windows do not provide direct views into the windows of the existing neighboring residence in that the neighboring residence is a single-story home.

Policy LU-3.8 Ensure that new development reflects existing design standards, qualities, and features that are in context with nearby development and surrounding residential neighborhoods.

Consistency: The proposed addition reflects the Residential Design Guidelines, which were approved in that the project proposes quality materials and the project complies with the development standards. The two-story construction is consistent with the neighborhood in that there are multiple two-story homes on the block.

File #: 22-723

JUSTIFICATIONS FOR APPROVAL:

There are no specific findings to be made for ministerial/administrative project approvals. However, the project was reviewed for compliance with the development standards and Residential Design Guidelines. All development standards are met and the project complies with all of the criteria of Residential Design Guidelines as specifically outlined in the report.

Meeting Date: 6/13/2022

ENVIRONMENTAL DETERMINATION:

The project is exempt from the provisions of the California Environmental Quality Act under section 15301 (Class 1) Existing Facilities. The exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project complies with this exemption in that the proposed 1,072- square-foot addition does not exceed 50 percent of the size of the structure before the addition or 2,500 square feet.

ALTERNATIVES:

The Planning Commission may take the following actions:

1. Uphold the staff's decision and approve the project;

- 2. Approve the project, subject to reasonable conditions of approval such as specific design changes that would incorporate equitable design modifications to avoid/reduce neighbor impacts; or
- 3. Reverse staff's decision and deny the project.

LEGAL REVIEW:

The City Attorney has reviewed the draft resolution and has approved it as to form.

PUBLIC NOTICE:

Section 2-308 of the Costa Mesa Municipal Code requires that the notice of the hearing for the appeal or review shall be given in the same manner as any required notice for the hearing at which the decision subject to the appeal or review was made. In all cases for the hearing for an appeal or review, written notice of the date, time, and place shall be given to the original applicant, if any, any prior applicant for appeal regarding the same matter, and for appeals the person requesting the current appeal.

Mailed notice has been provided at least 10 days in advance of the hearing to the immediately adjacent residences (which were also originally notified of the project approval in the Zoning Approval Notice), the applicant, and Mayor John Stephens. In addition, beyond the requirements of the code, a notice has been posted at the subject property.

As of the date of this report, no written public comments have been received. Any public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The applicant's proposal is in compliance with the City's development standards and the applicable design criteria specified in the City's Residential Design Guidelines. Further, the proposed design is articulated within the allowable building envelope, and the building mass is minimized by compliance

with setbacks and the use of vertical and horizontal offsets. The proposed development is neighborhood compatible in that the neighborhood includes a mix of single and two-story residences. Lastly, and with certain design modifications to the existing windows in "Master Bedroom 2" as described in this report, the proposed location of decks, windows and other activity areas would not result in substantial neighbor privacy impacts.

Based on compliance with the residential development standards, and Residential Design Guidelines, staff recommends that the Planning Commission uphold the Planning Division Zoning Approval BC21-00147 for issuance of a building permit with direction to the applicant to work with staff to modify the windows located at the "Master Bedroom 2" to either remain as clearstory and add an additional window from a new niche area, or use opaque glass for the those windows.

RESOLUTION NO. PC-2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA UPHOLDING PLANNING DIVISION APPROVAL OF BUILDING PERMIT BC21-00147 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND REMODEL AT 283 E. 19TH STREET

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

WHEREAS, Building Permit BC21-00147 was filed by Alex Hurtado, authorized agent for the property owner, Hakann Family, LLC requesting approval of the following: to construct a 1,072-square-foot second story addition above the existing residence and detached garage. The second story addition above the garage will be connected to the main residence by an enclosed bridge. The residence will include 4,567 square feet of living space including 2,380 square feet on the first floor and 2,187 square feet on the second floor. The residence will feature 5 bedrooms, 4 full bathrooms, 1 half bathroom, a new library, new storage room, new laundry room, as well as an existing great room, living room, and office. The project also proposes to modify windows on the left and right facades.

WHEREAS, the Planning Division approved the building permit application on April 22, 2021 and sent a notice of zoning approval to adjoining property owners allowing for members of the public to appeal the decision.

WHEREAS, Mayor John Stephens filed a call for review of the Planning Division's approval with the City Clerk's office on April 27, 2021.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 13, 2022 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 including the applicable development standards and the Residential Design Guidelines, the Planning Commission hereby upholds the decision of the Planning Division and **APPROVES** Building Permit Application BC21-00147 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 the call for review of Building Permit BC21-00147 and upon applicant's compliance with 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 13th day of June, 2022.

Byron de Arakal, 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 June 13, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2022-___

PLANNING APPLICATION SUMMARY

Location:	283 E 19 th Street	Application Number:	BC21-00147
Request:	Building Permit BC21-00147 is a reque above the existing residence and detact will be connected to the main residence square-feet of living space including 2,3 the second floor. The residence will feat new library, new storage room, new laur and office. The project also proposes to	hed garage. The secon by an enclosed bridge. 80-square-feet on the fi ure 5 bedrooms, 4 full l ndry room, as well as a	d story addition above the garage. The residence will include 4,567-irst floor and 2,187-square-feet on bathrooms and 1 half bathroom, a n existing great room, living room,

SUBJECT PROPERTY: SURROUNDING PROPERTY:

Zone:	R1	North:	R1 (Across E 19 th St)
General Plan:	LDR	South:	R1 (Across the alley)
Lot Dimensions:	50.44 FT x 129.08 FT (project site)	East:	R1
Lot Area:	6,561 SF	West:	R1
Existing Development:	Developed with an 3,495-square-foot, two-story single family residence with detached two car garage.		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required	Proposed/Provided		
Minimum Lot Area	6,000 SF	6,561 SF		
Minimum Lot Width	50 FT	50.44 FT		
Maximum No. of Stories/Bldg. Height	2 Stories/27 FT	2 Stories/26 FT 7 IN		
Minimum Open Space	40%	46.46%		
Front Setback	20 FT	20 FT		
Side Setback (Right/Left)	5 FT/5 FT	5 FT/5 FT		
Average Second Story Side Setback	10FT/10FT	(11FT/11FT-7IN)		
(Right/Left)				
Rear Setback	5 FT	10 FT		
Parking				
Covered Parking	2 Spaces	2 Spaces		
Open Parking	1 Space	1 Space		
CEQA Status Exempt per CEQA Guid	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)			
Final Action Planning Commission	Planning Commission			

Response to Neighbor's Letter On 283 E. 19th St, Costa Mesa

May 23, 2022

We have received the letter by my neighbor, Mr. & Mrs. Fred & Karen Arnold, from Mr. Chris Yeager today. Below are my responses to some of the statements they made in their letter.

- I am truly not aware of any such verbal agreement that "our houses would not grow". I
 respect Mr. And Mrs. Arnold deeply, so any discussion about property adjustments,
 even landscaping, is taken to heart and thoroughly considered. They have always been
 sweet, understanding, and helpful since I've lived here. I'm surprised to learn about
 their rejection of the proposed project.
- 2. At our understating, our builder Mr. Lin He, went to Mr. & Mrs. Arnold's house to discuss the project three times before the 08/06/21 meeting referred in their letter. Mr. & Mrs. Arnold gave Mr. He a tour of their side yard and backyard, pointing to the potential effect of the changes to their house and yard. They sat down in their dining table, studied the plan they already printed out (Mr. He brought his copy as well). Since Mr. Fred Arnold was also a builder, their discussions were very detailed and technical, per Mr. He. Several modifications were proposed and discussed. During those meetings, Mr. Fred at times seemed to be open to solutions, as I was told, to address his concern and alluded that his patio could use a fix-up. Sometimes he was adamant that this project in no way can move forward.
- 3. In the hope of allowing all voices to be heard in a compassionate and fair manner, I invited Mr. & Mrs. Arnold to my house on 08/06/2022 as mentioned in their email. Mr. He was in attendance. Mr. He presented the possible modifications again. Mr. Arnold responded with the need to address his poor state of health and family history, issues that were irrelevant to the project, and was resistant to any and all alternatives. I could feel his anxiety over the project, and I was willing to sit quietly and listen to his many dissatisfactions of issues outside of the project meeting (regarding local crime, surgical procedures, snakes, his children). Even though he emphatically stated, "I will fight until my last breath", I only responded that I am happy regardless of any outcome. It is within my right to have peace, as it is his, but I cannot control the direction and intensity of each sunrise and sunset. Mrs. Arnold appeared quite neutral overall, and calmly went with the flow, if I am not mistaken. It is not my intention whatsoever to cause tension; there is no benefit. I can only hope to maintain my personal sanctuary through a kind attitude, and I cannot control anyone else's reaction at the end of the day. If there is any other way to make them happy without sacrificing my rights, I would be more than happy to hear the options.

4. Per Mr. He, who is the original developer of the property, there was no agreement that the existing 2nd story windows facing the west would remain as "awning" windows. This is because there was no certainty at that time and Mr. He couldn't promise him what the buyer of the property would do. The awning windows were put in place after modifying the original design at the request from Mr. Arnold. I think Mr. Arnold meant clerestory windows in the form of awning windows when he used the word "awning" window.

The main motivation behind this room addition is to add a separate room as well as my own retreat. I am a single mom with full custody of two very active boys at age of 12 and 8. It is quite draining to keep up with them day and night, especially since COVID. I would love to have a moment of silence for my daily meditations, especially with a view of my garden and nature. Increasing property value is also a way to justify the cost that will go into the project.

I believe our design complies with all the code requirements per the reviews by the Planning Department and Building Department. This project's impact on the neighbor's property is no different than any other room-addition projects. However, in the spirit of collaboration and compromise, I am willing to address their concern about the two awning windows. I am willing to reverse those two windows back to clerestory windows in the form of awning windows.

This project has been stalled for well over two years. I have explored every possible way to address their concerns. It would be a dream come true to move the project forward. I appreciate your time and consideration of this project.

Anne Nguyen Owner, 283 E. 19th St, Costa Mesa April 15, 2022

Fred & Karen Arnold 279 E. 19th St. Costa Mesa, CA 92627 fredwarnold@sbcglobal.net ksasarnold@gmail.com 949-642-9435

City of Costa Mesa Development Services Department Planning Division P.O. Box 1200 Costa Mesa, CA 92628-1200

REFERENCE: PLANNED CONSTRUCTION AT 283 E. 19TH ST.

Dear Byron de Arakal Chair (District 3):

We would appreciate the Planning Commission's time to review the issues we have on the additions to our next door neighbors house.

The new 2nd story addition over the garage and the rear of the house will now have major impact to our privacy, and shade/shadow. We will not have sun on the East side of our house until mid day.

- Planned change of (2)Awning windows to (2) single casement windows on 2nd floor **They
 will have visibility into our Living Room, Kitchen/Dinning and Office areas. Also, no privacy
 on our patio, which is our extended outdoor living area.
- 2nd Floor: There are (2) balconies with French doors and (2) double casement windows facing our property.
- 2nd Floor: Breezeway with double casement window facing our property
- The proposed construction of 1,072 square feet second story addition above the existing residence and detached garage will create a long concrete barrier.

**We have a major concern: There was an agreement on the original construction of 283 E. 19th. St. in 2014 that the existing 2nd story windows facing West (over-looking our property at 279 E. 19th St.) would remain as "Awning" windows. When Ann bought the house we made a verbal agreement our houses would not grow that is now broken.

It came as a shock about this addition, as our neighbor did not communicate her plans to us. We received a letter from the City of Costa Mesa Planning Division on the planned construction and only had a few days to respond before it was to be "Final" by the Planning Commission. On 04/27/2021 Mayor Stephens was able to postpone (Review) the plans to give us time to meet with our neighbor and try and work out our concerns. We met on 08/06/21 with Lin He (Builder) and Ann (Neighbor). No plans were present, no clear vision and nothing was accomplished. It was all abstract. One major call-out from the meeting was that the owner told us she was interested in increasing her square footage to increase her property value. When we asked what about our property she stated "That is your problem".

Our family feels our place is a home, not just a house. Three daughters were raised here. Karen and I are both retired and live on limited income.

Fred has had major surgery at VA hospital Long Beach and has limited mobility and uses a walker. In looking forward to the future planned construction it is a major health issue. He is a Vietnam Veteran and served with the 1/5 & 3/5 Marines. He was a major factor in forming the 1/5 Support Group at City of Costa Mesa. We both love our community and city.

We understand our neighbor wants to increase the value of her property and that is her right, but our welfare and privacy are at stake. Our property value is also vital. Since, we are both retired, we enjoy spending the majority of our time at home.

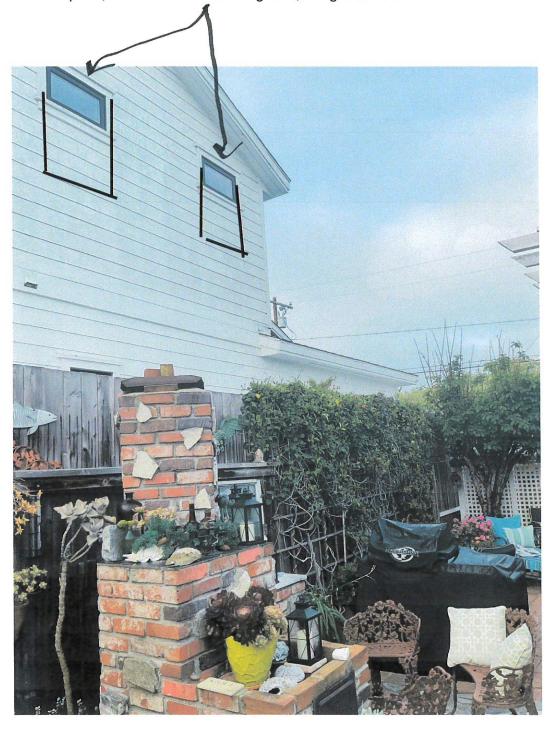
We appreciate your time on reviewing our concerns

Respectfully,

Fred & Karen Arnold

View from 283 E. 19th St. looking down on 279 E. 19th St. CM outdoor patio

Awning windows proposed change to single casement windows, which will look directly down on our patio, into our kitchen/dinning area, living room & office.



Page 3 of 4 71

283 E.19th St. Costa Mesa



Additions & Changes

Page 4 of 4



OFFICIAL PUBLIC NOTICE OF ZONING APPROVAL

April 22, 2021

RE: ZONING APPROVAL BC21-00147 283 EAST 19th STREET, COSTA MESA

The Planning Division has completed its review of the above-referenced project. Based on the following project description, the project has been approved.

PROJECT DESCRIPTION

The property owner proposes to construct a 1,072-square-foot second story addition above the existing residence and detached garage. The second story addition above the garage will be connected to the main residence by an enclosed bridge. The residence will include 4,567-square-feet of living space including 2,380-square-feet on the first floor and 2,187-square-feet on the second floor. The residence will feature 5 bedrooms, 4 full bathrooms and 1 half bathroom, a new library, new storage room, new laundry room, as well as an existing great room, living room, and office. The project also proposes to modify windows on the left and right facades. The proposed project complies with all applicable development standards and a minor design review is not required because the structure complies with the City's Residential Design Guidelines. The size, type, and location of second story windows are designed to minimize adverse privacy impacts to neighbors.

The zoning approval will become final at 5 p.m. on April 29, 2021 unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this notice, please feel free to contact the project planner, Chris Yeager at (714) 754-4883 or christopher.yeager@costamesaca.gov.

Distribution:

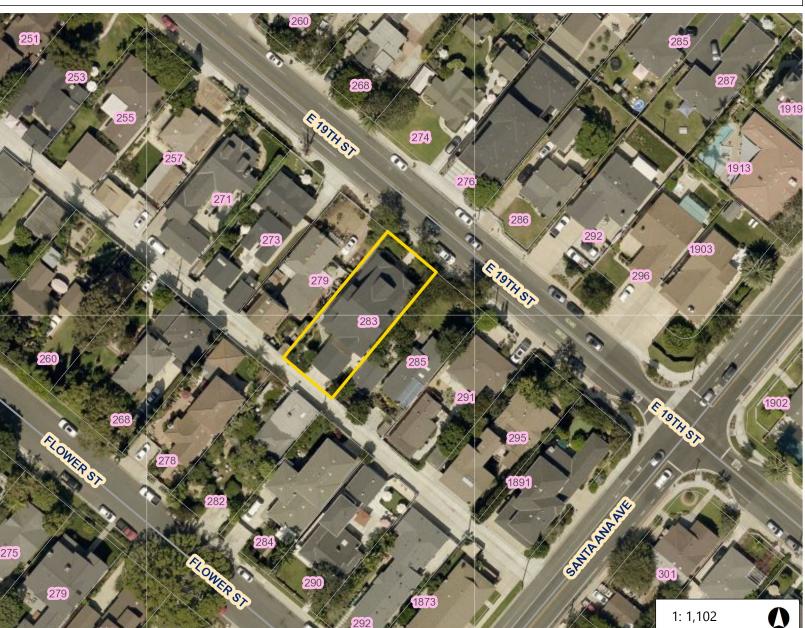
Hakann Family Llc Frederick Arnold Rosecrans-Hine Family Living Trust 275 South Peralta Hills Dr. 279 E 19th Street 1218 Highland Drive Newport Beach, CA 92660



WGS_1984_Web_Mercator_Auxiliary_Sphere

© City of Costa Mesa

Vicinity Map



0.0 Miles

0.02



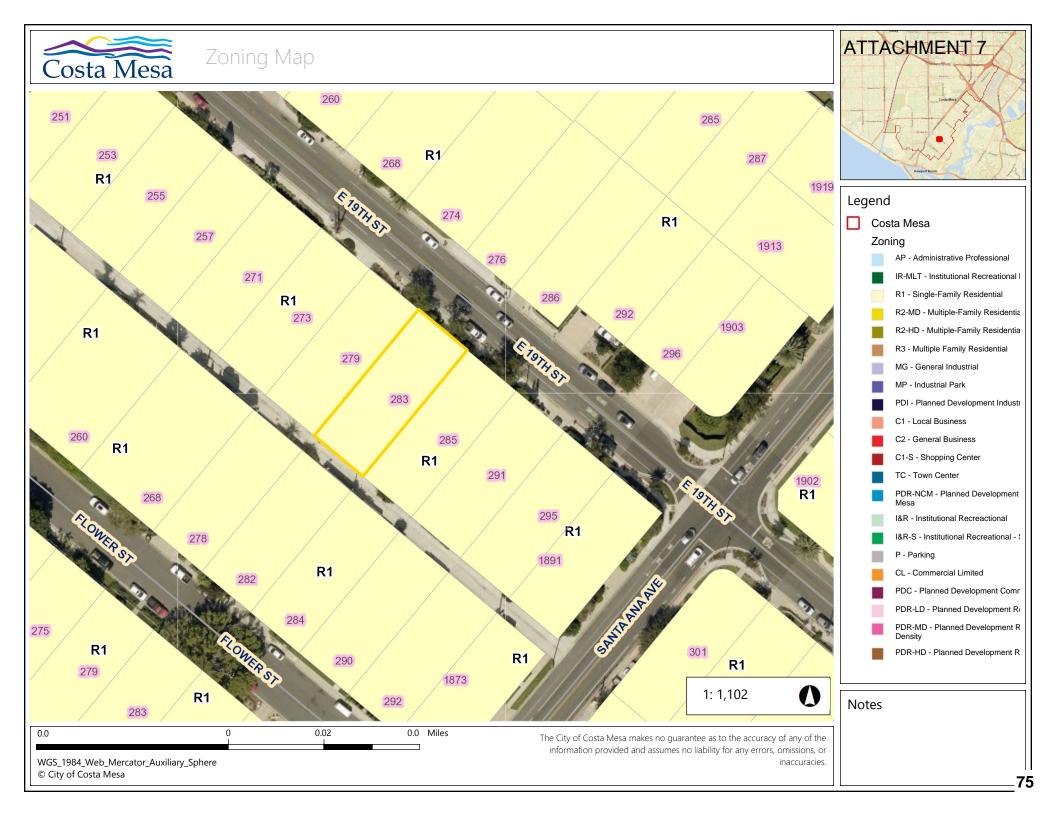
Legend

Costa Mesa

Notes

inaccuracies.

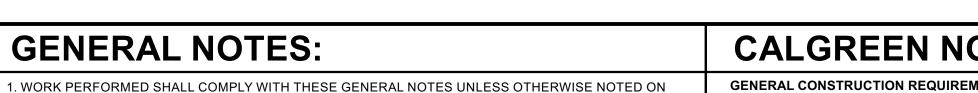
The City of Costa Mesa makes no guarantee as to the accuracy of any of the information provided and assumes no liability for any errors, omissions, or







12/04/2020 SHEET SIZE TO SCALE JOB NO.



2019 CRC 2019 CBC 2019 CPC 2019 CMC 2019 CEC **2019 CEES 2019 GBSC**

2019 CALIFORNIA MECHANICAL CODE 2019 CALIFORNIA ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL 2019 GREEN BUILDING STANDARDS CODE MUNICIPAL CODE AS ADOPTED BY THE CITY OF COSTA MESA

3. ALL WORK TO COMPLY WITH ALL APPLICABLE LOCAL AND STATE CODES, ORDINANCES AND

2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH:

2019 CALIFORNIA RESIDENTIAL CODE

2019 CALIFORNIA PLUMBING CODE

NGUYEN RESIDENCE

(E) 2-CAR DRIVEWAY

EXISTING FOOTPRINT

(125 sqft)

*** * ***

LOT COVERAGE CALCULATIONS:

5'-0" MIN. S/B

5'-0" MIN. S/B

OPEN SPACE CALCULATIONS: (40% MIN)

STRUCTURE COVERAGE + DRIVEWAY:

OPEN SPACE:

ZONE: R1, SINGLE-FAMILY RESIDENTIAL DISTRICT

20'-0" MIN. S/B, FACING GARAGE

Ψ Ψ Ψ

*** * ***

SECOND STORY ADDITION

283 E. 19th STREET,

(E) 2-CAR GARAGE

ROOM COUNT:

EXISTING FOOTPRIN

SITE PLAN

SCALE: 3/32" = 1'-0"

COSTA MESA, CA 92627

4. ON-SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. NOTED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE.

5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES, AND TO PROTECT THEM FROM DAMAGE. THE CONTRACTOR SHALL BEAR ALL EXPENSE OF REPAIR OR REPLACEMENT IN CONJUNCTION WITH THE EXECUTION OF THIS WORK

7. SEPARATE PERMIT(S) IS/ARE REQUIRED FOR ACCESSORY BUILDING, SWIMMING POOL, RETAINING

CONTRACTOR SHALL VERIFY ALL SETBACKS PRIOR TO CONSTRUCTION. IF THERE IS A DISCREPANCY WITH THE SETBACKS, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE PROPERTY

9. FIRE SPRINKLER DRAWINGS (WHEN APPLICABLE) ARE A SEPARATE SUBMITTAL TO THE FIRE

10. BUILDING ADDRESS SHALL BE PROVIDED ON THE BUILDING IN SUCH A POSITION AS TO BE VISIBLE

WASTE, PETROLEUM BYPRODUCTS, SOIL PARTICULATE, CONSTRUCTION WASTE MATERIALS, OR WASTEWATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED OR DISCHARGED INTO THE STREET, GUTTER OR STORM DRAIN SYSTEM.

13. TRUSS PLANS (WHEN APPLICABLE) ARE TO BE A DEFERRED SUBMITTAL. DEFERRED SUBMITTAL ITEMS SHALL BE REVIEWED AND APPROVED BY THE REGISTERED DESIGN PROFESSIONAL AND SUBMITTED TO THE BUILDING DEPARTMENT FOR APPROVAL

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) NOTES:

Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum

3. Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking or wind.

Appropriate BMP's for construction related materials, wastes, spills shall be implemented to minimize transport from the site to the streets, drainage facilities or adjoining properties by wind or runoff.

5. Runoff from equipment and vehicle washing shall be contained at constructions sites unless treated to reduce or

6. All construction contractor and subcontractor personnel are to be made aware of the required best management

7. At the end of each day of construction activity all construction debris and waste material shall be collected and

3. Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site. Discharges of material other than storm water only when necessary for performance and completion of construction practices and where they do not cause or contribute to a violation of any water quality standard; cause or threaten to cause pollution, contamination or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.

. Potential pollutants include but are not limited to solid or liquid chemical spills, wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents, asbestos fibers, paint flakes or stucco fragments, fuels, oils, lubricants, and hydraulic, radiator or battery fluids, fertilizers, vehicle/equipment wash water and concrete wash water, concrete, detergent or floatable wastes, wastes from any engine/equipment steam cleaning, or chemical degreasing, and super chlorinated potable water line flushing.

During construction, permitee shall dispose of such materials in a specified and and controlled area on site, physically separated from potential storm water runoff, with ultimate disposal in accordance with local, state and federal

 Dewatering of contaminated ground water or discharging contaminated soils via surface erosion is prohibited. Dewatering of non-contaminated ground water requires and (NPDES) permit from the respective State Regional Water

11. Graded areas on the permitted area perimeter must drain away from the face of slopes at the conclusion of each working day. Drainage is to be directed toward desilting facilities.

12. The permitee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

13. The permitee and contractor shall inspect the erosion control work and insure that the work in in accordance with

(E) 2-CAR GARAGE

EXISTING FOOTPRINT

ONE-STORY HOUSE

PROPOSED

3,508 (53.46%)

3,053 (46.53%)

6.561

STRUCTURE COVERAGE + DRIVEWAY: THE AREA OF A LOT COVERED BY BUILDINGS INCLUDING DRIVEWAYS, PARKING LOTS, OTHER SURFACE DESIGNED OR INTENDED FOR

FEET IN DEPTH BY PROJECTIONS WHICH ARE AT LEAST 8 FEET ABOVE GRADE.

VEHICULAR TRAVEL; UPPER FLOOR DECKS, BALCONIES, AREA UNDER PROJECTIONS

WHICH ARE LESS THAN 8 FEET ABOVE GRADE; OR SURFACES COVERED BY MORE THAN 5

3,451 (52.6%)

3,110 (47.4%)

14. The permitee shall notify all general contractors, sub-contractors, material suppliers and property owners that: Dumping of chemicals into the storm drain system or the watershed is prohibited.

15. Equipment and workers for emergency work shall be made available at all times during the rainy season, Necessary materials shall be available on site and stockpiled at convenient locations to facilitate rapid construction of temporary

16. All removable erosion protective devices shall be in place at the end of each working day when the 5-day rain

17. Sediments from areas disturbed by construction shall be retained on site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stock piles of soil shall be properly contained to minimize sediment transport from the site to the streets, drainage facilities or adjacent properties via runoff, vehicle tracking or

18. Appropriate BMP's for construction related materials, wastes, spills or residues shall be implemented and retained on site to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.

VICINITY MAP

CALGREEN NOTES:

GENERAL CONSTRUCTION REQUIREMENTS 2.2.1 Fireblocking is required in concealed spaces 10" O.C. horizontal, vertically at the ceiling and floor levels, connections between horizontal and vertical spaces, concealed spacing between stair and landing, openings around vents, pipes, ducts, cables, wires, chimneys, and fireplaces (CRC R302.11)

CALIFORNIA GREEN BUILDING CODE 2019 All work done shall be in accordance with 2019 California Green Building Standards Code (CALGreen) chapter 4 mandatory measures.

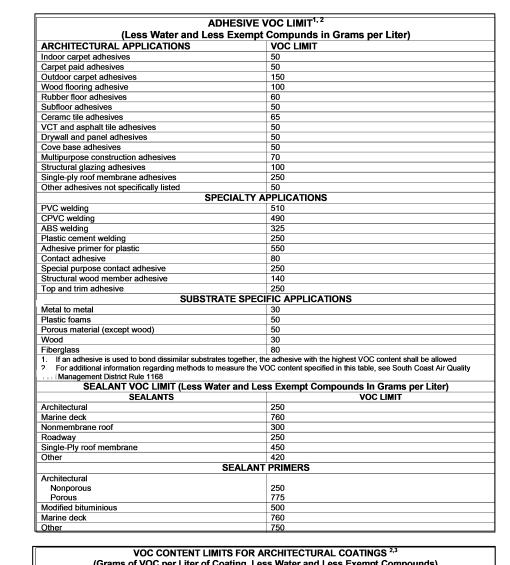
4.410.1 An operation and maintenance manual shall be provided to the building owner or

4.504.1 Duct openings and other related air distribution component openings shall be covered

4.504.2.1 Adhesives, sealants, and caulks shall be compliant with VOC and other toxic

4.504.2.2 Paints, stains and other coatings shall be compliant with VOC limits. 4.504.2.3 Documentation shall be provided to verify that compliant VOC limit finish materials

4.504.3 Carpet and carpet systems shall be compliant with VOC limits.



COATING CATEGORY	VOC LIMIT
Flat Coatings	50
Nonflat Coatings	100
Nonflat-high gloss Coatings	150
	alty Coatings
Aluminum roof coatings	400
Basement specialty coatings	400
Bituminous roof coatings	50
Bituminous roof primers	350
Bond breakers	350
Concrete curing compounds	350
Concrete/masonry sealers	100
Driveway sealers	50
Dry fog coatings	150
Faux finishing coatings	350
Fire resistive coatings	350
Floor coatings	100
Form-release compounds	250
Graphic arts coatings (sign paints)	500
High temperature coatings	420
Industrial maintenance coatings	250
Low solids coatings1	120
Magnesite cement coatings	450
Mastic texture coatings	100
Metallic pigmented coatings	500
Multicolor coatings	250
Pretreatment wash primers	420
Primers, sealers, and under coaters	100
Reactive penetrating sealers	350
Recycled coatings	250
Roof coatings	50
Rust preventative coatings	250
Shellacs	
Clear	730
Opaque	550
Specialty primers, sealers and undercoaters	100
Stains	250
Stone consolidants	450
Swimming pool coatings	340
Traffic marking coatings	100
Tub and tile refinish coatings	420
Waterproofing membranes	250
Wood coatings	275
Wood preservatives	350
Zinc-rich primers	340
Grams of VOC per liter of coating, including water and inc.	1 0 10
 The specified limit remain in effect unless revised limits are Values in this table are derived from those specified by the 	

4.504.4 80% of floor area receiving resilient flooring shall comply with the VOC-emission limits defined in the Collaborative for High Performance Schools (CPHS), High Performance Database or be certified under the Resilient Floor Covering Institute (RFCI) FloorScore program; or meet California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers", Version 1.1, February 2010 (also known as specification 01350.)

4.504.5 Particleboard, medium density fiberboard (MDF) and hardwood plywood used in the interior finish systems shall comply with low Formaldehyde emission standards.

	HYDE LIMITS ¹ nissions in Parts per Million)
PRODUCT	LIMIT
Hardwood plywood veneer core	0.05
Hardwood plywood composite core	0.05
Particleboard	0.09
Medium density fiberboard	0.11
Thin medium density fiberboard ²	0.13
Values in this table are derived from those specified by the Caldell Composite Wood as tested in accordance with ASTM E 1333-7 Regulations, Title 17, Sections 93120 ithrough 93120. Thin medium density fiberboard has a maximum thickness of 5 can be considered.	96(2002). For additional information, see California Code of

4.505.2 Vapor retarder and capillary break is installed at slab on grade foundations.

4.505.3 Moisture content of building materials used in wall and floor framing is checked before

702.1 HVAC system installers are trained and certified in the proper installation of HVAC

703.1 Verification of compliance with this code may include construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the enforcing agency which show substantial conformance.

ABBREVIATIONS:

AFF	ABOVE FINISHED FLOOR	LOC	LOCATION
B.O.	BOTTOM OF	TEMP'D	TEMPERED
CLG	CEILING	T.O.	TOP OF
CLR	CLEAR	O.H.	OVERHANG
C.TOP	COUNTERTOP	VIF	VERIFY IN FIELD
EP	ELECTRICAL PANEL	VLTD VAU	LTED
EQ	EQUAL	WC	WATER CLOSET
GYP. BD.	GYPSUM BOARD	WIC	WALK-IN CLOSET
LPF	LINEAR PER FOOT (UNIT IN 12")	\/\M	WATER METER

1. WATER CLOSETS SHALL NOT EXCEED 1.28 GALLONS PER FLUSH. 2. SHOWERHEADS SHALL HAVE A MAXIMUM FLOW RATE OF 1.8 GALLONS

3. ALL FAUCETS SHALL NOT EXCEED 1.2 GALLONS PER MINUTE AT 60 PSI. EXCEPTION KITCHEN FAUCETS SHALL NOT EXCEED 1.8 GALLONS PER

A COMPLETED AFFIDAVIT MAY BE PROVIDED TO THE BUILDING INSPECTOR AT OR BEFORE FINAL IN LIEU OF INSPECTIONS OF THESE FIXTURES.

ARCH. SYMBOL LEGEND





SHEET INDEX

ELEVATION

A-1	COVER SHEET / SITE PLAN	
A-2	EXISTING / DEMO	
A-3	PROPOSED PLANS	
A-4.1	RIGHT & REAR ELEVATIONS	
A-4.2	LEFT & FRONT ELEVATIONS	
A-4.3	SECTIONS A, B &C	
A-5	ROOF PLAN	
MEP	MECHANICAL, ELECTRICAL & PLUMBING PLANS	
T-24.1	ENERGY ANALYSIS + MANDATORY MEASURES	
G-1	CALGREEN NOTES	
SN.1	STRUCTURAL NOTES & TYP. DETAILS	
S1.0	FOUNDATION PLAN	
S2.0	2ND FLOOR FRAMING PLAN	
S3.0	ROOF FRAMING PLAN	
SD.1	STRUCTURAL DETAIL	
SD.2	STRUCTURAL DETAIL	

PROJECT DATA

OCCUPANCY GROUP:	R-3/U
YPE OF CONSTRUCTION:	VB
NUMBER OF STORIES:	2
OT NO.:	20
RACT NO:	594
\.P.N.:	117-214
IRE SPRINKLERS:	YES
ONNING:	D_1 QIN

DESCRIPTION OF WORK:

SQUARE FOOT CALCULATIONS

EXISTING 1st FLOOR AREA: EXISTING 2nd FLOOR AREA: TOTAL (E) LIVING AREA:	2,380 S.F. 1,115 S.F. 3,495 S.F.
EXISTING GARAGE AREA: TOTAL (E) AREA W/ GARAGE:	414 S.F. 3,909 S.F.
PROPOSED 1st FLOOR AREA: PROPOSED 2nd FLOOR AREA: TOTAL (N) LIVING AREA:	0 S.F. 1,072 S.F. 1,072 S.F.
AREA SUMMARY (AFTER ADD'N) FINAL 1st FLOOR AREA: FINAL 2nd FLOOR AREA:	2,380 S.F. 2,187 S.F.
FINAL TOTAL LIVING AREA:	4,567 S.F.

