



City of Costa Mesa

PLANNING COMMISSION

Agenda - Final

Monday, June 27, 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=N2lvbzhJM2hWU3puZkk1T3VYTkhOQT09>

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 27, 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.

COMMISSIONER COMMENTS AND SUGGESTIONS

CONSENT CALENDAR: None.

PUBLIC HEARINGS:

1. **CALL TO REVIEW PLANNING DIVISION ZONING APPROVAL BC21-00147 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND REMODEL AT 283 EAST 19TH STREET** [22-771](#)

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to uphold the Planning Division's administrative approval of the proposed second-story addition at 283 East 19th Street with recommended design modifications, as agreed to by the applicant and owners of the neighboring property located at 279 East 19th Street.

Attachments: [Agenda Report](#)

- [1. Draft Planning Commission Resolution](#)
- [2. Summary Sheet](#)
- [3. Summary of Changes](#)
- [4. Second Story Notification](#)
- [5. Neighbor Statement](#)
- [6. Vicinity Map](#)
- [7. Zoning Map](#)
- [8. Pictures](#)
- [9. Plans](#)

2. **PLANNING APPLICATION 22-13 FOR A CANNABIS DISTRIBUTION FACILITY ("HERA DISTRIBUTION LLC") AT 3505 CADILLAC AVENUE, UNIT F3** [22-780](#)

RECOMMENDATION:

Staff is recommending that the Planning Commission continue this item to the July 11, 2022 public hearing in order to provide staff more time to clarify and report on certain application aspects.

Attachments: [Agenda Report](#)

3. **PLANNING APPLICATION 21-20 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 124 EAST 17th STREET** [22-772](#)

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 21-20, subject to conditions of approval.

Attachments: [Agenda Report](#)

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

4. PLANNING APPLICATION 21-14 FOR A RETAIL CANNABIS [22-768](#) STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 1921 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 21-14, subject to conditions of approval.

Attachments: [Agenda Report](#)

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

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENT REPORTS:

1. PUBLIC SERVICES REPORT

2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY

ADJOURNMENT

Next Meeting: Planning Commission regular meeting, Monday, July 11, 2022 - 6:00 p.m.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-771

Meeting Date: 6/27/2022

TITLE:

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

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

APPLICANT OR AUTHORIZED AGENT:

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

BACKGROUND:

The subject "call for review" was heard by the Planning Commission at the June 13, 2022 Planning Commission meeting. The property owners and occupants of the neighboring property located at 279 East 19th Street expressed concerns regarding the proposed addition including:

1. A proposed new juliet balcony to be located at the proposed "library";
2. An increase in the size of windows located at the existing "Master Bedroom 2";
3. Increased shade; and
4. The long façade of the proposed residential additions.

After considering public testimony including both the neighbors at 279 East 19th Street and the applicant's architect, the Planning Commission continued the item to the June 27, 2022 Planning Commission hearing by a 6-0 vote. The specific Planning Commission direction was for the applicant's architect to determine if the applicant was receptive to the design changes recommended by staff to reduce potential privacy impacts for the neighboring property at 279 East 19th Street. The Planning Commission discussed that if the property owner was not supportive of the potential design

changes, a motion would be proposed at the June 27, 2022 public hearing to support the Planning Division's original approval.

Additional information in regards to the June 13, 2022 Planning Commission hearing can be found at the following links.

Staff Report:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=5689183&GUID=9A1C327B-9D14-4D0E-AAFA-6BCC5E9E17C8>

Video:

https://costamesa.granicus.com/player/clip/3871?view_id=14&redirect=true

DESCRIPTION:

Since the June 13, 2022 Planning Commission hearing, the applicant's architect has developed a modified floor plan that incorporates the previously proposed "storage" area into the existing "Master Bedroom 2." By merging these two rooms, the project design takes advantage of an ingress/egress window located in the previously proposed "storage" area and is thereby able to retain the existing clerestory windows in "Master Bedroom 2" to address potential privacy concerns while remaining compliant with the Building Code (see the below Figures A and B).

Figure A

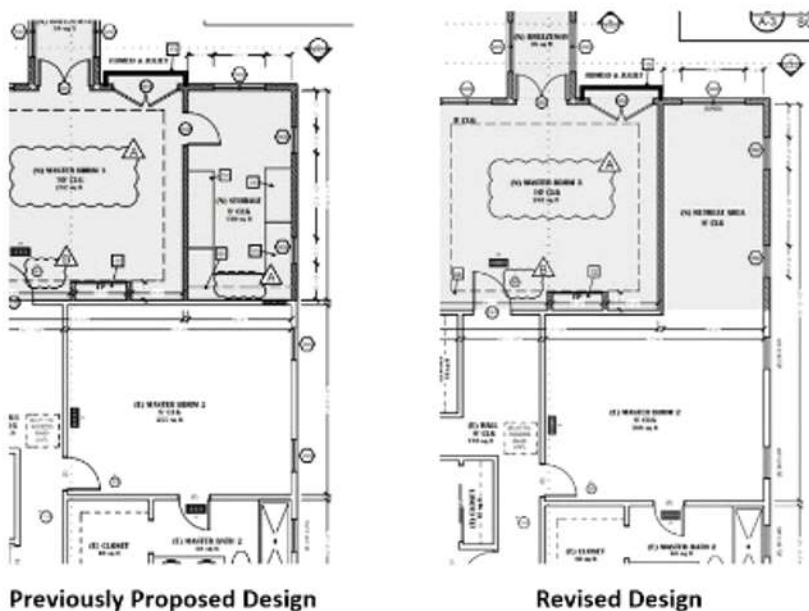


Figure B**Previously Proposed Elevation****Revised Elevation**

In addition, the applicant has provided a photograph that was taken from the roof of the existing garage where the juliet balcony is proposed to be located (see the below Figure C). Figure C shows generally that views from the proposed development into the property at 279 East 19th Street from the proposed balcony would be obstructed by a fence, landscaping, and the approximate 19-foot distance between the proposed balcony and the shared property line.

Figure C



The neighboring property owners at 279 East 19th Street have been provided the revised floor plans and the aforementioned photo, and provided an email to staff indicating that they appreciate their neighbor's design responses to their privacy concerns and believe that there "will not be a major impact on privacy" as currently proposed.

ANALYSIS:

The property owners at 279 East 19th Street have submitted correspondence to staff that indicates that their previous privacy and other concerns have been resolved with the proposed design changes. Therefore, no further analysis is necessary.

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 by the City Council 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 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 June 13, 2022 Planning Commission report. In addition, the property owners at 279 East 19th Street have submitted correspondence to staff that indicates that their previous privacy and other concerns have been resolved with the proposed design changes. Therefore, the previous issues have been resolved and staff recommends the Planning Commission approve the project, as revised.

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 subject to the recommended design modifications;
2. Approve the project, subject to additional specific design changes that would 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 an 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 appeal.

Mailed notice has been provided at least 10 days in advance of the hearing to the immediately adjacent residences (which were originally notified), 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 27, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

As noted specifically in this staff report, 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. 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 and respects the neighborhood character in that the neighborhood includes a mix of single and two-story residences. Lastly, and with certain design modifications as described in this report, the proposed location of decks, windows and other activity areas would not result in a substantial impact to neighbor privacy.

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 with design modifications as described in this report.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-771

Meeting Date: 6/27/2022

TITLE:

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

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

APPLICANT OR AUTHORIZED AGENT:

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

BACKGROUND:

The subject "call for review" was heard by the Planning Commission at the June 13, 2022 Planning Commission meeting. The property owners and occupants of the neighboring property located at 279 East 19th Street expressed concerns regarding the proposed addition including:

1. A proposed new juliet balcony to be located at the proposed "library";
2. An increase in the size of windows located at the existing "Master Bedroom 2";
3. Increased shade; and
4. The long façade of the proposed residential additions.

After considering public testimony including both the neighbors at 279 East 19th Street and the applicant's architect, the Planning Commission continued the item to the June 27, 2022 Planning Commission hearing by a 6-0 vote. The specific Planning Commission direction was for the applicant's architect to determine if the applicant was receptive to the design changes recommended by staff to reduce potential privacy impacts for the neighboring property at 279 East 19th Street. The Planning Commission discussed that if the property owner was not supportive of the potential design

changes, a motion would be proposed at the June 27, 2022 public hearing to support the Planning Division's original approval.

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Video:

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DESCRIPTION:

Since the June 13, 2022 Planning Commission hearing, the applicant's architect has developed a modified floor plan that incorporates the previously proposed "storage" area into the existing "Master Bedroom 2." By merging these two rooms, the project design takes advantage of an ingress/egress window located in the previously proposed "storage" area and is thereby able to retain the existing clerestory windows in "Master Bedroom 2" to address potential privacy concerns while remaining compliant with the Building Code (see the below Figures A and B).

Figure A

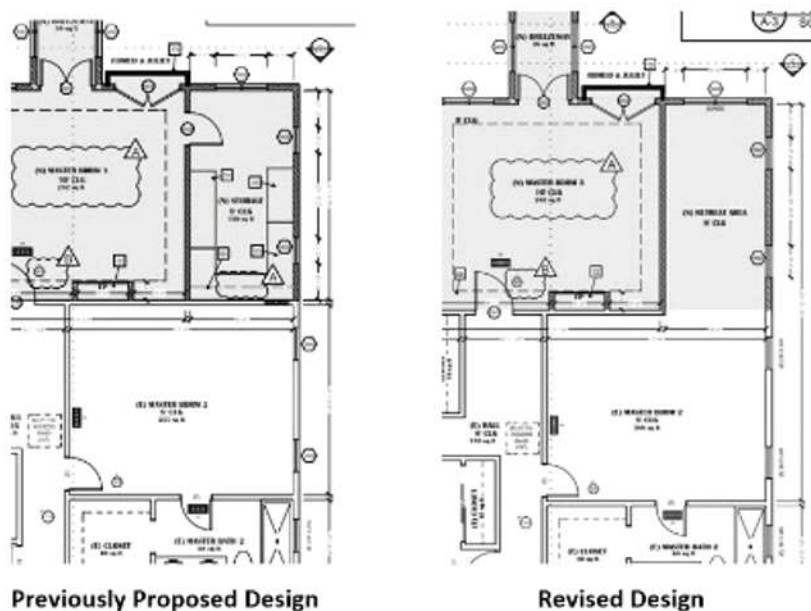


Figure B**Previously Proposed Elevation****Revised Elevation**

In addition, the applicant has provided a photograph that was taken from the roof of the existing garage where the juliet balcony is proposed to be located (see the below Figure C). Figure C shows generally that views from the proposed development into the property at 279 East 19th Street from the proposed balcony would be obstructed by a fence, landscaping, and the approximate 19-foot distance between the proposed balcony and the shared property line.