DISCLOSURE: SQUARE FOOT TABULATIONS WERE DERIVED

SCOPE OF WORK

SECOND STORY ADDITION:

-EXTEND SECOND STORY ADDITION ABOVE (E) HOUSE

-(N) SECOND STORY ADDITION ABOVE THE DETACHED

INTERIOR REMODEL (125 qsft): (E) PLAYROOM TO BE CONVERTED INTO A (N) LAUNDRY ROOM

DEFERRED SUBMITAL

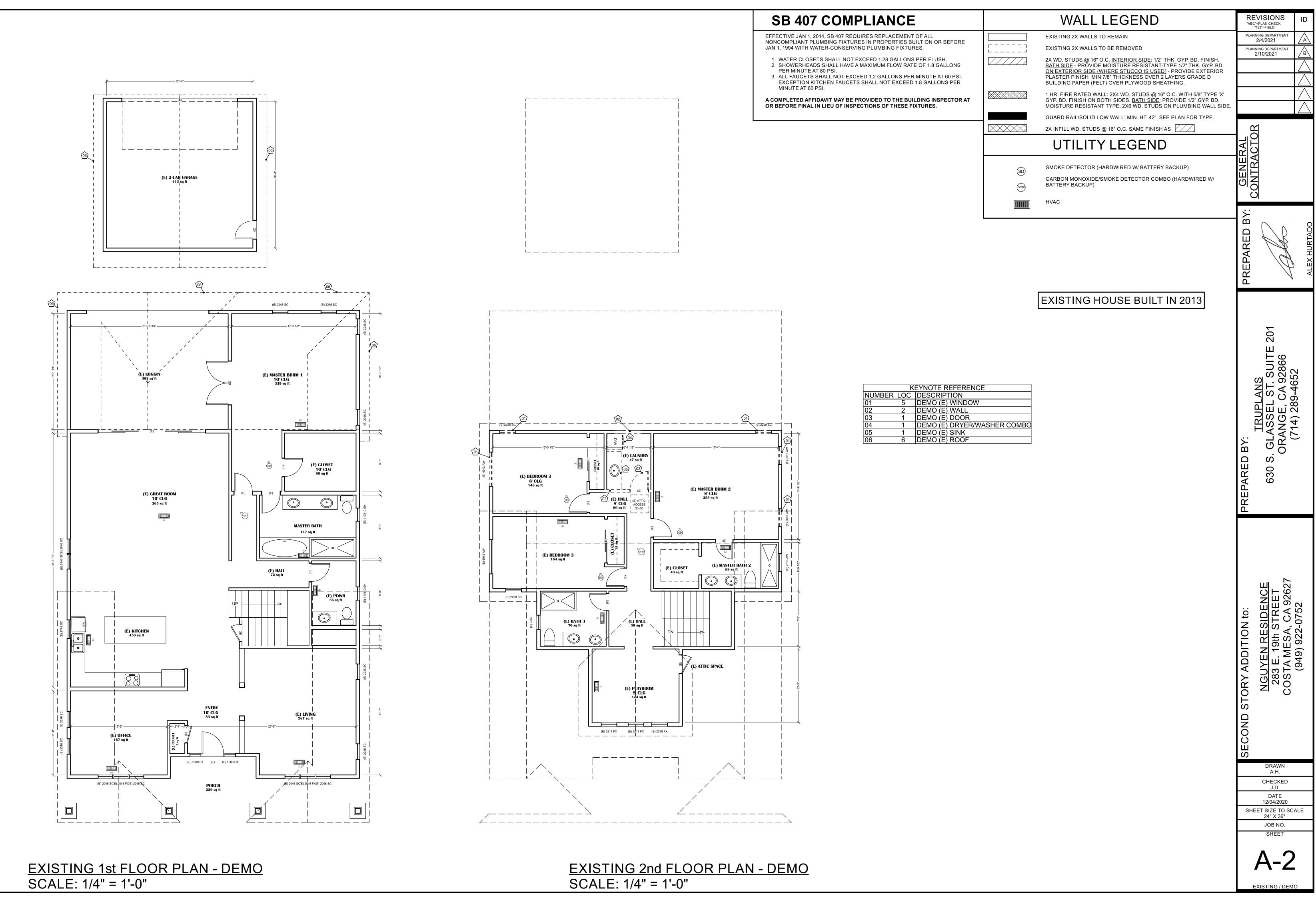
1) FIRE SPRINKLERS - TO BE DEFERRED SUBMITTAL 2) ROOF TRUSSES - TO BE DEFERRED SUBMITTAL

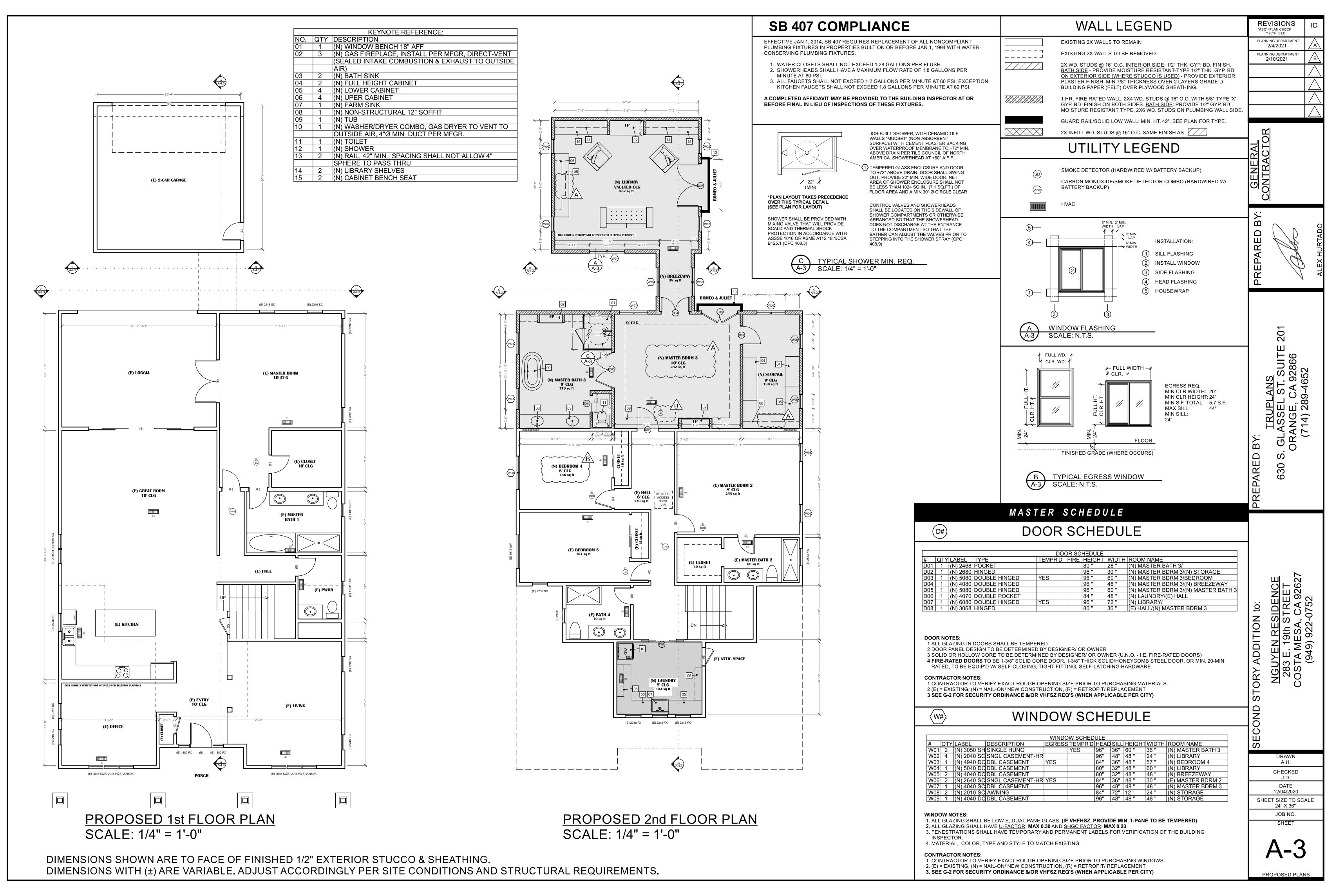
PREPARED BY:

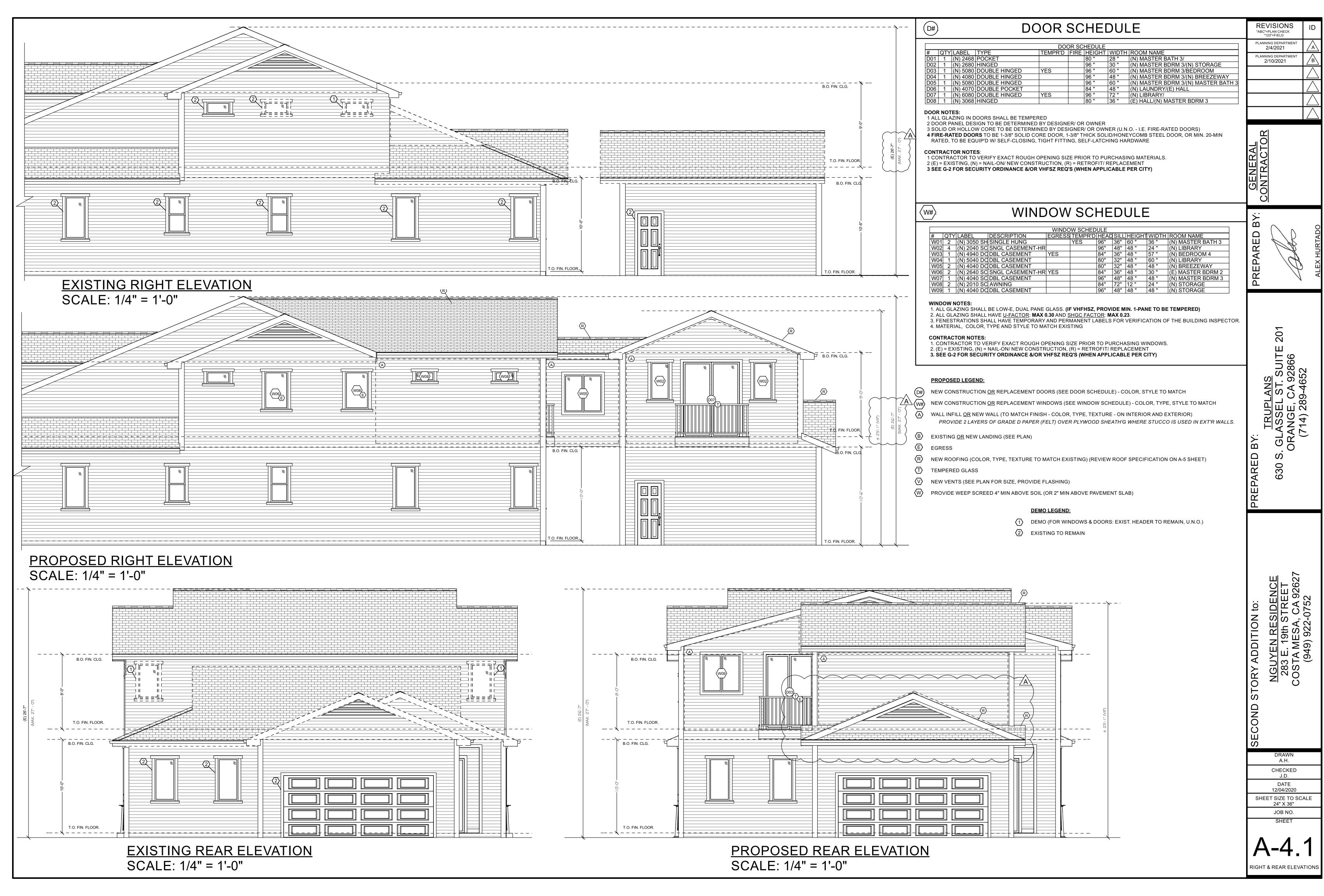
630 S. GLASSEL ST. SUITE 201 ORANGE, CA 92866 (714) 289-4652

ENGINEER

HOOSHANG A. AFSHAR, PE LIC# C61157 17 COROZAL FOOTHILL RANCH, CA 92610 (949) 413-4382



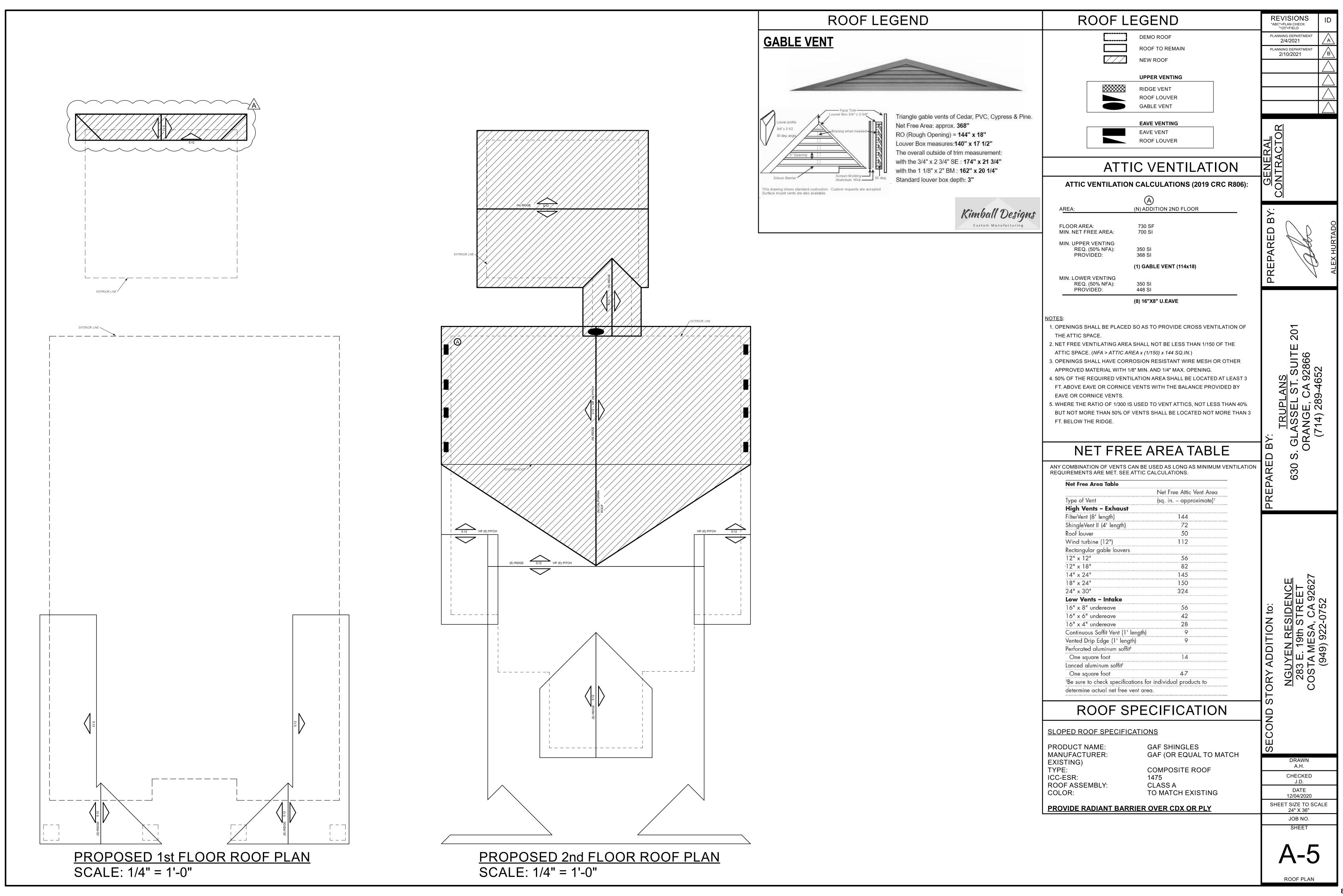








SECTIONS A, B &C



DIGALERT! CONTACT DIGALERT PRIOR TO AN EXCAVATION. DIAL 811.

MECHANICAL NOTES:

- 1. COMPLIANCE ALL WORK SHALL COMPLY CMC (CALIFORNIA MECHANICAL CODE), IRC (INTERNATIONAL RESIDENTIAL CODE), AND ANY OTHER APPLICABLE CODES AS LISTED ON SHEET A-1.
- 2. <u>LICENSED HVAC CONTRACTOR</u> HVAC SYSTEM INSTALLERS SHALL BE CERTIFIED AND TRAINED IN THE PROPER INSTALLATION OF HVAC
- 3. LAYOUT THE DUCTING LAYOUT INDICATED ON THE DRAWINGS IS SCHEMATIC AND IS TO BE TAKEN AS A SUGGESTED LAYOUT TO PROVIDE ACCESS TO ALL SPACES. IT DOES NOT ABSOLVE THE HVAC CONTRACTOR FROM PROVIDING A SYSTEM THAT MEETS CRITERIA LISTED ABOVE. CONTRACTOR SHALL ENGINEER THE SYSTEM.
- 4. INSTALLATION ALL MECHANICAL WORK SHALL COMPLY WITH MANUFACTURER'S RECOMMENDED INSTALLATION. 5. REGISTERS/DIFFUSERS - (A) THE HVAC CONTRACTOR SHALL SIZE DIFFUSERS REQUIRED TO SATISFY THE AIRFLOW CAPACITIES OF THE SYSTEM AND TO REALIZE A FUNCTIONAL, EFFECTIVE CLIMATE CONTROL SYSTEM. (B) HVAC REGISTERS AND GRILLES SHALL BE LOCATED
- AS SHOWN ON DRAWINGS. CONTRACTOR SHALL COORDINATE FRAMING WITH GENERAL CONTRACTOR. 6. CLOTHES DRYER MOISTURE EXHAUST DUCTS SHALL TERMINATE OUTSIDE THE BUILDING AND HAVE A BACK-DRAFT DAMPER. EXHAUST DUCT IS LIMITED TO 14'-0" WITH TWO ELBOWS. THIS SHALL BE REDUCED 2'-0" FOR EVERY ELBOW IN EXCESS OF TWO. SHOW MINIMUM 4"
- DIAMETER, SMOOTH, METAL DUCT (CMC504.2,504.402.1, 504.4.) 7. MAKEUP AIR - PROVIDE 100 SQUARE INCHES OF MAKEUP AIR FOR CLOTHES DRYER CLOSET (CMC 504.4.1) A) TYPE 1 CLOTHES DRYER EXHAUST DUCT SHALL BE PROVIDED WITH MAKEUP AIR IN ACCORDANCE WITH THE MANUFACTURER
- B) TYPE 2 CLOTHES DRYER SHALL BE PROVIDED WITH MAKEUP AIR OPENINGS OF 1 SQUARE INCH FOR EACH 1,000 BTU/H TOTAL INPUT RATING OF DRYER INSTALLED (CMC 504.4.1, ITEM 2)

ELECTRICAL NOTES

- 1. AFCI OUTLETS ALL 120V SINGLE PHASE, 15- AND 20- AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNIT: FAMILY, DINING, LIVING, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, OR SIMILAR ROOMS, SHALL BE PROTECTED BY A LISTED ARC-FAULT CIRCUIT INTERRUPTER (AFCI), COMBINATION-TYPE, INSTALLED TO PROVIDE PROTECTION OF THE BRANCH CIRCUIT. (CEC SEC 210.12)
- 2. GFCI OUTLETS ALL 120V SINGLE PHASE, 15- AND 20- AMP RECEPTACLES INSTALLED IN: BATHROOMS, GARAGES AND ACCESSORY BUILDINGS, OUTDOORS, CRAWL SPACES, UNFINISHED BASEMENTS, KITCHENS, LAUNDRY, UTILITY AND WET BAR OUTLETS LOCATED WITHIN 6 FT, AND BOATHOUSES. EXCEPTION: A RECEPTACLE SUPPLYING ONLY A PERMANENTLY INSTALLED FIRE ALARM OR BURGLAR
- FINISHED FLOOR IN AREAS: (A) WITHIN THE PERIMETER OF BALCONY, DECK OR PORCH (B) FRONT OF THE DWELLING UNIT (C) REAR OF DWELLING UNIT
- 4. TAMPER-RESISTANT RECEPTACLE ALL RECEPTACLE OUTLETS SHALL BE LISTED TAMPER-RESISTANT RECEPTACLE PER (CEC 406.12) 5. HIGH-EFFICACY LUMINAIRES - ALL LUMINAIRES SHALL BE HIGH EFFICACY (BEES 150(k) 1A) 6. RECESSED LIGHTS - ALL NEW RECESSED LIGHTS SHALL BE LISTED FOR ZÈRO CLEARÁNCE, BE ASTM E283 CERTIFIED, SEALED WITH A
- GASKET OR CAULK BETWEEN HOUSE AND CEILING. SHALL BE IC-LISTED, AIR-TIGHT LABELED, AND NOT BE EQUIPPED WITH A STANDARD MEDIUM BASE SCREW SHELL LAMP HOLDER. (ES 150.0(k)) ". EXHAUST FANS (BATH) - SHALL HAVE BACK-DRAFT DAMPER, FAN TO BE MIN. 50 CFM, 3 SONE MAX, VENT TO OUTDOORS. (CMC 402.5. AND
- 8. EXHAUST HOOD (KITCHEN) SHALL BE MIN. 100 CFM, VENT TO OUTDOORS. SHALL BE CERTIFIED AND LISTED ON THE CALIFORNIA ENERGY COMMISSION APPLIANCE DATABASE.

PLUMBING NOTES:

- 1. <u>LICENSED PLMBING CONTRACTOR</u> PLUMBING CONTRACTOR SHALL BE LICENSED IN THE STATE WHERE THE WORK
- 2. <u>VERIFICATION / UTILITES</u> THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY LOCATIONS, AS WELL AS OTHER RELEVANT EXISTING CONDITIONS. PROTECT IN PLACE ALL UTILITIES UNDERGROUND.
- 3. LAYOUT THE PLUMBING LAYOUT INDICATED ON THE DRAWINGS IS SCHEMATIC. CONTRACTOR TO DETERMINE EXACT LOCATIONS OF REQUIRED PLUMBING WALLS, VENTS, DRAINAGE, ETC.
- 4. COORDINATION THE CONTRACTOR SHALL COORDINATE ALL PLUMBING WORK WITH OTHER TRADES TO AVOID
- EXISTING 2X WALLS TO REMAIN - - - - - - -EXISTING 2X WALLS TO BE REMOVED _ _ _ _ _ _

WALL LEGEND

PLANNING DEPARTMEN 2X WD. STUDS @ 16" O.C. <u>INTERIOR SIDE</u>: 1/2" THK. GYP. BD. FINISH. <u>BATH SIDE</u> - PROVIDE MOISTURE RESISTANT-TYPE 1/2" THK. GYP. BD. ON EXTERIOR SIDE (WHERE STUCCO IS USED) - PROVIDE EXTERIOR PLASTER FINISH MIN 7/8" THICKNESS OVER 2 LAYERS GRADE D BUILDING PAPER (FELT) OVER PLYWOOD SHEATHING.

2/4/2021

2/10/2021

1 HR. FIRE RATED WALL: 2X4 WD. STUDS @ 16" O.C. WITH 5/8" TYPE 'X' GYP. BD. FINISH ON BOTH SIDES. <u>BATH SIDE</u>: PROVIDE 1/2" GYP. BD. MOISTURE RESISTANT TYPE, 2X6 WD. STUDS ON PLUMBING WALL SIDE.

GUARD RAIL/SOLID LOW WALL: MIN. HT. 42". SEE PLAN FOR TYPE. 2X INFILL WD. STUDS @ 16" O.C. SAME FINISH AS

MECH./PLUMB. LEGEND

FUEL GAS AND SHUT OFF VALVE (3/4" MIN. SERVICE) FUEL GAS KEY VALVE (FIREPLACE OR BBQ) HOSE BIBB*, BRASS, NO KINK (3/4" MIN.) HOSE BIBB*, BRASS, NO KINK (LESS THAN 3/4") I.E. ICEMAKERS, PLANTERS, ETC. SIZE PER APPLIANCE CEILING EXHAUST VENT TO OUTSIDE RETURN AIR GRILL HVAC AIR CEILING REGISTER \longrightarrow HVAC AIR WALL REGISTER * ALL HOSE BIBBS MUST HAVE AN APPROVED ANTI-SIPHON BACKFLOW PREVENTION DEVICE. (CPC 603.3, 603.2.3)

ELECTRICAL SYMBOL LEGEND

ELECTRICAL FIXTURES SHOWN HERE ARE NEW UNLESS NOTED OTHERWISE. EXISTING ELECTRICAL FIXTURES AT EXISTING AREAS TO REMAIN UNLESS INSTRUCTED OTHERWISE BY OWNER.

DUPLEX OUTLET w/ AFCI DUPLEX OUTLET w/ GFCI DUPLEX OUTLET w/ 1/2 HOT DUPLEX OUTLET - FLOOR MOUNTED

220V OUTLET WALL MOUNTED SINGLE SWITCH

WALL MOUNTED 3-WAY SWITCH WALL MOUNTED DIMMER SWITCH WALL MOUNTED OCCUPANCY SENSOR SWITCH

WALL MOUNTED HUMIDISTAT CONTROL SWITCH RECESSED MOUNTED HIGH EFFICACY LIGHT FIXTURE

RECESSED MOUNTED HIGH EFFICACY LIGHT FIXTURE - MOISTROOF RECESSED MOUNTED HIGH EFFICACY LIGHT FIXTURE - FLUORESCENT

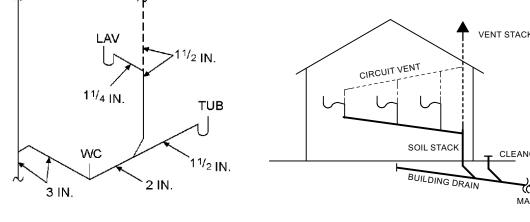
WALL MOUNTED LIGHT FIXTURE*

HUMIDITY CONTROLLED EXHAUST FAN - MIN. 50 CFM, 3 SONE MAX., VENT TO OUTSIDE

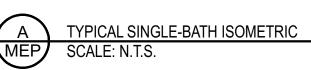
TELEVISION/CABLE OUTLET

CEILING FAN WITH LIGHT

PENDANT LIGHT'



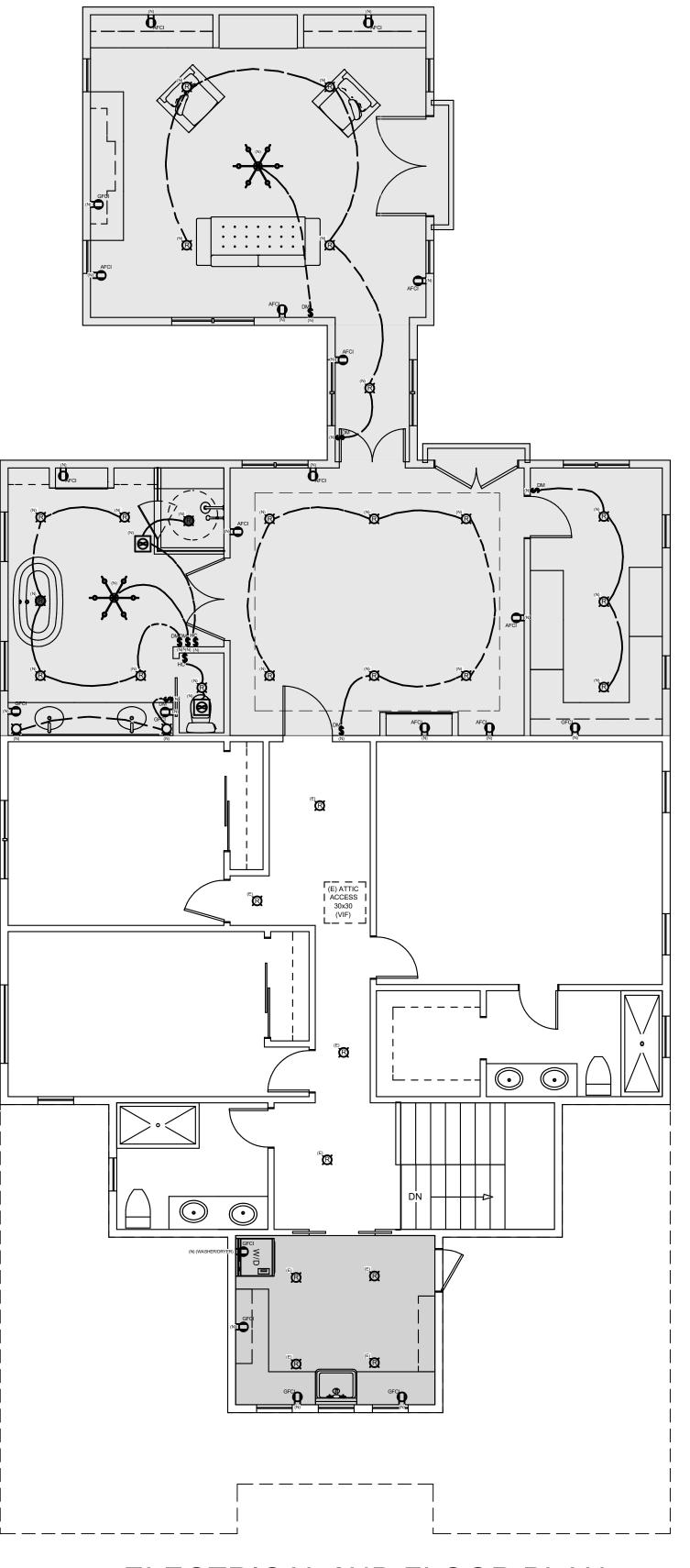
A. TYPICAL SINGLE-BATH ARRANGEMEN



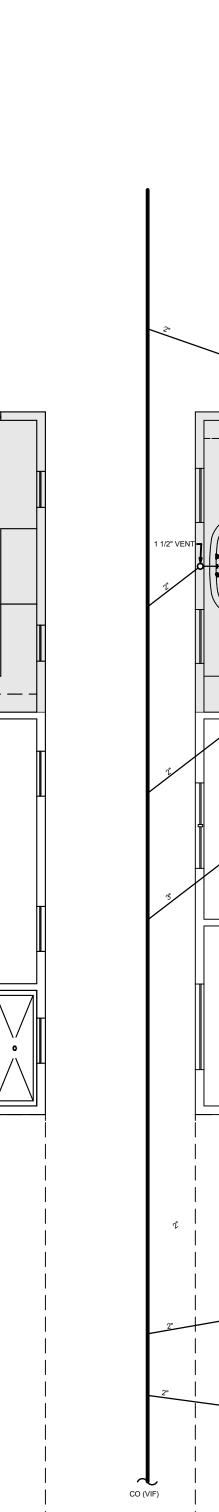
WATER CLOSETS SHALL NOT EXCEED 1.28 GALLONS PER FLUS

CHECKED **SB 407 COMPLIANCE** 12/04/2020 SHEET SIZE TO SCALE

MEP



ELECTRICAL 2ND FLOOR PLAN SCALE: 1/4" = 1'-0" SCHEMATICS ONLY, FINAL LOC. VERIFY IN FIELD

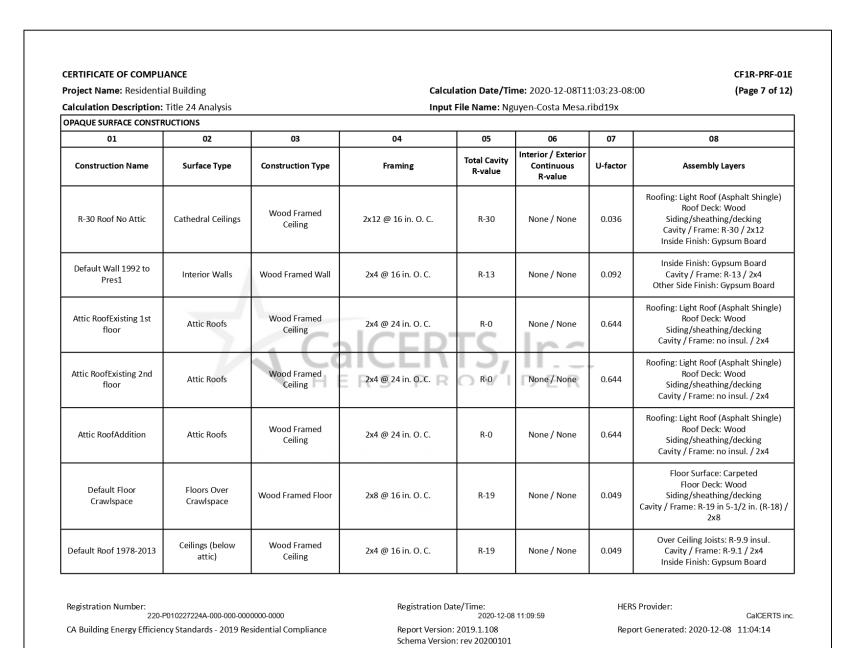


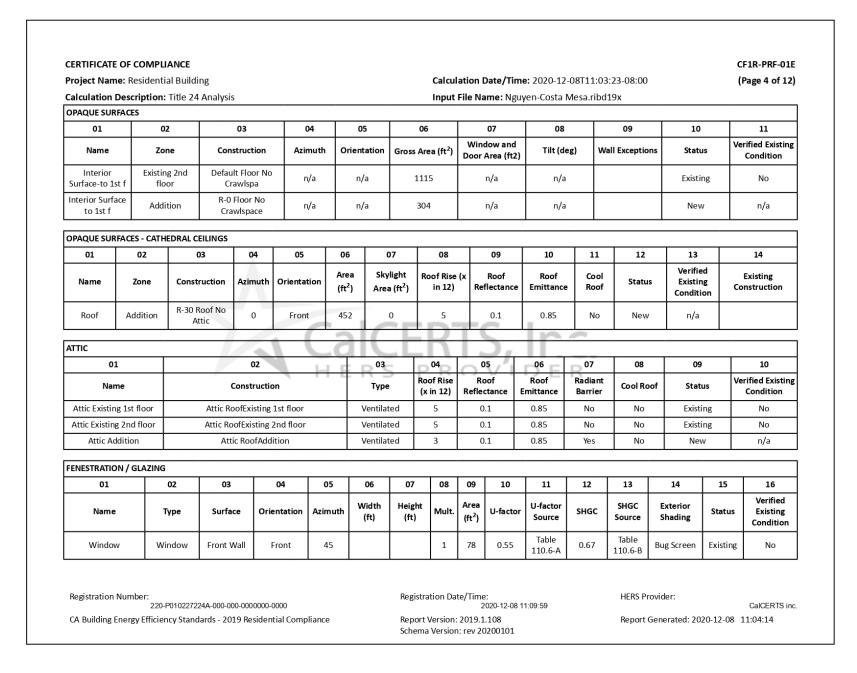
PLUMBING 2ND FLOOR PLAN SCALE: 1/4" = 1'-0" SCHEMATICS ONLY, FINAL LOC. VERIFY IN FIELD

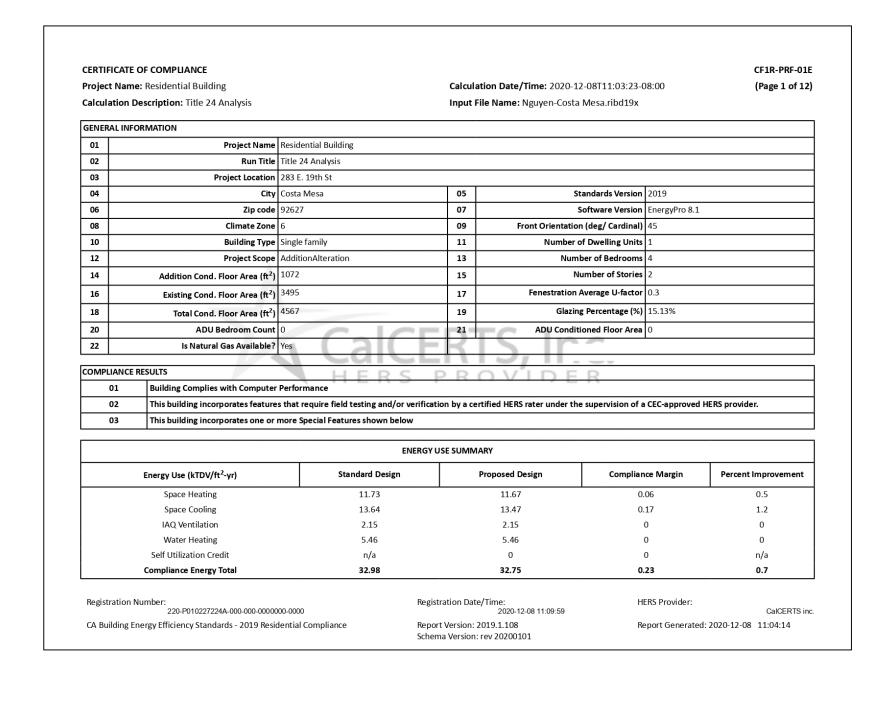
MECHANICAL 2ND FLOOR PLAN SCALE: 1/4" = 1'-0"

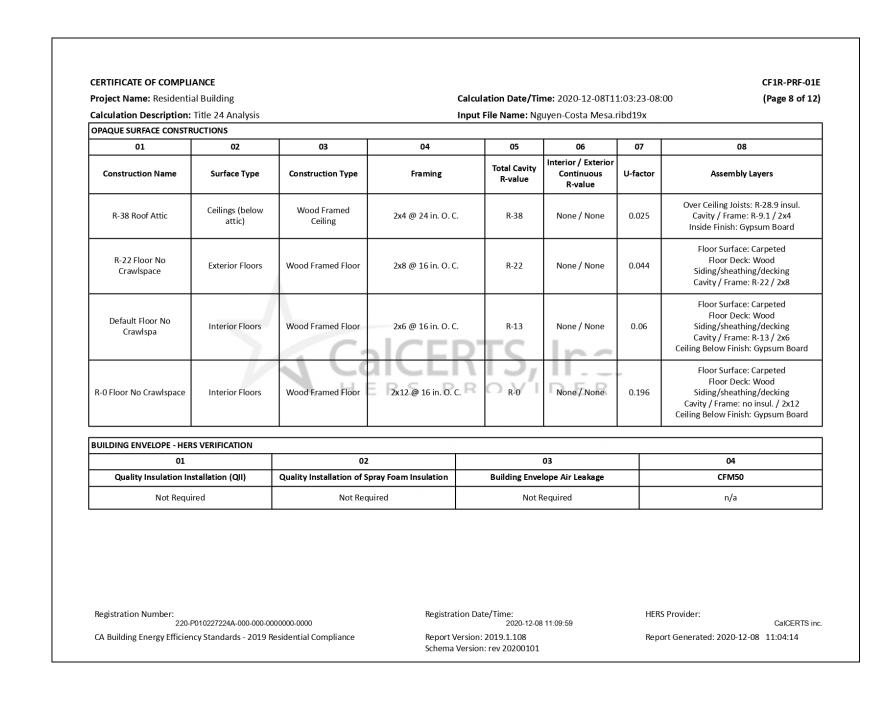
SCHEMATICS ONLY, FINAL LOC. VERIFY IN FIELD

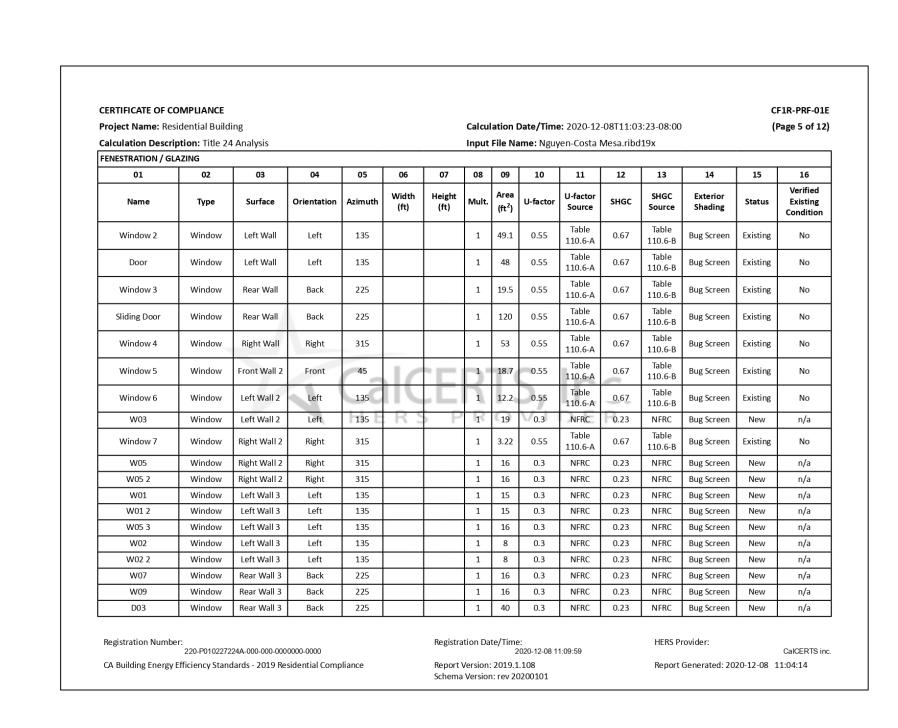
MECHANICAL, ELECTRICA & PLUMBING PLANS





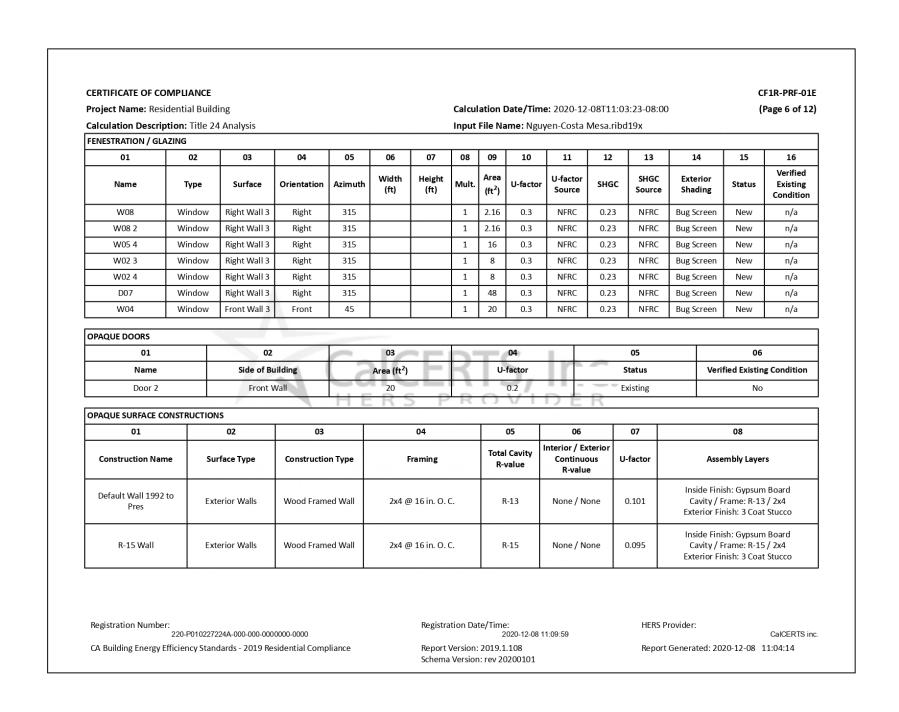






CERTIFICATE OF COMPLIA	NCE						CF1R-PRF-0
Project Name: Residential	Building			Calculation	Date/Time: 2020-12-08T	11:03:23-08:00	(Page 2 of 2
Calculation Description: Ti	itle 24 Analysis			Input File Na	ame: Nguyen-Costa Mesa	a.ribd19x	
REQUIRED SPECIAL FEATURES	S						
The following are features that	at must be installed as cond	dition fo	r meeting the modeled	d energy performance for t	this computer analysis.		
 Ceiling has high level o Floor has high level of i New ductwork added i 							
HERS FEATURE SUMMARY							
The following is a summary of detail is provided in the build						gy performance for this comp	outer analysis. Additiona
Domestic Hot Water System \	f a duct system component	nt, plenur	m, or air handling unit i	is altered	S Inc		
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System V None	f a duct system component /erifications:	nt, plenur	m, or air handling unit i	is altered	S, Irc	06	07
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System V None BUILDING - FEATURES INFOR	f a duct system component /erifications: MATION	1	Cal	FRO 04		06 Number of Ventilation Cooling Systems	Number of Water
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System V None BUILDING - FEATURES INFOR	f a duct system component /erifications: MATION 02	1	03 Number of Dwelling	FRI O		Number of Ventilation	Number of Water
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System Ver None BUILDING - FEATURES INFOR 01 Project Name Residential Building	f a duct system component /erifications: MATION 02 Conditioned Floor Are	1	03 Number of Dwelling Units	04 3 Number of Bedroom:	s Number of Zones	Number of Ventilation Cooling Systems	Number of Water Heating Systems
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System V None BUILDING - FEATURES INFOR 01 Project Name Residential Building	f a duct system component /erifications: MATION 02 Conditioned Floor Are	1	03 Number of Dwelling Units	04 3 Number of Bedroom:	s Number of Zones	Number of Ventilation Cooling Systems	Number of Water Heating Systems
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System V None BUILDING - FEATURES INFOR 01 Project Name Residential Building ZONE INFORMATION	f a duct system component /erifications: MATION 02 Conditioned Floor Are	ea (ft²)	03 Number of Dwelling Units	04 3 Number of Bedroom:	Number of Zones	Number of Ventilation Cooling Systems	Number of Water Heating Systems 1
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System Ver None BUILDING - FEATURES INFOR 01 Project Name Residential Building ZONE INFORMATION 01	f a duct system component /erifications: MATION 02 Conditioned Floor Are 4567	ea (ft²)	03 Number of Dwelling Units 1	04 Number of Bedroom: 4	Number of Zones 3 05	Number of Ventilation Cooling Systems 0	Number of Water Heating Systems 1
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System Ver	f a duct system component /erifications: MATION 02 Conditioned Floor Are 4567 02 Zone Type	ea (ft²) HVA HVAC	03 Number of Dwelling Units 1 03 CC System Name	04 Number of Bedrooms 4 04 Zone Floor Area (ft²)	Number of Zones 3 05 Avg. Ceiling Height	Number of Ventilation Cooling Systems 0 06 Water Heating System 1	Number of Water Heating Systems 1 07 Water Heating System
HVAC Distribution System Ver Duct Sealing required i Domestic Hot Water System Ver None BUILDING - FEATURES INFOR 01 Project Name Residential Building ZONE INFORMATION 01 Zone Name Existing 1st floor	f a duct system component //erifications: MATION 02 Conditioned Floor Are 4567 02 Zone Type Conditioned	ea (ft²) HVAC HVAC	03 Number of Dwelling Units 1 03 AC System Name System 1st floor1	04 Number of Bedroom: 4 04 Zone Floor Area (ft²)	Number of Zones 3 05 Avg. Ceiling Height	Number of Ventilation Cooling Systems 0 06 Water Heating System 1 DHW Sys 1	Number of Water Heating Systems 1 07 Water Heating System N/A

WATER HEAT	ING SYSTE	02	03		0	4	Τ ,	5		06	07	08	09	10
Name		System Type	Distribution	7		er Name (#)	Solar H	leating tem	Con	npact bution	HERS Verification	Status	Verified Existing Condition	Existing Water Heating System
DHW Sys	1 I	omestic Hot Vater (DHW)	Stand Distribu Syste	ition	DHW He	ater 1 (1)	n,	/a	N	one	n/a	Existing	No	
WATER HEAT	ERS													
01	02	03	04	05	06	07	08		09	10	11	12	13	14
Name	Heatin Elemer Type	nt Tank Ty	ype # Unit	Tank Vol. (gal)	Energy Factor or Efficiency	Input Rating or Pilot	Tank Insulatio R-value (Int/Ext	n Lo:	ndby ss or overy	1st Hr. Rating or Flow Rate	NEEA Heat Pun Brand or Mod	· I or Ambient	Status	Verified Existing Condition
DHW Heater 1	Gas	Smal Instantan		0.1	0.81-EF	<= 200 kBtu/hr	- L	R	82	n/a	n/a	n/a	Existing	No
WATER HEAT	NG - HER	S VERIFICATION	J											
01		02			03	04	1		05		06	07		08
Nam	е	Pipe Insul	ation	Para	lel Piping	Compact Dis	tribution		t Distribu Type	tion Rec	irculation Control	Central DHW Distribution		r Drain Wat t Recovery
DHW Sys	1 - 1/1	Not Requ	uired	Not	Required	Not Req	uired		None		Not Required	Not Required	Not	Required



	F COMPLIANCE Residential Buildi	ng			Calcu	ation Date/Time	: 2020-12-08T11	1:03:23-08:00		CF1R-PRF-01E (Page 3 of 12)
•	scription: Title 24	0				File Name: Nguy				(. age 5 5. 12)
PAQUE SURFAC										
01	02	03	04	05	06	07	08	09	10	11
Name	Zone	Construction	Azimuth	Orientation	Gross Area (ft²)	Window and Door Area (ft2)	Tilt (deg)	Wall Exceptions	Status	Verified Existing Condition
Front Wall	Existing 1st floor	Default Wall 1992 to Pres	45	Front	405	98	90	none	Existing	No
Left Wall	Existing 1st floor	Default Wall 1992 to Pres	135	Left	650	97.1	90	none	Existing	No
Rear Wall	Existing 1st floor	Default Wall 1992 to Pres	225	Back	405	139.5	90	none	Existing	No
Right Wall	Existing 1st floor	Default Wall 1992 to Pres	315	Right	650	53	90	none	Existing	No
Front Wall 2	Existing 2nd floor	Default Wall 1992 to Pres	45	Front	405	18.7	90	none	Existing	No
Left Wall 2	Existing 2nd floor	Default Wall 1992 to Pres	135	Left	410	31.2	90	none	Existing	No
Rear Wall 2	Existing 2nd floor	Default Wall 1992 to Pres	225	Back	405	0	90	none	Existing	No
Right Wall 2	Existing 2nd floor	Default Wall 1992 to Pres	315	Right	410	35.22	90	none	Existing	No
Left Wall 3	Addition	R-15 Wall	135	Left	352	62	90	Extension	New	n/a
Rear Wall 3	Addition	R-15 Wall	225	Back	324	72	90	Extension	New	n/a
Right Wall 3	Addition	R-15 Wall	315	Right	352	84.32	90	Extension	New	n/a
Front Wall 3	Addition	R-15 Wall	45	Front	145	20	90	none	New	n/a
Roof 2	Existing 1st floor	Default Roof 1978-2013	n/a	n/a	800	n/a	n/a		Existing	No
Roof 3	Existing 2nd floor	Default Roof 1978-2013	n/a	n/a	1115	n/a	n/a		Existing	No
Roof 4	Addition	R-38 Roof Attic	n/a	n/a	620	n/a	n/a		New	n/a
Raised Floor	Addition	R-22 Floor No Crawlspace	n/a	n/a	768	n/a	n/a		New	n/a
Raised Floor 2	Existing 1st floor	Default Floor Crawlspace	n/a	n/a	2380	n/a	n/a		Existing	No

REVISIONS "ABC"=PLAN CHECK "123"=FIELD	ID	
PLANNING DEPARTMENT 2/4/2021	A	
PLANNING DEPARTMENT 2/10/2021	B	

GENERAL CONTRACTOR

PREPARED BY: GON

ARED BY:

<u>TRUPLANS</u>
630 S. GLASSEL ST. SUITE 20
ORANGE, CA 92866
(714) 289-4652

NGUYEN RESIDENCE 283 E. 19th STREET COSTA MESA, CA 92627 (949) 922-0752

DRAWN
A.H.

CHECKED
J.D.

DATE
12/04/2020

SHEET SIZE TO SCALE
24" X 36"

JOB NO.

SHEET

T-24.1

ENERGY ANALYSIS + MANDATORY MEASURES

Ш S

2019 Low-Rise Residential Mandatory Measures Summary Interior Switches and Controls. An energy management control system (EMCS) may be used to comply with control requirements if it: provides functionality of the specified control according to § 110.9; meets the Installation Certificate requirements of § 130.4; meets the EMCS requirements of § 130.0(e); and meets all other requirements in § 150.0(k)2. § 150.0(k)2G: Interior Switches and Controls. A multiscene programmable controller may be used to comply with dimmer requirements in § 150.0(k) if it provides the functionality of a dimmer according to § 110.9, and complies with all other applicable requirements in § 150.0(k).2

Interior Switches and Controls. In bathrooms, garages, laundry rooms, and utility rooms, at least one luminaire in each of these spaces must be controlled by an occupant sensor or a vacancy sensor providing automatic-off functionality. If an occupant sensor is installed, it must be initially configured to manual-on operation using the manual control required under Section 150.0(k)2C.

Interior Switches and Controls. Luminaires that are or contain light sources that meet Reference Joint Appendix JA8 requirements for dimming, and that are not controlled by occupancy or vacancy sensors, must have dimming controls." Interior Switches and Controls. Under cabinet lighting must be controlled separately from ceiling-installed lighting systems. Residential Outdoor Lighting. For single-family residential buildings, outdoor lighting permanently mounted to a residential building, or to other § 150.0(k)3A: buildings on the same lot, must meet the requirement in item § 150.0(k)3Ai (ON and OFF switch) and the requirements in either § 150.0(k)3Aii (photocell and either a motion sensor or automatic time switch control) or § 150.0(k)3Aii (astronomical time clock), or an EMCS.

Residential Outdoor Lighting. For low-rise residential buildings with four or more dwelling units, outdoor lighting for private patios, entrances, § 150.0(k)3B: balconies, and porches; and residential parking lots and carports with less than eight vehicles per site must comply with either § 150.0(k)3A or with the applicable requirements in Sections 110.9, 130.0, 130.2, 130.4, 140.7 and 141.0.

Residential Outdoor Lighting. For low-rise residential buildings with four or more dwelling units, any outdoor lighting for residential parking lots or carports with a total of eight or more vehicles per site and any outdoor lighting not regulated by § 150.0(k)3B or § 150.0(k)3D must comply with the applicable requirements in Sections 110.9, 130.0, 130.2, 130.4, 140.7 and 141.0.

Internally illuminated address signs. Internally illuminated address signs must comply with § 140.8; or must consume no more than 5 watts of § 150.0(k)4: nernary infunnated address signs. Internally infunnated address signs must comply with § 140.6, or must consume no more than 9 waits or power as determined according to § 130.0(c).

Residential Garages for Eight or More Vehicles. Lighting for residential parking garages for eight or more vehicles must comply with the applicable requirements for nonresidential garages in Sections 110.9, 130.0, 130.1, 130.4, 140.6, and 141.0.

Interior Common Areas of Low-rise Multifamily Residential Buildings. In a low-rise multifamily residential building where the total interior common area in a single building equals 20 percent or less of the floor area, permanently installed lighting for the interior common areas in that building must be comply with Table 150.0-A and be controlled by an occupant sensor.

Interior Common Areas of Low-rise Multifamily Residential Buildings. In a low-rise multifamily residential building where the total interior common Areas of Low-rise Multifamily Residential Buildings. In a low-rise multifamily residential for the interior common areas in a single building sense that 20 percent of the floor area, permanently installed lighting for the interior common areas in § 150.0(k)5: common area in a single building equals more than 20 percent of the floor area, permanently installed lighting for the interior common areas in that building must:
i. Comply with the applicable requirements in Sections 110.9, 130.0, 130.1, 140.6 and 141.0; and 150.0(k)6B: ii. Lighting installed in corridors and stainwells must be controlled by occupant sensors that reduce the lighting power in each space by at least 50 percent. The occupant sensors must be capable of turning the light fully on and off from all designed paths of ingress and egress. Solar Ready Buildings:

Single Family Residences. Single family residences located in subdivisions with 10 or more single family residences and where the single family residences has been deemed complete and approved by the enforcement agence. application for a tentative subdivision map for the residences has been deemed complete and approved by the enforcement agency, which do not have a photovoltaic system installed, must comply with the requirements of § 110.10(b) through § 110.10(e). Low-rise Multifamily Buildings. Low-rise multi-family buildings that do not have a photovoltaic system installed must comply with the 110.10(a)2: Minimum Solar Zone Area. The solar zone must have a minimum total area as described below. The solar zone must comply with access a local jurisdiction. The solar zone total area must be comprised of areas that have no dimension less than 5 feet and are no less than 80 square feet each for buildings with roof areas less than or equal to 10,000 square feet or no less than 160 square feet each for buildings with square receit each not buildings with roof areas sess man or equal to ryovo square receit each not buildings with roof areas greater than 10,000 square feet. For single family residences, the solar zone must be located on the roof or overhang of the building and have a total area no less than 250 square feet. For low-rise multi-family buildings the solar zone must be located on the roof or overhang of the building, or on the roof or overhang of another structure located within 250 feet of the building, or on covered parking installed with the building project, and have a total area no less than 15 percent of the total roof area of the building excluding any skylight area. The solar zone requirement is applicable to the entire building, including mixed occupancy.* Azimuth. All sections of the solar zone located on steep-sloped roofs must be oriented between 90 degrees and 300 degrees of true north. Shading. The solar zone must not contain any obstructions, including but not limited to: vents, chimneys, architectural features, and roof § 110.10(b)3A: mounted equipment.*

Shading. Any obstruction located on the roof or any other part of the building that projects above a solar zone must be located at least twice the distance, measured in the horizontal plane, of the height difference between the highest point of the obstruction and the horizontal projection of 110.10(b)3B: the nearest point of the solar zone, measured in the vertical plane."

Structural Design Loads on Construction Documents. For areas of the roof designated as a solar zone, the structural design loads for roof dead load and roof live load must be clearly indicated on the construction documents.

Interconnection Pathways. The construction documents must indicate: a location reserved for inverters and metering equipment and a pathway reserved for routing of conduit from the solar zone to the point of interconnection with the electrical service; and for single family residences and central water-heating systems, a pathway reserved for routing plumbing from the solar zone to the water-heating system.

Documentation. A copy of the construction documents or a comparable document indicating the information from § 110.10(b) through 110.10(d): § 110.10(c) must be provided to the occupant. Main Electrical Service Panel. The main electrical service panel must have a minimum busbar rating of 200 amps Main Electrical Service Panel. The main electrical service panel must have a reserved space to allow for the installation of a double pole circu breaker for a future solar electric installation. The reserved space must be permanently marked as "For Future Solar Electric"

2019 Low-Rise Residential Mandatory Measures Summary NOTE: Low-rise residential buildings subject to the Energy Standards must comply with all applicable mandatory measures, regardless of the compliance approach used. Review the respective section for more information. *Exceptions may apply. Building Envelope Measures: Air Leakage. Manufactured fenestration, exterior doors, and exterior pet doors must limit air leakage to 0.3 CFM per square foot or less when tested per NFRC-400, ASTM E283 or AAMA/WDMA/CSA 101/I.S.2/A440-2011.* Labeling. Fenestration products and exterior doors must have a label meeting the requirements of § 10-111(a). Field fabricated exterior doors and fenestration products must use U-factors and solar heat gain coefficient (SHGC) values from Tables 110.6-A, 110.6-B, or JA4.5 for exterior doors. They must be caulked and/or weather-stripped.

Air Leakage. All joints, penetrations, and other openings in the building envelope that are potential sources of air leakage must be caulked, gasketed, or weather stripped. Insulation Certification by Manufacturers. Insulation must be certified by the Department of Consumer Affairs, Bureau of Household Goods and Services (BHGS). Insulation Requirements for Heated Slab Floors. Heated slab floors must be insulated per the requirements of § 110.8(g). Roofing Products Solar Reflectance and Thermal Emittance. The thermal emittance and aged solar reflectance values of the roofing material must meet the requirements of § 110.8(i) and be labeled per §10-113 when the installation of a cool roof is specified on the CF1F Radiant Barrier. When required, radiant barriers must have an emittance of 0.05 or less and be certified to the Department of Consumer A Ceiling and Rafter Roof Insulation. Minimum R-22 insulation in wood-frame ceiling, or the weighted average U-factor must not exceed 0.043 Minimum R-19 or weighted average U-factor of 0.054 or less in a rafter roof alteration. Attic access doors must have permanently attached insulation using adhesive or mechanical fasteners. The attic access must be gasketed to prevent air leakage. Insulation must be installed in direct contact with a continuous roof or ceiling which is sealed to limit infiltration and exfiltration as specified in § 110.7, including but not limite to placing insulation either above or below the roof deck or on top of a drywall ceiling." Loose-fill Insulation. Loose fill insulation must meet the manufacturer's required density for the labeled R-value Wall Insulation. Minimum R-13 insulation in 2x4 inch wood framing wall or have a U-factor of 0.102 or less, or R-20 in 2x6 inch wood framing have a U-factor of 0.071 or less. Opaque non-framed assemblies must have an overall assembly U-factor not exceeding 0.102. Masonry walls must meet Tables 150.1-A or B.' Raised-floor Insulation. Minimum R-19 insulation in raised wood framed floor or 0.037 maximum U-facto Slab Edge Insulation. Slab edge insulation must meet all of the following: have a water absorption rate, for the insulation material alone without UV light deterioration; and, when installed as part of a heated slab floor, meet the requirements of § 110.8(g). Vapor Retarder. In climate zones 1 through 16, the earth floor of unvented crawl space must be covered with a Class I or Class II vapor relarder. This requirement also applies to controlled ventilation crawl space for buildings complying with the exception to § 150.0(d).

Vapor Retarder. In climate zones 14 and 16, a Class I or Class II vapor retarder must be installed on the conditioned space side of all § 150.0(g)2: insulation in all exterior walls, vented attics, and unvented attics with air-permeable insulation.

Fenestration Products. Fenestration, including skylights, separating conditioned space from unconditioned space or outdoors must have a maximum U-factor of 0.58; or the weighted average U-factor of all fenestration must not exceed 0.58. Fireplaces, Decorative Gas Appliances, and Gas Log Measures: Pilot Light. Continuously burning pilot lights are not allowed for indoor and outdoor fireplaces. Closable Doors. Masonry or factory-built fireplaces must have a closable metal or glass door covering the entire opening of the firebox Combustion Intake Masonry or factory-built fireplaces must have a combustion outside air intake which is at least six square inches in area § 150.0(e)2: and is equipped with a readily accessible, operable, and tight-fitting damper or combustion-air control device." Flue Damper. Masonry or factory-built fireplaces must have a flue damper with a readily accessible control.* Space Conditioning, Water Heating, and Plumbing System Measures:

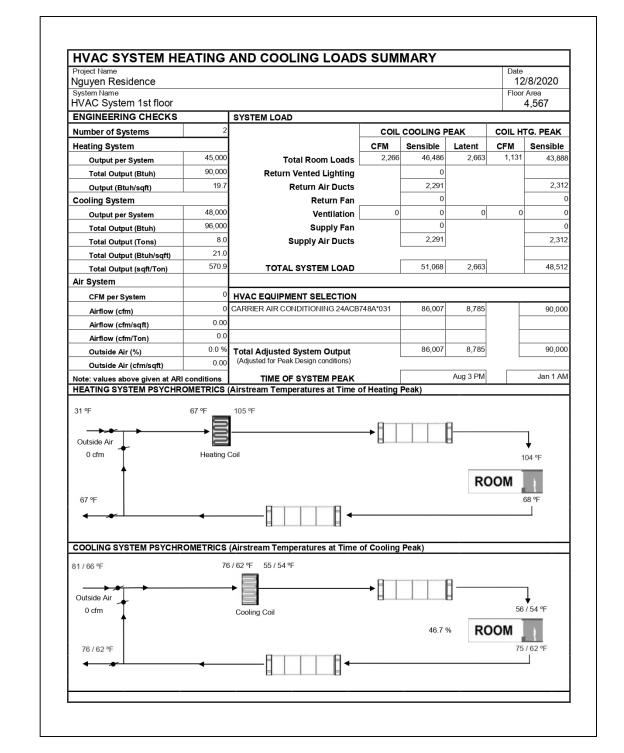
Certification. Heating, ventilation and air conditioning (HVAC) equipment, water heaters, showerheads, faucets, and all other regulated Controls for Heat Pumps with Supplementary Electric Resistance Heaters. Heat pumps with supplementary leacting must have controls that prevent supplementary heater operation when the heating load can be met by the heat pump alone; and in which the cut-on temperature for compression heating is higher than the cut-on temperature for compression heating is higher than the cut-on temperature for supplementary heating. compression heating is higher than the cut-off temperature for supplementary heating.

Thermostats. All heating or cooling systems not controlled by a central energy management control system (EMCS) must have a Water Heating Recirculation Loops Serving Multiple Dwelling Units. Water heating recirculation loops serving multiple dwelling units must meet the air release valve, backflow prevention, pump priming, pump isolation valve, and recirculation loop connection requirements of Isolation Valves. Instantaneous water heaters with an input rating greater than 6.8 kBtu per hour (2 kW) must have isolation valves with hose § 110.3(c)6: bibbs or other fittings on both cold and hot water lines to allow for flushing the water heater when the valves are closed. Pilot Lights. Continuously burning pilot lights are prohibited for natural gas; fan-type central furnaces; household cooking appliances (except

Building Cooling and Heating Loads. Heating and/or cooling loads are calculated in accordance with the ASHRAE Handbook, Equipment Volume, Applications Volume, and Fundamentals Volume; the SMACNA Residential Comfort System Installation Standards Manual; or the ACCA Manual J using design conditions specified in § 150.0(h)2.

§ 150.0(h)3A:	Clearances. Air conditioner and heat pump outdoor condensing units must have a clearance of at least five feet from the outlet of any dryer
§ 150.0(h)3B:	Liquid Line Drier. Air conditioners and heat pump systems must be equipped with liquid line filter driers if required, as specified by the manufacturer's instructions.
§ 150.0(j)1:	Storage Tank Insulation. Unfired hot water tanks, such as storage tanks and backup storage tanks for solar water-heating systems, must harminimum of R-12 external insulation or R-16 internal insulation where the internal insulation R-value is indicated on the exterior of the tank
§ 150.0(j)2A:	Water Piping, Solar Water-heating System Piping, and Space Conditioning System Line Insulation. All domestic hot water piping mus be insulated as specified in Section 609.11 of the California Plumbing Code. In addition, the following piping conditions must have a minimum insulation wall thickness of one inch or a minimum insulation R-value of 7.7: the first five feet of cold water pipes from the storage tank; all he water piping with a nominal diameter equal to or greater than 3/4 inch and less than one inch; all hot water piping with a nominal diameter.
	than 3/4 inch that is: associated with a domestic hot water recirculation system, from the heating source to storage tank or between tanks, buried below grade, and from the heating source to kitchen fixtures."
§ 150.0(j)3:	Insulation Protection. Piping insulation must be protected from damage, including that due to sunlight, moisture, equipment maintenance, wind as required by Section 120.3(b). Insulation exposed to weather must be water retardant and protected from UV light (no adhesive tape Insulation covering chilled water piping and refrigerant suction piping located outside the conditioned space must include, or be protected by Class I or Class II vapor retarder. Pipe insulation buried below grade must be installed in a waterproof and non-crushable casing or sleeve.
§ 150.0(n)1:	Gas or Propane Water Heating Systems. Systems using gas or propane water heaters to serve individual dwelling units must include all of the following: A dedicated 125 volt, 20 amp electrical receptacle connected to the electric panel with a 120/240 volt 3 conductor, 10 AWG copper branch circuit, within three feet of the water heater without obstruction. Both ends of the unused conductor must be labeled with the word "spare" and be electrically isolated. Have a reserved single pole circuit breaker space in the electrical panel adjacent to the circuit brea for the branch circuit and labeled with the words "Future 240V Use", a Category III or IV vent, or a Type B vent with straight pipe between the outside termination and the space where the water heater is installed; a condensate drain that is no more than two inches higher than the be of the water heater, and allows natural draining without pump assistance; and a gas supply line with a capacity of at least 200,000 Btu per h
§ 150.0(n)2:	Recirculating Loops. Recirculating loops serving multiple dwelling units must meet the requirements of § 110.3(c)5.
§ 150.0(n)3:	Solar Water-heating Systems. Solar water-heating systems and collectors must be certified and rated by the Solar Rating and Certification Corporation (SRCC), the International Association of Plumbing and Mechanical Officials, Research and Testing (IAPMO R&T), or by a listing agency that is approved by the Executive Director.
Ducts and Fans	
§ 110.8(d)3:	Ducts. Insulation installed on an existing space-conditioning duct must comply with § 604.0 of the California Mechanical Code (CMC). If a contractor installs the insulation, the contractor must certify to the customer, in writing, that the insulation meets this requirement.
§ 150.0(m)1:	CMC Compliance. All air-distribution system ducts and plenums must meet the requirements of the CMC §§ 601.0, 602.0, 603.0, 604.0, 608 and ANSI/SMACNA-006-2006 HVAC Duct Construction Standards Metal and Flexible 3rd Edition. Portions of supply-air and return-air ducts plenums must be insulated to a minimum installed level of R-6.0 or a minimum installed level of R-4.2 when ducts are entirely in conditioned space as confirmed through field verification and diagnostic testing (RA3.1.4.3.8). Portions of the duct system completely exposed and surrounded by directly conditioned space are not required to be insulated. Connections of metal ducts and inner core of flexible ducts must the mechanically fastened. Openings must be sealed with mastic, tape, or other duct-closure system that meets the applicable requirements of 181, UL 181A, or UL 181B or aerosol sealant that meets the requirements of UL 723. If mastic or tape is used to seal openings greater than inch, the combination of mastic and either mesh or tape must be used. Building cavities, support platforms for air handlers, and plenums designed or constructed with materials other than sealed sheet metal, duct board or flexible duct must not be used to convey conditioned air Building cavities and support platforms may contain ducts. Ducts installed in cavities and support platforms must not be compressed to cause reductions in the cross-sectional area.*
§ 150.0(m)2:	Factory-Fabricated Duct Systems. Factory-fabricated duct systems must comply with applicable requirements for duct construction, connections, and closures; joints and seams of duct systems and their components must not be sealed with cloth back rubber adhesive ductapes unless such tape is used in combination with mastic and draw bands.
§ 150.0(m)3:	Field-Fabricated Duct Systems. Field-fabricated duct systems must comply with applicable requirements for: pressure-sensitive tapes, mastics, sealants, and other requirements specified for duct construction.
§ 150.0(m)7:	Backdraft Damper. Fan systems that exchange air between the conditioned space and outdoors must have backdraft or automatic damper
§ 150.0(m)8:	Gravity Ventilation Dampers. Gravity ventilating systems serving conditioned space must have either automatic or readily accessible, manually operated dampers in all openings to the outside, except combustion inlet and outlet air openings and elevator shaft vents.
§ 150.0(m)9:	Protection of Insulation. Insulation must be protected from damage, sunlight, moisture, equipment maintenance, and wind. Insulation expc to weather must be suitable for outdoor service. For example, protected by aluminum, sheet metal, painted canvas, or plastic cover. Cellular foam insulation must be protected as above or painted with a coating that is water retardant and provides shielding from solar radiation.
§ 150.0(m)10:	Porous Inner Core Flex Duct. Porous inner core flex ducts must have a non-porous layer between the inner core and outer vapor barrier.
§ 150.0(m)11:	Duct System Sealing and Leakage Test. When space conditioning systems use forced air duct systems to supply conditioned air to an occupiable space, the ducts must be sealed and duct leakage tested, as confirmed through field verification and diagnostic testing, in accordance with § 150.0(m)11 and Reference Residential Appendix RA3.
§ 150.0(m) 12:	Air Filtration. Space conditioning systems with ducts exceeding 10 feet and the supply side of ventilation systems must have MERV 13 or equivalent filters. Filters for space conditioning systems must have a two inch depth or can be one inch if sized per Equation 150.0-A. Press drops and labeling must meet the requirements in §150.0(m)12. Filters must be accessible for regular service.*
§ 150.0(m) 13:	Space Conditioning System Airflow Rate and Fan Efficacy. Space conditioning systems that use ducts to supply cooling must have a hc for the placement of a static pressure probe, or a permanently installed static pressure probe in the supply plenum. Airflow must be ≥ 350 C per ton of nominal cooling capacity, and an air-handling unit fan efficacy ≤ 0.45 watts per CFM for gas furnace air handlers and ≤ 0.58 watts CFM for all others. Small duct high velocity systems must provide an airflow ≥ 250 CFM per ton of nominal cooling capacity, and an air-hand

Single Family Detached Dwelling Units. Single family detached dwelling units, and attached whelling units, occupiable spaces, public garages, or commercial spaces must have medietermined by ASHRAE 62.2 Sections 4.1.1 and 4.1.2 and as specified in § 150.0(o)1C. Multifamily Attached Dwelling Units. Multifamily attached dwelling units must have medietermined by ASHRAE 62.2 Sections 4.1.1 and 4.1.2 and as specified in § 150.0(o)1C. Multifamily Attached Dwelling Units. Multifamily attached dwelling units must have mechan accordance with Equation 150.0-B and must be either a balanced system or continuous suppl system is not used, all units in the building must use the same system type and the dwelling-u (0.2 inch water) per square foot of dwelling unit envelope surface area and verified in accordance with respectively. § 150.0(o)1F: Wittifamily Building Central Ventilation Systems. Central ventilation systems that serve me ventilation airflow for each dwelling unit served at a rate equal to or greater than the rate spec within 20 percent of the unit with the lowest airflow rate as it relates to the individual unit's min § 150.0(o)1G: Kitchen Range Hoods. Kitchen range hoods must be rated for sound in accordance with Section 18 feld Verification and Diagnostic Testing. Dwelling unit ventilation airflow must be verified in Appendix RA3.7. A kitchen range hood must be verified in accordance with Reference Reside rated by HVI to comply with the airflow rates and sound requirements as specified in Section 18 feld Verification by Manufacturers. Any pool or spa heating system or equipment must be certified that complies with the Appliance Efficiency Regulations; an on-off switch mounted outside of twithout adjusting the thermostal setting, a permanent weatherproof plate or card with operatin resistance heating. Piping. Any pool or spa heating system or equipment must be installed with at least 36 inches dedicated suction and return lines, or built-in or built-up connections to allow for future solar heating. Piping.	ad in § 150.0(o)1. If dwelling units not sharing ceilings or floors with chanical ventilation airflow provided at rates in y or continuous exhaust system. If a balanced nit envelope leakage must be ≤ 0.3 GFM at 50 Pance with Reference Residential Appendix RA3.8. uittiple dwelling units must be balanced to provide fifed by Equation 150.0-B. All unit airflows must be immur required airflow rate needed for compliance. Strong 7.2 of ASHRAE 62.2. n accordance with Reference Residential nitial Appendix RA3.74.3 to confirm it is and 7.2 of ASHRAE 62.2. ed to have all of the following: a thermal efficiency he heater that allows shutting off the heater g instructions; and must not use electric soft pipe between the filter and the heater, or eating. quately mix the pool water, and a time switch that ds.
\$ 150.0(o)1c: and Acceptable Indoor Air Quality in Residential Buildings subject to the amendments specifie \$ 150.0(o)1c: \$ 150.0(o)1c: Multifamily Attached Dwelling Units. Single family detached dwelling units, and attached other dwelling units, occupiable spaces, public garages, or commercial spaces must have mechan accordance with Equation 150.0-B and must be either a balanced system or continuous supplies system is not used, all units in the building must use the same system type and the dwelling-upone wentilation ariflow for each dwelling unit envelope surface area and verified in accordance with 20 percent of the unit with the lowest airflow rate as it relates to the individual units must have entilation ariflow for each dwelling unit served at a rate equal to or greater than the rate spec within 20 percent of the unit with the lowest airflow rate as it relates to the individual units mink \$ 150.0(o)1c: Kitchen Range Hoods. Kitchen range hoods must be rated for sound in accordance with Sec Field Verification and Diagnostic Testing. Dwelling unit ventilation airflow must be verified in Appendix RA3.7. A kitchen range hood must be verified in accordance with Reference Reside rated by HVI to comply with the airflow rates and sound requirements as specified in Section 5 (200 percent) with the Appliance Efficiency Regulations; an on-off switch mounted outside of the without adjusting the thermostat setting; a permanent weatherproof plate or card with operative resistance heating. Sectification by Manufacturers. Any pool or spa heating system or equipment must be certified that complies with the Appliance Efficiency Regulations; an on-off switch mounted outside of the without adjusting the thermostat setting; a permanent weatherproof plate or card with operative resistance heating. Sectification by Manufacturers and pool or spa heating system or equipment must be installed with at least 36 inches decirated suction and return lines, or built-in or built-up connections to allow for future solar he decided s	ad in § 150.0(o)1. If dwelling units not sharing ceilings or floors with chanical ventilation airflow provided at rates in y or continuous exhaust system. If a balanced nit envelope leakage must be ≤ 0.3 GFM at 50 Pance with Reference Residential Appendix RA3.8. uittiple dwelling units must be balanced to provide fifed by Equation 150.0-B. All unit airflows must be immur required airflow rate needed for compliance. Strong 7.2 of ASHRAE 62.2. n accordance with Reference Residential nitial Appendix RA3.74.3 to confirm it is and 7.2 of ASHRAE 62.2. ed to have all of the following: a thermal efficiency he heater that allows shutting off the heater g instructions; and must not use electric soft pipe between the filter and the heater, or eating. quately mix the pool water, and a time switch that ds.
Single Family Detached Dwelling Units. Single family detached dwelling units, and attached therefore the determined by ASHRAE 62.2 Sections 4.1.1 and 4.1.2 and as specified in § 150.0(o)1c. Multifamily Attached Dwelling Units. Single family detached dwelling units, and attached stemmed by ASHRAE 62.2 Sections 4.1.1 and 4.1.2 and as specified in § 150.0(o)1c. Multifamily Attached Dwelling Units. Multifamily attached dwelling units must have mechan accordance with Equation 150.0-B and must be either a balanced system or continuous suppl system is not used, all units in the building must use the same system type and the dwelling-u (0.2 inch water) per square foot of dwelling unit envelope surface area and verified in accordance with 120.0(o)1F: Multifamily Building Central Ventilation Systems. Central ventilation systems that serve m ventilation airflow for each dwelling unit served at a rate equal to or greater than the rate spec within 20 percent of the unit with the lowest airflow rate as it relates to the individual unit's min § 150.0(o)1G: Kitchen Range Hoods. Kitchen range hoods must be rated for sound in accordance with Section 150.0(o)2: Field Verification and Diagnostic Testing. Dwelling unit ventilation airflow must be verified in accordance with Reference Reside rated by HVI to comply with the airflow rates and sound requirements as specified in Section 150.0(o)2: Stemment Requirement Measures: Certification by Manufacturers. Any pool or spa heating system or equipment must be certificated complies with the Appliance Efficiency Regulations; an on-off switch mounted outside of twithout adjusting the thermostal setting; a permanent weatherproof plate or card with operatin resistance heating. Piping. Any pool or spa heating system or equipment must be installed with at least 36 inches dedicated suction and return lines, or built-in or built-up connections to allow for future solar he Covers. Outdoor pools or spass that have a heat pump or gas heater must have a cover with section and return lines,	I dwelling units not sharing ceilings or floors with chanical ventilation airflow provided at rates in y or continuous exhaust system. If a balanced int envelope leakage must be ≤ 0.3 CFM at 50 Pa noe with Reference Residential Appendix RA3 8 utitiple dwelling units must be balanced to provide iffied by Equation 150.0-B. All unit airflows must be imum required airflow rate needed for compliance. It is mum required airflow rate needed for compliance. It is a coordance with Reference Residential https://dx.com/dx.co
systems and Equipment Measures: 110.4(a): 150.0(a): 150.0(a): 150.0(a): 150.0(a): 150.0(a): 150.0(b): 150.0(a): 150.0(b): 150.0(a):	chanical ventilation airflow provided at rates in y or continuous exhaust system. If a balanced nit envelope leakage must be ≤ 0.3 CFM at 50 Pa nice with Reference Residential Appendix RA3.8. ultiple dwelling units must be balanced to provide iffied by Equation 150.0-B. All unit airflows must be imum required airflow rate needed for compliance. It is of ASHRAE 62.2. n accordance with Reference Residential nitial Appendix RA3.7.4.3 to confirm it is 5 and 7.2 of ASHRAE 62.2. ed to have all of the following: a thermal efficiency he heater that allows shutting off the heater g instructions; and must not use electric so of pipe between the filter and the heater, or eating. equately mix the pool water, and a time switch that dis.
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\$ 150.0(o)1G: Kitchen Range Hoods. Kitchen range hoods must be rated for sound in accordance with Sec Field Verification and Diagnostic Testing. Dwelling unit ventilation airflow must be verified in Appendix RA3.7. A kitchen range hood must be verified in accordance with Reference Reside rated by HVI to comply with the airflow rates and sound requirements as specified in Section 5 (Pool and Spa Systems and Equipment Measures: Certification by Manufacturers. Any pool or spa heating system or equipment must be certificated without adjusting the thermostat setting, a permanent weatherproof plate or card with open the resistance heating. 110.4(b)1: Piping. Any pool or spa heating system or equipment must be installed with at least 36 inchest dedicated suction and return lines, or built-in or built-up connections to allow for future solar he dedicated suction and return lines, or built-in or built-up connections to allow for future solar he should be suffered to the sum of th	ction 7.2 of ASHRAE 62.2. n accordance with Reference Residential initial Appendix RA3.7.4.3 to confirm it is of and 7.2 of ASHRAE 62.2. ed to have all of the following: a thermal efficiency he heater that allows shutting off the heater g instructions; and must not use electric soft pipe between the filter and the heater, or eating. quately mix the pool water, and a time switch that index of the specified requirements for pump sizing, flow
\$ 150.0(o)2: Appendix RA3.7. A kitchen range hood must be verified in accordance with Reference Reside raided by HVI to comply with the airflow rates and sound requirements as specified in Section 5 Pool and Spa Systems and Equipment Measures: \$ 110.4(a): Certification by Manufacturers. Any pool or spa heating system or equipment must be certificated that complies with the Appliance Efficiency Regulations; an on-off switch mounted outside of the without adjusting the thermostat setting, a permanent weatherproof plate or card with operating resistance heating. \$ 110.4(b)1: Piping. Any pool or spa heating system or equipment must be installed with at least 36 inchest dedicated suction and return lines, or built-in or built-up connections to allow for future solar he shift of the solar has a cover. \$ 110.4(b)3: Directional Inlets and Time Switches for Pools. Pools must have directional inlets that ade will allow all pumps to be set or programmed to run only during off-peak electric demand periors and the standard periors. Pilot Light. Natural gas pool and spa heaters must not have a continuously burning pilot light. Pool Systems and Equipment Installation. Residential pool systems or equipment must me rate, piping, filters, and valves.* Lighting Measures: Lighting Controls and Components. All lighting control devices and systems, ballasts, and I of § 110.9.* Lighting Controls and Components. All lighting control devices and systems, ballasts, and I of § 110.9.* Blank Electrical Boxes. The number of electrical boxes that are more than five feet above the other device must be no greater than the number of bedrooms. These electrical boxes must be other device must be of the control of the programment of the prog	ntial Appendix RA3.7.4.3 to confirm it is a and 7.2 of ASHRAE 62.2. ed to have all of the following: a thermal efficiency he heater that allows shutting off the heater g instructions; and must not use electric so fo pipe between the filter and the heater, or eating. quately mix the pool water, and a time switch that data.
Certification by Manufacturers. Any pool or spa heating system or equipment must be certification by Manufacturers. Regulations; an on-off switch mounted outside of the without adjusting the thermostat setting, a permanent weatherproof plate or card with operations in resistance heating. \$110.4(b)1: \$110.4(b)2: Piping. Any pool or spa heating system or equipment must be installed with at least 36 inches dedicated suction and return lines, or built-in or built-up connections to allow for future solar he structure solar heating. \$110.4(b)2: Covers. Outdoor pools or spas that have a heat pump or gas heater must have a cover. Directional Inlets and Time Switches for Pools. Pools must have directional inlets that ade will allow all pumps to be set or programmed to run only during off-peak electric demand perior. Pilot Light. Natural gas pool and spa heaters must not have a continuously burning pilot light. Pool Systems and Equipment Installation. Residential pool systems or equipment must me rate, piping, filters, and valves: Lighting Measures: Lighting Controls and Components. All lighting control devices and systems, ballasts, and I of § 110.9: Lighting Efficacy. All installed luminaires must meet the requirements in Table 150.0-A. Blank Electrical Boxes. The number of electrical boxes that are more than five feet above the other device must be no greater than the number of bedrooms. These electrical boxes must be other device must be often device must be of the feet above the other device must be no greater than the number of bedrooms. These electrical boxes must be offen device must be	he heater that allows shutting off the heater g instructions; and must not use electric s of pipe between the filter and the heater, or eating. quately mix the pool water, and a time switch that ds. Let the specified requirements for pump sizing, flow
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Blank Electrical Boxes. The number of electrical boxes that are more than five feet above the \$150.0(k)1B: other device must be no greater than the number of bedrooms. These electrical boxes must be	
§ 150.0(k)1B: other device must be no greater than the number of bedrooms. These electrical boxes must be	
§ 150.0(k)1C: Recessed Downlight Luminaires in Ceilings. Luminaires recessed into ceilings must meet labeling; air leakage, sealing; maintenance; and socket and light source as described in § 150	.0(k)1C.
§ 150.0(k)1D: Electronic Ballasts for Fluorescent Lamps. Ballasts for fluorescent lamps rated 13 watts or output frequency no less than 20 kHz.	greater must be electronic and must have an
§ 150.0(k)1E: Night Lights, Step Lights, and Path Lights. Night lights, step lights and path lights are not recontrolled by vacancy sensors provided they are rated to consume no more than 5 watts of pc	ower and emit no more than 150 lumens.
§ 150.0(k)1F: Lighting Integral to Exhaust Fans. Lighting integral to exhaust fans (except when installed b must meet the applicable requirements of § 150.0(k).*	by the manufacturer in kitchen exhaust hoods)
§ 150.0(k)1G: Screw based luminaires. Screw based luminaires must contain lamps that comply with Refer	rence Joint Appendix JA8.*
§ 150.0(k)1H: Light Sources in Enclosed or Recessed Luminaires. Lamps and other separable light sour temperature requirements, including marking requirements, must not be installed in enclosed.	
§ 150.0(k)11: Light Sources in Drawers, Cabinets, and Linen Closets. Light sources internal to drawers, comply with Table 150.0-A or be controlled by vacancy sensors provided that they are rated to more than 150 lumens, and are equipped with controls that automatically turn the lighting off v	consume no more than 5 watts of power, emit no
§ 150.0(k)2A: Interior Switches and Controls. All forward phase cut dimmers used with LED light sources	
§ 150.0(k)2B: Interior Switches and Controls. Exhaust fans must be controlled separately from lighting sys	
§ 150.0(k)2C: Interior Switches and Controls. Lighting must have readily accessible wall-mounted controls turned ON and OFF.*	
§ 150.0(k)2D: Interior Switches and Controls. Controls and equipment must be installed in accordance with	
§ 150.0(k)2E: Interior Switches and Controls. Controls must not bypass a dimmer, occupant sensor, or vacomply with § 150.0(k). § 150.0(k)2F: Interior Switches and Controls. Lighting controls must comply with the applicable requirement	icancy sensor function if the control is installed to



ZONE LOAD SUMMA Project Name Nguyen Residence											Date	12/8/2	020
System Name HVAC System 1st floor ZONE LOAD SUMMARY											Floo	r Area <i>4,56</i>	67
ZONE LOAD SUMMARY		ı		70NA	SYSTEM	1			COOLI	NG PEAK		LIE ATII	NG PEAK
ZONE NAME	SYSTEM NAME	Mult.	СЕМ	Sensible	Latent		OA CFM	Peak Hr	CFM	Sensible	Latent		Sensible
Existing 1st floor	OTOTEM WAIL	1.0	01111	Concibio	Lutont	Houting		Aug 3 PM	1,364		1,388	584	22,657
Existing 2nd floor		1.0						Aug 3 PM	456	9,356	650	285	11,073
Addition		1.0						Aug 3 PM	446	9,149	625	262	10,159
		i											
		\bot											
		-											
		+											
			OTALS	0	0	0	0	Aug 3	PM	46,486	2,663		43,888
		10	JIALS		0	U		Aug 3	i ivi	(BLOCK			40,000

ROOM LOAD	SUMMARY									
Project Name								Date		200
Nguyen Residenc System Name	е							Floor	12/8/20 Area	120
HVAC System 1st	t floor							1 1001	4,56	₇
ROOM LOAD SUM									.,	
			ROOI	M COOLING	G PEAK	COIL	COOLING	PEAK	COIL HT	G. PEAK
Zone Name	Room Name	Mult.	CFM	Sensible	Latent	CFM	Sensible	Latent	CFM	Sensible
Existing 1st floor	(e) 1st FI	1	1,364	27,981	1,388	1,364	27,981	1,388	584	22,657
Existing 2nd floor	(e) 2nd Fl	1	456	9,356	650	456	9,356	650	285	11,073
Addition	Addition	1	446	9,149	625	446	9,149	625	262	10,159
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				PAGE TOT	ΓAL	2,266	46,486	2,663	1,131	43,888
				TOTA	ΔL *	2,266	46,486	2,663	1,131	43,888

CERTIFICATE OF COMPLIANCE CF1R-PRF-01E Calculation Date/Time: 2020-12-08T11:03:23-08:00 (Page 10 of 12) Project Name: Residential Building Calculation Description: Title 24 Analysis Input File Name: Nguyen-Costa Mesa.ribd19x SPACE CONDITIONING SYSTEMS 05 06 07 08 09 10 Required Verified Heating Cooling Thermostat Status Existing Equipment Equipment System Type Name Name Type Heating eating and cooling syste HVAC System 1st floor1 n/a other System 1 HVAC - HEATING UNIT TYPES Name System Type Number of Units **Heating Efficiency** Heating Component 1 Central gas furnace AFUE-94 (alterising HVAC - COOLING UNIT TYPES 03 Mulit-speed **HERS Verification** Compressor Cooling Component 1-hers-cool Cooling Component 1 Central split AC 13 Not Zonal Single Speed HVAC - DISTRIBUTION SYSTEMS 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 Duct Ins. R-value Duct Location Surface Area Supply Return Supply Return Supply Return Supply Return Bypass Duct Leakage Verification Status Verified Existing Distribution Operation Status Condition Statu Existing n/a Verified attic Registration Number: Registration Date/Time: HERS Provider: 220-P010227224A-000-000-0000000-0000 2020-12-08 11:09:59 CalCERTS inc. CA Building Energy Efficiency Standards - 2019 Residential Compliance Report Generated: 2020-12-08 11:04:14 Report Version: 2019.1.108

Project Name	OF COMPLIANO : Residential B							Calcula	ation Date	e /Time: 202	20-12-08T11:	03:23-08	:00		1R-PRF-01E ge 11 of 12)	
Calculation D	escription: Titl	e 24 Analysis						Input F	ile Name	: Nguyen-C	osta Mesa.ril	od19x				
	BUTION SYSTEM															
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	
		1	Duct Ins	. R-value	Duct Lo	cation	Surfac	e Area			_					
Name	Туре	Design Type	Supply	Return	Supply	Return	Supply	Return	Bypass Duct	Duct Leakage	HERS Verification	Status	Verified Existing Condition	Existing Distribution system	New Ducts 40 ft	
											1-hers- dist	7				
HVAC FAN SYS	TEMS - HERS VEI	RIFICATION														
		01					1 12	02					03			
	N	ame					Verified Fa	an Watt D	raw			Requir	Required Fan Efficacy (Watts/CFM)			
	HVAC Far	1-hers-fan	//				Not F	Required					0			
IAO (INDOOR	AIR QUALITY) FA	NS								<u> </u>						
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				1		ж	_	К		- 11			-	IAQ Recovery Eff	ectiveness -	
Dwell	ing Unit	1/	AQ CFM	4	IAC	FM IAQ Fan Type		IAQ Recove	IAQ Recovery Effectiveness (%)		SREIAQ Recovery Effectiveness - SRE					
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nsibility for the building design identified on this Certificate of Compliance. Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the Califo of Compliance are consistent with the information provided on other applicable compliance do groval with this building permit application. Responsible Designer Signature:					
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-	Documentation Author Signature: Signature Date: 2020-12-08 11:09:59 CEA/ HERS Certification Identification (If applicable): Phone: 562-818-2003 Assibility for the building design identified on this Certificate of Compliance. Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the Califor of Compliance are consistent with the information provided on other applicable compliance do roval with this building permit application. Responsible Designer Signature: Date Signed: License: C-35683				

Digitally signed by CalCERTS. This digital signature is provided in order to secure the content of this registered document, and in no way implies Registration Provider responsibility for the accuracy of the information.