Figure C

The neighboring property owners at 279 East 19th Street have been provided the revised floor plans and the aforementioned photo, and provided an email to staff indicating that they appreciate their neighbor's design responses to their privacy concerns and believe that there "will not be a major impact on privacy" as currently proposed.

ANALYSIS:

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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 by the City Council 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 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 June 13, 2022 Planning Commission report. In addition, the property owners at 279 East 19th Street have submitted correspondence to staff that indicates that their previous privacy and other concerns have been resolved with the proposed design changes. Therefore, the previous issues have been resolved and staff recommends the Planning Commission approve the project, as revised.

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 subject to the recommended design modifications;
2. Approve the project, subject to additional specific design changes that would 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 an 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 appeal.

Mailed notice has been provided at least 10 days in advance of the hearing to the immediately adjacent residences (which were originally notified), 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 27, 2022 Planning Commission meeting will be provided separately.

CONCLUSION:

As noted specifically in this staff report, 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. 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 and respects the neighborhood character in that the neighborhood includes a mix of single and two-story residences. Lastly, and with certain design modifications as described in this report, the proposed location of decks, windows and other activity areas would not result in a substantial impact to neighbor privacy.

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 with design modifications as described in this report.

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 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.

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

WHEREAS, duly noticed public hearings were held by the Planning Commission on June 13, 2022 and June 27, 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 CEQA per CEQA Guidelines 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 to review 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 27th 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 27, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

No. PC-2022- __

ATTACHMENT 2

PLANNING APPLICATION SUMMARY

Location:	283 E 19 th Street	Application Number:	BC21-00147
Request:	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 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 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.		

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 (Right/Left)	10FT/10FT	(11FT/11FT-7IN)
Rear Setback	5 FT	10 FT
Parking		
Covered Parking	2 Spaces	2 Spaces
Open Parking	1 Space	1 Space
CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)	
Final Action	Planning Commission	



RESIDENCE: 283 E 19th St, COSTA MESA

June 18, 2022

ATTN: City of Costa Mesa

We are preparing the architectural drawings for the residence located at 283 E 19th St, Costa Mesa, CA 92627. The scope of work is to extend the second story to above the existing garage.

To do not disturb neighbor's privacy, we have made some adjustment on the proposed plans on the right side of the property. Please notice:

- 1.- We have changed all the new 2nd-story windows, we are reducing them and matching them with existing windows in this left elevation. The new proposed windows will be 2'-6" by 1'-3" Awning window, to match existing two windows.
- 2.- We cannot flip 180 degree the library layout since the Romeo & Juliet Balcony would be closer to the neighbor on our left, however, we have taken some picture and added them to the 3D's to show the view from proposed balcony. Since there is an existing 8' height fence between both properties, from the balcony, we will be only available to see the garage wall and the garage roof of our right neighbor, please see pictures below.

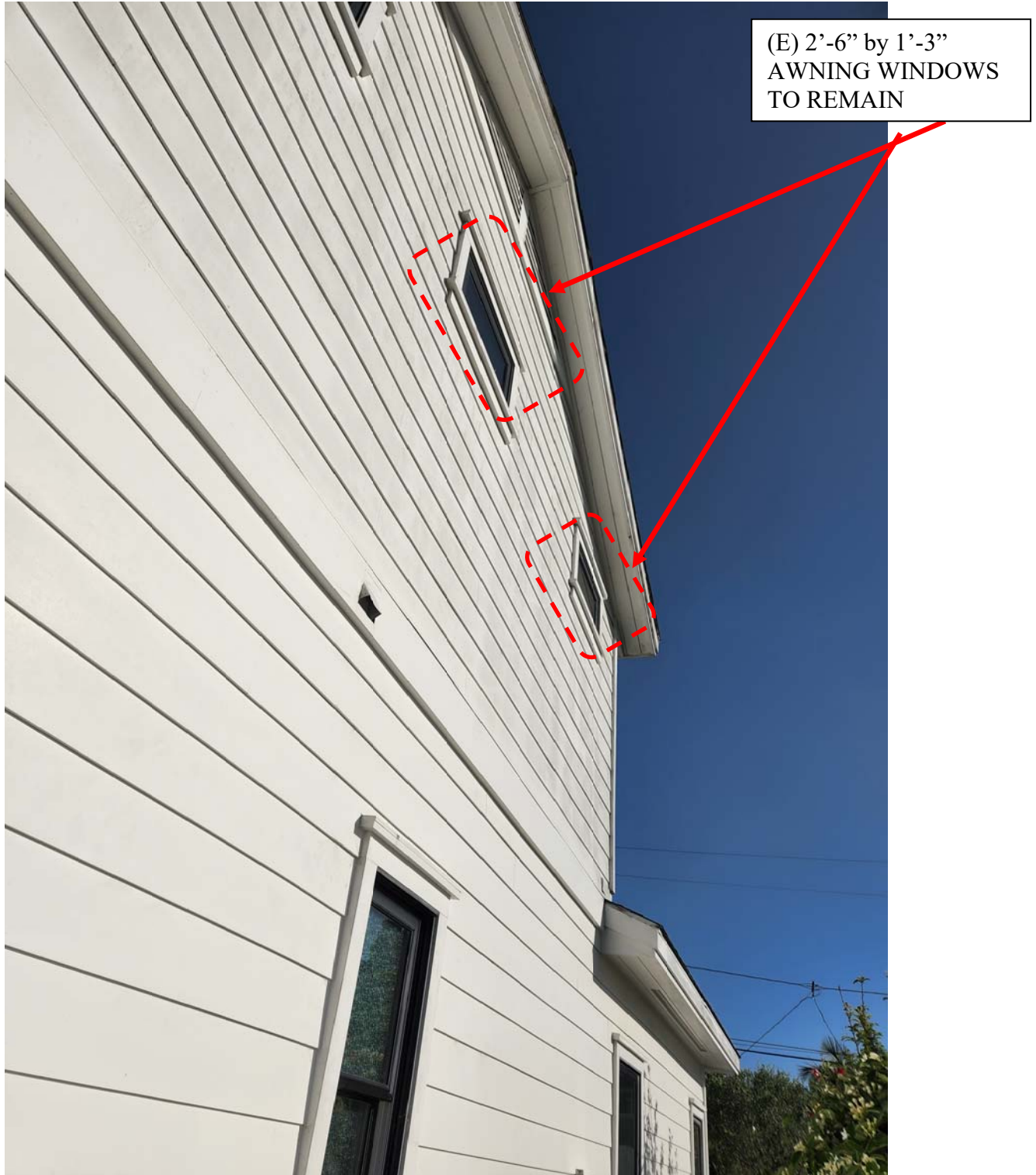
If you need further information, you can contact us at (714) 289-4652.

Sincerely,

TRUPLANS

NOTE: 3D's are for reference only. Any existing house features that are not specified to be removed are to remain.

EXISTING RIGHT ELEVATION

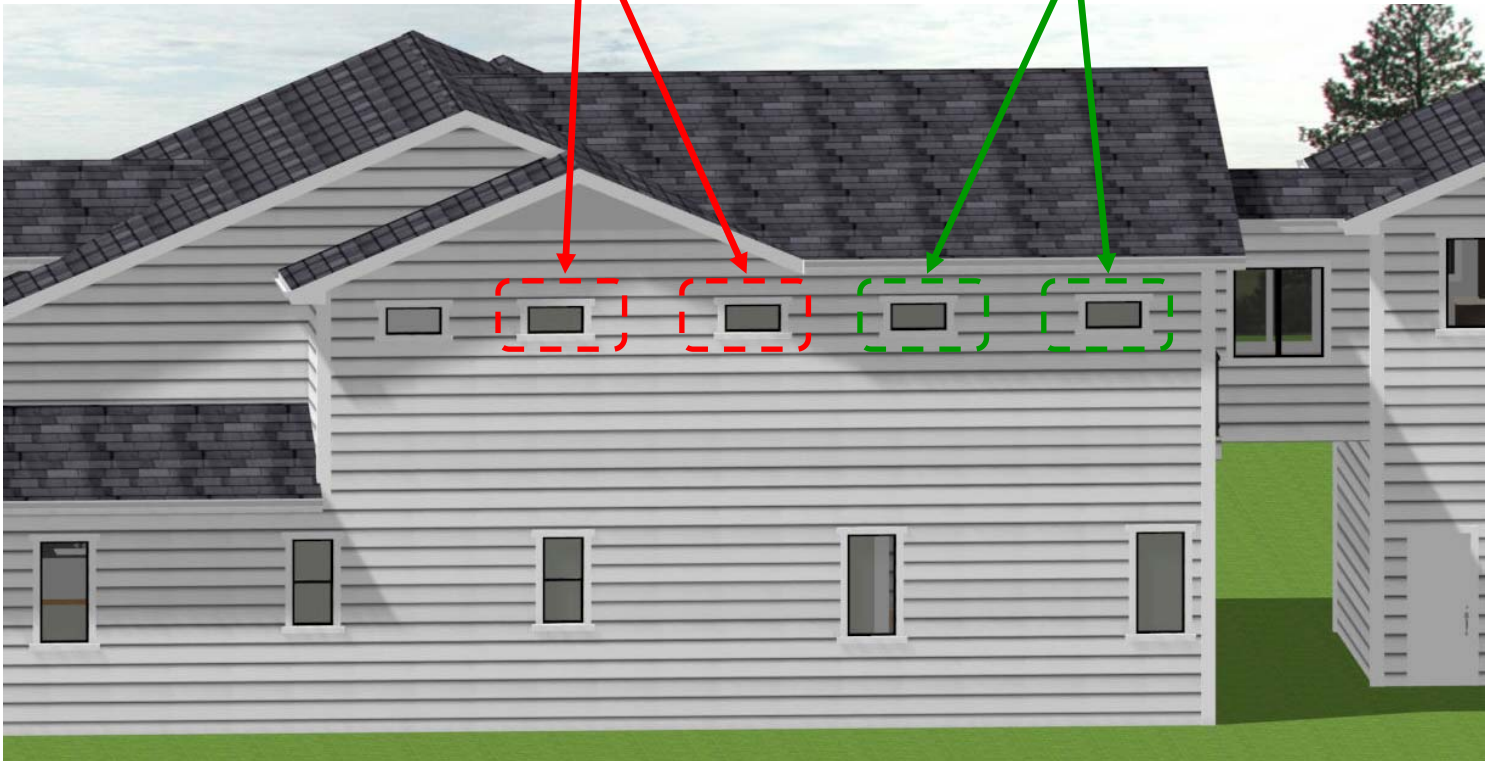


NOTE: 3D's are for reference only. Any existing house features that are not specified to be removed are to remain.