Registration Number: 220-P010227224A-000-000-0000000-0000 CA Building Energy Efficiency Standards - 2019 Residential Compliance

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Registration Date/Time: 2020-12-08 11:09:59 Report Version: 2019.1.108

at CalCERTS.com HERS Provider: CalCERTS inc. Report Generated: 2020-12-08 11:04:14

J.D. DATE 12/04/2020 SHEET SIZE TO SCALE 24" X 36" JOB NO. SHEET Easy to Verify

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REVISIONS "ABC"=PLAN CHECK

"123"=FIELD

2/4/2021

PLANNING DEPARTMEN

GENERAL CONTRACTOR

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2/10/2021

ENERGY ANALYSIS + MANDATORY MEASURES

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2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020** HCD SHL 615 (New 01/20) See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Resilient flooring systems Where resilient flooring is installed, at least 80% of floor area receiving resilient flooring shall comply with 1 or more of the following: Products compliant with the California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1, February 2010 (also known as Specification 01350), certified as a CHPS Low-Emitting Material in the Collaborative for High Performance Schools (CHPS) High Performance Products Database 2. Products certified under UL GREENGUARD Gold (formerly the Greenguard Children & Schools program). 3. Certification under the Resilient Floor Covering Institute (RFCI) FloorScore 4. Meet the California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1, February 2010 (also known as Specification 01350).

Composite wood products Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in the Air Resources Board's Air Toxics Control Measure for Composite Wood (17 CCR 93120 et seq.), as shown in Table 4.504.5. Documentation is required per Section 4.504.5.1. 4.504.5.1 Definition of Composite Wood Products: Composite wood products include hardwood plywood, particleboard, and medium density fiberboard. "Composite wood products" do not include hardboard, structural plywood, structural panels, structural composite lumber, oriented strand board, glued laminated timber, prefabricated wood I-joists, or finger-joined lumber, all as specified in CCR, Title 17, Section 93120.1(a).

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020** HCD SHL 615 (New 01/20 See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Waste stream reduction alternative [LR] Projects that generate a total combined weight of construction and demolition waste disposed in landfills, which do not exceed 3.4 pounds per square foot of the building area shall meet the minimum 65% construction waste reduction requirement in 4.408.4.1 Projects that generate a total combined weight of construction and demolition waste disposed in landfills, which do not exceed 2 pounds per square foot of the building area, shall meet the minimum 65% construction waste reduction requirement in Section 4.408.1 Operation and maintenance manual At the time of final inspection, a manual, compact disc, web-based reference or other media acceptable to the enforcing agency which covers 10 specific subject areas shall be placed in the building Recycling by occupants

Where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible area(s) that serves all buildings on the site and is identified for the depositing, storage and collection of nonhazardous materials for recycling, including 4.410.2 (at minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals, or meet a lawfully enacted local recycling ordinance, if more restrictive. **Exception:** Rural jurisdictions that meet and apply for the exemption in Public Resources Code Section 42649.82 (a)(2)(A) et seq. are not required to comply with the organic waste portion of this section sion 4.5 – ENVIRONMENTAL QUALITY

Fireplaces - General Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed woodstove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits as applicable, and shall have a permanent label indicating they are certified to meet the emission limits. Woodstoves, pellet stoves, and fireplaces shall also comply with all applicable local ordinances. Page 10 of 16

CAL Green

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES

EFFECTIVE JANUARY 1, 2020

See specific referenced sections for complete details on CALGreen mandatory requirements. See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE 2019 CALGREEN CODE SECTION REQUIREMENTS SECTION REQUIREMENT Multiple EV spaces required (similar to 4.106.4.2.4) EV charging space (EV space) locations Construction documents shall indicate the raceway termination point and proposed Construction documents shall indicate the location of proposed EV spaces. Where location of future EV spaces and EV chargers. Construction documents shall also common use parking is provided at least 1 EV space shall be located in the common provide information on amperage of future EVSE, raceway method(s), wiring use parking areas and shall be available for use by all residents. schematics and electrical load calculations to verify electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at the EV charging stations (EVCS) full rated amperage of the EVSE. When EV chargers are installed, EV spaces (required by Section 4.106.4.2.2, Item 3,) • Plan design shall be based upon a 40-ampere minimum branch circuit. shall comply with at least 1 of the following options: Required raceways and related components planned to be installed underground. 1. The EV space shall be located adjacent to an accessible parking space meeting enclosed, inaccessible or, in concealed areas and spaces shall be installed at the the requirements of the California Building Code, Chapter 11A, to allow use of time of original construction. 4.106.4.2.1.1 the EV charger from the accessible parking space. Identification (similar to 4.106.4.2.5) 2. The EV space shall be located on an accessible route to the building, as defined in the California Building Code, Chapter 2. 4.106.4.3.5 | Service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in **Exception:** EVCS designed and constructed in compliance with the California Building accordance with the California Electrical Code. Code Chapter 11B are not required to comply with Section 4.106.4.2.1.1 and Section 4.106.4.2.2. Item 3. Accessible EV spaces EV charging space (EV space) dimensions **4.106.4.3.6** In addition to the requirements in Section 4.106.4.3, EV spaces for hotels/motels and all EVSE, when installed, shall comply with the accessibility provisions for EV charging stations in the California Building Code, Chapter 11B. EV spaces shall be designed to comply with the following: sion 4.2 – ENERGY EFFICIENCY 1. The minimum length of each EV space shall be 18 feet. Scope 2. The minimum width of each EV space shall be 9 feet. 4.106.4.2.2 Energy efficiency requirements for low-rise residential (Section 4.201.1) and high-3. 1 in every 25 EV spaces, but not less than 1, shall also have an 8-foot wide rise residential/hotels/motels (Section 5.201.1) are now in both residential and minimum aisle. A 5-foot wide minimum aisle shall be permitted provided the nonresidential chapters of CALGreen minimum width of the EV space is 12 feet. Standards for residential buildings do not require compliance with levels of a. Surface slope for this EV space and aisle shall not exceed 1 unit vertical minimum energy efficiency beyond those required by the 2019 California Energy in 48 units horizontal (2.083% slope) in any direction. Page 7 of 16 Page 4 of 16

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020** HCD SHL 615 (New 01/20

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2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020** HCD SHL 615 (New 01/20 See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Chapter 1 – ADMINISTRATION Scope Applies to ALL newly constructed residential buildings: low-rise, high-rise, and Requires a completed Residential Occupancies Application Checklist or alternate method acceptable to the enforcing agency to be used for documentation of Additions and alterations Applies to additions or alterations of residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. Requirements only apply within the specific area of the addition or alteration. Low-rise and high-rise residential buildings Banners identify provisions applying to low-rise only [LR] or high-rise only [HR]. Mixed occupancy buildings Requires each portion of mixed occupancy buildings to comply with CALGreen measures applicable for the specific occupancy. 302.1 Accessory structures and accessory occupancies serving residential buildings to comply with Chapter 4 and Appendix A4, as applicable. • Live/work units complying with the California Building Code Section 419 shall not be considered a mixed occupancy. Live/work units are required to comply with Chapter 4 and Appendix A4, as applicable. Page 1 of 16

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2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1. 2020** HCD SHL 615 (New 01/20)

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See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Concrete slab foundations Concrete slab foundations or concrete slab-on-ground floors required to have a vapor retarder by the California Building Code, Chapter 19, or the California Residential Code, Chapter 5, respectively, shall also comply with this section. Capillary break A capillary break shall be installed in compliance with at least 1 of the following: 1. A 4-inch thick base of ½ inch or larger clean aggregate shall be provided with a vapor retarder in direct contact with concrete and a concrete mix design, which 4.505.2.1 will address bleeding, shrinkage, and curling, shall be used. For additional information, see American Concrete Institute, ACI 302.2R-06. 2. Other equivalent methods approved by the enforcing agency. 3. A slab design specified by a licensed design professional. Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be verified in compliance with the following: 1. Moisture content shall be determined with either a probe-type or a contact-type moisture meter. Equivalent moisture verification methods may be approved by the enforcing agency and shall satisfy requirements in Section 101.8. 2. Moisture readings shall be taken at a point 2 feet to 4 feet from the grade stamped end of each piece to be verified. 3. At least 3 random moisture readings shall be performed on wall and floor framing with documentation acceptable to the enforcing agency provided at the time of approval to enclose the wall and floor framing. Insulation products which are visibly wet or have a high moisture content shall be replaced or allowed to dry prior to enclosure in wall or floor cavities. Manufacturers' drying recommendations shall be followed for wet-applied insulation products prior to

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HCD SHL 615 (New 01/20) See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Protection of mechanical equipment during construction At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air intake and distribution component openings shall be covered. Tape, plastic. sheetmetal or other methods acceptable to the enforcing agency to reduce the amount of water, dust and debris entering the system may be used Adhesives, sealants and caulks Adhesives, sealants and caulks used on the project shall meet the requirements of the following standards unless more stringent local or regional air pollution or air quality management district rules apply: . Adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers, and caulks shall comply with local or regional air pollution control or air quality management district rules where applicable or SCAQMD Rule 1168 VOC limits, as shown in Table 4.504.1 or 4.504.2, as applicable. Such products shall also comply with the Rule 1168 prohibition on the use of certain toxic compounds (chloroform, ethylene dichloride, methylene chloride, perchloroethylene and trichloroethylene), except for aerosol products, as specified in Subsection 2 2. Aerosol adhesives, and smaller unit sizes of adhesives, and sealant or caulking compounds (in units of product, less packaging, which do not weigh more than 1 pound and do not consist of more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements, including prohibitions on use of certain toxic compounds, of California Code of Regulations (CCR), Title 17, commencing with Section 94507 Paints and coatings Architectural paints and coatings shall comply with VOC limits in Table 1 of the Air Resources Board Architectural Suggested Control Measure, as shown in Table 4.504.3, unless more stringent local limits apply. The VOC content limit for coatings that do not meet the definitions for the specialty coatings categories listed in Table 4.504.3 shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat-high Gloss coating, based on its gloss, as defined in subsections 4.21, 4.36, and 4.37 of the 2007 California Air Resources Board, Suggested Control Measure, and the corresponding Flat, Nonflat, or Nonflat-high Gloss VOC limit in Table 4.504.3 shall Page 11 of 16

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020** HCD SHL 615 (New 01/20) See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Division 4.3 – WATER EFFICIENCY AND CONSERVATION Water conserving plumbing fixtures and fittings Plumbing fixtures and fittings shall comply with the following: **4.303.1.1** – Water closets: ≤ 1.28 gal/flush. **4.303.1.2** – Wall mounted urinals: ≤ 0.125 gal/flush; all other urinals ≤ 0.5 **4.303.1.3.1** – Single showerheads: ≤ 1.8 gpm @ 80 psi. **4.303.1.3.2** – Multiple showerheads: combined flow rate of all showerheads 4.303.1 controlled by a single valve shall not exceed 1.8 gpm @ 80 psi, or only 1 shower outlet is to be in operation at a time. **4.303.1.4.1** − Residential lavatory faucets: maximum flow rate ≤ 1.2 gpm @ 60 psi; minimum flow rate ≥ 0.8 gpm @ 20 psi. **4.303.1.4.2** – Lavatory faucets in common and public use areas of residential buildings: ≤ 0.5 gpm @ 60 psi. **4.303.1.4.3** − Metering faucets: ≤ 0.2 gallons per cycle. **4.303.1.4.4** − Kitchen faucets: ≤ 1.8 gpm @ 60 psi; temporary increase to 2.2 Standards for plumbing fixtures and fittings Plumbing fixtures and fittings shall be installed in accordance with the California Plumbing Code, and shall meet applicable standards referenced in Table 1701.1 of the California Plumbing Code. Outdoor potable water use in landscape areas New residential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent. n 4.4 – MATERIAL CONSERVATION & RESOURCE EFFICIENCY Rodent proofing Annular spaces around pipes, electric cables, conduits or other openings in sole/bottom plates at exterior walls shall be closed with cement mortar, concrete masonry or a similar method acceptable to the enforcing agency to prevent passage of Page 8 of 16

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES

EFFECTIVE JANUARY 1, 2020

HCD SHL 615 (New 01/20

4.106.4.3.4

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2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020** HCD SHL 615 (New 01/20 See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Single EV space required Install a listed raceway capable of accommodating a 208/240-volt dedicated branch Raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). Raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the proposed location of the EV Construction documents shall identify the raceway termination point. Service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device. Multiple EV spaces required Construction documents shall indicate the raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics, and electrical load calculations to verify electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at the full rated amperage of the EVSE. Plan design shall be based upon a 40-ampere minimum branch circuit. Required raceways and related components planned to be installed underground. enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction. Identification Service panel or subpanel circuit directory shall identify the overcurrent protective

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020** See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS ion 4.1 – PLANNING AND DESIGN

hapter 4 – RESIDENTIAL MANDATORY MEASURES Storm water drainage and retention during construction Projects which disturb less than 1 acre of soil and are not part of a larger common plar of development shall manage storm water drainage during construction. Grading and paving Construction plans shall indicate how the site grading or drainage system will manage all surface water flows to keep water from entering buildings. **Exception:** Additions and alterations which do not alter the existing drainage path. Electric vehicle (EV) charging for new construction Comply with Section 4.106.4.1, 4.106.4.2 or 4.106.4.3 for future installation and use Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. 1. On a case-by-case basis where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon 1 of the following: 4.106.4 1.1. Where there is no commercial power supply.

1.2. Verification that meeting requirements will alter the local utility infrastructure

homeowner/developer by more than \$400.00 per dwelling unit.

. Accessory Dwelling Units and Junior Accessory Dwelling Units without

Note: For definitions of Accessory Dwelling Units and Junior Accessory Units, see

ALGreen.

capable of supporting future EVSE. Calculations for the number of EV spaces shall

Note: Construction documents are intended to demonstrate the project's capability

to be constructed or available until EV chargers are installed for use.

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and capacity for facilitating future EV charging. There is no requirement for EV spaces

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES

EFFECTIVE JANUARY 1, 2020

See specific referenced sections for complete details on CALGreen mandatory requirements.

2019 CALGREEN CODE

design requirements on the utility side of the meter increasing costs to the

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additional parking facilities.

CALGreen Chapter 2

SECTION REQUIREMENTS

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CAL Green.

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020**

See specific referenced sections for complete details on CALGreen mandatory requirements. **2019 CALGREEN CODE** SECTION REQUIREMENTS Bathroom exhaust fans Each bathroom shall be mechanically ventilated and shall comply with the following: 1. Fans shall be ENERGY STAR compliant and be ducted to terminate outside the 2. Unless functioning as a component of a whole house ventilation system, fans must be controlled by a humidity control. a. Humidity controls shall be capable of manual or automatic adjustment between a relative humidity range of ≤ 50% to a maximum of 80%. b. A humidity control may be a separate component to the exhaust fan and is not required to be integral or built-in. **Note:** For CALGreen, a bathroom is a room which contains a bathtub, shower, or tub/shower combination. Fans or mechanical ventilation is required in each bathroom. Heating and air-conditioning system design Heating and air-conditioning systems shall be sized, designed and equipment selected using the following methods: . The heat loss and heat gain is established according to ANSI/ACCA 2 Manual J - 2016 (Residential Load Calculation), ASHRAE handbooks or other equivalent design software or methods. 2. Duct systems are sized according to ANSI/ACCA 1 Manual D – 2016 (Residential Duct Systems), ASHRAE handbooks or other equivalent design software or methods. 3. Select heating and cooling equipment according to ANSI/ACCA 3 Manual S – 2014 (Residential Equipment Selection) or other equivalent design

Exception: Use of alternate design temperatures necessary to ensure the systems

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function are acceptable.

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **FFFCTIVE JANUARY 1 2020**

	2019 CALGREEN CODE
SECTION	REQUIREMENTS
	Aerosol paints and coatings
4.504.2.3 & 4.504.2.4	 Aerosol paints and coatings shall meet the Product-weighted MIR Limits for ROC in Section 94522(a)(2) and other requirements, including prohibitions on use of certain toxic compounds and ozone depleting substances, in Sections 94522(e)(1) and (f)(1) of California Code of Regulations, Title 17, commencing with Section 94520; and in areas under the jurisdiction of the Bay Area Air Quality Management District shall additionally comply with the percent VOC by weight of product limits of Regulation 8, Rule 49.
	Documentation is required per Section 4.504.2.4.
	Carpet systems
	Carpet installed in the building interior shall meet the testing and product requirements of 1 of the following: 1. Carpet and Rug Institute's Green Label Plus Program.
4.504.3	 California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1, February 2010 (also known as Specification 01350).
	3. NSF/ANSI 140 at the Gold level.
	4. Scientific Certifications Systems Indoor Advantage™ Gold.
	Carpet cushion
4.504.3.1	Carpet cushion installed in the building interior shall meet the requirements of the Carpet and Rug Institute's Green Label program.
	Carpet adhesive
4.504.3.2	Carpet adhesives shall meet the requirements of Table 4.504.1.



4.408.1

CAL Green

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020**

HCD SHL 615 (New 01/20)

See specific referenced sections for complete details on CALGreen mandatory requirements. 2019 CALGREEN CODE SECTION REQUIREMENTS Construction waste management • Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with either Section 4.408.2. 4.408.3 or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance. • Provide documentation to the enforcing agency per Section 4.408.5.

> Exceptions: 1. Excavated soil and land-clearing debris. 2. Alternative waste reduction methods developed by working with local enforcing agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite. 3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

> > Construction waste management plan

Utilize a waste management company, approved by the enforcing agency, which can

Submit a construction waste management plan meeting Items 1 through 5 in Section 4.408.2. Plans shall be updated as necessary and shall be available for examination during construction Waste management company

provide verifiable documentation that diverted construction and demolition waste materials meet the requirements in Section 4.408.1. Page 9 of 16



accordance with the California Electrical Code

device space(s) reserved for future EV charging purposes as "EV CAPABLE" in

Page 5 of 16

2019 CALGREEN RESIDENTIAL MANDATORY MEASURES **EFFECTIVE JANUARY 1, 2020**

HCD SHL 615 (New 01/20)

See s	specific referenced sections for complete details on CALGreen mandatory requirements.
	2019 CALGREEN CODE
SECTION	REQUIREMENTS
	EV charging for hotels and motels
	Applies to all newly constructed hotels and motels.
4.106.4.3	Construction documents shall identify the location of EV spaces.
	Note: Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.
	Number of required EV spaces
4.106.4.3.1	Table 4.106.4.3.1 shows the number of required EV spaces based on the total number of parking spaces provided for all types of parking facilities.
	EV charging space (EV space) dimensions
4.400.4.0.0	EV spaces shall be designed to comply with the following:
4.106.4.3.2	Minimum length of each EV space shall be 18 feet.
	Minimum width of each EV space shall be 9 feet.
	Single EV space required (similar to 4.106.4.2.3)
	Install a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit.
	Raceway shall not be less than trade size 1 (nominal 1-inch inside diameter).
4.106.4.3.3	Raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the proposed location of the EV space.
	Construction documents shall identify the raceway termination point.
	Service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.

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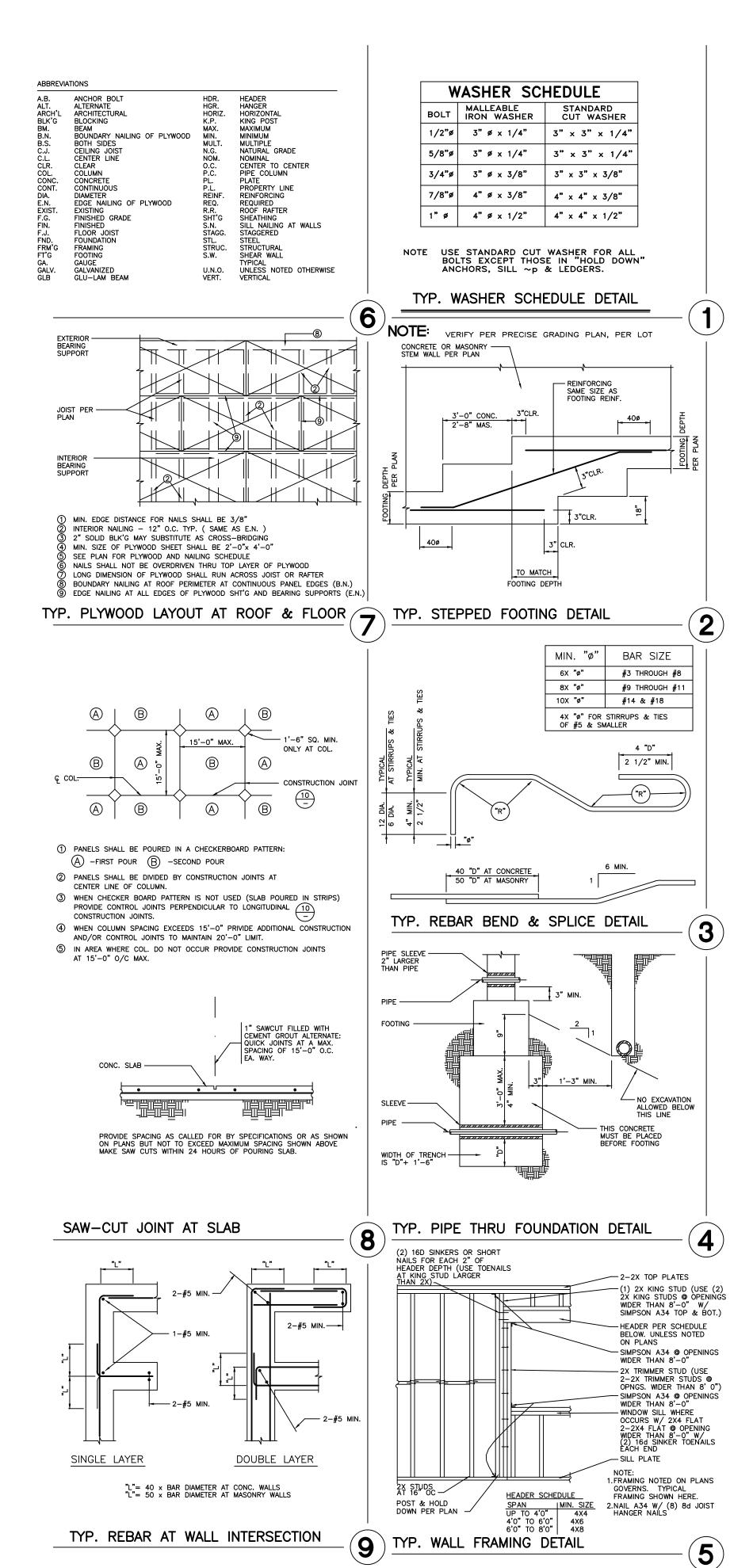
EV charging: 1- & 2-family dwellings/townhouses with attached private garages Install a listed raceway to accommodate a dedicated 208/240-volt branch circuit for each dwelling unit. Raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). Raceway shall originate at the main service or subpanel and terminate into a listed 4.106.4.1 cabinet, box or other enclosure in close proximity to the proposed location of an EV Raceways are required to be continuous at enclosed, inaccessible, or concealed areas and spaces Service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device. Identification 4.106.4.1.1 | Service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE." EV charging for multifamily dwellings Applies to all multifamily dwelling units with parking facilities on the site. 10% of the total number of parking spaces provided for all types of parking facilities, but in no case less than 1, shall be electric vehicle charging spaces (EV spaces)

be rounded up to the nearest whole number.

A.H. CHECKED J.D. DATE 12/04/2020 SHEET SIZE TO SCALE 24" X 36" JOB NO.

SHEET

CALGREEN NOTES



- 1. 3 OR MORE MULTIPLE JOIST SHALL BE BOLTED TOGETHER WITH 1/2" Ø BOLTS AT 24" O.C. STAGGERED. RE—TIGHTEN BOLTS PRIOR TO APPLYING FINISH MATERIAL
- 2. ALL NON-BEARING BALLOON FRAMED WALL EXCEEDING 14'-0" IN HEIGHT AND NOT SUPPORTED BY CEILING JOIST AT EITHER SIDE SHALL BE FRAMED WITH 2x6 STUDS AT 16" O.C. (NOT TO EXCEED 20'-0").
- STUD WALLS (EXCEPT CRIPPLE WALLS AT RAISED WOOD FLOORS) SUPPORTING TWO FLOORS AND A ROOF SHALL BE FRAMED WITH 2x6 OR 3x4 STUDS AT 16" O.C.
- 4. PROVIDE DOUBLE FLOOR JOIST UNDER ALL PARALLEL NON-BEARING PARTITIONS.
- 5. PROVIDE CONTINUOUS BLOCKING BETWEEN FLOOR JOISTS UNDER ALL BEARING WALLS
- 6. CEILING JOISTS SHALL BE 2x6 AT 16" O.C. (SPAN 14'-1" MAX.)
- 7. USE SIMPSON PC OR EPC ON ALL POST/BEAM CONNECTIONS UNLESS NOTED OTHERWISE ON PLANS. HEADER TO POST
- CONNECTORS WHITHIN FRAMED WALLS MAY BE ELIMINATED. 8. REFER TO FRAMING PLANS FOR SPECIFIED CONECTORS AT JOIST TO BEAM & BEAM TO BEAM CONNECTIOS.

LUMBER

1. ALL LUMBER SHALL BE DOUGLAS FIR OF THE FOLLOWING GRADES U.N.O. MAX. MOISTURE CONTENT SHALL NOT EXCEED 16%. REPETITIVE USE MEMBERS:

REFERENCE OSE MEMBERS:	
STUDS AND PLATES JOISTS AND RAFTERS	NO. 2
2×4 TO 4×4 INCLUSIVE 2×6 TO 3×16 INCLUSIVE	NO. 2 NO. 2
SINGLE USE MEMBERS	NO. Z
BEAMS	
4x	NO. 2
6x OR LARGER	NO. 1
POST AND MULLIONS	
4×4 AND SMALLER	NO. 2
4x6 AND LARGER	NO. 2
6x6 AND LARGER	NO. 1
MISCELLANEOUS LUMBER	
BLOCKING, FURRING, ETC. DECKING AND SHEATHING	NO. 2
2x. 3x. 4x	COMM'L DEX.
• •	

- ALL STRUCTURAL LUMBER SHALL BE GRADED IN ACCORDANCE WITH GRADING AND DRESSING RULES #16 OF THE WEST COAST LUMBERMAN'S ASSOCIATION.
- 3. ALL WOOD BEARING ON CONCRETE OR MASONRY IF LESS THAN 4'-0" ABOVE GRADE SHALL BE PRESSURE TREATED DOUGLAS FIR
- 4. ALL STRUCT'L PLYWOOD SHALL BE IN ACCORDANCE WITH P.S. 1-95.
- 5. STRUCTURAL MEMBERS SHALL NOT BE CUT FOR PIPES, ETC. UNLESS SPECIFICALLY NOTED OR DETAILED.
- 6. 2x SOLID BLOCKING SHALL BE PLACED BETWEEN JOIST OR

THAN NOMINAL BOLT DIAMETER.

- RAFTERS AT ALL SUPPORTS. 7. HOLES FOR BOLTS SHALL BE BORED 1/32" TO 1/16" LARGER
- 8. ALL BOLTS BEARING ON WOOD SHALL HAVE WASHERS UNDER HEAD AND/OR NUT. SEE WASHER SCHEDULE
- 9. ALL BOLTS SHALL BE RE-TIGHTENED PRIOR TO APPLICATION OF PLASTER, PLYWOOD ETC.
- 10. CROSS BRIDGING SHALL BE PROVIDED AT 8'-0" O.C. MAX. FOR ALL JOIST AND RAFTERS MORE THAN 8" IN DEPTH USE 2x3 OR AN APPROVED METAL TYPE BRIDGING. BRIDGING MAY BE ELIMINATED IF SHEATHINGS APPLIED ON BOTH TOP & BOTT OF JOISTS.
- 11. ATTACH 2x NAILER MIN. TO STRUCTURAL STEEL WITH 1/2" BOLTS AT 32" O.C. FOR ATTACHMENT OF FINISH NOTED AND SHOWN ON ARCHITECTURAL DRAWINGS.
- 12. GLUED-LAMINATED WOOD BEAMS DOUGLAS FIR COMB. 24F-V4 DF/DF (Fb = 2400 PSI, Fv = 165 PSI, E = 1800000 PSI) INDUSTRIAL APPEARANCE WITHN EXTERIOR GLUE U.N.O.
- 13. CERTIFICATE OF INSPECTION FOR EACH GLU-LAM BEAM FROM AN APPROVED TESTING AGENCY TO BE SUBMITTED TO AND APPROVED BY THE BUILDING DEPT. PRIOR TO ERECTION.
- 14. ALL POSTS SHALL HAVE CONNECTIONS AT TOP AND BOTTOM WHICH SHALL BE SIMPSON "CC", "CB", OR "BC HALF BASE" UNLESS SPECIFICALLY DETAILED OTHERWISE.
- 15. AITC CERTIFICATE OF COMPLIANCE FOR GLU-LAM BEAM SHALL BE GIVEN TO THE BUILDING INSPECTOR PRIOR TO INSTALLATION.
- 16. DESIGN VALUES FOR MANUFACTURED PARALLAM BEAMS SHALL BE MIN. Fb=2900 PSI FV=290 SPI E=2,000,000 PSI
- 17. DESIGN VALUES FOR MANUFACTURED MICROLAM LVL SHALL BE MIN. Fb=2600 PSI, FV=285 PSI E=1,800,000 PSI.

WIND DESIGN DATA:

BASIC WIND SPEED= 110 MPH EXP. "B" OCCUPANCY CATEGORY= II ANALYSIS USED: ALTERNATE ALL HEIGHT METHOD

OPERATION REQUIRING SPECIAL INSPECTION.

SEISMIC DESIGN DATA:

MAPPED SPECTRAL RESPONSE ACCELERATION, SITE CALSS = D SPECTRAL RESPONSE COEFFICIENT, SDS =1.3 SD1 = .7 SEISMIC DESIGN CATEGORY = D RESPONSE MODIFICATION FACTOR, R = 6.5 REDUNDANCY FACTOR USED = 1.3 SEISMIC RESPONSE COEFFICIENT, Cs= .202 ANALYSIS USED: EQUIVALENT LATERAL FORCE PROCEDURE METHOD

STATEMENT OF SPECIAL INSPECTION: SPECIAL INSPECTION IS REQUIRED FOR THE ALL TYPES OF WORK LISTED UNDER SECTION 1704.3 OF 2019 CBC. SPECIAL INSPECTOR SHALL BE QUALIFIED PERSON WHO SHALL DEMONSTRATE COMPETENCE. TO THE SATISFATION OF THE BUILDING OFFICIAL, FOR INSPECTION OF THE PARTICULAR TYPE OF CONSTRUCTION OR

* SPECIAL INSPECTION REQUIRED FOR FOLLOWING: 1. ALL EPOXY & POST-INSTALLED ANCHOR BOLTS FREQUENCY: CONTINUOUS. 2. CONCRETE & ANCHOR BOLT PLACEMNT: FREQUENY: CONTINUOUS. 3. INSTALLATION OF HARDY FRAMES & CONNECTORS FREQUENCY: CONTINUOUS. 4. SHEAR WALLS & DIAPHRAGM NAILING FREQUENCY: PERIODIC 5. SHEAR CONNECTORS FREQUENCY: PERIODIC

REINFORCING STEEL

- ALL REINFORCING STEEL SHALL BE GRADE 60 IN ACCORDANCE WITH A.S.T.M. A615 UNLESS NOTED OTHERWISE. # 4 BARS &
- SMALLER MAY BE GRADE 40. LOW HYDROGEN WELDING RODS SHALL BE USED FOR ALL
- WELDING OF REINFORCING BARS. 3. BARS NOTED "CONT.", TYPICAL WALL REINFORCING, AND VERTICAL
- COLUMN REINFORCING SHALL HAVE A MINIMUM SPLICE EQUAL TO 50 BAR DIAMETERS LAP IN CONCRETE.
- 4. REINFORCING SHALL BE SPLICED ONLY AS SHOWN OR NOTED. SPLICES AT OTHER LOCATIONS SHALL BE APPROVED BY
- 5. SPLICES IN ADJACENT HORIZONTAL WALL REINFORCING BARS SHALL BE STAGGERED 4'-0" MINIMUM U.N.O.
- 6 PROVIDE DOWELS IN FOOTINGS AND/OR GRADE BEAMS THE SAME SIZE AND NUMBER AS VERTICAL WALL OR COLUMN REINFORCING. DOWELS SHALL HAVE A MINIMUM PROJECTION EQUAL TO STANDARD LAP SPLICE U.N.O.
- ALL REINFORCING, ANCHOR BOLTS, AND OTHER INSERTS SHALL SHALL BE SECURED IN PLACE PRIOR TO PLACING OF CONCRETE OR GROUTING MASONRY.

PROVIDE THE FOLLOWING MINIMUM PROTECTIVE COVERING OF CONCRETE:

PERMANENTLY EXPOSED TO EARTH: " CLEAR FOR #6 THROUGH #18 EXPOSED TO EARTH OR WEATHER: 1.5" FOR #5 & SMALLER NOT EXPOSED TO EARTH OR WEATHER: 1.5" CLEAR FOR #14 & #18 BARS SLABS, WALLS % JOISTS: .75" FOR #11 & SMALLER 1.5" CLEAR AT PRIMARY REINF. & TIES

#5 OR LARGER REINFORCING BARS SHALL NOT BE RE-BENT WITHOUT APPROVAL OF STRUCTURAL ENGINEER.

GENERAL NOTES

BEAMS & COLUMNS:

GENERAL

THE STRUCTURAL ENGINEER.

- 1. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE STARTING WORK. THE ARCHITECT OR ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCY.
- NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER THESE GENERAL NOTES ALL MATERIAL AND WORKMANSHIP SHALL CONFORM TO THE
- UNIFORM BUILDING CODE, LATEST EDITION. 4. THE DESIGN, ADEQUACY AND SAFETY OF ERECTION BRACING, SHORING TEMPORARY SUPPORTS, ETC., IS THE SOLE
- RESPONSIBILITY OF THE CONTRACTOR, AND HAS NOT BEEN CONSIDERED BY THE STRUCTURAL ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR THE STABILITY OF THE STRUCTURE PRIOR O THE APPLICATION OF ALL SHEAR WALLS. ROOF AND FLOOR DIAPHRAGMS AND FINISH MATERIALS. HE SHALL PROVIDE THE NECESSARY BRACING TO PROVIDE STABILITY PRIOR TO THE APPLICATION OF THE AFORE-MENTIONED MATERIALS. OBSERVATION VISITS TO THE SITE BY THE STRUCTURA ENGINEER SHALL NOT INCLUDE THE INSPECTION OF THE
- 5. VIBRATIONAL EFFECTS OF MECHANICAL EQUIPMENT HAVE NOT BEEN CONSIDERED BY THE STRUCTURAL ENGINEER.
- 6. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES WETHER SHOWN HEREON OR NOT AND TO PROTECT THEM FROM DAMAGE. THE CONTRACTOR SHALL BEAR ALL EXPENSE OF REPAIR OR REPLACEMENT IN CONJUNCTION WITH THE PROSECUTION OF THIS WORK.