PROPOSED RIGHT ELEVATION

(E) 2'-6" by 1'-3"
AWNING WINDOWS
TO REMAIN

(N) 2'-6" by 1'-3"
AWNING WINDOWS TO
MATCH EXISTING



NOTE: 3D's are for reference only. Any existing house features that are not specified to be removed are to remain.

EXISTING REAR VIEW (GARDEN)

(E) 8' HEIGHT FENCE
TO REMAIN



(E) 8' HEIGHT FENCE
TO REMAIN



NOTE: 3D's are for reference only. Any existing house features that are not specified to be removed are to remain.

PROPOSED RIGHT VIEW (FROM LIBRARY)



NOTE: 3D's are for reference only. Any existing house features that are not specified to be removed are to remain.

PROPOSED RIGHT VIEW (FROM BALCONY)



NOTE: 3D's are for reference only. Any existing house features that are not specified to be removed are to remain.



**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
275 South Peralta Hills Dr.
Anaheim, CA 92807

Frederick Arnold
279 E 19th Street
Costa Mesa, CA 92627

Rosecrans-Hine Family Living Trust
1218 Highland Drive
Newport Beach, CA 92660

YEAGER, CHRISTOPHER

From: Karen Sas-Arnold <ksasarnold@gmail.com>
Sent: Monday, June 20, 2022 2:15 PM
To: YEAGER, CHRISTOPHER
Subject: Re: 283 E 19th Street Updated Plans

Hi Chris,

We have reviewed the enclosed modified plans and are very happy to see the windows on the Westside facing over our patio are awning/clearstory windows. Our main issue was with our privacy. We also reviewed the photos/rendering of the Juliette balcony facing our property. It seems it will not have a major impact on privacy. We can always address this issue with vegetation if needed.

Thank you again for your help
 Best Regards
 Fred & Karn Arnold
 279 E. 19th St. CM

On Jun 20, 2022, at 9:09 AM, YEAGER, CHRISTOPHER
 <CHRISTOPHER.YEAGER@costamesaca.gov> wrote:

Hi Karen and Fred,

I just left you a voicemail but wanted to follow up with an email. Below I have images showing the modified plans. Can you please take a look and let me know what you think? The application will be heard by the Planning Commission on Monday, June 27th at 6pm.

<image001.png>

<image002.png>

<image003.png>

<image004.jpg>


<image005.png>

Chris Yeager

Associate Planner

Development Services Department

77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-4883

 Please consider the environment before printing this email. Thank you!


"The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive, and vibrant community."

Development Services staff are available to assist you Monday through Thursday and every other Friday, 8AM to 5PM.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.



Legend

 Costa Mesa

1: 1,102

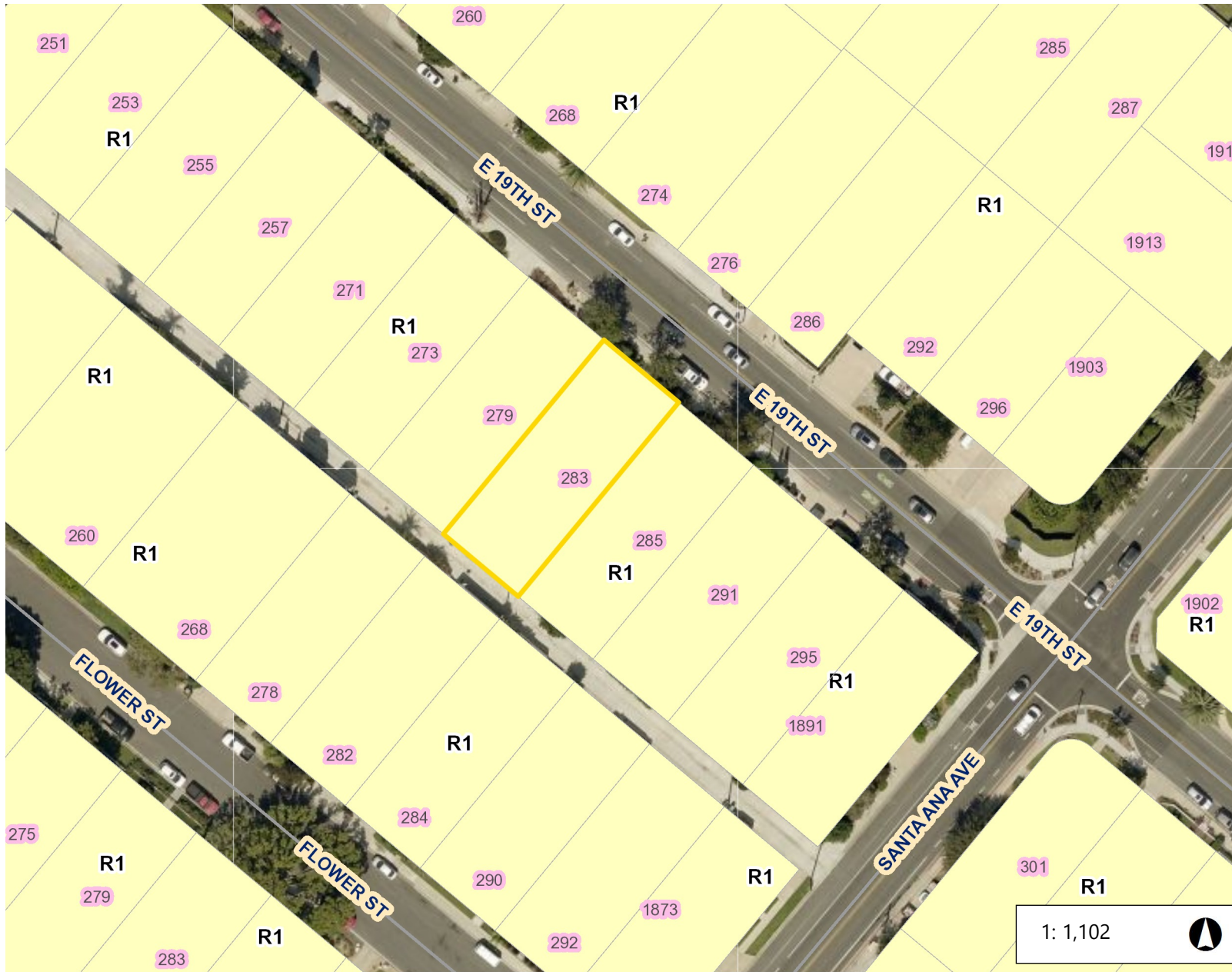


0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Costa Mesa

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

Notes



Legend

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

Notes

0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Costa Mesa

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View from the proposed Juliet balcony
to the neighboring property.



SB 407 COMPLIANCE

EFFECTIVE JAN 1, 2014, SB 407 REQUIRES REPLACEMENT OF ALL NONCOMPLIANT PLUMBING FIXTURES IN PROPERTIES BUILT ON OR BEFORE JAN 1, 1994 WITH WATER-CONSERVING PLUMBING FIXTURES.

1. WATER CLOSETS SHALL NOT EXCEED 1.28 GALLONS PER FLUSH.
2. SHOWERHEADS SHALL HAVE A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 80 PSI.
3. ALL FAUCETS SHALL NOT EXCEED 1.2 GALLONS PER MINUTE AT 60 PSI. EXCEPTION KITCHEN FAUCETS SHALL NOT EXCEED 1.8 GALLONS PER MINUTE AT 60 PSI.

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

WALL LEGEND

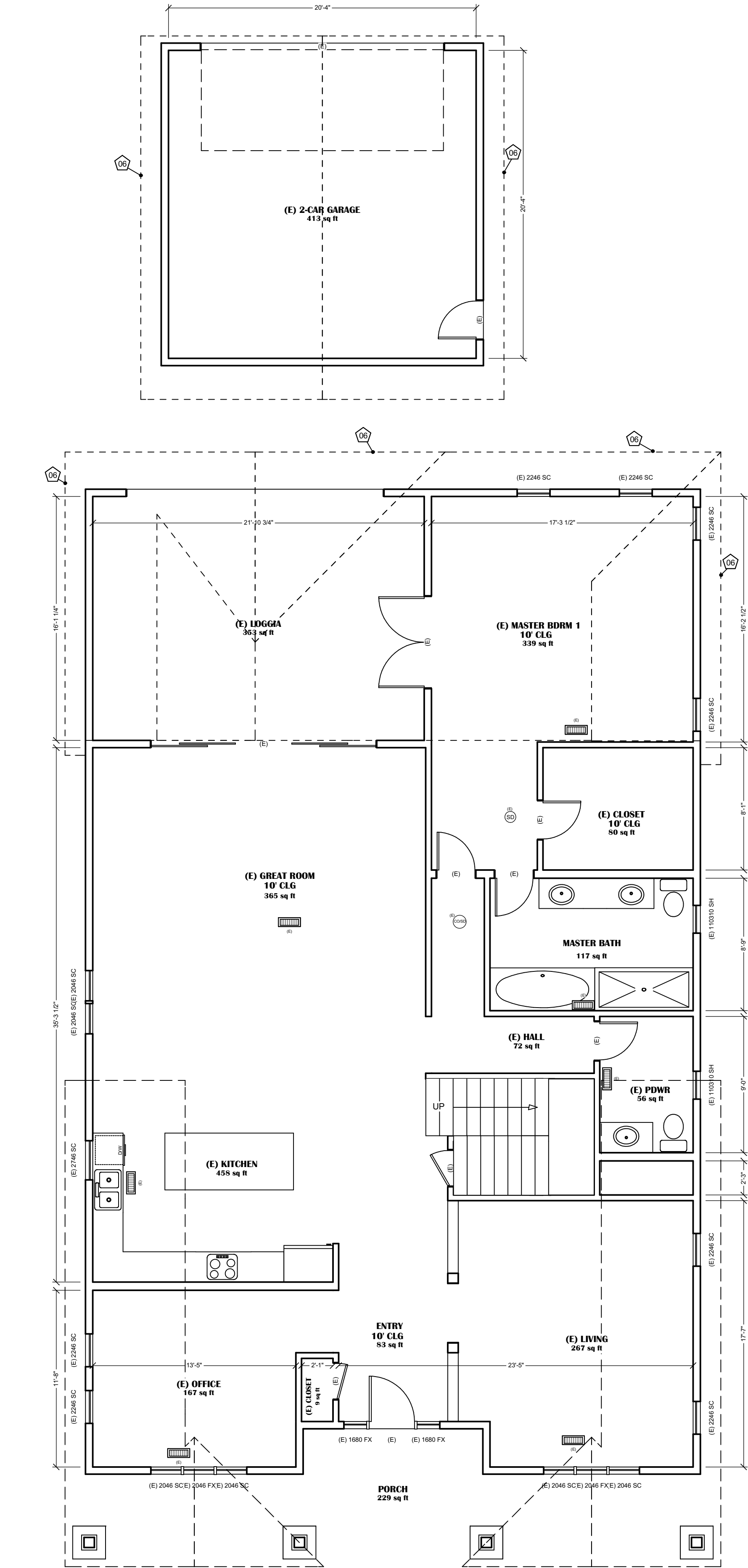
- EXISTING 2X WALLS TO REMAIN
- EXISTING 2X WALLS TO BE REMOVED
- 2X WD. STUDS @ 16" O.C. INTERIOR SIDE: 1/2" THK. GYP. BD. FINISH. BATH SIDE - PROVIDE MOISTURE RESISTANT-TYPE 1/2" THK. GYP. BD. ON EXTERIOR SIDE (WHERE STUCCO IS USED) - PROVIDE EXTERIOR PLASTER FINISH MIN 7/8" THICKNESS OVER 2 LAYERS GRADE D BUILDING PAPER (FELT) OVER PLYWOOD SHEATHING.
- 1 HR. FIRE RATED WALL: 2X4 WD. STUDS @ 16" O.C. WITH 5/8" TYPE 'X' GYP. BD. FINISH ON BOTH SIDES. BATH SIDE: 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

UTILITY LEGEND

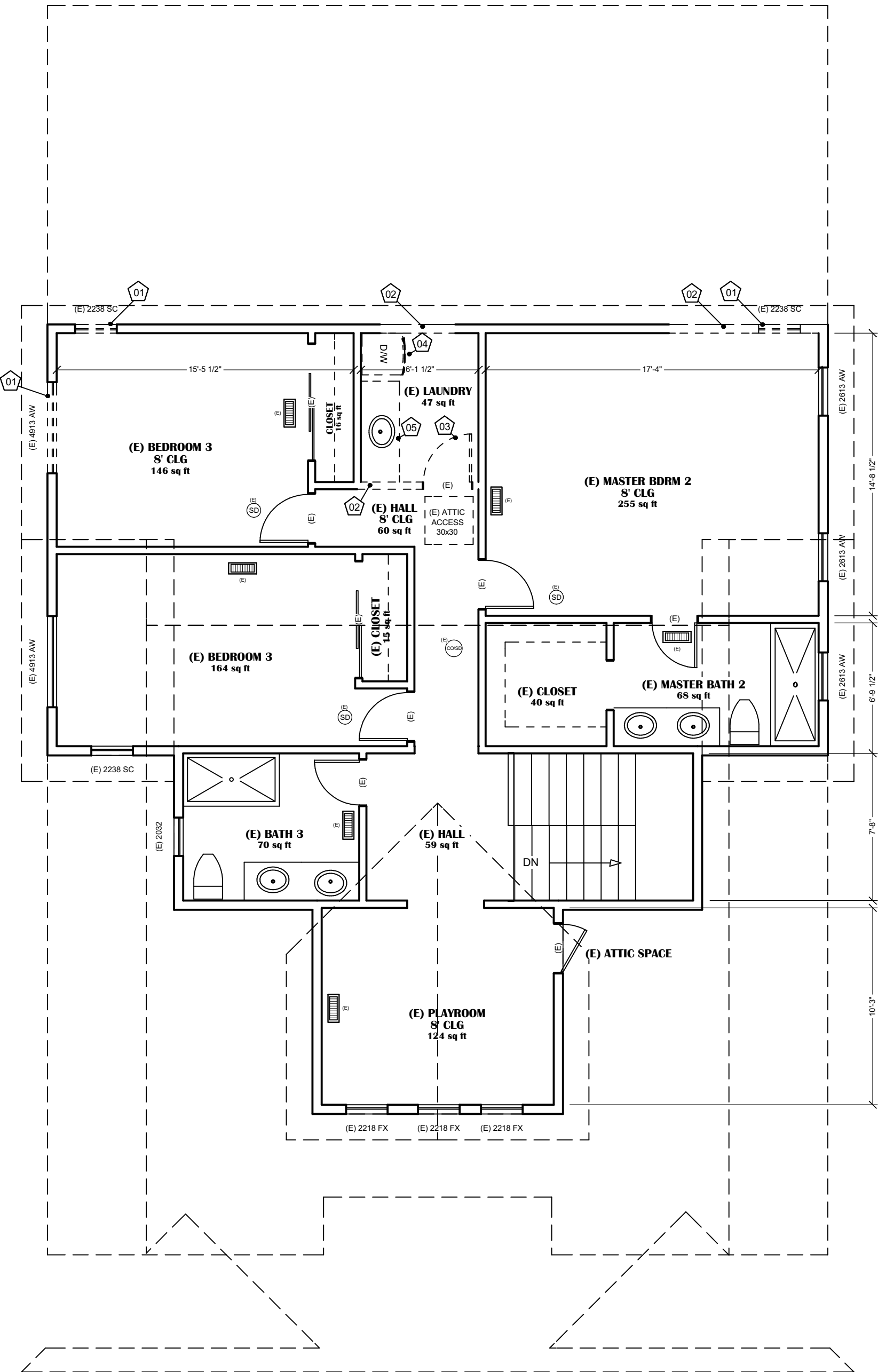
- SMOKE DETECTOR (HARDWIRED W/ BATTERY BACKUP)
- CARBON MONOXIDE/SMOKE DETECTOR COMBO (HARDWIRED W/ BATTERY BACKUP)
- HVAC

EXISTING HOUSE BUILT IN 2013

KEYNOTE REFERENCE		
NUMBER	LOC	DESCRIPTION
01	3	DEMO (E) WINDOW
02	3	DEMO (E) WALL
03	1	DEMO (E) DOOR
04	1	DEMO (E) DRYER/WASHER COMBO
05	1	DEMO (E) SINK
06	6	DEMO (E) ROOF



EXISTING 1st FLOOR PLAN - DEMO
SCALE: 1/4" = 1'-0"



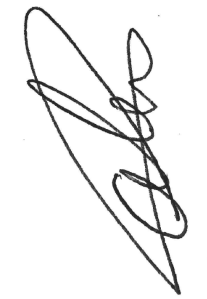
EXISTING 2nd FLOOR PLAN - DEMO
SCALE: 1/4" = 1'-0"

REVISIONS
ABC=PLAN CHECK
123=FIELD

PLANNING DEPARTMENT
2/4/2021

PLANNING DEPARTMENT
2/10/2021

GENERAL CONTRACTOR

PREPARED BY:

ALEX HURTADO

PREPARED BY:

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

SECOND STORY ADDITION to:

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

DRAWN
A.H.

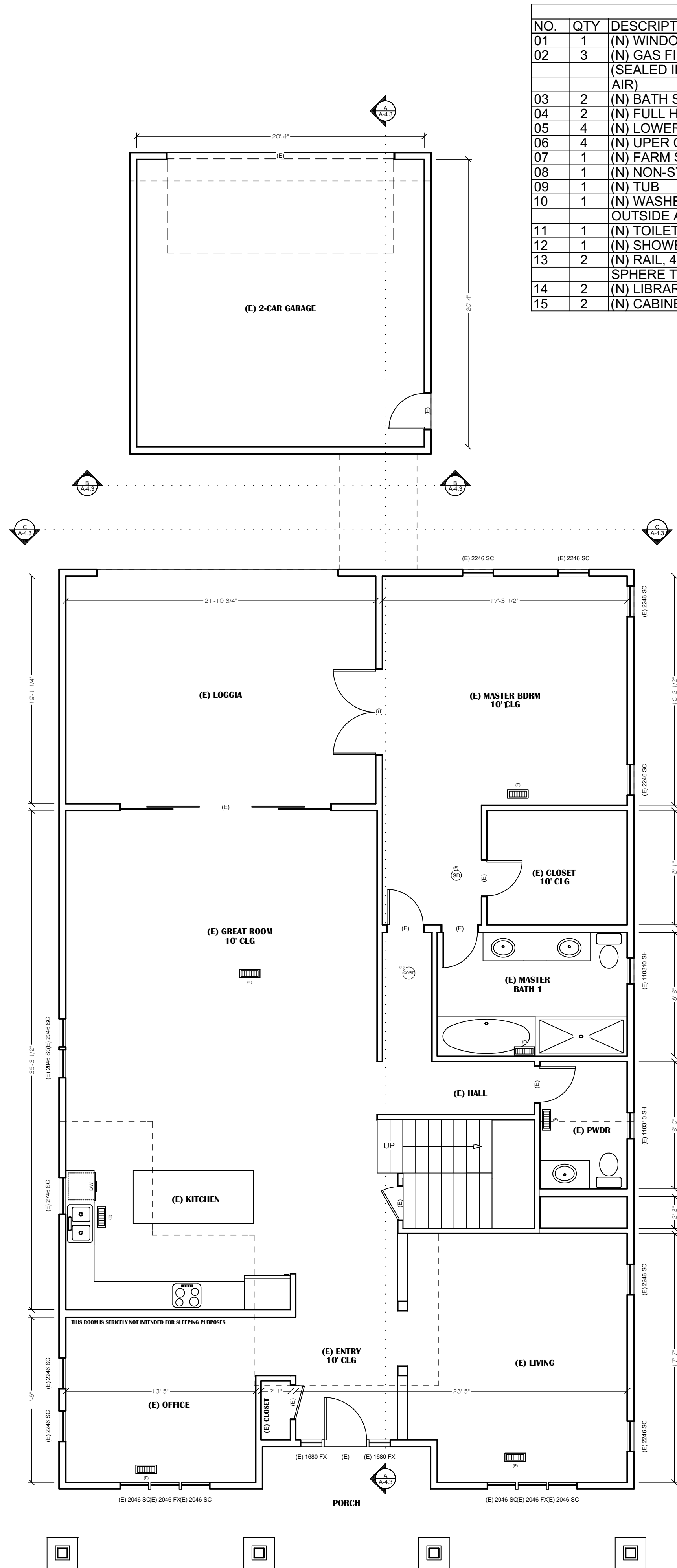
CHECKED
J.D.