FOUNDATION

1. FOUNDATION DESIGN SHALL BE BASED ON THE DESIGN CRITERIA GIVEN ON CHAPTER 18 OF 2019 CBC OR BASED ON SOILS INVESTIGATION REPORT SHOWN BELOW BY:

_____ THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIREMENTS THEREIN AND MAINTAIN A COPY ON THE JOB SITE AT ALL TIMES.

2. IF NO SOILS INVESTIGATION IS PROVIDED AT THE BEGINNING OF THE PROJECT, THEN PRIOR TO FOUNDATION EXCAVATION THE COMPETENCY OF THE SUPPORTING FOUNDATION SOILS SHOULD BE VERIFIED BY A REGISTERED CIVIL OR GEOTECHNICAL ENGINEER AND APPROVED BY THE CITY. COUNTY OR GOVERNING AGENCY HAVING JURISDICTION OF THE PROJECT.

3. DESIGN IS BASED ON THE FOLLOWING VALUES:

ALLOWABLE BEARING PRESSURE = 1500 PSF

- LATERAL ACTIVE PRESSURE: a) CONSTRAINED = PCF @ LEVEL BACKFILL b) NON-CONSTRAINED = PCF @ LEVEL BACKFILL
- LATERAL PASSIVE PRESSURE = --- PSF
- 4. FOOTINGS SHALL BE POURED AGAINST FIRM UNDISTURBED NATURAL SOIL OR ENGINEERED COMPACTED FILL AS REQUIRED BY THE SOILS ENGINEER.
- ROOF AND AREA RUNOFF, AND AREA DRAINAGE SHALL BE DIRECTED AWAY FROM BUILDING.

- 1. THE MINIMUM ULTIMATE COMPRESSIVE STRENGTH AT 28 DAYS SHALL BE 4500 PSI. SPECIAL INSPECTION IS REQUIRED.
- 2. ALL CEMENT USED SHALL CONFORM TO A.S.T.M. C-150
- 3. FINE & COARSE AGGREGATE SHALL CONFORM TO A.S.T.M. C-33.
- 4. LOCATION OF CONSTRUCTION OR POUR JOINTS MUST BE APPROVED BY THE STRUCTURAL ENGINEER.
- 5. PIPES OR DUCTS EXCEEDING ONE THIRD THE SLAB OR WALL THICKNESS SHALL NOT BE PLACED IN STRUCTURAL CONC. UNLESS SPECIFICALLY DETAILED. SEE MECHANICAL AND/OR ELECTRICAL DRAWINGS FOR LOCATION OF SLEEVES, ACCESSORIE, ETC.
- 6. PIPES MAY PASS THROUGH STRUCTURAL CONC. IN SLEEVES,
- BUT SHALL NOT BE EMBEDDE THEREIN. 7. PROVIDE 3/4" CHAMFERS AT ALL EXPOSED CORNERS.
- 8. REFER TO ARCHITECTURAL DRAWINGS FOR MOLDS, GROOVES, ORNAMENTS, CLIPS OR GROUNDS REQUIRED TO BE CAST IN CONCRETE, AND FOR LOCATIONS OF FLOOR FINISH AND SLAB DEPRESSIONS.
- 9. CEMENT USED IN THE MIXTURE SHALL BE TYPE V W/ .45 W/C RATIO

NAILING FOR FRAMING & CONNECTORS SHALL BE PER TABLE 2304.9.1 OF CBC UNLESS DETAILED TYPICAL NAILS SHALL BE COMMON WIRE NAILS AS SHOWN BELOW UNLESS SPECIFIED OTHERWISE: 8d COMMON NAIL: 2.5"X.131" DIAMETER

10d COMMON NAIL: 3"X.148" DIAMETER 16d COMMON NAIL: 3.5"X.162" DIAMETER

1. JOIST TO SILL OR GIRDER

2. BRIDGING TO JOIST 3. 1"X6" SUBFLOOR OR LESS TO EA. JOIST

4. WIDER THAN 1"X6" SUBFLOOR TO EA. JOIST 5. 2" SUBFLOOR TO JOIST OR GIRDER

6. SOLE PLATE TO JOIST OR BLOCKING SOLE PLATE TO JOIST OR BLOCKING AT BRACED WALL PANEL

7. TOP PLATE TO STUD 8. STUD TO SOLE PLATE

DOUBLE STUDS 10. DOUBLE TOP PLATES DOUBLE TOP PLATES

11. BLOCKING BETWEEN JOISTS OR RAFTERS TO TOP

12. RIM JOIST TO TOP PLATE 13. TOP PLATES, LAPS AND INTERSECTIONS

14. CONTINUOUS HEADER, TWO PIECES

15. CEILING JOISTS TO PLATE

16. CONTINUOUS HEADER TO STUD 17. CEILING JOISTS, LAPS OVER PARTITIONS

(SEE SECTION 2308.10.4.1, TABLE 2308.10.4.1)

18. CEILING JOISTS TO PARALLEL RAFTERS (SEE SECTION 2308.10.4.1, TABLE 2308.10.4.1)

19. RAFTER TO PLATE (SEE SECTION 2308.10.1, TABLE

21. 1"X8" SHEATHING TO EA. BEARING

22. WIDER THAN 1"X8" SHEATHING TO EA. BEARING 3-8d COMMON (2 1/2"X.131") FACE NAIL 23. BUILT-UP CORNER STUDS

24. BUILD-UP GIRDER AND BEAMS

27. JACK RAFTER TO HIP

25. 2" PLANKS 26. COLLAR TIE TO RAFTER

28. ROOF RAFTER TO 2-BY RIDGE BEAM

30. LEDGER STRIP

3-8d COMMON (2 1/2"X.131") TOENAIL 2-8d COMMON (2 1/2"X.131") TOENAIL 2-8d COMMON (2 1/2"X.131") FACE NAIL 3-8d COMMON (2 1/2"X.131") FACE NAIL 2-16d COMMON (3 1/2"X.162") BLIND AND FACE NAIL

16d (3 1/2"X.135") @ 16" o.c. TYPICAL FACE NAIL 3"-16d (3 1/2"X.135") AT 16" BRACED WALL PANELS 2-16d COMMON (3 1/2"X.162") END NAIL

4-8d COMMON (2 1/2"X.131") TOENAIL 2-16d COMMON (3 1/2"X.162") END NAIL 16d (3 1/2"X.135") AT 24" o.c. FACE NAIL 16d (3 1/2"X.135") AT 16" o.c. TYPICAL FACE NAIL 8-16d COMMON (3 1/2"X.162") LAP SPLICE 3-8d COMMON (2 1/2"X.131") TOENAIL

8d (2 1/2"X.131") AT 6" o.c. TOENAIL 2-16d COMMON (3 1/2"X.162") FACE NAIL 16d COMMON (3 1/2"X.162") 16" o.c. ALONG EDGE 3-8d COMMON (2 1/2"X.131") TOENAIL 4-8d COMMON (2 1/2"X.131") TOENAIL

3-16d COMMON (3 1/2"X.162") MINIMUN FACE NAIL

3-16d COMMON (3 1/2"X.162") MINIMUM FACE NAIL 3-8d COMMON (2 1/2"X.131") TOENAIL

20. 1" DIAGONAL BRACE TO EA. STUD AND PLATE 2-8d COMMON (2 1/2"X.131") FACE NAIL 3-8d COMMON (2 1/2"X.131") FACE NAIL

> 16d COMMON (3 1/2"X.162") 24" o.c. 20d COMMON (4"X.192") 32" o.c. FACE NAIL AT TOP AND BOTTOM STAGGERED ON OPPOSITE SIDES 2-20d COMMON (4"X.192") FACE NAIL AT ENDS AND AT EACH SPICE

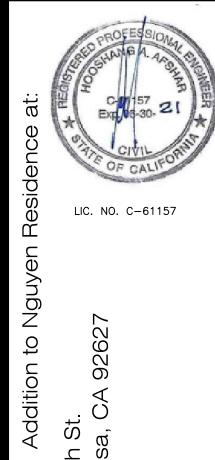
16d COMMON (3 1/2"X.162") AT EA. BEARING 3-10d COMMON (3"X.148") FACE NAIL 3-10d COMMON (3"X.148") TOENAIL 2-16d COMMON (3 1/2"X.162") FACE NAIL

2-16d COMMON (3 1/2"X.162") TOENAIL 2-16d COMMON (3 1/2"X.162") FACE NAIL 29. JOIST TO BAND JOIST 3-16d COMMON (3 1/2"X.162") FACE NAIL 3-16d COMMON (3 1/2"X.162") FACE NAIL

ALL CONNECTING HARDWARE, JOIST HANGERS, TIE STRAPS, ETC., SHALL BE SIMPSON "STRONG-TIE" UNLESS NOTED OTHERWISE OR SHOWN.

12/04/2020 1st B.D. SUBMITTAL SET

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11-24-20 **PROJECT** NUMBER DRAWN SA CHECKED SA CALE As Noted

SHEET TITLE STRUCTURAL NOTES & TYP. **DETAILS**

SHEET NUMBER SN.1 **SHEETS** OF

	SHEAR WALL SCHEDULE				
MADIZ	WALL TYPE		FAST	ENERS	
MARK	WALL TYPE	ALLOWABLE SHEAR	ANCHOR BOLT SPACING	SILL NAILING AT UPPER STORIES	A35 OR LTP4 SPACING
10>	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 6"o.c. at edges & 12"o.c. field (Table 4.3A)	260 PLF	5/8"@ 32"o.c.	16d @ 3"o.c. Stagg.	16" O.C
1)	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 4"o.c. at edges & 12"o.c. field (Table Table 4.3A)	350 PLF	5/8"@ 32"o.c.	16d @ 2.5"o.c. Stagg.	12" O.C
12	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 3"o.c. at edges & 12"o.c. field (Table Table 4.3A)	490 PLF	5/8"© 24"o.c.	16d @ 2"o.c. Stagg.	8" O.C
13>	3/8" Std Plywd Shtg except group 5 species with 8d common nails © 2"o.c. at edges & 12"o.c. field (Table Table 4.3A)	640 PLF	5/8"@ 16"o.c.	1/4" SDS SCREWS @ 6" O.C.	6" O.C
14>	15/32" Structural I Plywood with 10d common nails @ 2"o.c. at edges & 12"o.c. at field over 3x studs (Table Table 4.3A)	870 PLF	5/8"@ 16"o.c.	1/4" SDS SCREWS @ 4" O.C.	4" O.C

- 2 FRAMING AT ADJOINING PANEL EDGES SHALL BE 3 INCH NOMINAL OR WIDER, & NAILS SHALL BE STAGGERED FOR SHEAR WALLS #12 THROUGH #14 AND THE CONDITION WHERE PANELS APPLIED ON BOTH FACES OF THE WALL (PANEL JOINTS MAY BE OFFSET TO FALL ON DIFFERENT FRAMING MEMBERS) PROVIDE 3/8" EDGE DISTANCE FOR
- 3 PANELS MAY BE APPLIED WITH LONG DIMENSION PARALLEL TO STUDS.

WOOD STRUCTURAL PANEL BOUNDARY NAILING

- 1 ALL EDGES OF PLYWOOD SHEAR WALLS MUST BE BLOCKED 4 ALL CONTINUOUS FOOTINGS FOR EXTERIOR & INTERIOR BEARING WALL TO HAVE 5/8"øx12" (7" MIN. EMBED)
 - (5) ANCHOR BOLTS FOR SHEAR WALLS SHALL INCLUDE STEEL PLATE WASHER, A MINIMUM OF .229"X3"X3" IN SIZE, BETWEEN THE SILL PLATE & NUT. THE HOLE IN THE PLATE WASHER IS PERMITTED TO BE DIAGONALLY SLOTTED WITH A WIDTH OF UP TO 3/16" LARGER THAN THE BOLT DIAMETER AND SLOT LENGTH NOT TO EXCEED 1.5", PROVIDED A STANDARD CUT WASHER IS PLACED BETWEEN THE PLATE WASHER & THE NUT.
 - 6) SHEAR CAPACITY FOR WIND MAY BE INCREASED BY FACTOR OF 1.4

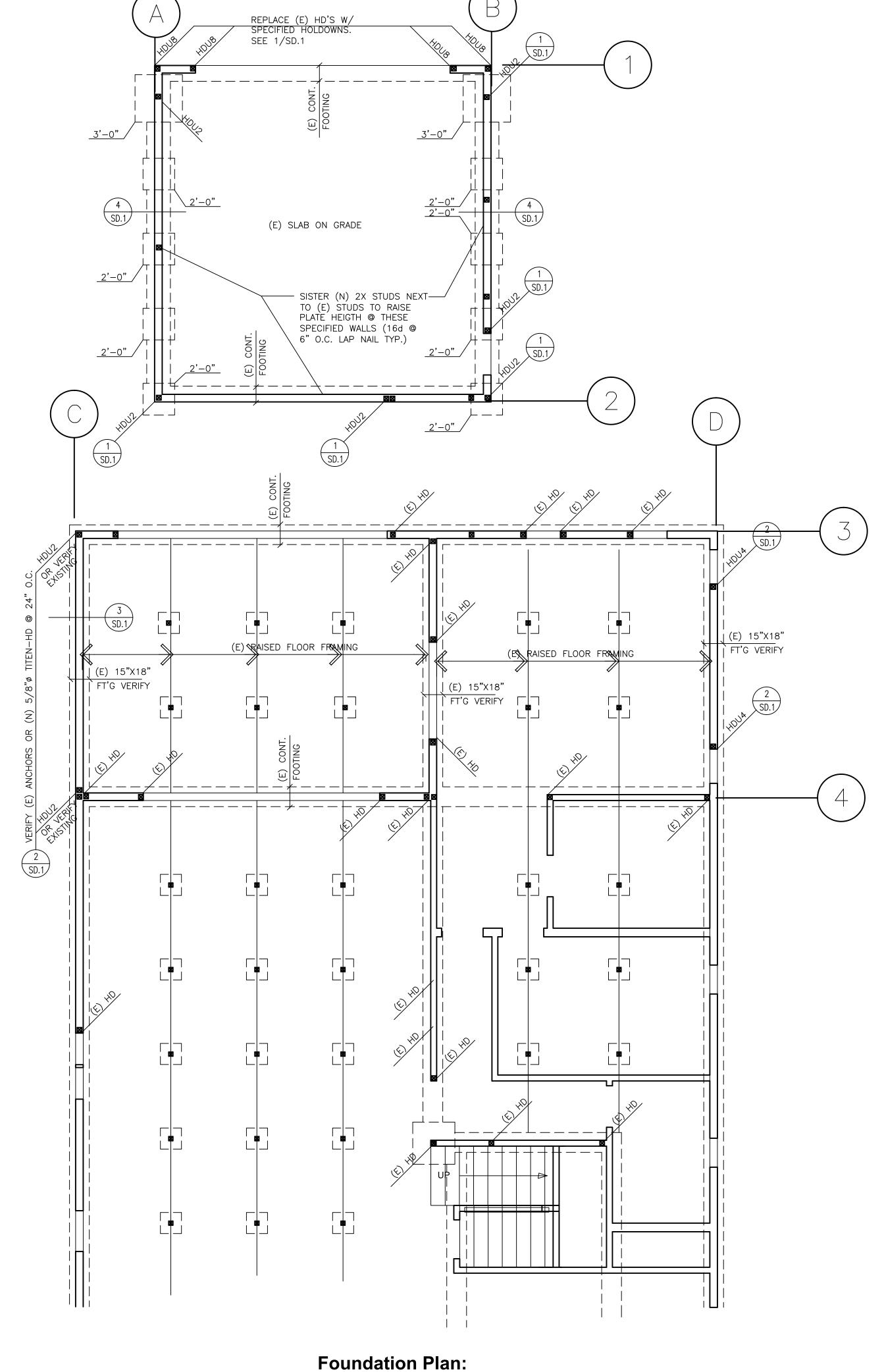
FOUNDATION NOTES:

- 1 SEE SHEAR WALL SCHEDULE AND SN.1 MORE INFORMATION
- 2 ALL NEW FOOTINGS (WHERE NEEDED) SHALL BE 15" WIDE MIN. & FOUNDED 18" MIN. BELOW LOWEST ADJACENT GRADE AND REINFORCED WITH 2 #5 BARS AT TOP & BOTT. REFER TO FOUNDATION DETAILS FOR MORE INFORMATION.
- 3 HOLD-DOWN ANCHORS MUST BE TIED IN PLACE PRIOR TO FOUNDATION INSPECTION.
- 4 ALL HOLDOWNS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURE SPECIFICATION
- 5 FOOTING CURB SUPPORTING WOOD SHALL BE 8" MIN. ABOVE ADJACENT FINISH GRADE/SURFACE.
- 6 ALL SILL PLATES INCLUDING PLATES OF NON-BEARING WALLS SHALL BE ANCHORED TO FOUNDATIONS OR FOUNDATION WALLS WITH:
- A. A MINIMUM OF 5/8" Ø A.B'S EMBEDED 7" INTO FOOTING & SPACED 4'-0"
- O.C. MAX. B. A MINIMUM OF TWO BOLTS PER PIECE OF SILL PLATE AND ONE LOACATED WITHIN 12" AND NOT LESS THAN 7 BOLT DIAMETER OR 4 3/8" OF EACH
- END OF EACH SILL PLATE. C. A 3"X3"X.229" PLATE WASHER SHALL BE USED ON EACH ANCHOR BOLT.
- 7 SHEAR WALLS SHOWN & REFERENCED ON PLANS MAY BE APPLIED AT EITHER SIDE OF THE WALL.
- 8 USE 4X POST MIN. FOR ALL HOLDOWN CONNECTORS U.N.O.
- 9 ALL SILL PLATES IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED.
- ALL EXISTING POST TENSION TENDONS SHALL BE LOCATED PRIOR TO DRILLING & CARE SHALL BE TAKEN NOT TO DAMAGE THEM.

FOOTING SCHEDULE						
THK	REBAR EA. WAY					
16"	2-#5					
16"	3-#5					
16"	3-#5					
16"	4-#5					
18"	4-#5					
18"	5-#5					
18"	5-#6					
18"	6-#6					
18"	6-#6					
	THK 16" 16" 16" 16" 18" 18" 18"					

GENERAL

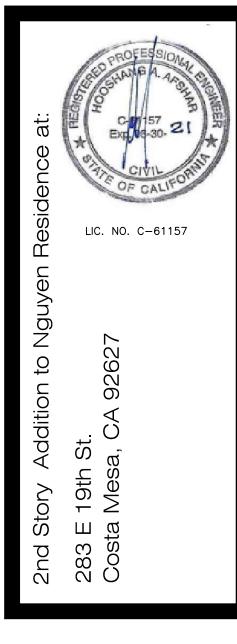
- 1. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE, AND SHALL BE RESPONSIBLE FOR CONDITIONS OF ALL WORK AND MATERIALS INCLUDING THOSE FURNISHED BY SUB-CONTRACTORS. STRUCTURAL ENGINEER OF RECORD SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES.
- 2. ALL MATERIALS AND WORKMANSHIP SHALL BE PERFORMED IN ACCORDANCE WITH 2019 CALIFORNIA BUILDING CODE.
- 3. ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS, SECTIONS AND DETAILS.
- 4. NOTES AND DETAILS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
- 5. WHERE NO DETAILS SHOWN OR NOTED ON THE DRAWINGS, THE DETAILS SHALL BE THE SAME AS FOR OTHER SIMILAR WORK.
- 6. OPENINGS, POCKETS, SLEEVES, ETC., SHALL NOT BE PLACED IN SLABS, BEAMS, WALLS, COLUMNS AND FOOTINGS UNLESS SPECIFICALLY DETAILED ON THE STRUCTURAL DRAWINGS.
- 7. CONSTRUCTION MATERIALS SHALL BE SPREAD OUT IF PLACED ON FRAMED FLOORS OR ROOF. LOADS SHALL NOT EXCEED DESIGN LIVE LOADS FOR EACH PARTICULAR LEVEL. PROVIDE ADEQUATE SHORING AND BRACING IF LOAD EXCEED DESIGN LIVE LOAD OR WHERE STRUCTURE HAS NOT ATTAINED DESIGN STRENGTH.
- 8. THIS SET OF DRAWINGS REPRESENT THE FINISHED STRUCTURE, METHOD OF CONSTRUCTION NOT NECESSARY INDICATED, THE CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY TO PROTECT THE STRUCTURE, WORKERS AND OTHER PERSONS DURING CONSTRUCTION. SUCH MEASURES SHALL INCLUDE BUT NOT BE LIMITED TO BRACING, SHORING, SCAFFOLDING, ETC.



1/4" = 1 ft

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DATE	11-24-20
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SHEET TITLE FOUNDATION PLAN

SHEET NUMBER S1.0 SHEETS

4	12/04/2020	IST B.D. SUBMITTAL SET
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Shawn Afshar, P.E.	17 Corozal, Foothill Ranch, CA. 92610
Consulting Structural Engineering	TEL (949) 413-4382 FAX (949) 859 - 5195

n Residence at:	CIVIL OF CALIFORNIA LIC. NO. C-61157
2nd Story Addition to Nguyen Residence at:	283 E 19th St. Costa Mesa, CA 92627

DATE	11-24-20			
PROJECT NUMBER				
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SCALE	As Noted			
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SHEET T	ITLE
2ND FLOOR	
FRAMING	
PLAN	

SHEET NUMBER S2.0**SHEETS**

SHEAR WALL SCHEDULE					
MARK WALL TYPE	WALL 7/05	FASTENERS			
	WALL TIPE	ALLOWABLE SHEAR	ANCHOR BOLT SPACING	SILL NAILING AT UPPER STORIES	A35 OR LTP4 SPACING
10>	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 6"o.c. at edges & 12"o.c. field (Table 4.3A)	260 PLF	5/8"@ 32"o.c.	16d @ 3"o.c. Stagg.	16" O.C
11>	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 4"o.c. at edges & 12"o.c. field (Table Table 4.3A)	350 PLF	5/8"@ 32"o.c.	16d @ 2.5"o.c. Stagg.	12" O.C
12	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 3"o.c. at edges & 12"o.c. field (Table Table 4.3A)	490 PLF	5/8"@ 24"o.c.	16d @ 2"o.c. Stagg.	8" O.C
13	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 2"o.c. at edges & 12"o.c. field (Table Table 4.3A)	640 PLF	5/8"@ 16"o.c.	1/4" SDS SCREWS @ 6" O.C.	6" O.C
14	15/32" Structural I Plywood with 10d common nails @ 2"o.c. at edges & 12"o.c. at field over 3x studs (Table Table 4.3A)	870 PLF	5/8"@ 16"o.c.	1/4" SDS SCREWS @ 4" O.C.	4" O.C

- 1) ALL EDGES OF PLYWOOD SHEAR WALLS MUST BE 4 ALL CONTINUOUS FOOTINGS FOR EXTERIOR & INTERIOR BEARING WALL TO HAVE 5/8"øx12" (7" MIN. EMBED)
- 2 FRAMING AT ADJOINING PANEL EDGES SHALL BE 3 INCH NOMINAL OR WIDER, & NAILS SHALL BE STAGGERED FOR SHEAR WALLS #12 THROUGH #14 AND THE CONDITION WHERE PANELS APPLIED ON BOTH FACES OF THE WALL (PANEL JOINTS MAY BE OFFSET TO FALL ON DIFFERENT FRAMING MEMBERS) PROVIDE 3/8" EDGE DISTANCE FOR WOOD STRUCTURAL PANEL BOUNDARY NAILING
 - 5 ANCHOR BOLTS FOR SHEAR WALLS SHALL INCLUDE STEEL PLATE WASHER, A MINIMUM OF .229"X3"X3" IN SIZE, BETWEEN THE SILL PLATE & NUT. THE HOLE IN THE PLATE WASHER IS PERMITTED TO BE DIAGONALLY SLOTTED WITH A WIDTH OF UP TO 3/16" LARGER THAN THE BOLT DIAMETER AND SLOT LENGTH NOT TO EXCEED 1.5", PROVIDED A STANDARD CUT WASHER IS PLACED BETWEEN THE PLATE WASHER & THE NUT.
- 3 PANELS SHALL BE APPLIED WITH LONG DIMENSION ACROSS STUDS.
 - 6) SHEAR CAPACITY FOR WIND MAY BE INCREASED BY FACTOR OF 1.4

FLOOR FRAMING NOTES:

- 1 SEE GENERAL NOTES & S.W. SCHEDULE FOR MORE INFORMATION
- 2 FOLLOWING DESIGN LOADS HAVE BEEN USED FOR DESIGN OF FLOOR FRAMING MEMBERS:

DEAD LOAD= 12 PSF LIVE LOAD= 40 PSF & 60 PSF @ EXT. DECK

- FLOOR SHEATHING SHALL BE 19/32" MIN. T&G APA RATED STRUCTURAL 1 MARKED PSI-95 WITH SPAN RATING OF 32/16 PANELS SHALL BE APPLIED WITH LONG DIMENSION PERPENDICULAR TO I JOIST. BLOCKING IS NOT REQUIRED AT EDGES OF SHEATHINGS U.N.O. NAILING SHALL BE AS FOLLOW UNLESS NOTED OTHERWISE ON PLAN: 10d COMMON NAILS @ 6" O.C. FOR EDGE NAILINGS 10d COMMON NAILS @ 6" O.C. FOR BOUNDARY NAILINGS 10d COMMON NAILS @ 10" O.C. FOR FIELD NAILING
- SHEAR WALLS SHOWN & REFERENCED ON PLANS MAY BE APPLIED AT EITHER SIDE OF THE WALL.
- 5 USE 4X POST MIN. FOR ALL HOLDOWN CONNECTORS U.N.O.
- DOUBLE TOP PLATES SHALL BE NAILED WITH 12-16d MIN.

 © EACH SIDE OF SPLICE U.N.O. MINIMUM OF 4'-0" LAP REQUIRED AT ALL TOP PLATE SPLICES.

GENERAL

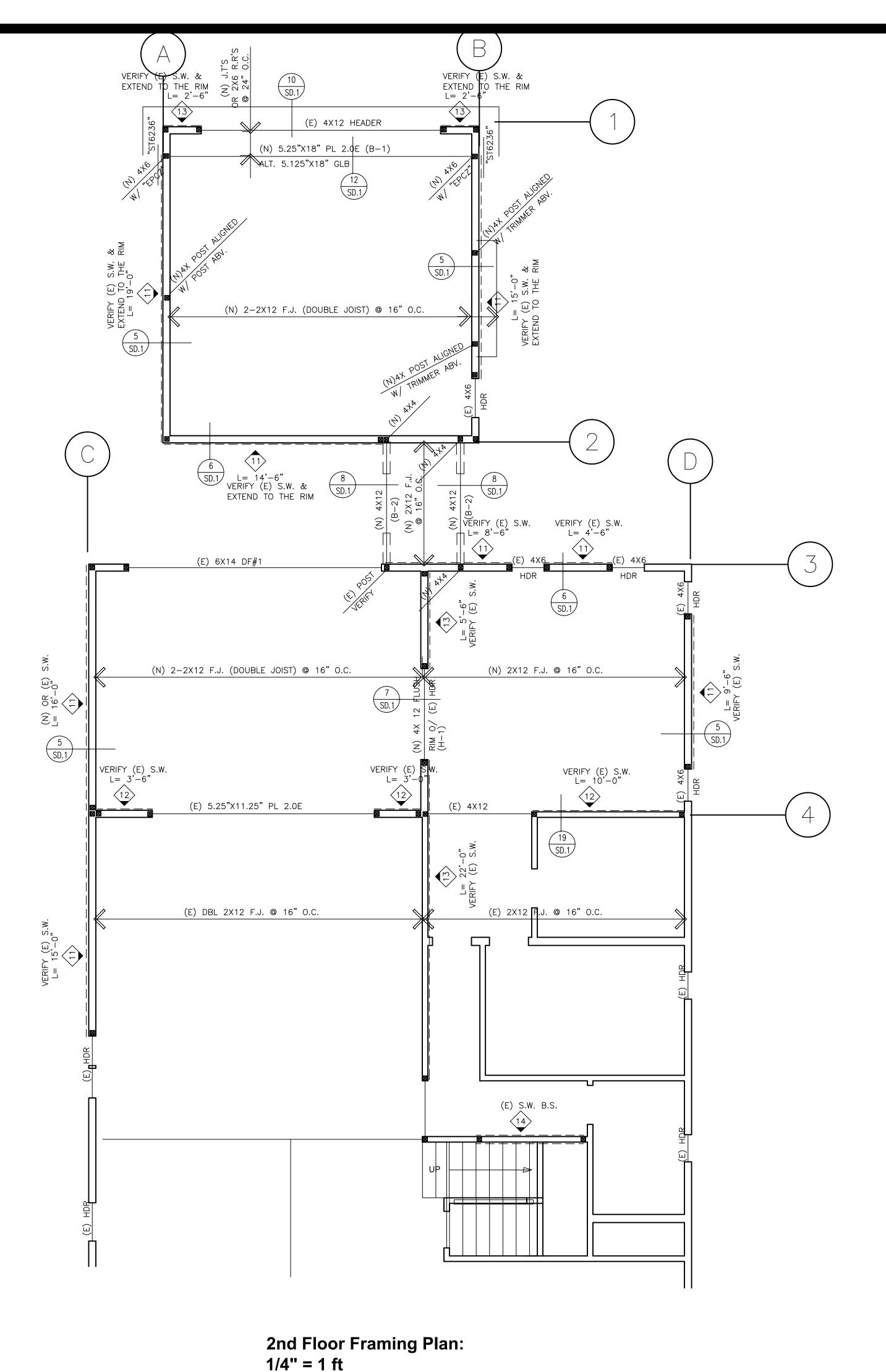
- 1. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE, AND SHALL BE RESPONSIBLE FOR CONDITIONS OF ALL WORK AND MATERIALS INCLUDING THOSE FURNISHED BY SUB-CONTRACTORS. STRUCTURAL ENGINEER OF RECORD SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES.
- 2. ALL MATERIALS AND WORKMANSHIP SHALL BE PERFORMED IN ACCORDANCE WITH 2019 CALIFORNIA BUILDING CODE.
- 3. ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS, SECTIONS AND DETAILS.
- 4. NOTES AND DETAILS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
- 5. WHERE NO DETAILS SHOWN OR NOTED ON THE DRAWINGS, THE DETAILS SHALL BE THE SAME AS FOR OTHER SIMILAR WORK. 6. OPENINGS, POCKETS, SLEEVES, ETC., SHALL NOT BE PLACED IN

SLABS, BEAMS, WALLS, COLUMNS AND FOOTINGS UNLESS

SPECIFICALLY DETAILED ON THE STRUCTURAL DRAWINGS. 7. CONSTRUCTION MATERIALS SHALL BE SPREAD OUT IF PLACED ON FRAMED FLOORS OR ROOF. LOADS SHALL NOT EXCEED DESIGN LIVE LOADS FOR EACH PARTICULAR LEVEL. PROVIDE ADEQUATE

SHORING AND BRACING IF LOAD EXCEED DESIGN LIVE LOAD OR

WHERE STRUCTURE HAS NOT ATTAINED DESIGN STRENGTH. 8. THIS SET OF DRAWINGS REPRESENT THE FINISHED STRUCTURE, METHOD OF CONSTRUCTION NOT NECESSARY INDICATED, THE CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY TO PROTECT THE STRUCTURE, WORKERS AND OTHER PERSONS DURING CONSTRUCTION. SUCH MEASURES SHALL INCLUDE BUT NOT BE LIMITED TO BRACING, SHORING, SCAFFOLDING, ETC.



	SHEAR WALL SCHEDULE				
WWW 7/25		FASTENERS			
MARK	RK WALL TYPE	ALLOWABLE SHEAR	ANCHOR BOLT SPACING	SILL NAILING AT UPPER STORIES	A35 OR LTP4 SPACING
10>	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 6"o.c. at edges & 12"o.c. field (Table 4.3A)	260 PLF	5/8"@ 32"o.c.	16d @ 3"o.c. Stagg.	16" O.C
1)	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 4"o.c. at edges & 12"o.c. field (Table Table 4.3A)	350 PLF	5/8"@ 32"o.c.	16d @ 2.5"o.c. Stagg.	12" O.C
(12)	3/8" Std Plywd Shtg except group 5 species with 8d common nails @ 3"o.c. at edges & 12"o.c. field (Table Table 4.3A)	490 PLF	5/8"@ 24"o.c.	16d @ 2"o.c. Stagg.	8" O.C
13	3/8" Std Plywd Shtg except group 5 species with 8d common nails © 2"o.c. at edges & 12"o.c. field (Table Table 4.3A)	640 PLF	5/8"@ 16"o.c.	1/4" SDS SCREWS @ 6" O.C.	6" O.C
14	15/32" Structural I Plywood with 10d common nails @ 2"o.c. at edges & 12"o.c. at field over 3x studs (Table Table 4.3A)	870 PLF	5/8"@ 16"o.c.	1/4" SDS SCREWS @ 4" O.C.	4" O.C

- 2 FRAMING AT ADJOINING PANEL EDGES SHALL BE 3 INCH NOMINAL OR WIDER, & NAILS SHALL BE STAGGERED FOR SHEAR WALLS #12 THROUGH #14 AND THE CONDITION WHERE PANELS APPLIED ON BOTH FACES OF THE WALL

(PANEL JOINTS MAY BE OFFSET TO FALL ON DIFFERENT

- FRAMING MEMBERS) PROVIDE 3/8" EDGE DISTANCE FOR WOOD STRUCTURAL PANEL BOUNDARY NAILING 3 PANELS MAY BE APPLIED WITH LONG DIMENSION PARALLEL TO STUDS.
 SPACING OF STUDS LIMITED TO 16" O.C.
- 1 ALL EDGES OF PLYWOOD SHEAR WALLS MUST BE 4 ALL CONTINUOUS FOOTINGS FOR EXTERIOR & INTERIOR BEARING WALL TO HAVE 5/8"øx12" (7" MIN. EMBED)
 - 5 ANCHOR BOLTS FOR SHEAR WALLS SHALL INCLUDE STEEL PLATE WASHER, A MINIMUM OF .229"X3"X3" IN SIZE, BETWEEN THE SILL PLATE & NUT. THE HOLE IN THE PLATE WASHER IS PERMITTED TO BE DIAGONALLY SLOTTED WITH A WIDTH OF UP TO 3/16" LARGER THAN THE BOLT DIAMETER AND SLOT LENGTH NOT TO EXCEED 1.5", PROVIDED A STANDARD CUT WASHER IS PLACED BETWEEN THE PLATE WASHER & THE NUT.
 - 6) SHEAR CAPACITY FOR WIND MAY BE INCREASED BY FACTOR OF 1.4

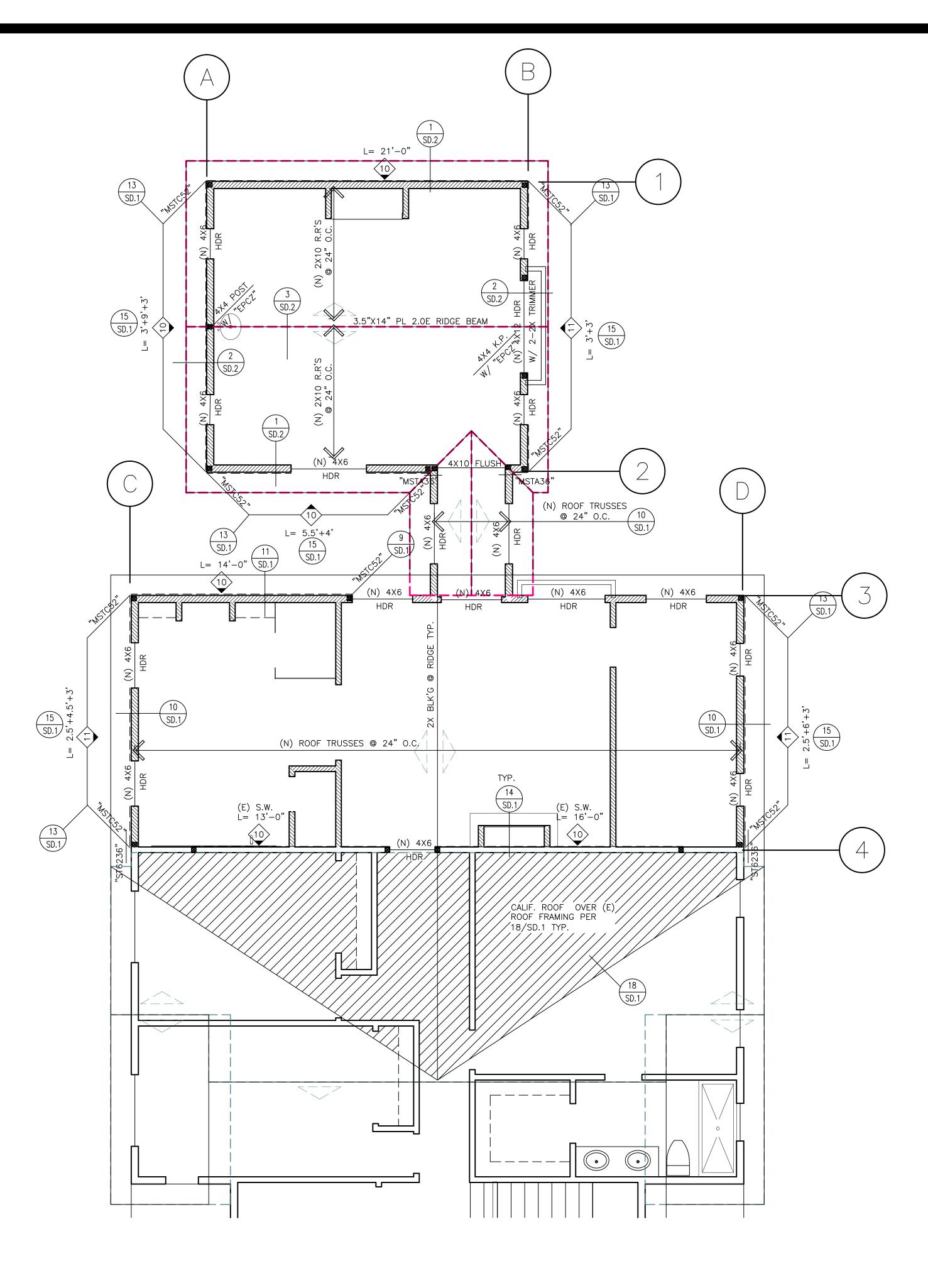
ROOF FRAMING NOTES:

- 1 SEE SHEAR WALL SCHEDULE FOR MORE INFORMATION
- POLLOWING DESIGN LOADS SHALL BE USED FOR DESIGN OF ROOF TRUSSES & FRAMING MEMBERS:

DEAD LOAD= 8 PSF MIN TOP & 7 PSF @ CEILING LIVE LOAD= 20 PSF

- 3 ROOF SHEATHING SHALL BE 15/32" MIN. APA RATED STRUCTURAL 1 MARKED PSI-95 WITH SPAN RATING OF 24/0 PANELS SHALL BE APPLIED WITH LONG DIMENSION PERPENDICULAR TO TRUSSES. BLOCKING IS NOT REQUIRED AT EDGES OF SHEATHINGS U.N.O. NAILING SHALL BE AS FOLLOW UNLESS NOTED OTHERWISE ON PLAN: 8d COMMON NAILS @ 6" O.C. FOR EDGE NAILINGS 8d COMMON NAILS @ 6" O.C. FOR BOUNDARY NAILINGS 8d COMMON NAILS @ 12" O.C. FOR FIELD NAILING
- DOUBLE TOP PLATES SHALL BE NAILED WITH 12-16d MIN.