DATE
12/04/2020

SHEET SIZE TO SCALE
24" X 36"

JOB NO.
SHEET

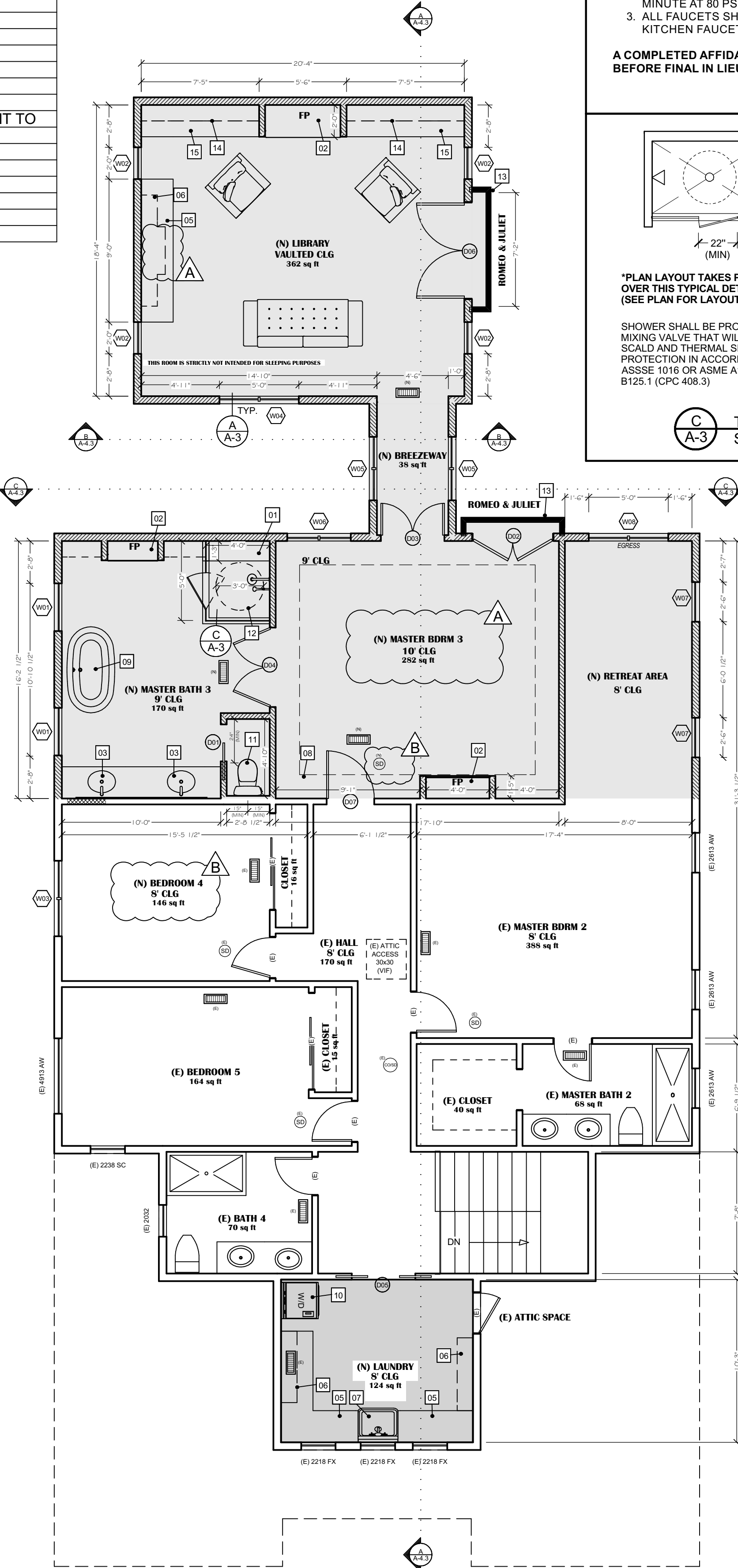
A-2
EXISTING / DEMO



PROPOSED 1st FLOOR PLAN
SCALE: 1/4" = 1'-0"

DIMENSIONS SHOWN ARE TO FACE OF FINISHED 1/2" EXTERIOR STUCCO & SHEATHING.
DIMENSIONS WITH (±) ARE VARIABLE. ADJUST ACCORDINGLY PER SITE CONDITIONS AND STRUCTURAL REQUIREMENTS.

KEYNOTE REFERENCE:		
NO.	QTY	DESCRIPTION
01	1	(N) WINDOW BENCH 18" AFF
02	3	(N) GAS FIREPLACE, INSTALL PER MFR, DIRECT-VENT (SEALED INTAKE COMBUSTION & EXHAUST TO OUTSIDE AIR)
03	2	(N) BATH SINK
04	2	(N) FULL HEIGHT CABINET
05	4	(N) LOWER CABINET
06	4	(N) UPPER CABINET
07	1	(N) FARM SINK
08	1	(N) NON-STRUCTURAL 12" SOFFIT
09	1	(N) TUB
10	1	(N) WASHER/DRYER COMBO, GAS DRYER TO VENT TO OUTSIDE AIR, 4"Ø MIN. DUCT PER MFR.
11	1	(N) TOILET
12	1	(N) SHOWER
13	2	(N) RAIL, 42" MIN., SPACING SHALL NOT ALLOW 4" SPHERE TO PASS THRU
14	2	(N) LIBRARY SHELVES
15	2	(N) CABINET BENCH SEAT



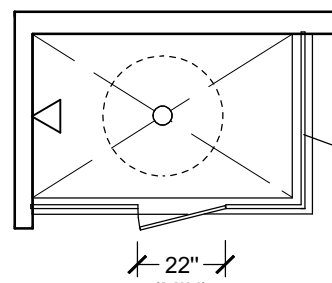
PROPOSED 2nd FLOOR PLAN
SCALE: 1/4" = 1'-0"

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2. SHOWERHEADS SHALL HAVE A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 80 PSI.
3. ALL FAUCETS SHALL NOT EXCEED 1.2 GALLONS PER MINUTE AT 60 PSI. EXCEPTION KITCHEN FAUCETS SHALL NOT EXCEED 1.8 GALLONS PER MINUTE AT 60 PSI.

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



*PLAN LAYOUT TAKES PRECEDENCE OVER THIS TYPICAL DETAIL (SEE PLAN FOR LAYOUT)

SHOWER SHALL BE PROVIDED WITH MIXING VALVE THAT WILL PROVIDE SCALD AND THERMAL SHOCK PROTECTION IN ACCORDANCE WITH ASSE 1016 OR ASME A112.18.1/CSA B125.1 (CPC 408.3)

JOB-BUILT SHOWER, WITH CERAMIC TILE WALLS "MUDE" (NON-ABSORBENT SURFACE) WITH CEMENT PLASTER BACKING OVER WATERPROOF MEMBRANE TO +72" MIN. ABOVE DRAIN PER TILE COUNCIL OF NORTH AMERICA. SHOWERHEAD AT +80" A.F.F.

CONTROL VALVES AND SHOWERHEADS SHALL BE LOCATED ON THE SIDEWALL OF SHOWER COMPARTMENTS OR OTHERWISE ARRANGED SO THAT THE SHOWERHEAD DOES NOT DISCHARGE AT THE ENTRANCE TO THE COMPARTMENT SO THAT THE BATHER CAN ADJUST THE VALVES PRIOR TO STEPPING INTO THE SHOWER SPRAY (CPC 408.9)

C A-3 TYPICAL SHOWER MIN. REQ. SCALE: 1/4" = 1'-0"

LIGHT & VENTILATION CALCULATIONS:

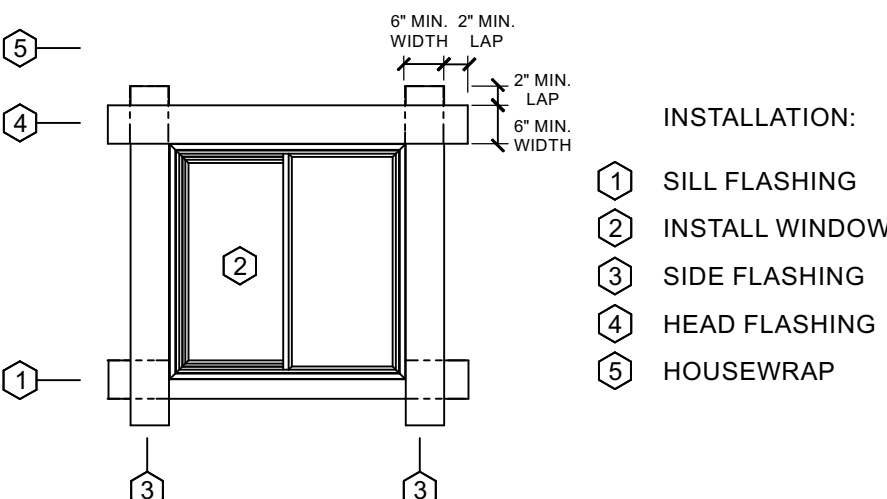
ROOM:	(N) MASTER BEDROOM & (N) RETREAT AREA
FLOOR AREA:	388 SF
NATURAL LIGHT REQ. (8%):	31.04 SF
PROVIDED:	32.50 SF
NATURAL VENT. REQ. (4%):	15.52 SF
PROVIDED:	18.25 SF
COMPLY: YES	

WALL LEGEND

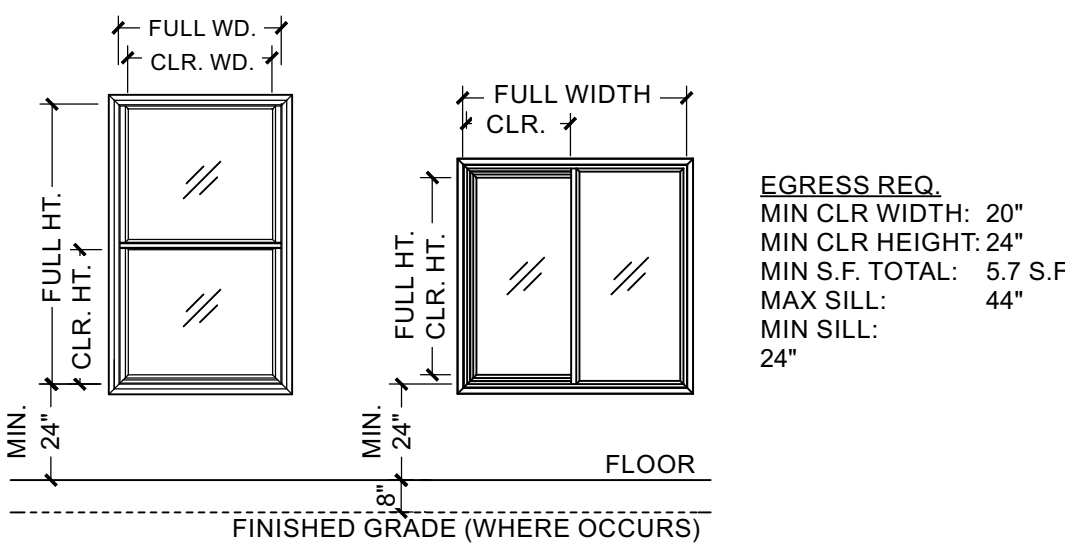
	EXISTING 2X WALLS TO REMAIN
	EXISTING 2X WALLS TO BE REMOVED
	2X WD. STUDS @ 16" O.C. INTERIOR SIDE: 1/2" THK. GYP. BD. FINISH. BATH SIDE - PROVIDE MOISTURE RESISTANT-TYPE 1/2" THK. GYP. BD. ON EXTERIOR SIDE (WHERE STUCCO IS USED) - PROVIDE EXTERIOR PLASTER FINISH MIN 7/8" THICKNESS OVER 2 LAYERS GRADE D BUILDING PAPER (FELT) OVER PLYWOOD SHEATHING.
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	GUARD RAIL/SOLID LOW WALL: MIN. HT. 42". SEE PLAN FOR TYPE.
	2X INFILL WD. STUDS @ 16" O.C. SAME FINISH AS

UTILITY LEGEND

	SMOKE DETECTOR (HARDWIRED W/ BATTERY BACKUP)
	CARBON MONOXIDE/SMOKE DETECTOR COMBO (HARDWIRED W/ BATTERY BACKUP)
	HVAC



A A-3 WINDOW FLASHING SCALE: N.T.S.



B A-3 TYPICAL EGRESS WINDOW SCALE: N.T.S.

MASTER SCHEDULE

D#

DOOR SCHEDULE

#	QTY	LABEL	TYPE	TEMP	PRD	FIRE	HEIGHT	WIDTH	ROOM NAME
D01	1	(N) 2468	POCKET				80"	28"	(N) MASTER BATH 3/
D02	1	(N) 5080	DOUBLE HINGED	YES			96"	60"	(N) MASTER BDRM 3/BEDROOM
D03	1	(N) 4080	DOUBLE HINGED				96"	48"	(N) MASTER BDRM 3/(N) BREEZEWAY
D04	1	(N) 5080	DOUBLE HINGED				96"	60"	(N) MASTER BDRM 3/(N) MASTER BATH 3
D05	1	(N) 4070	DOUBLE POCKET				84"	48"	(N) LAUNDRY/(E) HALL
D06	1	(N) 6080	DOUBLE HINGED	YES			96"	72"	(N) LIBRARY/
D07	1	(N) 3068	HINGED				80"	36"	(E) HALL/(N) MASTER BDRM 3

DOOR NOTES:
1 ALL GLAZING IN DOORS SHALL BE TEMPERED
2 DOOR PANEL DESIGN TO BE DETERMINED BY DESIGNER/ OR OWNER
3 SOLID OR HOLLOW CORE TO BE DETERMINED BY DESIGNER/ OR OWNER (U.N.O. - I.E. FIRE-RATED DOORS)
4 FIRE-RATED DOORS TO BE 1-3/8" SOLID CORE DOOR, 1-3/8" THICK SOLID/HONEYCOMB STEEL DOOR, OR MIN. 20-MIN RATED, TO BE EQUIP'D W/ SELF-CLOSING, TIGHT FITTING, SELF-LATCHING HARDWARE

CONTRACTOR NOTES:
1 CONTRACTOR TO VERIFY EXACT ROUGH OPENING SIZE PRIOR TO PURCHASING MATERIALS.
2 (E) = EXISTING, (N) = NAIL-ON/ NEW CONSTRUCTION, (R) = RETROFIT/ REPLACEMENT
3 SEE G-2 FOR SECURITY ORDINANCE &/OR VHFHSZ REQ'S (WHEN APPLICABLE PER CITY)

WV#

WINDOW SCHEDULE

#	QTY	LABEL	DESCRIPTION	EGRESS	TEMP	PRD	HEAD SILL	HEIGHT	WIDTH	ROOM NAME
W01	2	(N) 3050 SH	SINGLE HUNG		YES		96"	36"	60"	(N) MASTER BATH 3
W02	4	(N) 2040 SC	SINGL CASEMENT-HR				96"	48"	24"	(N) LIBRARY
W03	1	(N) 4940 DC	DBL CASEMENT	YES			84"	36"	48"	(N) BEDROOM 4
W04	1	(N) 5040 DC	DBL CASEMENT				80"	32"	48"	(N) LIBRARY
W05	2	(N) 4040 DC	DBL CASEMENT				80"	32"	48"	(N) BREEZEWAY
W06	1	(N) 4040 DC	DBL CASEMENT				96"	48"	48"	(E) MASTER BDRM 3
W07	2	(N) 2613 AW	AWNING				84"	69"	15"	(E) MASTER BDRM 2
W08	1	(N) 5040 DC	DBL CASEMENT	YES			96"	48"	48"	(E) MASTER BDRM 2

WINDOW NOTES:
1. ALL GLAZING SHALL BE LOW-E, DUAL PANE GLASS (IF VHFHSZ, PROVIDE MIN. 1-PANE TO BE TEMPERED)
2. ALL GLAZING SHALL HAVE U-FACTOR: MAX 0.30 AND SHGC FACTOR: MAX 0.23.
3. FENESTRATIONS SHALL HAVE TEMPORARY AND PERMANENT LABELS FOR VERIFICATION OF THE BUILDING INSPECTOR.
4. MATERIAL, COLOR, TYPE AND STYLE TO MATCH EXISTING

CONTRACTOR NOTES:
1. CONTRACTOR TO VERIFY EXACT ROUGH OPENING SIZE PRIOR TO PURCHASING WINDOWS.
2. (E) = EXISTING, (N) = NAIL-ON/ NEW CONSTRUCTION, (R) = RETROFIT/ REPLACEMENT
3. SEE G-2 FOR SECURITY ORDINANCE &/OR VHFHSZ REQ'S (WHEN APPLICABLE PER CITY)

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

GENERAL CONTRACTOR

PREPARED BY:

ALEX HURTADO

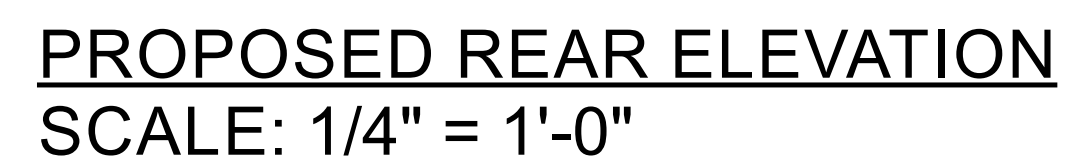
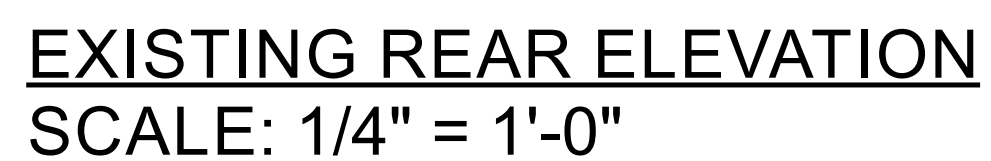
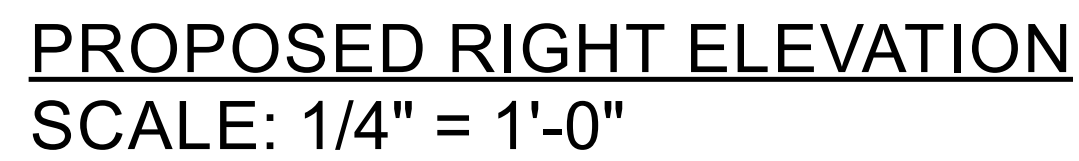
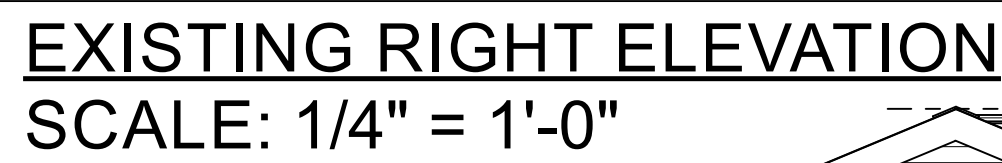
PREPARED BY:

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

SECOND STORY ADDITION to:

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
A-3
PROPOSED PLANS



D#

DOOR SCHEDULE

#	QTY	LABEL	TYPE	TEMPRD	FIRE	HEIGHT	WIDTH	ROOM NAME
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D07	1	(N) 3068	HINGED			80"	36"	(E) HALL/(N) MASTER BDRM 3

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3 SOLID OR HOLLOW CORE TO BE DETERMINED BY DESIGNER/ OR OWNER (U.N.O. - I.E. FIRE-RATED DOORS)
4 FIRE-RATED DOORS TO BE 1-3/8" SOLID CORE DOOR, 1-3/8" THICK SOLID/HONEYCOMB STEEL DOOR, OR MIN. 20-MIN RATED, TO BE EQUIP'D W/ SELF-CLOSING, TIGHT FITTING, SELF-LATCHING HARDWARE

CONTRACTOR NOTES:
1 CONTRACTOR TO VERIFY EXACT ROUGH OPENING SIZE PRIOR TO PURCHASING MATERIALS.
2 (E) = EXISTING, (N) = NAIL-ON/ NEW CONSTRUCTION, (R) = RETROFIT/ REPLACEMENT
3 SEE G-2 FOR SECURITY ORDINANCE &/OR VHFSZ REQ'S (WHEN APPLICABLE PER CITY)