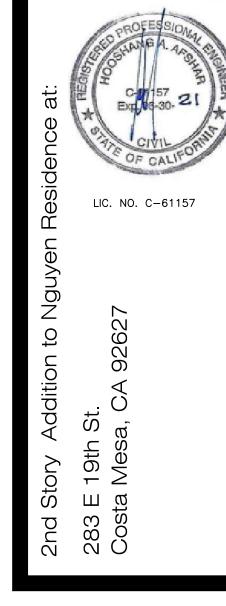
 © EACH SIDE OF SPLICE U.N.O. MINIMUM OF 4'-0" LAP REQUIRED AT ALL TOP PLATE SPLICES.
- 5 INSTALL 2-2X TRIMMER AT ALL X8 & X10 HEADERS
- 6 ALL EXTERIOR & INTERIOR STUDS SHALL BE AS FOLLOW MIN: 2X6 @ 16" O.C. HT>10'-0" 2X4 @ 16" O.C. HT<10'-0"
- 8 SEE DETAIL 15/SD.1 FOR CONNECTION OF INTERIOR NON-BEARING WALLS TO ROOF TRUSSES.
- 8 SEE DETAIL 14/SD.1 FOR TYPICAL HEADER FRAMING.



Roof Framing Plan: 1/4" = 1 ft

\triangle	12/04/2020	1st B.D. SUBMITTAL SET
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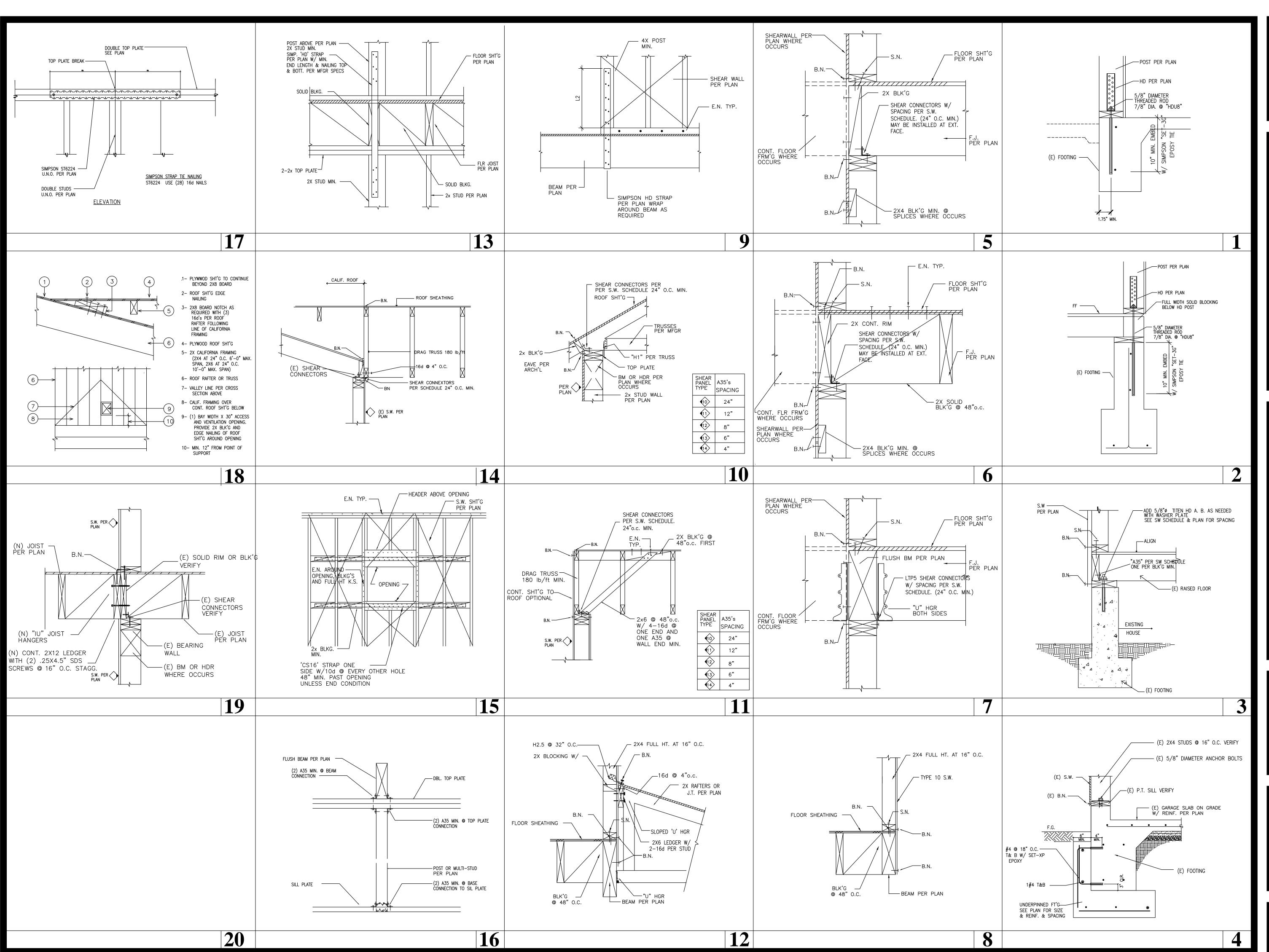
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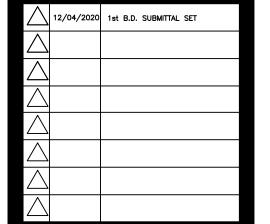


DATE	11-24-20		
PROJECT NUMBER			
DRAWN BY	SA		
CHECKED BY	SA		
SCALE	As Noted		
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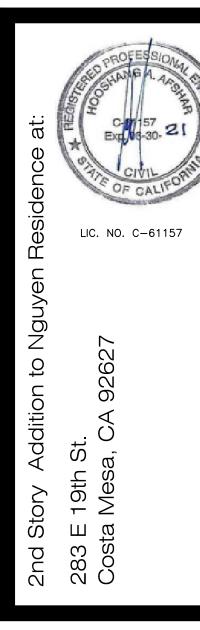
SHEET TITLE ROOF FRAMING PLAN

SHEET NUMBER **S3.0**





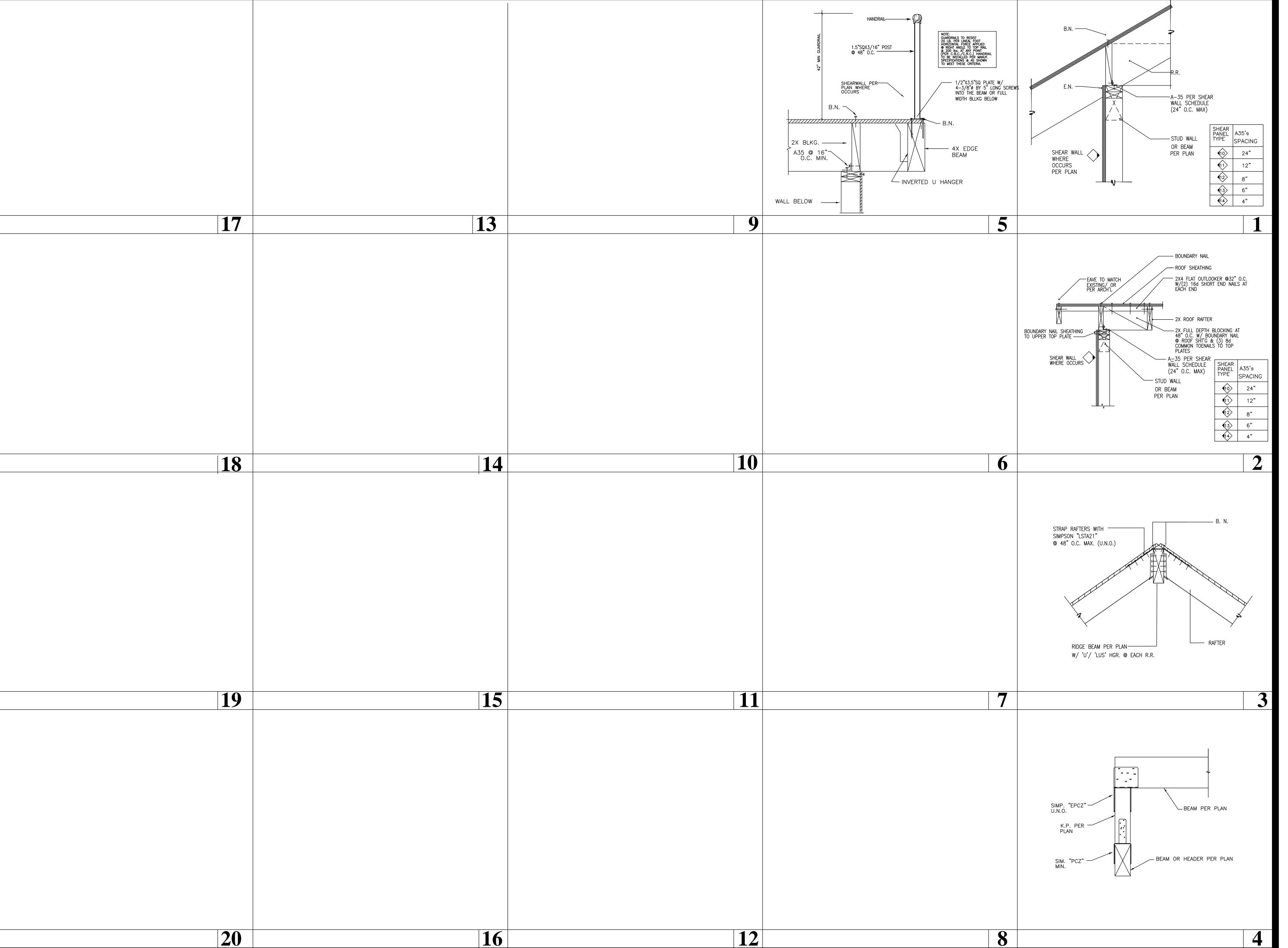
Shawn Afshar, P.E. Consulting Structural Engineering 17 Corozal, Foothill Ranch, CA. 92610 TEL (949) 413-4382 FAX (949) 859-5195

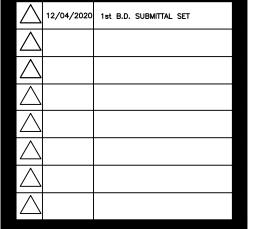


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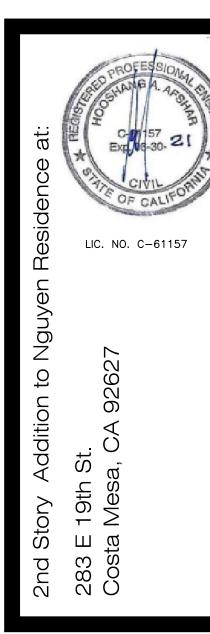
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OF SHEETS





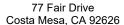
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SHEET TITLE
STRUCTURAL
DETAILS

SHEET NUMBER
SD.2
OF SHEETS





City of Costa Mesa Agenda Report

File #: 22-726 Meeting Date: 6/13/2022

TITLE:

PLANNING APPLICATION 21-22 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2301 NEWPORT BOULEVARD

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 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 21-22, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant/authorized agent is Devon Julian of Culture CM Newport Street, LLC, on behalf of the property owner, Sweet Inspirations.

BACKGROUND:

The subject half-acre property is located at 2301 Newport Boulevard and is situated west of the SR-55 Freeway, east of Fairview Road, north of Victoria Street, and south of Wilson Street. The site is zoned C2 (General Business District) and is surrounded by C2 and C1 (Local Business District) zoned properties. The site has a General Plan Land Use Designation of General Commercial.

Existing development on the site consists of a one-story 3,607-square-foot commercial building with landscaping, a patio cover at the rear of the building, a trash enclosure, and 23 surface parking stalls. Currently, half of the building is occupied by the Newport Cosmetic Center and the other half is vacant. The remainder of the building was previously occupied by a massage use (closed in 2019) and a medical use (closed in 2016). The proposed retail cannabis storefront use with delivery, "Cannabis Culture Club," would occupy the entire building. The existing site development complies with the General Plan in regard to floor area ratio (FAR) in that the maximum FAR is 0.20 and the existing/proposed FAR is 0.15. In addition, the site complies with the Costa Mesa Municipal Code (CMMC) in regard to setbacks, and as proposed the project is in compliance with the CMMC required landscaping.

The surrounding uses include a large multi-tenant office building to the north, several automotive uses to the south (car wash, gas station, and smog check), a United States Post Office and retail store (Dollar Tree) to the west, and Newport Boulevard and the 55 Freeway located to the east. The Assistance League offices and consignment shop are located southwesterly of the proposed use and accessed from Fairview Road. The adjacent post office, retail store and the Assistance League sites are separated from the proposed use by a block wall/fencing and are generally inaccessible from the subject site located on Newport Boulevard.

There are no open Code Enforcement cases on this property.

<u>City of Costa Mesa Medical Marijuana Measure (Measure X) and Costa Mesa Retail Cannabis Tax and Regulation</u> 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 storefront retail (dispensaries) and non-storefront retail (delivery) within the City subject to certain requirements. On June 15, 2021, the City Council adopted Ordinances No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the CMMC to establish regulations for legal cannabis storefront and non-storefront uses. A non-storefront retailer sells packaged cannabis goods to customers through direct delivery only.

Cannabis Business Permit (CBP) 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 before obtaining State approval and conducting business in Costa Mesa:

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

The "Pre-Application Determination" includes staff review of a detailed applicant letter that describes the proposed business, an existing site plan, statement attesting that there is/has been no unpermitted cannabis activity at the site within one year, and a detailed map demonstrating the proposed storefront's distance from sensitive uses (specifically described in this report under "Separation Requirements"). 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 applicant meets required separation distances from sensitive uses and may proceed to submittal of a CBP.

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

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

The applicant successfully passed these evaluations and staff issued a "CBP Notice to Proceed," which allows the applicant to submit a CUP application. The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public Services 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 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 pay a 7% gross receipts tax to the City of Costa Mesa's Finance Department. Records and revenues are audited annually by the City's Finance Department and HdL Companies.

DESCRIPTION:

Planning Application 21-22 is a request for a CUP to allow retail cannabis business within an existing 3,607-square-foot commercial building located at 2301 Newport Boulevard. The affiliated State license types are Type 10 "storefront retailer" and Type 9 "non-storefront retailer" (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 Costa Mesa Municipal Code (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. The subject site is located within a commercial zone (C2, General Business District) where commercial development is specifically allowed to include retail storefronts. The property is located on one of the City's primary commercial corridors and surrounded by commercial uses, with the nearest residential uses located over 275 feet away across Fairview and/or Wilson Street. Pursuant to the CMMC, cannabis retail storefronts are 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.

Separation Requirements

CMMC Section 13-200.93(e) stipulates that no cannabis retail storefront use shall be 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 that is in operation at the time of submission of a completed cannabis business permit application. The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The existing building façade and exterior site improvements are in relatively good condition and do not require significant upgrades. The applicant proposes to update the building façade by replacing the rounded columns at the front of the building with existing rectangular design features, replacing the stucco, painting, and adding planter boxes along the front building façade. The applicant also proposes to improve the site by replacing the woodchip ground cover in the existing landscape areas with living plants, adding a bicycle rack to encourage multi-modal transportation, restriping the parking lot to comply with the City's parking design standards, removing a dilapidated and unpermitted rear patio cover, and replacing existing rear security gates. The applicant also proposes to update the site with security lighting, surveillance cameras and new signage (signs to be reviewed and permitted separately per the City's sign code requirements).

Interior Tenant Improvements

The proposed cannabis retail business includes an interior reception room, retail sales area (including four check-out stands with one dedicated to mobile order pick-ups), and "back-of-house" areas. Back-of-house areas include limited access storage, delivery operations area, a security room, office, conference room, employee break room, restrooms, and a vendor receiving room. Below is a summary of the proposed floor area plan within the 3,607-square-foot building.

Operational Area	Square Feet
Reception Room	283
Retail Sales Area	1,422
Storage/Delivery Area	497
Security Room	76

Office	135
Conference Room	145
Employee Break Room	224
Vendor Room	66
Bathrooms	94
Hallways	665
Total	3,607

Customer and Employee Access

Customers would only be allowed in the reception room and retail sales area. All other areas of the premises would be limited access areas and accessible only to employees with the proper security credentials. Customer access to the proposed establishment includes entering the licensed premise through the front entrance doors that connect directly to the reception room. A greeter employee would than verify the customer's identity and age before allowing the customer to enter the retail sales area. After a customer's identity and age is checked, and they complete their transaction, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

Employees would enter through an access-controlled "employee-only" entrance in the front of the building. When loading and unloading delivery vehicles and vendor vehicles, employees would enter through the access-controlled entrance in the front or an access-controlled door located at the rear of the building. Vendors would only enter through either access-controlled doors while accompanied by an employee. The distance from the controlled access doors and the delivery vehicle loading areas ranges from 45 to 100 feet. The access doors, path of travel and delivery vehicle loading areas would be under camera surveillance and deliver loading/unloading will be monitored at all times by the onsite security guard.

Storefront/Delivery Operations

The proposed business is required to comply with the following operational conditions/requirements:

- Display State license, CBP, and City business license in a conspicuous building location;
- Hours of operation are limited to 7:00 AM to 10:00 PM daily;
- Deliveries of cannabis goods to the storefront location 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 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;
- 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;
- 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;
 - o List of all cannabis goods purchased including quantity; and
 - o 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 would 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 from a licensed cannabis distributor and have passed laboratory testing for quality
 control;
- Cannabis product packaging must be labeled with required test results and batch number;
- Packaging containing cannabis goods shall be tamper-evident 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 loading
 and unloading area and the security guard will monitor all outside vehicle loading/unloading until
 the delivery vehicle leaves the site;
- 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 his/her 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, the cost thereof and any other information required by the

State;

Any delivery method shall be made in compliance with State law, as amended, including use
of a vehicle that has a dedicated global positioning system (GPS) device for identifying the
location of the vehicle (cell phones and tablets are insufficient);

- Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
- Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and
- A cannabis delivery employee shall not carry cannabis goods valued in excess of \$5,000 at
 any time, with no more than \$3,000 of cannabis goods that are not already part of a customer
 order that was processed prior to leaving the premises.

Business Plan

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

Security Plan

The applicant provided 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 addressed/required for the proposed cannabis retail establishment:

- Multiple security guards will be onsite during business hours;
- 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;
- Visitor/customer specific security measures shall be required;
- All facility entry and exit points and locations where cash or cannabis products are handled or

stored shall be under camera surveillance;

• The applicant shall submit a list of all vehicles to be used for retail delivery purposes to the Costa Mesa Police Department. The list shall identify the make, model, color, license plate number, and registered owner of each vehicle. The applicant shall submit an updated vehicle list each quarter with the required quarterly update to the employee roster pursuant to the CBP.

- State license Type 9 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; and
- 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.

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 proposed 3,607-square-foot facility is required to provide 14 onsite parking spaces. The subject property includes an existing surface parking lot with 23 parking spaces and therefore maintains a surplus of nine parking spaces. However, after re-striping the lot to meet the City's parking design standards, the parking lot would provide 22 parking spaces. The proposed bike racks would be credited as one additional parking space. The proposed use would occupy the entire building, therefore all parking spaces would serve the retail cannabis business.

The site is developed with two ingress/egress access driveways from Newport Boulevard. Newport Boulevard at this location is limited to a one-way southerly direction and therefore only right-hand turns into the site are possible. The site parking lot also includes an access driveway to the adjacent property located to the south.

During business hours, delivery vehicles and vendor vehicles would use the following areas for loading/unloading: (1) in a loading area located at the rear of the building, (2) in two employee-only surplus parking stalls located closest to the trash enclosure, and/or (3) in the surplus parking stalls located closest to the access-controlled employee door in the front of the building. As indicated above, the site has surplus parking and therefore the parking lot is not expected to be impacted when delivery or vendor vehicles are onsite. During certain hours, specifically in between deliveries and overnight, up to three delivery vehicles would be parked onsite.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate the precise parking 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, reducing operating hours of the business, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, encouraging customers to take advantage of delivery service instead of store visits, limiting the number of employees that park onsite, offering an employee shuttle service, and incentivizing employee carpooling/cycling/walking. The applicant could also investigate if off-site parking opportunities exist nearby that can be used by employees during the establishment's initial opening period.

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 Transportation Services Division determined that the appropriate average daily trips (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. The City's traffic review focuses on net trip increase and therefore the ADT for the previous/existing use(s) is credited (subtracted) from the proposed use ADT to estimate potential changes in trip generation. Staff analyzed the ADT of the existing/previous medical office uses and compared that with the proposed retail cannabis use ADT. CMMC Section 13-275(a), specifies that "a traffic impact study shall be required for all development projects estimated by the Public Services Department to generate one hundred (100) or more vehicle trip ends during a peak hour." Staff determined that the proposed use does not meet the threshold for requiring a traffic study. However, the proposed use would be subject to a traffic impact fee. The estimated traffic impact fee is approximately \$58,000. The fee calculation would be finalized during the building permit plan check process and must be paid prior to building permit issuance.

Odor Attenuation

Cannabis products would arrive in tamper-evident, odor-resistant packaging and remain unopened until consumption. However, a minimal amount of cannabis product would be removed from packaging for display purposes and would be placed in tamper-evident, transparent display containers. The proposed HVAC system would utilize industry-standard "Can-Filters" brand fan and activated carbon filter equipment to completely filter the interior's building air every 20 minutes. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. The facility also features an enclosed reception room that separates the retail sales floor and limited access areas from the public entrance. This room provides an additional odor barrier that will assist in minimizing potential cannabis odor. Lastly, as conditioned, if cannabis odor is detected outside of the building or off-site specifically, the business owner/operator will be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services.

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.

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

Consistency: The proposed use would provide a new entrepreneurial business in Costa Mesa located within a commercial area as allowed under Measure Q, and provides new goods and services and new employment opportunities in the community.

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

Consistency: Retail cannabis uses are expected to generate significant 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.

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

Consistency: The proposed use is part of the specialized and growing cannabis industry that is limited in the surrounding region. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry.

REQUIRED FINDINGS:

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

• The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. The subject site is located within a commercial zone (C2, General Business District) where commercial development is specifically allowed to include retail storefronts. In addition, the property is located on one of the City's primary commercial corridors and surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts and non-storefronts (delivery) are permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof and no outdoor storage or sales are proposed nor would be allowed. Staff does not anticipate that the proposed cannabis use would be materially detrimental to the adjacent uses that include automotive-related establishments and a multi-tenant office building.

The proposed use would also not be materially detrimental to the properties located behind the subject property as these uses are divided from the property by fencing and are accessed from Fairview Road. Lastly, the proposed retail cannabis use would replace existing commercial uses, and is located more than 275 feet from the closest residential property. As proposed and conditioned, the retail cannabis use would be compatible with adjacent commercial properties and in compliance with local and State requirements.

- Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. The proposed cannabis retail storefront with delivery use would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, multiple security guards would be on site during business hours, at least one security guard would be onsite at all times and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. In addition, the business employees, including delivery drivers and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The conditions of approval include, but are not limited to, the aforementioned security measures to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood.
- Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate the full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use. This project site contains an existing building that has been used for commercial activities and the application does not propose an increase in floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

In making the project decision, the Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to

the conditions outlined in the attached Resolution.

2. <u>Approve the project with modifications</u>. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.

3. <u>Deny the project</u>. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

- Mailed notice. A public notice was mailed to all property owners and occupants within a 500foot 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.

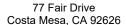
As of the date this report was circulated, no written public comments have been received. Any public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The proposed project is a retail cannabis storefront business with delivery at an existing developed commercial property that is located on one of the City's commercial corridors and meets separation requirements established in CMMC 13-200.93(e). Staff and the City's cannabis consultant completed the 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, conduct site inspections to verify that the operation complies with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

As proposed and conditioned, the use would be consistent with other commercial uses in the C2 zone, the intent of the Zoning Code, the City's General Plan, and the Costa Mesa Retail Cannabis Tax and Regulation Measure (Measure Q). In addition, the required findings for the CUP can be made, as described above. Therefore, staff recommends approval of Planning Application 21-22 subject to conditions of approval.





City of Costa Mesa Agenda Report

File #: 22-726 Meeting Date: 6/13/2022

TITLE:

PLANNING APPLICATION 21-22 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2301 NEWPORT BOULEVARD

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 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 21-22, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant/authorized agent is Devon Julian of Culture CM Newport Street, LLC, on behalf of the property owner, Sweet Inspirations.

BACKGROUND:

The subject half-acre property is located at 2301 Newport Boulevard and is situated west of the SR-55 Freeway, east of Fairview Road, north of Victoria Street, and south of Wilson Street. The site is zoned C2 (General Business District) and is surrounded by C2 and C1 (Local Business District) zoned properties. The site has a General Plan Land Use Designation of General Commercial.

Existing development on the site consists of a one-story 3,607-square-foot commercial building with landscaping, a patio cover at the rear of the building, a trash enclosure, and 23 surface parking stalls. Currently, half of the building is occupied by the Newport Cosmetic Center and the other half is vacant. The remainder of the building was previously occupied by a massage use (closed in 2019) and a medical use (closed in 2016). The proposed retail cannabis storefront use with delivery, "Cannabis Culture Club," would occupy the entire building. The existing site development complies with the General Plan in regard to floor area ratio (FAR) in that the maximum FAR is 0.20 and the existing/proposed FAR is 0.15. In addition, the site complies with the Costa Mesa Municipal Code (CMMC) in regard to setbacks, and as proposed the project is in compliance with the CMMC required landscaping.

The surrounding uses include a large multi-tenant office building to the north, several automotive uses to the south (car wash, gas station, and smog check), a United States Post Office and retail store (Dollar Tree) to the west, and Newport Boulevard and the 55 Freeway located to the east. The Assistance League offices and consignment shop are located southwesterly of the proposed use and accessed from Fairview Road. The adjacent post office, retail store and the Assistance League sites are separated from the proposed use by a block wall/fencing and are generally inaccessible from the subject site located on Newport Boulevard.

There are no open Code Enforcement cases on this property.

<u>City of Costa Mesa Medical Marijuana Measure (Measure X) and Costa Mesa Retail Cannabis Tax and Regulation</u> 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 storefront retail (dispensaries) and non-storefront retail (delivery) within the City subject to certain requirements. On June 15, 2021, the City Council adopted Ordinances No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the CMMC to establish regulations for legal cannabis storefront and non-storefront uses. A non-storefront retailer sells packaged cannabis goods to customers through direct delivery only.

Cannabis Business Permit (CBP) 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 before obtaining State approval and conducting business in Costa Mesa:

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

The "Pre-Application Determination" includes staff review of a detailed applicant letter that describes the proposed business, an existing site plan, statement attesting that there is/has been no unpermitted cannabis activity at the site within one year, and a detailed map demonstrating the proposed storefront's distance from sensitive uses (specifically described in this report under "Separation Requirements"). 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 applicant meets required separation distances from sensitive uses and may proceed to submittal of a CBP.

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

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

The applicant successfully passed these evaluations and staff issued a "CBP Notice to Proceed," which allows the applicant to submit a CUP application. The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public Services 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 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 pay a 7% gross receipts tax to the City of Costa Mesa's Finance Department. Records and revenues are audited annually by the City's Finance Department and HdL Companies.

DESCRIPTION:

Planning Application 21-22 is a request for a CUP to allow retail cannabis business within an existing 3,607-square-foot commercial building located at 2301 Newport Boulevard. The affiliated State license types are Type 10 "storefront retailer" and Type 9 "non-storefront retailer" (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 Costa Mesa Municipal Code (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. The subject site is located within a commercial zone (C2, General Business District) where commercial development is specifically allowed to include retail storefronts. The property is located on one of the City's primary commercial corridors and surrounded by commercial uses, with the nearest residential uses located over 275 feet away across Fairview and/or Wilson Street. Pursuant to the CMMC, cannabis retail storefronts are 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.

Separation Requirements

CMMC Section 13-200.93(e) stipulates that no cannabis retail storefront use shall be 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 that is in operation at the time of submission of a completed cannabis business permit application. The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The existing building façade and exterior site improvements are in relatively good condition and do not require significant upgrades. The applicant proposes to update the building façade by replacing the rounded columns at the front of the building with existing rectangular design features, replacing the stucco, painting, and adding planter boxes along the front building façade. The applicant also proposes to improve the site by replacing the woodchip ground cover in the existing landscape areas with living plants, adding a bicycle rack to encourage multi-modal transportation, restriping the parking lot to comply with the City's parking design standards, removing a dilapidated and unpermitted rear patio cover, and replacing existing rear security gates. The applicant also proposes to update the site with security lighting, surveillance cameras and new signage (signs to be reviewed and permitted separately per the City's sign code requirements).

Interior Tenant Improvements

The proposed cannabis retail business includes an interior reception room, retail sales area (including four check-out stands with one dedicated to mobile order pick-ups), and "back-of-house" areas. Back-of-house areas include limited access storage, delivery operations area, a security room, office, conference room, employee break room, restrooms, and a vendor receiving room. Below is a summary of the proposed floor area plan within the 3,607-square-foot building.

Operational Area	Square Feet
Reception Room	283
Retail Sales Area	1,422
Storage/Delivery Area	497
Security Room	76

Office	135
Conference Room	145
Employee Break Room	224
Vendor Room	66
Bathrooms	94
Hallways	665
Total	3,607

Customer and Employee Access

Customers would only be allowed in the reception room and retail sales area. All other areas of the premises would be limited access areas and accessible only to employees with the proper security credentials. Customer access to the proposed establishment includes entering the licensed premise through the front entrance doors that connect directly to the reception room. A greeter employee would than verify the customer's identity and age before allowing the customer to enter the retail sales area. After a customer's identity and age is checked, and they complete their transaction, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

Employees would enter through an access-controlled "employee-only" entrance in the front of the building. When loading and unloading delivery vehicles and vendor vehicles, employees would enter through the access-controlled entrance in the front or an access-controlled door located at the rear of the building. Vendors would only enter through either access-controlled doors while accompanied by an employee. The distance from the controlled access doors and the delivery vehicle loading areas ranges from 45 to 100 feet. The access doors, path of travel and delivery vehicle loading areas would be under camera surveillance and deliver loading/unloading will be monitored at all times by the onsite security guard.

Storefront/Delivery Operations

The proposed business is required to comply with the following operational conditions/requirements:

- Display State license, CBP, and City business license in a conspicuous building location;
- Hours of operation are limited to 7:00 AM to 10:00 PM daily;
- Deliveries of cannabis goods to the storefront location 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 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;
- 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;
- 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;
 - o List of all cannabis goods purchased including quantity; and
 - o 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 would 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 from a licensed cannabis distributor and have passed laboratory testing for quality
 control;
- Cannabis product packaging must be labeled with required test results and batch number;
- Packaging containing cannabis goods shall be tamper-evident 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 loading
 and unloading area and the security guard will monitor all outside vehicle loading/unloading until
 the delivery vehicle leaves the site;
- 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 his/her 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, the cost thereof and any other information required by the

State;

Any delivery method shall be made in compliance with State law, as amended, including use
of a vehicle that has a dedicated global positioning system (GPS) device for identifying the
location of the vehicle (cell phones and tablets are insufficient);

- Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
- Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and
- A cannabis delivery employee shall not carry cannabis goods valued in excess of \$5,000 at
 any time, with no more than \$3,000 of cannabis goods that are not already part of a customer
 order that was processed prior to leaving the premises.

Business Plan

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

Security Plan

The applicant provided 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 addressed/required for the proposed cannabis retail establishment:

- Multiple security guards will be onsite during business hours;
- 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;
- Visitor/customer specific security measures shall be required;
- All facility entry and exit points and locations where cash or cannabis products are handled or

stored shall be under camera surveillance;

• The applicant shall submit a list of all vehicles to be used for retail delivery purposes to the Costa Mesa Police Department. The list shall identify the make, model, color, license plate number, and registered owner of each vehicle. The applicant shall submit an updated vehicle list each quarter with the required quarterly update to the employee roster pursuant to the CBP.

- State license Type 9 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; and
- 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.

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 proposed 3,607-square-foot facility is required to provide 14 onsite parking spaces. The subject property includes an existing surface parking lot with 23 parking spaces and therefore maintains a surplus of nine parking spaces. However, after re-striping the lot to meet the City's parking design standards, the parking lot would provide 22 parking spaces. The proposed bike racks would be credited as one additional parking space. The proposed use would occupy the entire building, therefore all parking spaces would serve the retail cannabis business.

The site is developed with two ingress/egress access driveways from Newport Boulevard. Newport Boulevard at this location is limited to a one-way southerly direction and therefore only right-hand turns into the site are possible. The site parking lot also includes an access driveway to the adjacent property located to the south.

During business hours, delivery vehicles and vendor vehicles would use the following areas for loading/unloading: (1) in a loading area located at the rear of the building, (2) in two employee-only surplus parking stalls located closest to the trash enclosure, and/or (3) in the surplus parking stalls located closest to the access-controlled employee door in the front of the building. As indicated above, the site has surplus parking and therefore the parking lot is not expected to be impacted when delivery or vendor vehicles are onsite. During certain hours, specifically in between deliveries and overnight, up to three delivery vehicles would be parked onsite.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate the precise parking 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, reducing operating hours of the business, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, encouraging customers to take advantage of delivery service instead of store visits, limiting the number of employees that park onsite, offering an employee shuttle service, and incentivizing employee carpooling/cycling/walking. The applicant could also investigate if off-site parking opportunities exist nearby that can be used by employees during the establishment's initial opening period.

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 Transportation Services Division determined that the appropriate average daily trips (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. The City's traffic review focuses on net trip increase and therefore the ADT for the previous/existing use(s) is credited (subtracted) from the proposed use ADT to estimate potential changes in trip generation. Staff analyzed the ADT of the existing/previous medical office uses and compared that with the proposed retail cannabis use ADT. CMMC Section 13-275(a), specifies that "a traffic impact study shall be required for all development projects estimated by the Public Services Department to generate one hundred (100) or more vehicle trip ends during a peak hour." Staff determined that the proposed use does not meet the threshold for requiring a traffic study. However, the proposed use would be subject to a traffic impact fee. The estimated traffic impact fee is approximately \$58,000. The fee calculation would be finalized during the building permit plan check process and must be paid prior to building permit issuance.

Odor Attenuation

Cannabis products would arrive in tamper-evident, odor-resistant packaging and remain unopened until consumption. However, a minimal amount of cannabis product would be removed from packaging for display purposes and would be placed in tamper-evident, transparent display containers. The proposed HVAC system would utilize industry-standard "Can-Filters" brand fan and activated carbon filter equipment to completely filter the interior's building air every 20 minutes. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. The facility also features an enclosed reception room that separates the retail sales floor and limited access areas from the public entrance. This room provides an additional odor barrier that will assist in minimizing potential cannabis odor. Lastly, as conditioned, if cannabis odor is detected outside of the building or off-site specifically, the business owner/operator will be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services.

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.

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

Consistency: The proposed use would provide a new entrepreneurial business in Costa Mesa located within a commercial area as allowed under Measure Q, and provides new goods and services and new employment opportunities in the community.

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

Consistency: Retail cannabis uses are expected to generate significant 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.

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

Consistency: The proposed use is part of the specialized and growing cannabis industry that is limited in the surrounding region. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry.

REQUIRED FINDINGS:

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

• The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. The subject site is located within a commercial zone (C2, General Business District) where commercial development is specifically allowed to include retail storefronts. In addition, the property is located on one of the City's primary commercial corridors and surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts and non-storefronts (delivery) are permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof and no outdoor storage or sales are proposed nor would be allowed. Staff does not anticipate that the proposed cannabis use would be materially detrimental to the adjacent uses that include automotive-related establishments and a multi-tenant office building.

The proposed use would also not be materially detrimental to the properties located behind the subject property as these uses are divided from the property by fencing and are accessed from Fairview Road. Lastly, the proposed retail cannabis use would replace existing commercial uses, and is located more than 275 feet from the closest residential property. As proposed and conditioned, the retail cannabis use would be compatible with adjacent commercial properties and in compliance with local and State requirements.

- Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. The proposed cannabis retail storefront with delivery use would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, multiple security guards would be on site during business hours, at least one security guard would be onsite at all times and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. In addition, the business employees, including delivery drivers and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The conditions of approval include, but are not limited to, the aforementioned security measures to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood.
- Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate the full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use. This project site contains an existing building that has been used for commercial activities and the application does not propose an increase in floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

In making the project decision, the Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to

the conditions outlined in the attached Resolution.

2. <u>Approve the project with modifications</u>. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.

3. <u>Deny the project</u>. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

- Mailed notice. A public notice was mailed to all property owners and occupants within a 500foot 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 June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The proposed project is a retail cannabis storefront business with delivery at an existing developed commercial property that is located on one of the City's commercial corridors and meets separation requirements established in CMMC 13-200.93(e). Staff and the City's cannabis consultant completed the 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, conduct site inspections to verify that the operation complies with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

As proposed and conditioned, the use would be consistent with other commercial uses in the C2 zone, the intent of the Zoning Code, the City's General Plan, and the Costa Mesa Retail Cannabis Tax and Regulation Measure (Measure Q). In addition, the required findings for the CUP can be made, as described above. Therefore, staff recommends approval of Planning Application 21-22 subject to conditions of approval.

RESOLUTION NO. PC-2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-22 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (CULTURE CANNABIS CLUB) IN THE C2 ZONE AT 2301 NEWPORT BOULEVARD

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

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

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

WHEREAS, Planning Application 21-22 was filed by Devon Julian, authorized agent for the property owner, Sweet Inspirations, requesting approval of the following:

A Conditional Use Permit to operate a storefront retail cannabis business with delivery within an existing 3,607-square-foot commercial building located at 2301 Newport Boulevard. 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.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 13, 2022 with the opportunity for the public to speak for and against the proposal;

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

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit

B, the Planning Commission hereby **APPROVES** Planning Application 21-22 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 21-22 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 13th day of June, 2022.

Byron de Arakal, 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 June 13th, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) required findings as indicated below:

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 storefronts. In addition, the property is located on one of the City's primary commercial corridors and surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts and nonstorefronts (delivery) are permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof and no outdoor storage or sales are proposed nor would be allowed. Staff does not anticipate that the proposed cannabis use would be materially detrimental to the adjacent uses that include automotive-related establishments and a multi-tenant office building. The proposed use would also not be materially detrimental to the properties located behind the subject property as these uses are divided from the property by fencing and are accessed from Fairview Road. Lastly, the proposed retail cannabis use would replace existing commercial uses, and is located more than 275 feet from the closest residential property. As proposed and conditioned, the retail cannabis use would be compatible with adjacent commercial properties and in compliance with local and State requirements.

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

Facts in Support of Finding: The proposed cannabis retail storefront with delivery use would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, multiple security guards would be on site during business hours, at least one security guard would be onsite at all times and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior

entrances, exits, and all interior limited access spaces. In addition, the business employees, including delivery drivers and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The conditions of approval include, but are not limited to, the aforementioned security measures to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood.

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

- Facts in Support of Finding: The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate the full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.
- B. The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use. This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations.
- 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.

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

- 4. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
- 5. No cultivation of cannabis is allowed anywhere on the premises.
- 6. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
- 7. Except for operations allowed by this Conditional Use Permit and under an active Cannabis Business Permit and State Type 9 [and 10] license[s], no permit holder or any of its employees shall sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product to any person, firm, corporation, group or any other entity, unless that person or entity is a lawful, bona fide customer, or it possesses all currently valid permits and/or licenses required by both the State of California and applicable local governmental entity to lawfully receive such cannabis and to engage in a "cannabis activity" as defined by Costa Mesa Municipal Code sec. 9-485. The permit holder shall verify that the recipient, regardless of where it is located, of any cannabis or cannabis product sold, distributed, furnished, and/or otherwise provided by or on behalf of the permit holder, possesses all required permits and/or licenses therefor.
- The applicant shall defend, indemnify, and hold harmless the City, its elected 8. and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. 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. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
- 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 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.
- 12. Development shall comply with the requirements of the following adopted Bldg. codes: 2019 California Residential Code, 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.
- **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-21-17. Upon issuance, the Cannabis Business Permit will be valid for a two-year period and must be renewed with the City prior to its expiration date, including the payment of permit renewal fees. No more than one Cannabis Business Permit may be issued to this property.
 - 14. The use shall operate in accordance with the approved Business Plan. Any changes to the Business Plan must be submitted to the Planning Division with a written explanation of the changes. If the Director determines that changes are substantial, a modification to the Cannabis Business Permit and/or amendment to the CUP may be required.
 - 15. A Cannabis Business Permit may be revoked upon a hearing by the Director of Economic and Development Services or designee pursuant to Section 9-120 of the CMMC for failing to comply with the terms of the permit, the applicable provisions of the CMMC, State law or regulation and/or any condition of any other permit issued pursuant to this code. Revocation of the Cannabis Business Permit shall trigger the City's proceedings to revoke the Conditional Use Permit and its amendments. The Conditional Use Permit granted herein shall not be construed to allow any subsequent owner/operator to continue operating under PA-21-22 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 9 and Type 10 prior to operating. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
- 19. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City. This Conditional Use Permit will expire and be of no further force and effect if any State issued license remains suspended for a period exceeding six (6) months. Documentation of three violations during routine inspections or investigations of complaints shall result in the Community Inprovement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
- 20. Third parties are prohibited from providing delivery services for the Type 9 non-storefront retail license.
- 21. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business. It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.