D#

WINDOW SCHEDULE

#	QTY	LABEL	DESCRIPTION	EGRESS	TEMPRD	HEAD	SILL	HEIGHT	WIDTH	ROOM NAME
W01	2	(N) 3050 SH	SINGLE HUNG		YES	96"	36"	60"	36"	(N) MASTER BATH 3
W02	4	(N) 2040 SC	SNGL CASEMENT-HR			96"	48"	48"	24"	(N) LIBRARY
W03	1	(N) 4940 DC	DBL CASEMENT	YES		84"	36"	48"	57"	(N) BEDROOM 4
W04	1	(N) 5040 DC	DBL CASEMENT			80"	32"	48"	60"	(N) LIBRARY
W05	2	(N) 4040 DC	DBL CASEMENT			80"	32"	48"	48"	(N) BREEZEWAY
W06	1	(N) 4040 DC	DBL CASEMENT			96"	48"	48"	48"	(N) MASTER BDRM 3
W07	2	(N) 2613 AW	AWNING			84"	69"	15"	30"	(E) MASTER BDRM 2
W08	1	(N) 5040 DC	DBL CASEMENT	YES		96"	48"	48"	60"	(E) MASTER BDRM 2

WINDOW NOTES:
1. ALL GLAZING SHALL BE LOW-E, DUAL PANE GLASS. (IF VHFHSZ, PROVIDE MIN. 1-PANE TO BE TEMPERED)
2. ALL GLAZING SHALL HAVE U-FACTOR: MAX 0.30 AND SHGC FACTOR: MAX 0.23
3. FENESTRATIONS SHALL HAVE TEMPORARY AND PERMANENT LABELS FOR VERIFICATION OF THE BUILDING INSPECTOR.
4. MATERIAL, COLOR, TYPE AND STYLE TO MATCH EXISTING

CONTRACTOR NOTES:
1. CONTRACTOR TO VERIFY EXACT ROUGH OPENING SIZE PRIOR TO PURCHASING WINDOWS.
2. (E) = EXISTING, (N) = NAIL-ON/ NEW CONSTRUCTION, (R) = RETROFIT/ REPLACEMENT
3. SEE G-2 FOR SECURITY ORDINANCE &/OR VHFSZ REQ'S (WHEN APPLICABLE PER CITY)

DH

NEW CONSTRUCTION OR REPLACEMENT DOORS (SEE DOOR SCHEDULE): - COLOR, STYLE TO MATCH

WW

NEW CONSTRUCTION OR REPLACEMENT WINDOWS (SEE WINDOW SCHEDULE): - COLOR, TYPE, STYLE TO MATCH

A

WALL INFILL OR NEW WALL (TO MATCH FINISH - COLOR, TYPE, TEXTURE - ON INTERIOR AND EXTERIOR)
PROVIDE 2 LAYERS OF GRADE D PAPER (FELT) OVER PLYWOOD SHEATH'G WHERE STUCCO IS USED IN EXTR WALLS.

B

EXISTING OR NEW LANDING (SEE PLAN)

E

EGRESS

R

NEW ROOFING (COLOR, TYPE, TEXTURE TO MATCH EXISTING) (REVIEW ROOF SPECIFICATION ON A-5 SHEET)

T

TEMPERED GLASS

V

NEW VENTS (SEE PLAN FOR SIZE, PROVIDE FLASHING)

WS

PROVIDE WEEP SCREEN 4" MIN ABOVE SOIL, (OR 2" MIN ABOVE PAVEMENT SLAB)

DEMOLITION

DEMOLITION

1

DEMOLITION

2

EXISTING TO REMAIN

TRUPLANS

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

SECOND STORY ADDITION to:

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

DRAWN
A.H.

CHECKED
J.D.

DATE
12/04/2020

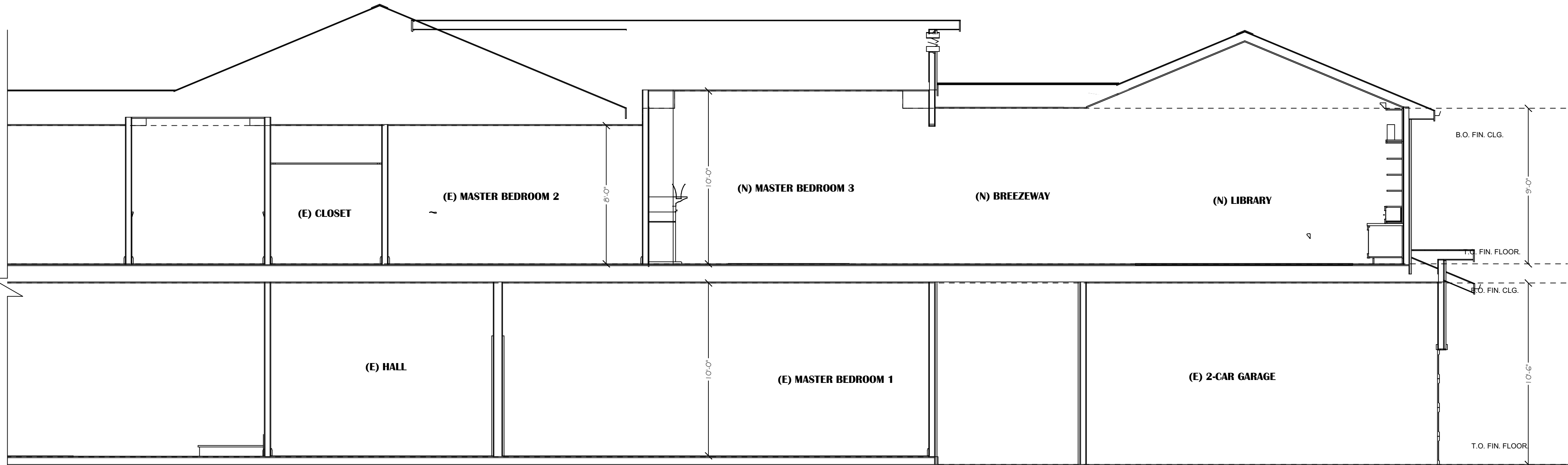
SHEET SIZE TO SCALE
24" X 36"

JOB NO.

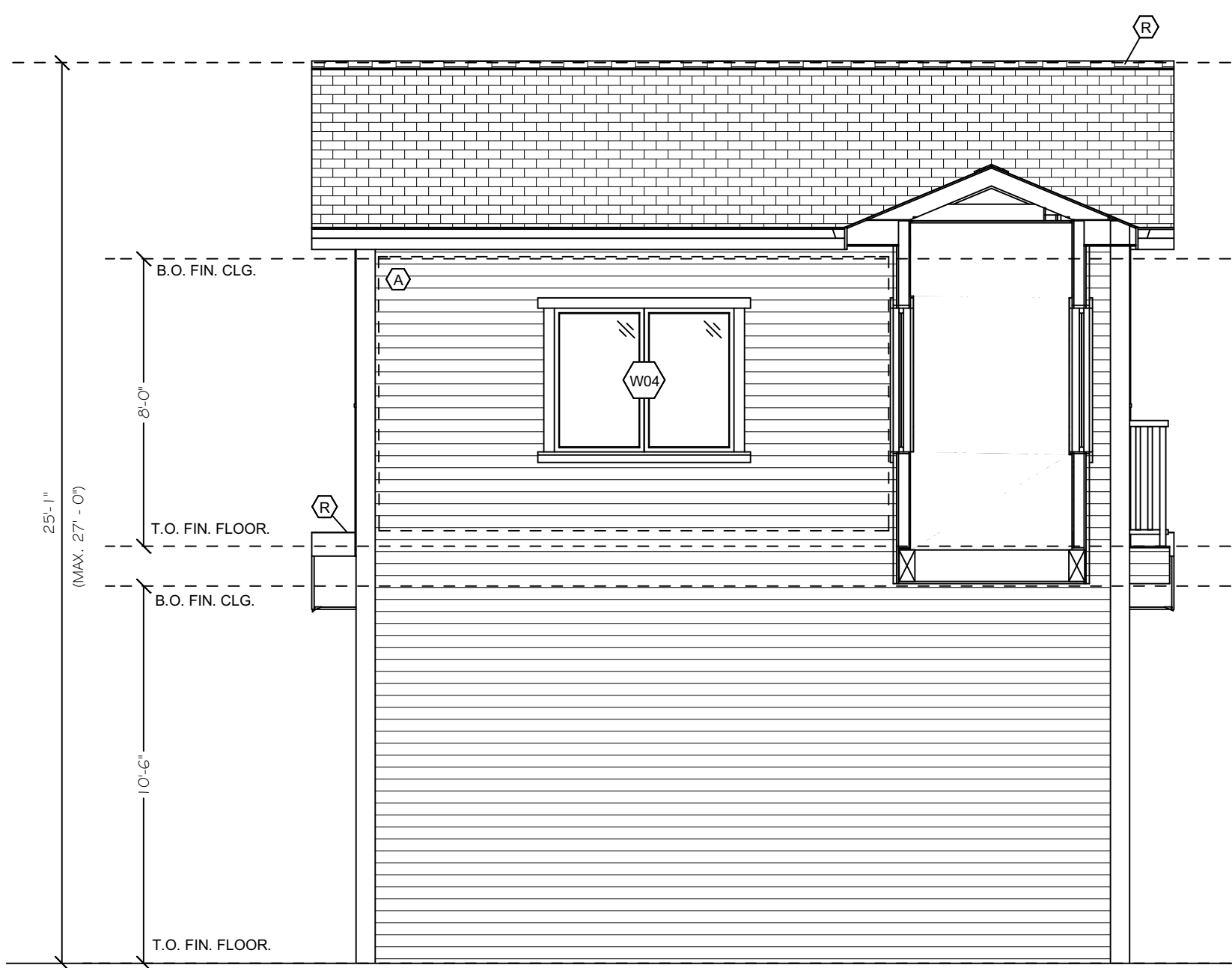
SHEET

A-4.1

RIGHT & REAR ELEVATIONS



A
A-3
SECTION A
SCALE: 1/4" = 1'-0"



B
A-3
SECTION B
SCALE: 1/4" = 1'-0"



C
A-3
SECTION C
SCALE: 1/4" = 1'-0"

DOOR SCHEDULE

DOOR SCHEDULE									
#	QTY	LABEL	TYPE	TEMPR'D	FIRE	HEIGHT	WIDTH	ROOM NAME	
D01	1	(N) 2468	POCKET			80"	28"	(N) MASTER BATH 3/	
D02	1	(N) 5080	DOUBLE HINGED	YES		96"	60"	(N) MASTER BDRM 3/BEDROOM	
D03	1	(N) 4080	DOUBLE HINGED			96"	48"	(N) MASTER BDRM 3/(N) BREEZEWAY	
D04	1	(N) 5080	DOUBLE HINGED			96"	60"	(N) MASTER BDRM 3/(N) MASTER BATH 3	
D05	1	(N) 4070	DOUBLE POCKET			84"	48"	(N) LAUNDRY/(E) HALL	
D06	1	(N) 6080	DOUBLE HINGED	YES		96"	72"	(N) LIBRARY/	
D07	1	(N) 3068	HINGED			80"	36"	(E) HALL/(N) MASTER BDRM 3	