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 and delivery 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.
 - 28. Inspections of this cannabis business by the City will be conducted, at a minimum, on a quarterly basis. The applicant will pay for the inspections according to the adopted Fee Schedule.
 - 29. Quarterly Fire & Life Safety Inspections will be conducted by the Community Risk Reduction Division to verify compliance with the approved operation. The applicant will pay for the inspection according to the Additional Required Inspections as adopted in the Fee Schedule.
 - 30. Annual Fire & Life Safety Inspections will be conducted by the Fire Station Crew for emergency response pre-planning and site access familiarization. The applicant will pay for the inspection according to the adopted Fee Schedule.
 - 31. Pursuant to Title 9, Chapter VI, it is unlawful for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law.

Prior to Issuance of Building Permits

- 1. Plans shall be prepared, stamped and signed by a California licensed Architect or Engineer.
- 2. The conditions of approval and ordinance or code provisions of Planning Application 21-22 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

- <u>=23381</u>. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.
- 4. Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not detected outside the property, anywhere on adjacent property or public right-of-way. Building and mechanical permits must be obtained from the Building Division prior to work commencing on any part of the odor control system.
- 5. Plan check submittal shall include air quality/odor control device specification sheets. Plan check submittal shall also include a landscape plan that complies with CMMC requirements, a bike rack, parking lot striping in conformance with CMMC requirements, and trash enclosure painting and replacement of its cover.
- 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 2019 California Fire Code, including the 2019 Intervening Update and referenced standards as amended by the City of Costa Mesa.
- 8. The Traffic Impact Fee as calculated by the Transportation Services Division shall be paid in full.
- 9. Construction documents shall include demolition of the patio structure and installation of new gates at the rear of the property.
- 10. 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.

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 submit to the Planning Division a list of all vehicles to be used for retail delivery purposes. The list shall identify the make, model, color, license plate number and registered owner of each vehicle.
- 3. The applicant shall pay the public notice fee (\$1 per notice post card) and the newspaper ad publishing cost.

- 4. The final Security Plan shall be consistent with the approved building plans.
- 5. Each entrance to the business shall be visibly posted with a clear and legible notice stating the following:
 - a. That smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited;
 - b. That no person under the age of twenty-one (21) years of age is permitted to enter upon the premises;
 - c. That loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises is prohibited; 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.
- 6. 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.
- 7. The applicant shall submit an executed Retail Cannabis Business Permit Defense and Indemnity Agreement on a form to be provided by the City.

Operational Conditions

- 1. No product deliveries to the facility shall occur after 10:00 PM and before 7:00 AM.
- 2. Onsite sales and offsite delivery 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 the number of available onsite surplus parking spaces. Delivery vehicles shall not be parked on City streets.
- 4. At least one security guard shall be onsite at all times.
- 5. 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

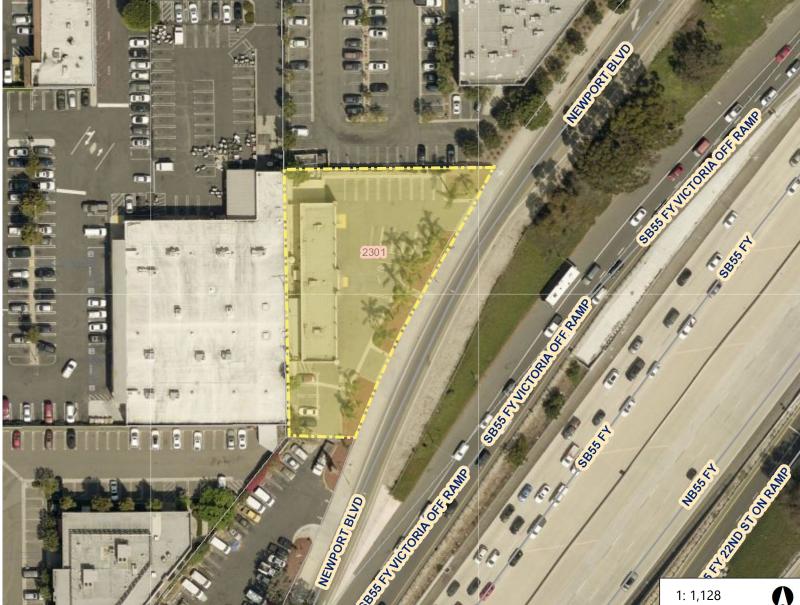
- institute appropriate security and operational measures as necessary to comply with this requirement.
- 7. If parking shortages or other parking-related problems develop, the business owner or operator will be required to institute appropriate operational measures necessary to minimize or eliminate 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 employee to monitor parking lot use and assist with customer parking lot circulation, encouraging customers to take advantage of delivery service instead of store visits, limiting the number of employees that park onsite, offering an employee shuttle service, and incentivizing employee carpooling/cycling/walking.
- 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 and/or performing deliveries, 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. Vehicle loading and unloading shall only take place within direct unobstructed view of surveillance cameras, located in close proximity to the shipping and receiving exterior 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 delivery vehicles. Video surveillance cameras shall be installed on the exterior of the building with direct views of employee doors. Any modifications or additional vehicle loading and unloading areas shall be submitted to the Director of Economic and Development Services or designee for approval.
- 14. 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.
- 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. 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.



PA-21-22 (2301 Newport Blvd.) - Vicinity Map





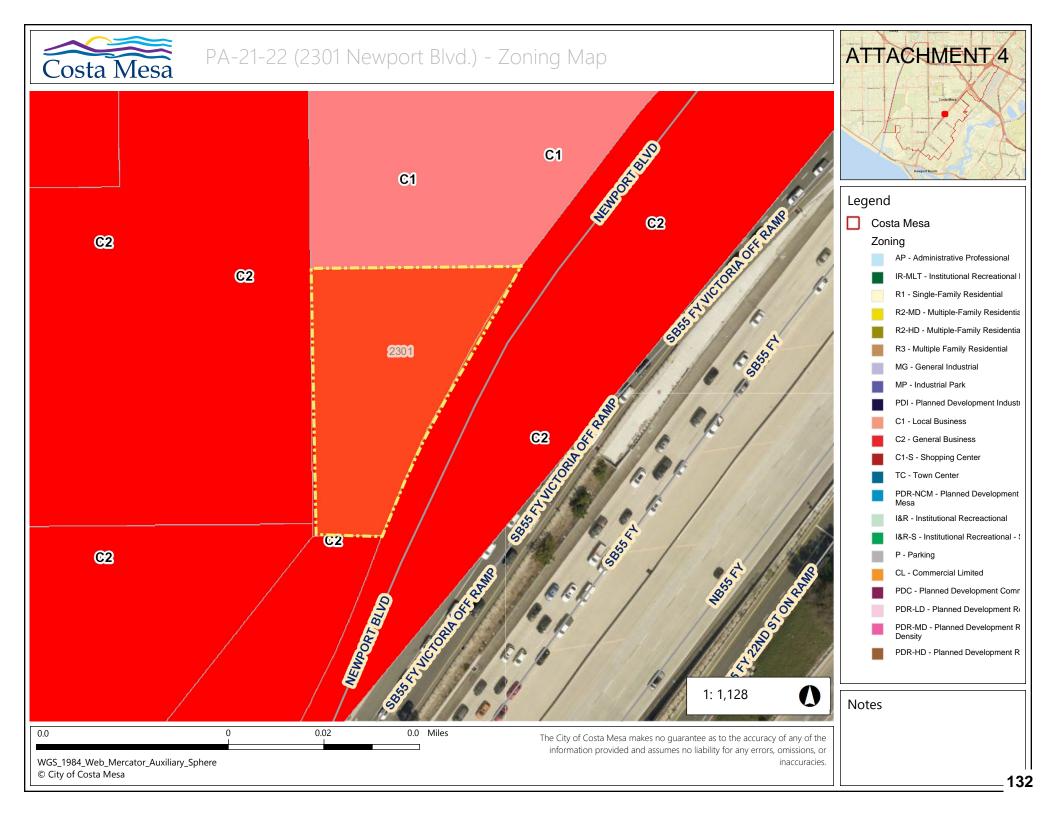
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Costa Mesa

Notes

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.



ATTACHMENT 5

SITE PHOTOS



Existing and proposed customer entrance location



View from the middle of the parking lot (looking south)

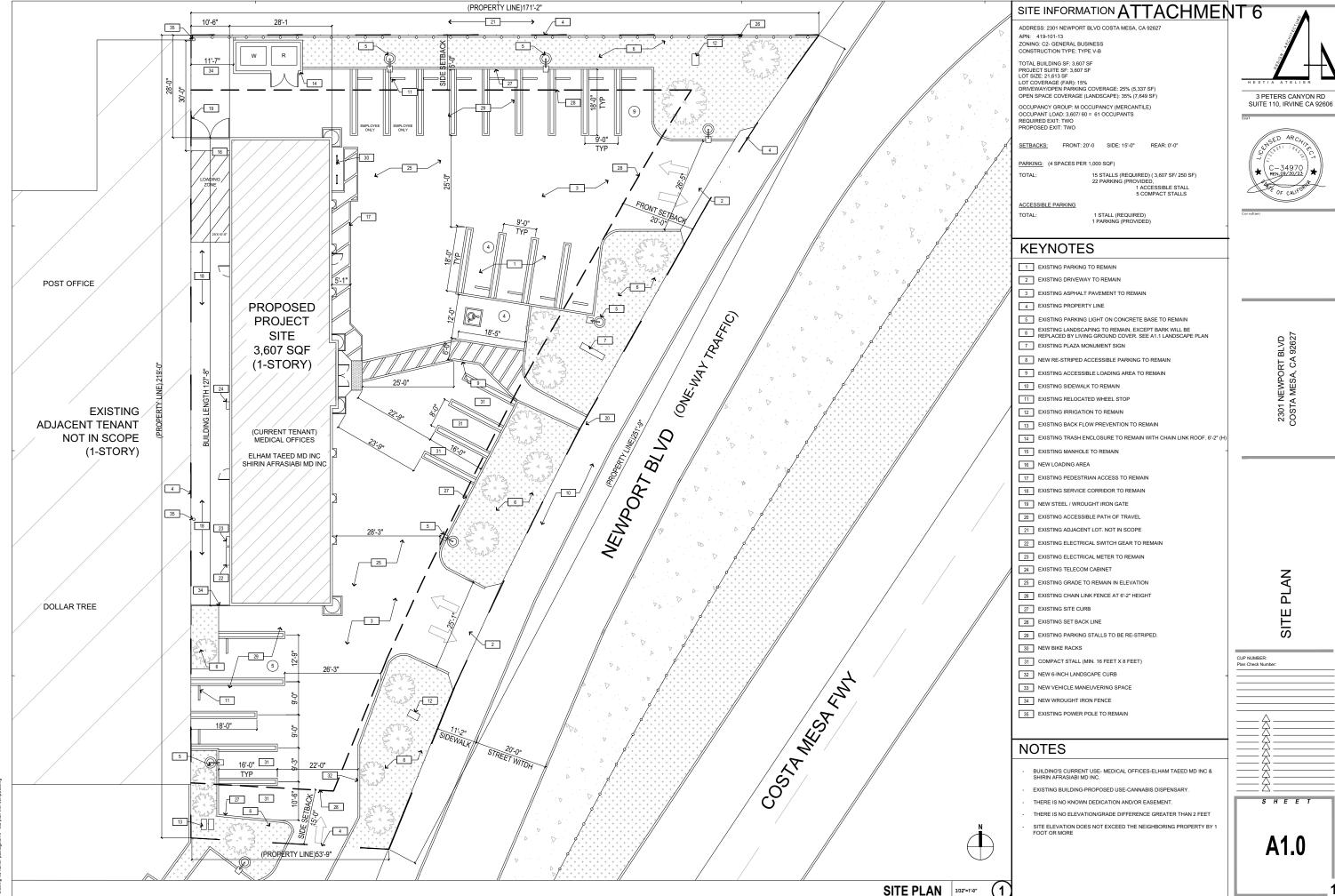
ATTACHMENT 5

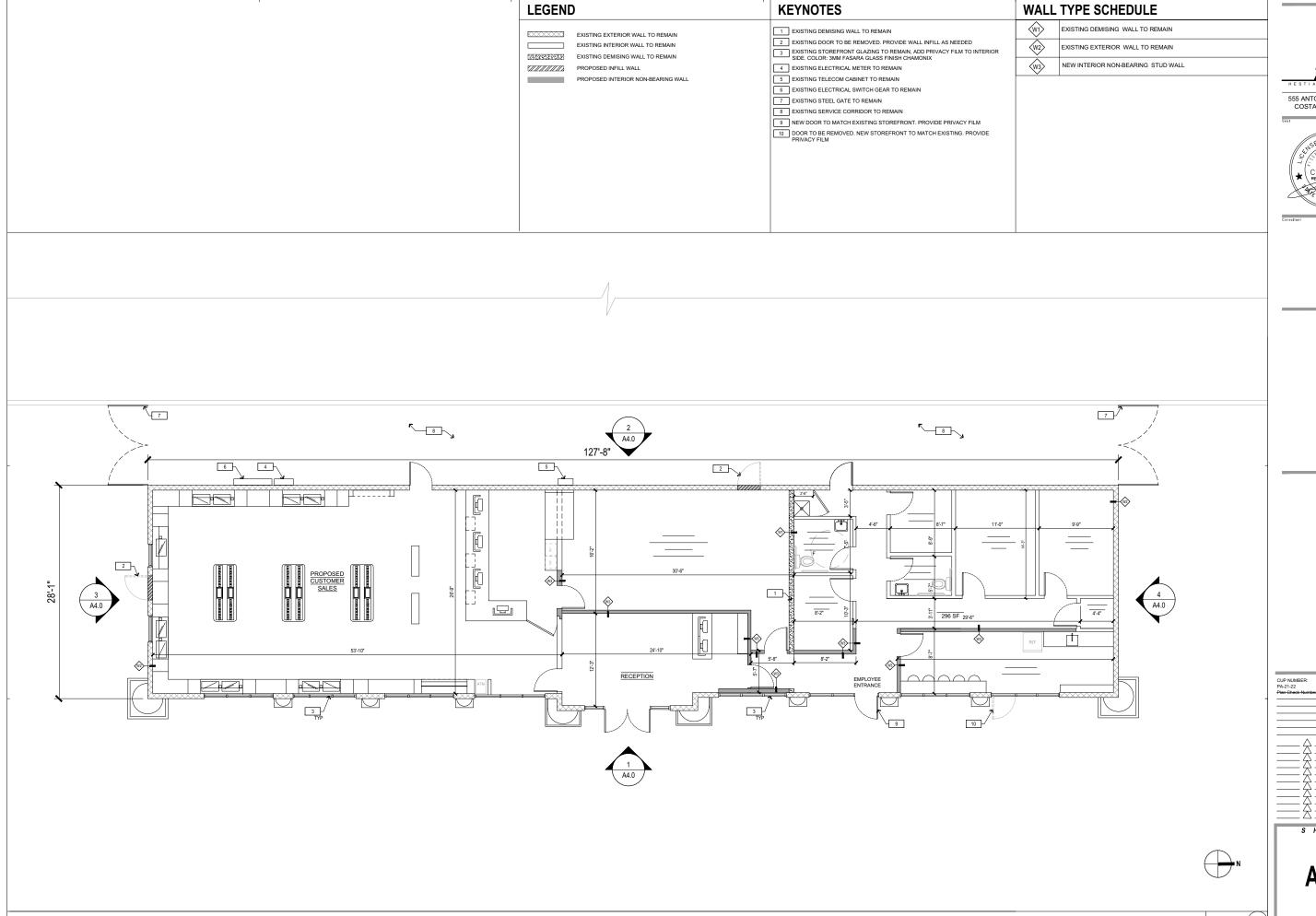


Parking along the southern side of the building (door to be removed; gate to be replaced)



Example of landscaping along Newport Boulevard (woodchips to be replaced with plants)





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



FLOOR PLAN

SHEET

A2.0

FLOOR PLAN 3/16"=1'-0" (1)

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RENDERINGS

A4.1

EXTERIOR VIEW 1 NO SCALE 1

EXTERIOR VIEW 2 NO SCALE



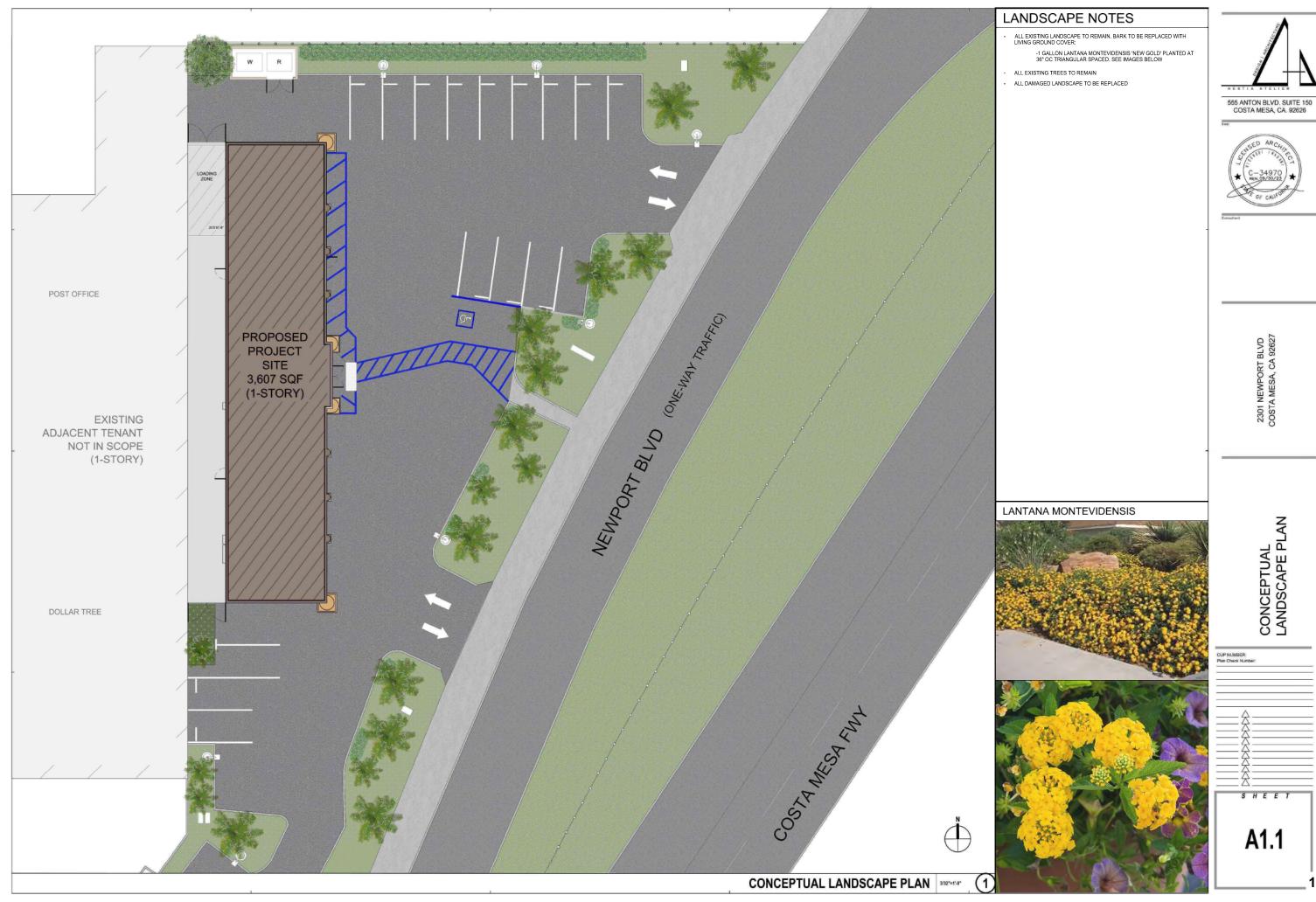


EXTERIOR VIEW 4 NO SCALE 4



EXTERIOR VIEW 3 NO SCALE 3

_137





City of Costa Mesa Agenda Report

File #: 22-756 Meeting Date: 6/13/2022

TITLE:

PLANNING APPLICATION 21-21 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 1990 HARBOR BOULEVARD

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 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 21-21, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The property owner, applicant and authorized agent is Robert Taft, Jr. of Vertical Four, Inc.

BACKGROUND:

The subject 9,191-square-foot property is located at 1990 Harbor Boulevard and is situated on the east side of the street, between Ford Road and West Bay Street. The site is zoned C1 (Local Business District) and is surrounded by C1 and C2 (General Business District) zoned properties. The site and the surrounding properties have a General Plan Land Use Designation of "General Commercial."

The surrounding uses include an upholstery business to the north, an automotive repair business to the south, and a car dealership's parking lot located to the west. The adjacent sites are separated from the subject property by buildings and fencing. Existing uses located to the east (across Harbor Boulevard) include auto repair, vehicle accessories, and car rentals.

The existing development on the subject property consists of a one-story 2,446-square-foot building fronting Harbor Boulevard, a two-story 1,332-square-foot building located at the rear of the property and an un-striped surface parking area located between the two buildings. Two building permits were

issued for the property in 2021, prior to the City accepting cannabis retail storefront Pre-Applications. In August 2021, the City issued demolition permit BC21-00528, allowing the removal of an unpermitted, non-conforming prefabricated building from the center of the property. Based on the business license history for this property, it appears that the unpermitted prefabricated structure was used in conjunction with a past automotive business. In February 2021, the City issued building permit BC21-00124, allowing the renovation of the front building. The improvements include a new stucco façade with three clerestory windows facing Harbor Boulevard, relocating the main entrance to the rear of the building, adding an interior pony wall, enlarging a bathroom, and plumbing and electrical work.

There are no open Code Enforcement cases on this property.

Non-Conforming Development

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

The CMMC and General Plan establish maximum floor area ratios (FARs) for each non-residential land use designation based on trip generation characteristics. Pursuant to the General Plan, the maximum FAR for the proposed use is 0.20 and the existing FAR is 0.41. The proposed retail cannabis storefront use would occupy the 2,446-square-foot front building. Improvements would be made to bring this structure into compliance with current building and safety codes; however, the building placement on the site and associated nonconforming setbacks would remain. The nonconforming building in the rear is proposed to be demolished. Removal of this structure would result in a reduced site FAR of 0.27, and therefore would become more conforming with the CMMC and General Plan.

Rear Building

The applicant purchased the property in 2020 in its existing condition, which included a residential structure developed at the rear of the lot. Based on Google Earth imagery, it appears that the rear structure was converted to a residential use sometime after 2009. The City building permit records indicate that since 1955, no permits have been issued for this structure with the exception of a commercial roofing permit in 2006. As previously indicated, the property has a zoning designation of "C1" and a "General Commercial" General Plan Land Use Designation. Neither the "C1" Zoning District or the "General Commercial" Land Use District allow for residential use. Further, the Mesa Water District records only recognize a history of "commercial uses" for water usage on site, and the United States Post Office records also confirm that the property has only been serviced by mail delivery as a commercial property. The applicant is proposing to demolish the unpermitted residential structure and replace this area of the property with parking stalls, landscaping and a trash enclosure (bringing those items into conformance).

<u>City of Costa Mesa Medical Marijuana Measure (Measure X) and Costa Mesa Retail Cannabis</u> 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 Costa Mesa Municipal Code (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 storefront retail (dispensaries) and non-storefront retail (delivery) within the City subject to certain requirements. On June 15, 2021, the City Council adopted Ordinances No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the CMMC to establish regulations for legal cannabis storefront and non-storefront uses. A non-storefront retailer sells packaged cannabis goods to customers through direct delivery only.

Cannabis Business Permit (CBP) 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 before obtaining State approval and conducting business in Costa Mesa:

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

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

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

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

The applicant successfully passed these evaluations and staff issued a "CBP Notice to Proceed,"

which allows the applicant to submit a CUP application. The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public Services 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 continuously renewed 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 pay a 7% gross receipts tax to the City of Costa Mesa's Finance Department. Records and revenues are audited annually by the City's Finance Department and HdL Companies.

DESCRIPTION:

Planning Application 21-21 is a request for a CUP to allow a retail cannabis storefront business within an existing 2,446-square-foot commercial building located at 1990 Harbor Boulevard. The affiliated State license is a Type 10 "storefront retailer." Upon approval of a CUP, CBP, City Business License, and State license, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to onsite customers, 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. The subject site is located within a commercial zone (C1, Limited Business District) where commercial development is specifically allowed to include retail storefronts. The property is located on one of the City's primary commercial corridors and surrounded by commercial uses, with the nearest residential uses located over 300 feet away. Pursuant to the CMMC, cannabis retail storefronts are 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.

Separation Requirements

CMMC Section 13-200.93(e) stipulates that no cannabis retail storefront use shall be 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 that is in operation at the time of submission of a completed cannabis business permit application. The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

During the September 2021 site visit, staff observed graffiti, holes in the windows fronting Harbor Boulevard, the absence of any landscaping, and an exposed dumpster. Prior to submitting an application for a dispensary, the applicant obtained building permits to renovate the front building, including a new stucco façade with three clerestory windows facing Harbor Boulevard, and relocating the entrance from Harbor Boulevard to the rear of the building. At the time of this report, the permitted improvements to the front building are in progress.

If the CUP is approved, the applicant proposes to further upgrade the exterior of the front building with graffiti-resistant tile and planter boxes. Proposed site improvements as shown in the attached conceptual landscape plan include living plant walls in the parking lot, a new planter box at the front of the property along Harbor Boulevard, adding approximately 400 square feet of landscaping in the rear (including at least eight palm trees), adding a bicycle rack to encourage multi-modal transportation, striping the parking lot to comply with the City's parking design standards, and constructing a trash enclosure. The applicant also proposes to update the site with security lighting, surveillance cameras and new signage (signs to be reviewed and permitted separately per the City's sign code requirements). As indicated above, the rear building is proposed to be demolished.

Interior Tenant Improvements

The proposed cannabis retail business includes an interior lobby, customer restroom, non-cannabis sales floor area, cannabis and cannabis product sales floor area, and "back-of-house" limited access areas that include an office, storage, employee restroom and security room. The non-cannabis floor area includes the display of store branded hats and t-shirts, and cannabis related accessories. Below is a summary of the proposed floor plan within the 2,446-square-foot building.

Operational Area	Square Feet
Lobby	360
Customer Restroom	61
Non-Cannabis Sales Floor	615
Cannabis Sales Floor	1,083
Office, Storage & Security	293
Employee Restroom	47
Total	2,446

Customer and Employee Access

All entrance/exit doors face the parking lot. Customers would only be allowed in the lobby, customer restroom, and sales areas. All other areas of the premises would be limited access areas and accessible only to employees with security credentials and escorted vendors. Customer access to the proposed establishment would include entering the licensed premise from a door adjacent to the parking lot. Staff would verify the customer's identity and age before allowing the customer to enter the non-cannabis sales area. When staff determines there is

adequate space and service for another customer, they would allow them into the cannabis and cannabis product sales area. The two sales floors would be divided by a pony wall and tempered glass. After completing a transaction, customers must leave the property. As conditioned, a security guard would monitor the property at all times to ensure that customers are following regulations.

Employees would enter through an access-controlled "employee-only" entrance in the rear of the building. Vendors would only enter through the access-controlled employee door while accompanied by an employee of the subject retail business. The applicant plans to utilize their Costa Mesa manufacturing and distribution businesses as vendors.

The distance from the controlled access doors to the vehicle loading area (parking space #2) is approximately 20 feet. The access doors, path of travel and vehicle loading areas would be under camera surveillance.

Storefront Operations

The proposed business is required to comply with the proposed retail storefront operational conditions/requirements:

- 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;
 - 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;
 - 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 areas after their age and identity have 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;
 - o Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity, and cost thereof; 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 would escort the
 distributor to the shipping and receiving area (office) and remain with them throughout the
 process.
- Cannabis goods to be sold at this establishment must be obtained from a licensed cannabis distributor and have passed laboratory testing for quality control;
- 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;

Business Plan

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

Security Plan

The applicant provided 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 addressed/required for the proposed cannabis retail establishment:

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

- Visitor/customer specific security measures shall be required; and
- All facility entry and exit points and locations where cash or cannabis products are handled or stored shall be under camera surveillance.

Parking and Circulation

Retail cannabis uses are subject to the same parking ratio requirement as other retail establishments in the City (four spaces per 1,000 square feet of gross floor area). Based on this ratio, the proposed 2,446-square-foot facility is required to provide ten onsite parking spaces. With proposed demolition of the unpermitted rear structure and parking lot re-striping, the proposed project includes ten vehicular parking spaces that would serve the proposed cannabis retail facility. Pursuant to the CMMC, the proposed bike rack would credit the site with one additional and surplus parking space.

The site is accessed from Harbor Boulevard via only right-hand turns. This section of Harbor Boulevard is developed with a raised, planted center median which restricts left-hand turns into the site. As a result of the existing building location, the existing/proposed access driveway is 11 feet, 11 inches wide and therefore can only accommodate a single vehicle for site ingress or egress. The driveway and aisle width are legal non-conforming. Staff previously identified the narrow driveway as a circulation concern with the applicant and the applicant has responded by agreeing to provide a parking attendant to ensure that customer access to the site parking will not result in queuing on Harbor Boulevard. In order to prevent circulation impacts on Harbor Boulevard, staff has included a condition of approval that requires the applicant to provide a minimum of one parking attendant onsite during business hours. The parking attendant will monitor the driveway and be stationed near Harbor Boulevard to ensure that customers exiting the site will yield driveway access to customers entering the site. In addition, the condition requires that the parking attendant be equipped with a two -way radio to the staff person monitoring the facility's entrance/exit door to inform the parking attendant when customers are leaving the facility. Lastly, the parking attendant will be provided signage to alert customer's when the parking lot is full. The proposed condition requires that the parking attendant be provided for the first six-months from business opening and that after that time, the applicant may request that staff consider elimination of this requirement if conditions do not warrant the further need for the site parking attendant (see Operational Condition of Approval No. 8.).

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate the precise parking 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 Condition of Approval No. 6). Examples of parking demand management techniques include, but are not limited to, modification of business operating hours, offering an employee shuttle service, and incentivizing employee carpooling/cycling/walking. The applicant could also investigate if off-site parking opportunities exist nearby that can be used by employees during the establishment's initial opening period. The applicant operates two Measure X facilities in the City and is exploring options for an employee shuttle between those facilities and the retail storefront.

Traffic

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 Transportation Services Division determined that the appropriate average daily trips (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. The City's traffic review focuses on net trip increase and therefore the ADT for the previous/existing use(s) is credited (subtracted) from the proposed use ADT to estimate potential changes in trip generation. Staff analyzed the ADT of the existing/previous automotive uses and compared that with the proposed retail cannabis use ADT. CMMC Section 13-275(a), specifies that "a traffic impact study shall be required for all development projects estimated by the Public Services Department to generate one hundred (100) or more vehicle trip ends during a peak hour." Staff determined that the proposed project does not meet the threshold for requiring a traffic study. However, the proposed use would be subject to a traffic impact fee. The estimated traffic impact fee is approximately \$29,000. The fee calculation would be finalized during the building permit plan check process and must be paid prior to building permit issuance.

Odor Attenuation

Generally, cannabis products would arrive in tamper and odor-resistant packaging and remain unopened until consumption. The proposed HVAC system would utilize industry-standard activated carbon filter equipment to completely filter the air. HEPA air purifiers would also be used to minimize odor. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. The facility also features an enclosed lobby and an enclosed non-cannabis sales area that separates the retail sales floors and limited access areas from the public entrance. These divided rooms provide additional odor barriers that will assist in minimizing potential exterior cannabis odor. Lastly, as conditioned, if cannabis odor is detected outside of the building or off-site specifically, the business owner/operator will be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services.

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.

1. **Policy LU-1.1:** Provide for the development of a mix and balance of housing opportunities,

commercial goods and services and employment opportunities in consideration of the need of the business and residential segments of the community.

Consistency: The proposed use would provide a new entrepreneurial business in Costa Mesa located within a commercial area as allowed under Measure Q, and provides new goods and services and new employment opportunities in the community.

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

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

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

Consistency: The proposed use is part of the specialized and growing cannabis industry that is limited in the surrounding region. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry.

REQUIRED FINDINGS:

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

The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. The subject site is located within a commercial zone (C1, Local Business District) where commercial development is specifically allowed to include retail storefronts. The property is located on one of the City's primary commercial corridors and surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts are permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof and no outdoor storage or sales are proposed, nor would be allowed. Staff does not anticipate that the proposed cannabis use would be materially detrimental to the adjacent uses that include automotiverelated establishments and upholstery. The proposed use would also not be materially detrimental to the properties located behind the subject property as these uses are divided from the property by fencing and involve vehicle storage. Lastly, the proposed licensed premise would be located more than 300 feet from the closest residentially zoned property. As proposed and conditioned, the retail cannabis use would be compatible with adjacent commercial properties and in compliance with local and State requirements.

Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. The proposed cannabis retail storefront would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, at least one security guard would be onsite at all times, and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. In addition, the business employees, including part-time staff, must pass a Live Scan background check and obtain an identification badge from the City. The conditions of approval including, but not limited to, the aforementioned security measures are intended to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood. In addition, the conditions of approval include the requirement for a parking attendant to monitor driveway access and parking conditions to ensure appropriate onsite circulation and access from Harbor Boulevard.

• Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. If approved, the proposed project would reduce existing nonconformities such as floor area ratio, insufficient parking, absence of landscaping, and lack of trash enclosure. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate the full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities involving negligible or no expansion of the existing use. This project site contains an existing building that has been used for commercial activities and the application does not propose an increase in floor area or otherwise expand the prior commercial use. The proposed us is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

The Planning Commission has the following decision alternatives:

- 1. <u>Approve the project</u>. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
- 2. 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. <u>Deny the project</u>. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

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

As of the date this report was circulated, one written comment has been received and is attached to this report. Any other public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The proposed project is a retail cannabis storefront business on an existing developed commercial property that is located on one of the City's commercial corridors and meets the separation requirements established in CMMC 13-200.93(e). Staff and the City's cannabis consultant completed the 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 local 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, conduct site inspections to verify that the operation complies with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

As proposed and conditioned, the use would be consistent with other commercial uses in the C1 zone, the Zoning Code, the City's General Plan. In addition, the required findings for the CUP can be made, as described above. Therefore, staff recommends approval of Planning Application 21-21 subject to conditions of approval.



City of Costa Mesa Agenda Report

File #: 22-756 Meeting Date: 6/13/2022

TITLE:

PLANNING APPLICATION 21-21 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 1990 HARBOR BOULEVARD

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 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 21-21, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The property owner, applicant and authorized agent is Robert Taft, Jr. of Vertical Four, Inc.

BACKGROUND:

The subject 9,191-square-foot property is located at 1990 Harbor Boulevard and is situated on the east side of the street, between Ford Road and West Bay Street. The site is zoned C1 (Local Business District) and is surrounded by C1 and C2 (General Business District) zoned properties. The site and the surrounding properties have a General Plan Land Use Designation of "General Commercial."

The surrounding uses include an upholstery business to the north, an automotive repair business to the south, and a car dealership's parking lot located to the west. The adjacent sites are separated from the subject property by buildings and fencing. Existing uses located to the east (across Harbor Boulevard) include auto repair, vehicle accessories, and car rentals.

The existing development on the subject property consists of a one-story 2,446-square-foot building fronting Harbor Boulevard, a two-story 1,332-square-foot building located at the rear of the property and an un-striped surface parking area located between the two buildings. Two building permits were

issued for the property in 2021, prior to the City accepting cannabis retail storefront Pre-Applications. In August 2021, the City issued demolition permit BC21-00528, allowing the removal of an unpermitted, non-conforming prefabricated building from the center of the property. Based on the business license history for this property, it appears that the unpermitted prefabricated structure was used in conjunction with a past automotive business. In February 2021, the City issued building permit BC21-00124, allowing the renovation of the front building. The improvements include a new stucco façade with three clerestory windows facing Harbor Boulevard, relocating the main entrance to the rear of the building, adding an interior pony wall, enlarging a bathroom, and plumbing and electrical work.

There are no open Code Enforcement cases on this property.

Non-Conforming Development

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

The CMMC and General Plan establish maximum floor area ratios (FARs) for each non-residential land use designation based on trip generation characteristics. Pursuant to the General Plan, the maximum FAR for the proposed use is 0.20 and the existing FAR is 0.41. The proposed retail cannabis storefront use would occupy the 2,446-square-foot front building. Improvements would be made to bring this structure into compliance with current building and safety codes; however, the building placement on the site and associated nonconforming setbacks would remain. The nonconforming building in the rear is proposed to be demolished. Removal of this structure would result in a reduced site FAR of 0.27, and therefore would become more conforming with the CMMC and General Plan.

Rear Building

The applicant purchased the property in 2020 in its existing condition, which included a residential structure developed at the rear of the lot. Based on Google Earth imagery, it appears that the rear structure was converted to a residential use sometime after 2009. The City building permit records indicate that since 1955, no permits have been issued for this structure with the exception of a commercial roofing permit in 2006. As previously indicated, the property has a zoning designation of "C1" and a "General Commercial" General Plan Land Use Designation. Neither the "C1" Zoning District or the "General Commercial" Land Use District allow for residential use. Further, the Mesa Water District records only recognize a history of "commercial uses" for water usage on site, and the United States Post Office records also confirm that the property has only been serviced by mail delivery as a commercial property. The applicant is proposing to demolish the unpermitted residential structure and replace this area of the property with parking stalls, landscaping and a trash enclosure (bringing those items into conformance).

<u>City of Costa Mesa Medical Marijuana Measure (Measure X) and Costa Mesa Retail Cannabis</u> 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 Costa Mesa Municipal Code (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 storefront retail (dispensaries) and non-storefront retail (delivery) within the City subject to certain requirements. On June 15, 2021, the City Council adopted Ordinances No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the CMMC to establish regulations for legal cannabis storefront and non-storefront uses. A non-storefront retailer sells packaged cannabis goods to customers through direct delivery only.

Cannabis Business Permit (CBP) 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 before obtaining State approval and conducting business in Costa Mesa:

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

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

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

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

The applicant successfully passed these evaluations and staff issued a "CBP Notice to Proceed,"

which allows the applicant to submit a CUP application. The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public Services 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 continuously renewed 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 pay a 7% gross receipts tax to the City of Costa Mesa's Finance Department. Records and revenues are audited annually by the City's Finance Department and HdL Companies.

DESCRIPTION:

Planning Application 21-21 is a request for a CUP to allow a retail cannabis storefront business within an existing 2,446-square-foot commercial building located at 1990 Harbor Boulevard. The affiliated State license is a Type 10 "storefront retailer." Upon approval of a CUP, CBP, City Business License, and State license, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to onsite customers, 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. The subject site is located within a commercial zone (C1, Limited Business District) where commercial development is specifically allowed to include retail storefronts. The property is located on one of the City's primary commercial corridors and surrounded by commercial uses, with the nearest residential uses located over 300 feet away. Pursuant to the CMMC, cannabis retail storefronts are 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.

Separation Requirements

CMMC Section 13-200.93(e) stipulates that no cannabis retail storefront use shall be 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 that is in operation at the time of submission of a completed cannabis business permit application. The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

During the September 2021 site visit, staff observed graffiti, holes in the windows fronting Harbor Boulevard, the absence of any landscaping, and an exposed dumpster. Prior to submitting an application for a dispensary, the applicant obtained building permits to renovate the front building, including a new stucco façade with three clerestory windows facing Harbor Boulevard, and relocating the entrance from Harbor Boulevard to the rear of the building. At the time of this report, the permitted improvements to the front building are in progress.

If the CUP is approved, the applicant proposes to further upgrade the exterior of the front building with graffiti-resistant tile and planter boxes. Proposed site improvements as shown in the attached conceptual landscape plan include living plant walls in the parking lot, a new planter box at the front of the property along Harbor Boulevard, adding approximately 400 square feet of landscaping in the rear (including at least eight palm trees), adding a bicycle rack to encourage multi-modal transportation, striping the parking lot to comply with the City's parking design standards, and constructing a trash enclosure. The applicant also proposes to update the site with security lighting, surveillance cameras and new signage (signs to be reviewed and permitted separately per the City's sign code requirements). As indicated above, the rear building is proposed to be demolished.

Interior Tenant Improvements

The proposed cannabis retail business includes an interior lobby, customer restroom, non-cannabis sales floor area, cannabis and cannabis product sales floor area, and "back-of-house" limited access areas that include an office, storage, employee restroom and security room. The non-cannabis floor area includes the display of store branded hats and t-shirts, and cannabis related accessories. Below is a summary of the proposed floor plan within the 2,446-square-foot building.

Operational Area	Square Feet	
Lobby	360	
Customer Restroom	61	
Non-Cannabis Sales Floor	615	
Cannabis Sales Floor	1,083	
Office, Storage & Security	293	
Employee Restroom	47	
Total	2,446	

Customer and Employee Access

All entrance/exit doors face the parking lot. Customers would only be allowed in the lobby, customer restroom, and sales areas. All other areas of the premises would be limited access areas and accessible only to employees with security credentials and escorted vendors. Customer access to the proposed establishment would include entering the licensed premise from a door adjacent to the parking lot. Staff would verify the customer's identity and age before allowing the customer to enter the non-cannabis sales area. When staff determines there is

adequate space and service for another customer, they would allow them into the cannabis and cannabis product sales area. The two sales floors would be divided by a pony wall and tempered glass. After completing a transaction, customers must leave the property. As conditioned, a security guard would monitor the property at all times to ensure that customers are following regulations.

Employees would enter through an access-controlled "employee-only" entrance in the rear of the building. Vendors would only enter through the access-controlled employee door while accompanied by an employee of the subject retail business. The applicant plans to utilize their Costa Mesa manufacturing and distribution businesses as vendors.

The distance from the controlled access doors to the vehicle loading area (parking space #2) is approximately 20 feet. The access doors, path of travel and vehicle loading areas would be under camera surveillance.

Storefront Operations

The proposed business is required to comply with the proposed retail storefront operational conditions/requirements:

- 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;
 - 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;
 - 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 areas after their age and identity have 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;
 - o Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity, and cost thereof; 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 would escort the
 distributor to the shipping and receiving area (office) and remain with them throughout the
 process.
- Cannabis goods to be sold at this establishment must be obtained from a licensed cannabis distributor and have passed laboratory testing for quality control;
- 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;

Business Plan

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

Security Plan

The applicant provided 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 addressed/required for the proposed cannabis retail establishment:

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

- Visitor/customer specific security measures shall be required; and
- All facility entry and exit points and locations where cash or cannabis products are handled or stored shall be under camera surveillance.

Parking and Circulation

Retail cannabis uses are subject to the same parking ratio requirement as other retail establishments in the City (four spaces per 1,000 square feet of gross floor area). Based on this ratio, the proposed 2,446-square-foot facility is required to provide ten onsite parking spaces. With proposed demolition of the unpermitted rear structure and parking lot re-striping, the proposed project includes ten vehicular parking spaces that would serve the proposed cannabis retail facility. Pursuant to the CMMC, the proposed bike rack would credit the site with one additional and surplus parking space.

The site is accessed from Harbor Boulevard via only right-hand turns. This section of Harbor Boulevard is developed with a raised, planted center median which restricts left-hand turns into the site. As a result of the existing building location, the existing/proposed access driveway is 11 feet, 11 inches wide and therefore can only accommodate a single vehicle for site ingress or egress. The driveway and aisle width are legal non-conforming. Staff previously identified the narrow driveway as a circulation concern with the applicant and the applicant has responded by agreeing to provide a parking attendant to ensure that customer access to the site parking will not result in queuing on Harbor Boulevard. In order to prevent circulation impacts on Harbor Boulevard, staff has included a condition of approval that requires the applicant to provide a minimum of one parking attendant onsite during business hours. The parking attendant will monitor the driveway and be stationed near Harbor Boulevard to ensure that customers exiting the site will yield driveway access to customers entering the site. In addition, the condition requires that the parking attendant be equipped with a two -way radio to the staff person monitoring the facility's entrance/exit door to inform the parking attendant when customers are leaving the facility. Lastly, the parking attendant will be provided signage to alert customer's when the parking lot is full. The proposed condition requires that the parking attendant be provided for the first six-months from business opening and that after that time, the applicant may request that staff consider elimination of this requirement if conditions do not warrant the further need for the site parking attendant (see Operational Condition of Approval No. 8.).

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate the precise parking 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 Condition of Approval No. 6). Examples of parking demand management techniques include, but are not limited to, modification of business operating hours, offering an employee shuttle service, and incentivizing employee carpooling/cycling/walking. The applicant could also investigate if off-site parking opportunities exist nearby that can be used by employees during the establishment's initial opening period. The applicant operates two Measure X facilities in the City and is exploring options for an employee shuttle between those facilities and the retail storefront.

Traffic

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 Transportation Services Division determined that the appropriate average daily trips (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. The City's traffic review focuses on net trip increase and therefore the ADT for the previous/existing use(s) is credited (subtracted) from the proposed use ADT to estimate potential changes in trip generation. Staff analyzed the ADT of the existing/previous automotive uses and compared that with the proposed retail cannabis use ADT. CMMC Section 13-275(a), specifies that "a traffic impact study shall be required for all development projects estimated by the Public Services Department to generate one hundred (100) or more vehicle trip ends during a peak hour." Staff determined that the proposed project does not meet the threshold for requiring a traffic study. However, the proposed use would be subject to a traffic impact fee. The estimated traffic impact fee is approximately \$29,000. The fee calculation would be finalized during the building permit plan check process and must be paid prior to building permit issuance.

Odor Attenuation

Generally, cannabis products would arrive in tamper and odor-resistant packaging and remain unopened until consumption. The proposed HVAC system would utilize industry-standard activated carbon filter equipment to completely filter the air. HEPA air purifiers would also be used to minimize odor. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. The facility also features an enclosed lobby and an enclosed non-cannabis sales area that separates the retail sales floors and limited access areas from the public entrance. These divided rooms provide additional odor barriers that will assist in minimizing potential exterior cannabis odor. Lastly, as conditioned, if cannabis odor is detected outside of the building or off-site specifically, the business owner/operator will be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services.

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.

1. **Policy LU-1.1:** Provide for the development of a mix and balance of housing opportunities,

commercial goods and services and employment opportunities in consideration of the need of the business and residential segments of the community.

Consistency: The proposed use would provide a new entrepreneurial business in Costa Mesa located within a commercial area as allowed under Measure Q, and provides new goods and services and new employment opportunities in the community.

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

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

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

Consistency: The proposed use is part of the specialized and growing cannabis industry that is limited in the surrounding region. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry.

REQUIRED FINDINGS:

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

The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. The subject site is located within a commercial zone (C1, Local Business District) where commercial development is specifically allowed to include retail storefronts. The property is located on one of the City's primary commercial corridors and surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts are permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof and no outdoor storage or sales are proposed, nor would be allowed. Staff does not anticipate that the proposed cannabis use would be materially detrimental to the adjacent uses that include automotiverelated establishments and upholstery. The proposed use would also not be materially detrimental to the properties located behind the subject property as these uses are divided from the property by fencing and involve vehicle storage. Lastly, the proposed licensed premise would be located more than 300 feet from the closest residentially zoned property. As proposed and conditioned, the retail cannabis use would be compatible with adjacent commercial properties and in compliance with local and State requirements.

Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. The proposed cannabis retail storefront would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, at least one security guard would be onsite at all times, and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. In addition, the business employees, including part-time staff, must pass a Live Scan background check and obtain an identification badge from the City. The conditions of approval including, but not limited to, the aforementioned security measures are intended to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood. In addition, the conditions of approval include the requirement for a parking attendant to monitor driveway access and parking conditions to ensure appropriate onsite circulation and access from Harbor Boulevard.

• Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. If approved, the proposed project would reduce existing nonconformities such as floor area ratio, insufficient parking, absence of landscaping, and lack of trash enclosure. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate the full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities involving negligible or no expansion of the existing use. This project site contains an existing building that has been used for commercial activities and the application does not propose an increase in floor area or otherwise expand the prior commercial use. The proposed us is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

The Planning Commission has the following decision alternatives:

- 1. <u>Approve the project</u>. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
- 2. 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. <u>Deny the project</u>. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

- Mailed notice. A public notice was mailed to all property owners and occupants within a 500foot 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, one written comment has been received and is attached to this report. Any other public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

The proposed project is a retail cannabis storefront business on an existing developed commercial property that is located on one of the City's commercial corridors and meets the separation requirements established in CMMC 13-200.93(e). Staff and the City's cannabis consultant completed the 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 local 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, conduct site inspections to verify that the operation complies with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

As proposed and conditioned, the use would be consistent with other commercial uses in the C1 zone, the Zoning Code, the City's General Plan. In addition, the required findings for the CUP can be made, as described above. Therefore, staff recommends approval of Planning Application 21-21 subject to conditions of approval.

RESOLUTION NO. PC-2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-21 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (VERTICAL FOUR DBA 420 CENTRAL NEWPORT MESA) IN THE C1 ZONE AT 1990 HARBOR BOULEVARD

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.

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

WHEREAS, Planning Application 21-21 was filed by Robert Taft, Jr., authorized agent and property owner, requesting approval of the following:

A Conditional Use Permit to operate a storefront retail cannabis business within an existing 2,446-square-foot commercial building located at 1990 Harbor Boulevard. The business would sell pre-packaged cannabis and cannabis products directly to onsite customers, subject to conditions of approval and other City and State requirements.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 13, 2022 with the opportunity for the public 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 CEQA per Section 15301 (Class 1), for Existing Facilities. As described in the staff report.

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit

B, the Planning Commission hereby **APPROVES** Planning Application 21-21 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 21-21 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 13th day of June, 2022.

Byron de Arakal, 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 June 13th, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

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

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

Facts in Support of Findings: The subject site is located within a commercial zone (C1, Local Business District) where commercial development is specifically allowed to include retail storefronts. The property is located on one of the City's primary commercial corridors and surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts are permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof and no outdoor storage or sales are proposed, nor would be allowed. Staff does not anticipate that the proposed cannabis use would be materially detrimental to the adjacent uses that include automotive-related establishments and upholstery. The proposed use would also not be materially detrimental to the properties located behind the subject property as these uses are divided from the property by fencing and involve vehicle storage. Lastly, the proposed licensed premise would be located more than 300 feet from the closest residentially zoned property. As proposed and conditioned, the retail cannabis use would be compatible with adjacent commercial properties and in compliance with local and State requirements.

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

Facts in Support of Finding: The proposed cannabis retail storefront would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, at least one security guard would be onsite at all times, and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and all interior

limited access spaces. In addition, the business employees, including parttime staff, must pass a Live Scan background check and obtain an identification badge from the City. The conditions of approval including, but not limited to, the aforementioned security measures are intended to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood. In addition, the conditions of approval include the requirement for a parking attendant to monitor driveway access and parking conditions to ensure appropriate onsite circulation and access from Harbor Boulevard.

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

- Facts in Support of Finding: The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. If approved, the proposed project would reduce existing nonconformities such as floor area ratio, insufficient parking, absence of landscaping, and lack of trash enclosure. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate the full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.
- B. The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities involving negligible or no expansion of the existing use. This project site contains an existing building that has been used for commercial activities and the application does not propose an increase in floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation and regulations.
- C. The project is subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

General

Plng.

- 1. The use of this property as a cannabis storefront shall comply with the approved plans and terms described in the resolution, these conditions of approval, and applicable sections of the Costa Mesa Municipal Code (CMMC). The Planning Commission may modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
- Approval of the planning/zoning application is valid for two years from the 2. effective date of this approval and will expire at the end of that period unless the applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 30 days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180-days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
- 3. No person may engage in any cannabis business or in any cannabis activity within the City including the 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 9 [and 10] license[s], no permit holder or any of its employees shall sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product to any person, firm, corporation, group or any other entity, unless that person or entity is a lawful, bona fide customer, or it possesses all currently valid permits and/or licenses required by both the State of California and applicable local governmental entity to lawfully receive such cannabis and to engage in a "cannabis activity" as defined by Costa Mesa Municipal Code sec. 9-485. The permit holder shall verify that the recipient, regardless of where it is located, of any cannabis or cannabis product sold, distributed, furnished, and/or otherwise provided by or on behalf of the permit holder, possesses all required permits and/or licenses therefor.
- The applicant shall defend, indemnify, and hold harmless the City, its elected 8. and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs 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, and including any action related to CEQA compliance. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify the City for all such costs incurred by City.
- 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 management plan, including techniques described in Operational Condition of Approval No. 6, must be approved by the Director of Economic and Development Services or designee prior to any grand opening or other high volume event on the subject property.
- 12. The applicant is responsible for obtaining a CEQA Notice of Exemption from Planning and filing it, including paying the filing fee, with the County of Orange Clerk-Recorder within 5 days after the end of the appeal period.
- 13. Development shall comply with the requirements of the following adopted Bldg. codes: 2019 California Residential Code, 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.
- 14. The operator shall maintain a valid Cannabis Business Permit and a valid **CBP** Business License at all times. The Cannabis Business Permit application number associated with this address is MQ-21-05. Upon issuance, the Cannabis Business Permit will be valid for a two-year period and must be renewed with the City prior to its expiration date, including the payment of permit renewal fees. No more than one Cannabis Business Permit may be issued to property.
 - 15. The use shall operate in accordance with the approved Business Plan. Any changes to the Business Plan must be submitted to the Planning Division with a written explanation of the changes. If the Director determines that changes are substantial, a modification to the Cannabis Business Permit and/or amendment to the CUP may be required.
 - 16. A Cannabis Business Permit may be revoked upon a hearing by the Director of Economic and Development Services pursuant to Section 9-120 of the CMMC for failing to comply with the terms of the permit, the applicable provisions of the CMMC, State law or regulation and/or any condition of any other permit issued pursuant to this code. Revocation of the Cannabis Business Permit shall trigger the City's proceedings to revoke the Conditional Use Permit and its amendments. The Conditional Use Permit granted herein shall not be construed to allow any subsequent

- owner/operator to continue operating under PA-21-21 until a valid new Cannabis Business Permit is received from the City of Costa Mesa.
- 17. A change in ownership affecting an interest of 51 or more percent, or an incremental change in ownership that will result in a change of 51 or more percent over a three year period, shall require submittal and approval of a new Cannabis Business Permit. A change in ownership that affects an interest of less than 51 percent shall require approval of a minor modification to the Cannabis Business Permit.

State

- 18. The business must obtain any and all licenses required by State law and/or regulation prior to engaging in any cannabis activity at the property.
- 19. The applicant shall obtain State License Type 10 prior to operating. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, inclduding, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
- 20. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City. This Conditional Use Permit will expire and be of no further force and effect if any State issued license remains suspended for a period exceeding six (6) months. Documentation of three violations during routine inspections or investigations of complaints shall result in the Community Inprovement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
- 21. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business. It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.

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 business operator shall incorporate the use of "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; and

- d. The owner/operator shall have in place a point-of-sale tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale). The owner/operator shall ensure that such information is compatible with the City's recordkeeping systems. The system must have the capability to produce historical transactional data for review by the City Manager or designees.
- Insp. 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.
 - 28. Inspections of this cannabis business by the City will be conducted, at a minimum, on a quarterly basis. The applicant will pay for inspections according to the adopted Fee Schedule.
 - 29. Quarterly Fire & Life Safety Inspections will be conducted by the Community Risk Reduction Division to verify compliance with the approved operation. The applicant will pay for the inspection according to the Additional Required Inspections as adopted in the Fee Schedule.
 - 30. Annual Fire & Life Safety Inspections will be conducted by the Fire Station Crew for emergency response pre-planning and site access familiarization. The applicant will pay for the inspection according to the adopted Fee Schedule.
 - 31. Pursuant to Title 9, Chapter VI, it is unlawful for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law.

Prior to Issuance of Building Permits

- 1. Plans shall be prepared, stamped and signed by a California licensed Architect or Engineer.
- 2. The conditions of approval and ordinance or code provisions of Planning Application 21-21 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 contact South Coast Air Quality Management District (AQMD) located at: 21865 Copley Dr.

Diamond Bar, CA 91765-4178

Tel: 909- 396-2000

- Or visit its web site: http://www.costamesaca.gov/modules/showdocument.aspx?documentid = 23381. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.
- 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.
- 6. Plan check submittal shall include new landscaping generally consistent with the conceptual landscape plan, including adding at least eight palm trees or four non-palm trees at sizes necessary to comply with CMMC requirements, living green walls at the rear of the property, and a planter box at the front of the property. Plan check submittal shall also include a new trash enclosure, bike rack, and parking lot striping in conformance with CMMC requirements.
- 7. Construction documents shall include demolition of the rear building.
- 8. Construction documents shall include a temporary security lighting exhibit to ensure the construction site will not encourage illegal encampments.
- 9. 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.
- 10. The plans and business operator shall comply with the requirements of the 2019 California Fire Code, including the 2019 Intervening Update and referenced standards as amended by the City of Costa Mesa.
- 11. The Traffic Impact Fee as calculated by the Transportation Services Division shall be paid in full.

Prior to Issuance of a Certificate of Use/Occupancy

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

Prior to Issuance of Cannabis Business Permit

1. The applicant shall contact the Planning Division for a facility inspection and provide a matrix of conditions of approval explaining how each was met prior to issuance of the Cannabis Business Permit.

- 2. The applicant shall pay the public notice fee (\$1 per notice post card) and the newspaper ad publishing cost.
- 3. The final Security Plan and building plans shall be consistent.
- 4. The rear structure shall be demolished.
- 5. Each entrance to the business shall be visibly posted with a clear and legible notice stating the following:
 - a. That smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited;
 - b. That no person under the age of twenty-one (21) years of age is permitted to enter upon the premises;
 - c. That loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises is prohibited; 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..
- 6. 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.
- 7. The applicant shall submit an executed Retail Cannabis Business Permit Defense and Indemnity Agreement on a form to be provided by the City.

Operational Conditions

- 1. No product deliveries to the facility shall occur after 10:00 PM and before 7:00 AM.
- 2. Sales to customers are limited to the hours between 7:00 AM and 10:00 PM.
- 3. At least one security guard shall be onsite at all times.
- 4. The operator shall maintain free of litter all areas of the property under which applicant has control.
- 5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute appropriate security and operational measures as necessary to comply with this requirement.

- 6. If parking shortages or other parking-related problems develop, the business owner or operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services or designee. Temporary or permanent parking management strategies include, but are not limited to, employee shuttle service, carpooling incentives, third party driving services for employees (such as Uber or Lift), and having staff actively monitor onsite parking and circulation.
- 7. While working, employees shall not park on residential streets.
- 8. At least one parking attendant shall be provided to monitor driveway accessibility and parking lot circulation during business hours. The parking attendant will be stationed near Harbor Boulevard to ensure that customers exiting the site will yield driveway access to customers entering the site. In addition, the parking attendant will be provided with a two-way radio to the staff person monitoring the facility's entrance/exit door to inform the parking attendant when customers are leaving the facility. The parking attendant will also be provided signage to alert customer's when the parking lot is full. The parking attendant shall be employed for the first six-months from business opening and after that time, the applicant may request that staff consider elimination of this requirement if conditions do not warrant the further need for the site parking attendant.
- 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. Product unloading from licensed distributors shall only take place on-site and within direct unobstructed view of surveillance cameras, located in close proximity to the limited access exterior door, as shown on an exhibit approved by the Director of Economic and Development Services or designee. The security guard shall monitor loading and unloading delivery vehicles on-site at all times. No unloading of cannabis products shall take place outside of camera view. Video surveillance cameras shall be installed on the exterior of the building with direct views of the employee door. Any modifications or additional vehicle unloading areas shall be submitted to the Director of Economic and Development Services or designee for approval.
- 11. Product unloading shall be conducted so as not to interfere with normal use of streets, sidewalks, and driveways.
- 12. No vehicle unloading area shall encroach into a required building setback along a public right-of-way.
- 13. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
- 14. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
- 15. Cannabis shall not be consumed on the property at any time, in any form.

- 16. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
- 17. 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.
- 18. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
- 19. 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.
- 20. 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.
- 21. 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 cost thereof; and (4) Total transaction amount paid.

APPLICANT LETTER Vertical Four, Inc. 1990 Harbor Blvd.

STATEMENT OF INTENT: VERTICAL FOUR, INC. ("V4") seeks a business permit from the City and a Type-10 Cannabis Retail Storefront License from the State. The business of V4 at this location will be limited to retailing licensed, compliant, pre-packaged cannabis and cannabis goods. Our ownership team has over 15 years of combined experience owning and operating cannabis retail stores.

FACILITY ADDRESS & USE: Our facility, located at 1990 Harbor Blvd., consists of 2,446 sq. ft. located within the C1 Local Business District zone, outside of 1000' of a k-12 school, day care facility, playground, and homeless shelter as well as 600' from any youth center. The square footage of the building will be used in the following way: 1) Lobby and Check-In Area; 2) Retail Sales Floor; 3) Limited Access Inventory Storage Area; 4) Security Room; 5) Offices; and 6) Restrooms.

<u>HOURS OF OPERATION.</u> Hours of operation shall be limited to: 7:00 a.m. to 10:00 p.m. daily. V4 will not be open to the public between the hours of 10:01 p.m. and 6:59 a.m.

<u>SECURITY</u>: As described in our professionally prepared security plan, the facility will have a state-of-the-art security system throughout. The facility will include digital key fob readers on all doors, panic alarm devices, security cameras strategically placed throughout the interior and exterior of the facility.

<u>OBJECTIVES</u>: The first objective of V4 is to be a best-practice operator by staying educated and informed of regulation updates so that our operation is always compliant.

Our second objective is to be a good neighbor. Our business model and Standard Operating Procedures have been crafted to ensure compatibility and consistency with neighboring businesses. From security procedures to odor control protocols, to directing traffic flow, our goal is to be the best neighbors we can be.

Our Odor Control Plan will ensure that no cannabis odors are detected outside our premises. We will only carry products that have been factory sealed. Our building will fully be airtight and contained, and all doors and windows will remain closed. We will utilize both HEPA and "activated" carbon filters though out the facility to ensure all traces of cannabis odors to the outside environment are eliminated.

Finally, to mitigate any risk of product diversion, every single product is tracked and recorded from the time it arrives on our premises to the time it leaves our premises, including every time a product moves within our premises.

STORAGE. Of the 2,446 square feet of space, including "limited access areas" which will securely house inventory of packaged cannabis products. The limited access area refers to the area in which any cannabis is held, quarantined, or stored, including our retail floor, storage room, and security room. All inventory is kept in a secure vault like room. Cannabis Product is stored with limited access rules and protocols. All Doors are controlled to prevent access to limited and secure access areas of premise, are Solid Core, Self-Closing with non-residential commercial locks. The storage room is equipped

with both alarms and cameras to ensure all product is secure during both operating hours as well as during non-operating hours.

<u>OPERATIONS:</u> All customers and guests must check-in with our Security Guard at the main entrance prior to entering our business. Pursuant to 16 CCR §5402(a) all customers will be required to show a valid form of government issued photo identification 2 times prior to purchase: once prior to entry and another time prior to actual check out. Once the age of the person and the validity of his/her identification has been established, the customer will be allowed entry into our store. All identification documentation will be scanned and stored via the Veriscan electronic system.

<u>PRODUCTS</u>. V4's customers will be able to choose form over 400 SKUs and 12 different types of products, including flower, concentrates, edibles, lotions, tinctures, pre-rolls, accessories & topicals. Whether the customer is looking for physical pain relief, assistance sleeping or is simply looking to unwind, our wide array of products will ensure there is something for every customer. All products will be strictly tested and their manufacturing and cultivation sites will be inspected to ensure that such products also meet our rigid safety, testing, and purity standards. We anticipate that 50% of our sales at our Costa Mesa store will be cannabis flower and pre-rolls and 50% other cannabis products.

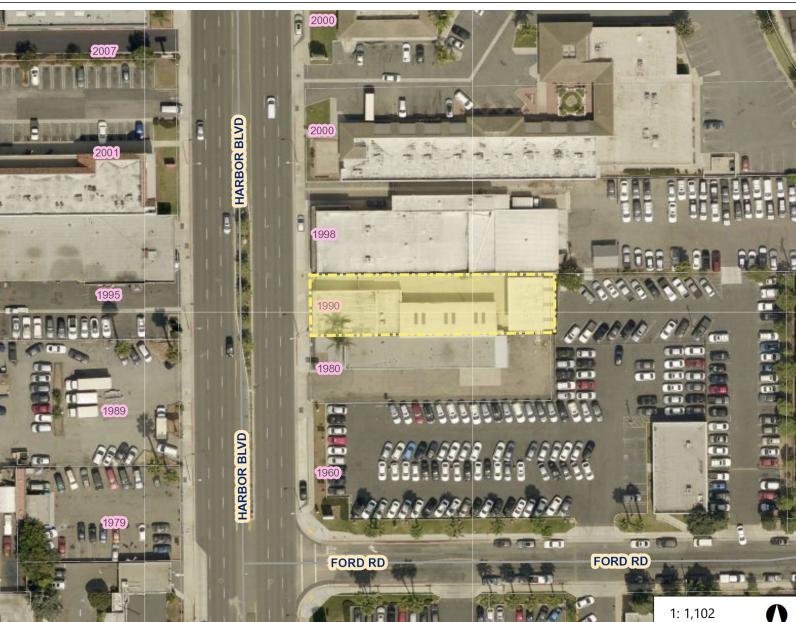
We will only conduct business with other State licensed cannabis businesses who can provide proof of legal and regulatory compliance, including valid State license certification. Historically, the traditional dispensary model has focused heavily on flower. However, our business model is also focused on high-CBD, low-THC products and a variety of topicals, edibles and tinctures to meet the health and wellness needs of customers including our aging population. This model deviates from the traditional emphasis on 'getting high' and will require a highly knowledgeable staff focused on providing patient and consumer education on the variety of cannabis consumption methods available and their respective benefits.

We believe this category breakdown will be similar in Costa Mesa as our team members are trained to educate consumers on the values of enrichment instead of the traditional focus on getting high. We have found that when consumers are educated, they often opt for products that are not formulated solely for their ability to get the consumer high which we believe is critical from a public health and safety perspective. Products will include the following:

- 1. Flower & Pre-Rolls.
- 2. Extracts & Concentrates.
- 3. Vaproizers.
- 4. Edibles.
- 5. Topicals.
- 6. Beverages.
- 7. Tincures.
- 8. Capsules.



PA-21-21 (1990 Harbor Boulevard) - Vicinity Map



0.0 Miles

0.02



Legend

Costa Mesa

Notes

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

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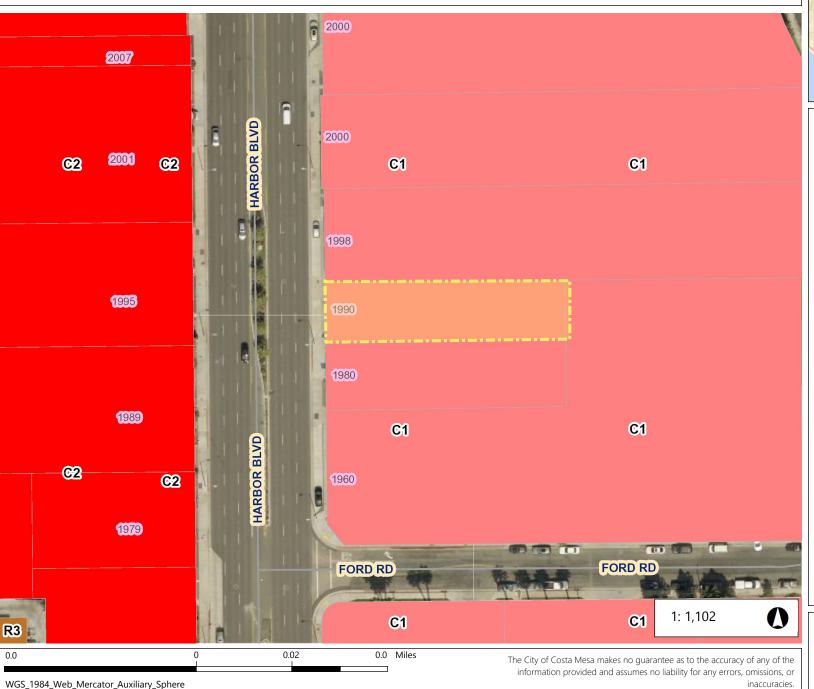
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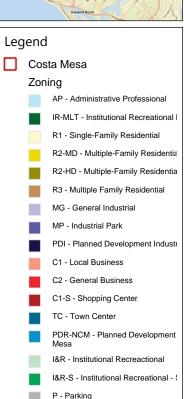


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PA-21-21 (1990 Harbor Boulevard) - Zoning Map







CL - Commercial Limited
PDC - Planned Development Comm

Density

PDR-LD - Planned Development Ri PDR-MD - Planned Development R

PDR-HD - Planned Development R

Notes

ATTACHMENT 5

SITE PHOTOS



Façade along Harbor Boulevard in 2021



Façade remodel along Harbor Boulevard in progress

ATTACHMENT 5



View of the front building and driveway looking toward Harbor Boulevard

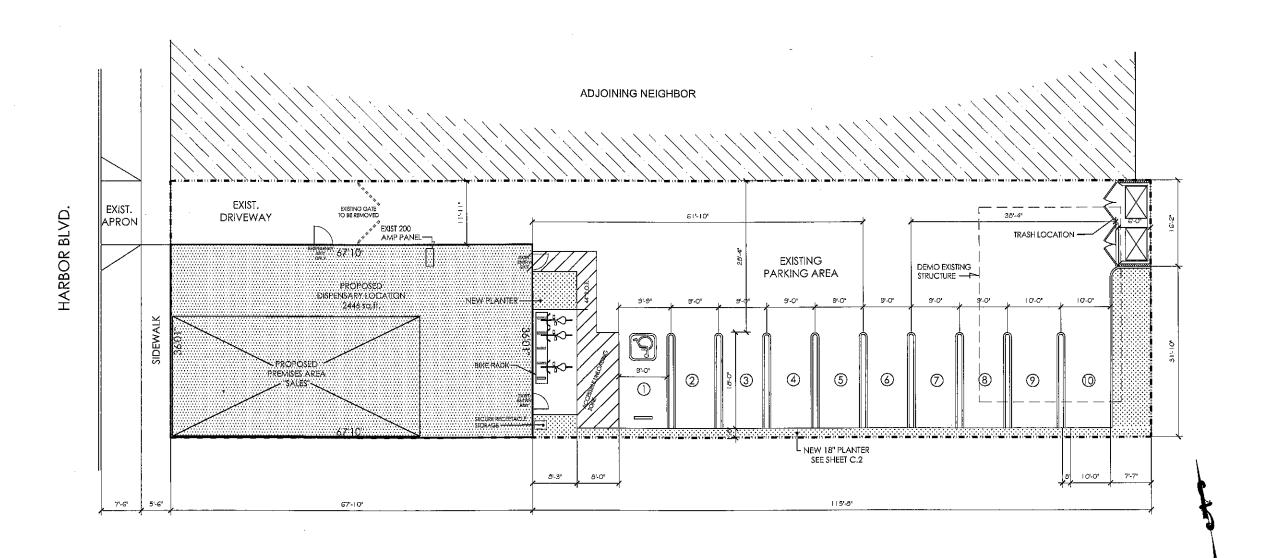


View of the rear front building and rear building

ATTACHMENT 6

She	eet Index	Legend	Project Information
C.1	TITLE SHEET / SITE PLAN	PROPERTY LINE	GOVERNING CODE 2019 CBC, CMC, CPC, CEC, AND 2019 T-24 ENERGY REG.
C.2	LANDSCAPE PLAN	BUILDING LINE	CONSTRUCTION TYPE TYPE VB / NON-SPRINLKERED
C.3	COLOR ELEVATIONS	EXISTING FOOTPRINT	OCCUPANCY TYPE COMMERCIAL - B
C.4	SENSITIVE USE MAP	ADJOINING NEIGHBOR	USE RETAIL
PM,1	PARCEL MAP		ZONE C2
		Parking	NUMBER OF STORIES ONE
PM.2	PARCEL MAP "CONTINUED"	Assessable 1 Standard 9 Total 10	APN: 418-203-05

SITE PLAN



DG+Associates IIc 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:

1990 Harbor Blvd. Costa Mesa, Ca. 92627

CLIENT:

420 Central 1990 Harbor Blvd. Costa Mesa, Ca. 92627

ENERGY CONSULTANT:

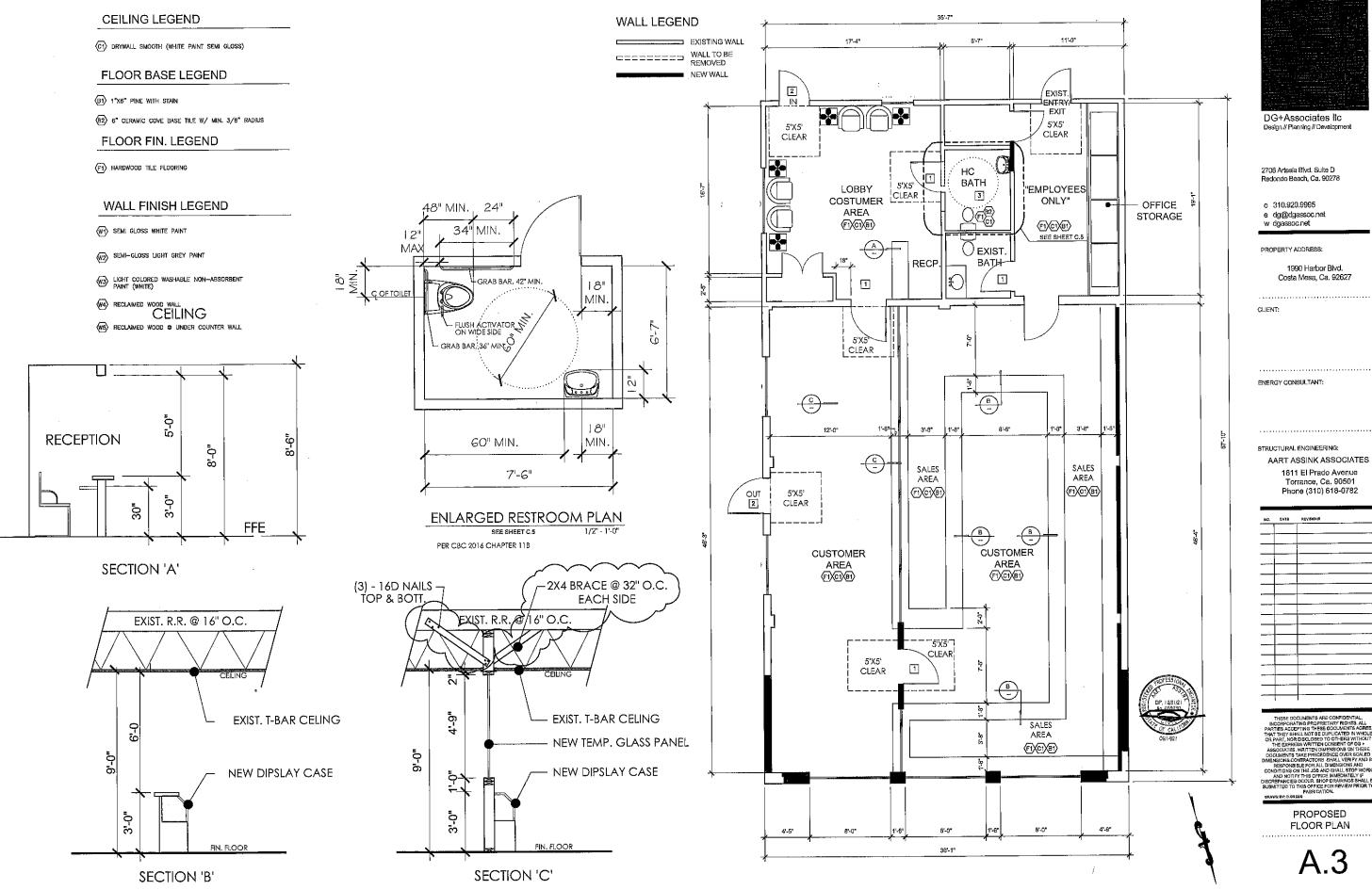
STRUCTURAL ENGINEERING:

NO. DATE REVISIONS

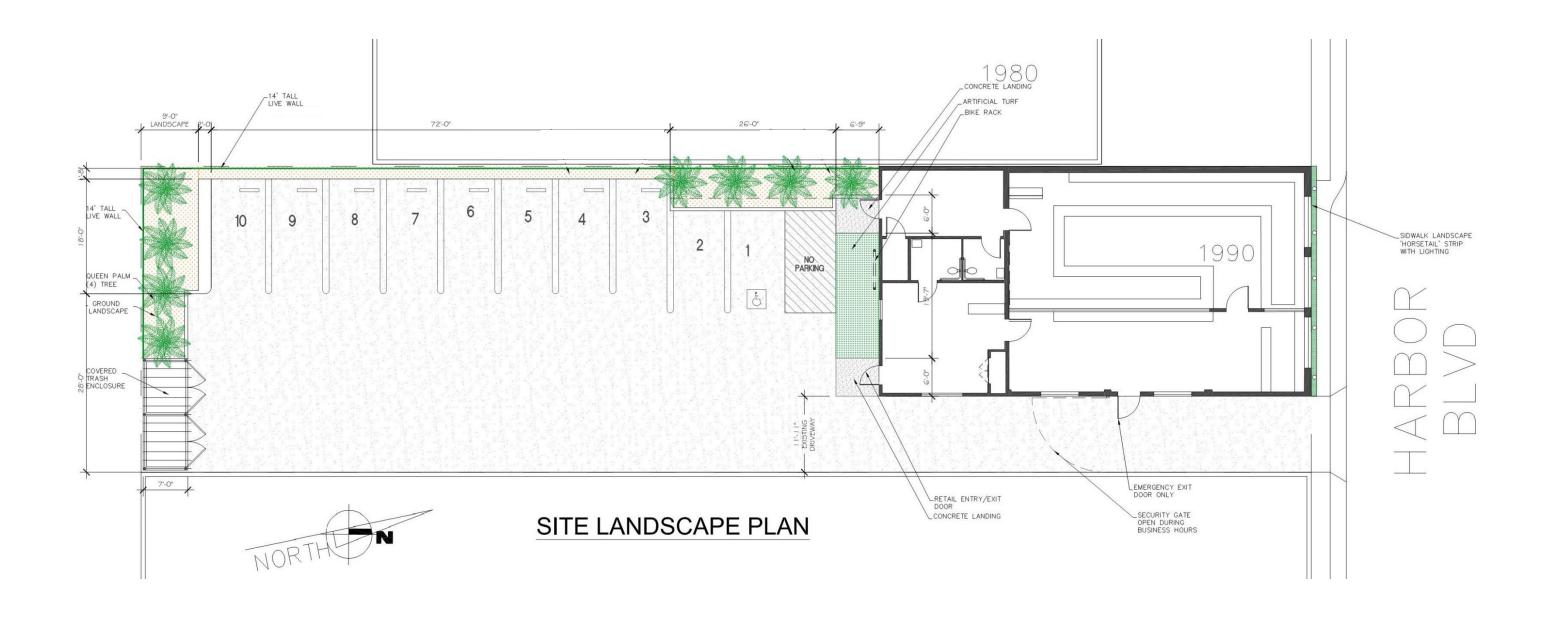
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TITLE SHEET / SITE PLAN

C.



















From: <u>Michael Hua</u>

To: <u>PC Public Comments</u>

Subject: Response to Public Notice APP PA-21-21

Date: Wednesday, June 8, 2022 11:27:02 AM

To the Costa Mesa Planning Commission,

This is in response to the proposal to allow for a CUP of a retail cannabis storefront at 1990 Harbor Blvd. We currently reside at 2000 Harbor Blvd Ste C100 and have had at least 3 cannabis dispensers in our plaza in the last several years. This location at 1990 Harbor Blvd is the next storefront over. It is from our experience that these dispensaries bring an unsafe clientele to the overall area. We've had multiple issues of people being intoxicated or under the influence driving in and out of our plaza due to such dispensaries. We've had instances of people literally urinating in the vicinity of our business as well. 1990 Harbor is on the main street view and directly connects to Harbor Blvd. This poses a possible dangerous risk as such clientele drive directly onto Harbor Blvd, in an already dangerous section of the street due to traffic.

Overall, we please ask the planning board to deny the CUP that is being proposed. Thank you for your time and consideration.

Sincerely,

Michael Hua, Pharm.D.
Pharmacy Manager
Harbor Compounding Pharmacy
2000 Harbor Blvd Ste. C100
Costa Mesa, CA 92627
P (949) 642-0106
F (949) 642-5039

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