DOOR NOTES:
1 ALL GLAZING IN DOORS SHALL BE TEMPERED
2 DOOR PANEL DESIGN TO BE DETERMINED BY DESIGNER/ OR OWNER
3 SOLID OR HOLLOW CORE TO BE DETERMINED BY DESIGNER/ OR OWNER (U.N.O. - I.E. FIRE-RATED DOORS)
4 **FIRE-RATED DOORS** TO BE 1-3/8" SOLID CORE DOOR, 1-3/8" THICK SOLID/HONEYCOMB STEEL DOOR, OR MIN. 20-MIN RATED, TO BE EQUIP'D W/ SELF-CLOSING, TIGHT FITTING, SELF-LATCHING HARDWARE

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3 **SEE G-2 FOR SECURITY ORDINANCE &/OR VHF SZ REQ'S (WHEN APPLICABLE PER CITY)**

WINDOW SCHEDULE

WINDOW SCHEDULE											
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W07	2	(N) 2613	AW AWNING			84"	69"	15"	30"	(E) MASTER BDRM 2	
W08	1	(N) 5040	DC DBL CASEMENT	YES		96"	48"	48"	60"	(E) MASTER BDRM 2	

WINDOW NOTES:
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- PROPOSED LEGEND:**
- (DH)** NEW CONSTRUCTION **OR** REPLACEMENT DOORS (SEE DOOR SCHEDULE) - COLOR, STYLE TO MATCH
 - (WH)** NEW CONSTRUCTION **OR** REPLACEMENT WINDOWS (SEE WINDOW SCHEDULE) - COLOR, TYPE, STYLE TO MATCH
 - (A)** WALL INFILL **OR** NEW WALL (TO MATCH FINISH - COLOR, TYPE, TEXTURE - ON INTERIOR AND EXTERIOR)
PROVIDE 2 LAYERS OF GRADE D PAPER (FELT) OVER PLYWOOD SHEATH'G WHERE STUCCO IS USED IN EXTR WALLS.
 - (B)** EXISTING **OR** NEW LANDING (SEE PLAN)
 - (E)** EGRESS
 - (R)** NEW ROOFING (COLOR, TYPE, TEXTURE TO MATCH EXISTING) (REVIEW ROOF SPECIFICATION ON A-5 SHEET)
 - (T)** TEMPERED GLASS
 - (V)** NEW VENTS (SEE PLAN FOR SIZE, PROVIDE FLASHING)
 - (W)** PROVIDE WEEP SCREED 4" MIN ABOVE SOIL (OR 2" MIN ABOVE PAVEMENT SLAB)

- DEMO LEGEND:**
- ①** DEMO (FOR WINDOWS & DOORS: EXIST. HEADER TO REMAIN, U.N.O.)
 - ②** EXISTING TO REMAIN

REVISIONS
ABC=PLAN CHECK
123=FIELD

PLANNING DEPARTMENT
2/4/2021

PLANNING DEPARTMENT
2/10/2021

GENERAL CONTRACTOR

PREPARED BY:

ALEX HURTADO

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

SECOND STORY ADDITION to:
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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

A-4.3
SECTIONS A, B & C



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-780

Meeting Date: 6/27/2022

TITLE:

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

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT /
PLANNING DIVISION

PRESENTED BY: GABRIEL VILLALOBOS, ASSISTANT PLANNER

CONTACT INFORMATION: GABRIEL VILLALOBOS; 714.754.5610;
Gabriel.Villalobos@costamesaca.gov

DESCRIPTION:

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

APPLICANT OR AUTHORIZED AGENT:

The applicant/authorized agent is Michael Stewart, for the property owner, Victor Pena.

RECOMMENDATION:

Staff is recommending that the Planning Commission continue this item to the July 11, 2022 public hearing in order to provide staff more time to clarify and report on certain application aspects.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-780

Meeting Date: 6/27/2022

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PLANNING DIVISION

PRESENTED BY: GABRIEL VILLALOBOS, ASSISTANT PLANNER

CONTACT INFORMATION: GABRIEL VILLALOBOS; 714.754.5610;
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City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-772

Meeting Date: 6/27/2022

TITLE:

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

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

PRESENTED BY: **NANCY HUYNH, SENIOR PLANNER**

CONTACT INFORMATION: **NANCY HUYNH, 714-754-5609; Nancy.Huynh@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 21-20, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant/authorized agent is Peter Ishak of The Distillate Co., on behalf of the property owner, 124 17th St LLC.

BACKGROUND:

The subject property is located at 124 East 17th Street. The property is located on the north side of East 17th Street and is bounded by Cabrillo Street to the north, Fullerton Avenue to the southeast, and Newport Boulevard to the west. The site is zoned C2 (General Business District) and is surrounded by other commercial zoned properties (C2, C1 - Local Business District, CL - Commercial Limited District). The site has a General Plan Land Use Designation of General Commercial.

Existing development on the site consists of a one-story 2,340-square-foot commercial building with two tenant spaces and 14 parking spaces in the existing surface parking lot. The existing building is vacant but previous uses were a cell phone repair store (uBreakiFix) and barbershop (Floyd's 99 Barbershop). The proposed retail cannabis storefront use with delivery (the business name has yet to be determined) would occupy the entire building.

The surrounding uses include a variety of retail/commercial businesses. Adjacent uses to the west are furniture/mattress stores (The Find Consignments, Sit 'n Sleep, Ortho Mattress) and to the east are multi-tenant centers with an existing Irish restaurant/bar (The Harp Inn), hair and beauty salons, gym (The 12 Costa Mesa), and apparel store (T-Shirts Warehouse). Directly across East 17th Street is a multi-tenant center with existing uses such as Starbucks Coffee, optometry (Pearle Vision), juice bar (JuJuBar) as well as a medical urgent care center (Xpress Urgent Care). Also abutting the subject property is an existing automotive repair shop (Grand Prix Performance). The nearest residential zoned properties are located approximately 400 feet away from the subject property, on Cabrillo Street. The existing residences and the subject property are separated by other commercial zoned properties including a one-acre multi-tenant center to the east with a large surface parking lot.

There are no open Code Enforcement cases on this property.

The applicant currently owns and operates a cannabis manufacturing and distribution facility, The Distillate Co., in Costa Mesa - which was approved in 2018 under Measure X. More recently on December 9, 2021, the Zoning Administrator approved a minor CUP to add non-storefront retail (delivery) to their existing Measure X business - which is allowed

pursuant to Measure Q. The Distillate Co. has been operating in the City since 2021. There are no active Code Enforcement cases at the Measure X facility.

Non-Conforming Development

The existing development is legal-nonconforming in terms of landscaping and floor area ratio (FAR), and therefore is subject to the nonconforming provisions of the Costa Mesa Municipal Code (CMMC) Section 13-204. (The existing building setbacks and parking are in conformance with the current commercial development standards.) 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 slightly higher at 0.23.

Improvements would be made to bring this structure into compliance with current building and safety codes; however, and as specifically allowed by the CMMC, the building size, placement, floor area ratio, and associated nonconforming landscaping can remain and is considered legal-nonconforming. The applicant is proposing to bring the property into closer conformance by providing additional site landscaping.

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

In November 2016, Costa Mesa voters approved Measure X, allowing medical cannabis manufacturing, packaging, distribution, research and development laboratories, and testing laboratories in Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties north of South Coast Drive and west of Harbor Boulevard ("The Green Zone," excluding the South Coast Collection property located at 3303 Hyland Avenue). Measure X is codified in Titles 9 and 13 of the 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 application complies with the City's required separation distances from sensitive uses and may proceed to submittal of a CBP.

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

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

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

The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public 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 (every two-years) prior to expiration. During the two-year CBP period, the Community Improvement Division (CID), along with other City staff, will conduct site inspections to verify that the business is operating in compliance with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

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

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

DESCRIPTION:

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

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 is generally surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties.

Separation Requirements

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

The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The existing building façade and exterior components are in relatively good condition and do not require significant upgrades. The applicant proposes to maintain the existing façades but would update them with new paint and a new mural on the west-facing wall (mural to be reviewed separately). The existing accessible ramp at the front of the building would also be modified in order to accommodate a Building Code compliant van accessible parking space.

The property currently does not include site landscaping and pursuant to the CMMC, and as discussed in this report under "Non-Conforming Development", is not required to comply with the City's Landscaping requirements. However, the applicant is proposing to provide new landscaping at the front of the property, in a narrow strip along the driveway and install new trees within the rear parking lot. The applicant has provided a conceptual landscaping plan as part of their CUP plan submittal and final landscaping details (generally consistent with the conceptual plans) would be reviewed further during the plan check permitting process.

Other proposed exterior improvements include:

- Reconfiguring the existing parking spaces so that all parking (except for the van accessible space) is provided at the rear of the building including relocating the parallel parking spaces out of the existing driveway to provide a wider driveway width for improved circulation and removing the parking spaces at the front of the building which are

encroaching onto the City's public right-of-way;

- Constructing a new public sidewalk at the front of the property per City standards to "complete the street." The property currently does not have a sidewalk which results in a gap in the City sidewalk network along East 17th Street;
- Constructing new driveway access per City standards, with a reduced driveway width;
- Adding a bicycle rack to encourage multi-modal transportation;
- Restriping the parking lot to comply with the City's parking design standards; and
- Constructing a new trash enclosure.

The new public sidewalk and driveway are not required offsite improvements per the Municipal Code; however, the applicant is proposing to improve the property beyond the City's requirements in an effort to improve multi-modal circulation and active transportation options along East 17th Street.

The applicant also proposes to update the exterior site with security lighting, surveillance cameras and new business signage (signs to be reviewed and permitted under a separate submittal per the City's sign code). Security lighting would be shielded and pointed downward. The applicant has provided a preliminary lighting and photometric plan as part of their CUP plans. As conditioned, the lighting and photometric plan would be further reviewed and required during the plan check process to demonstrate that lighting onsite would be adequate for security purposes.

Interior Tenant Improvements

The proposed interior improvements would combine the two existing separate tenant spaces into a single storefront business. The majority of the interior improvements would involve the installation of new demising walls to create new rooms including an open retail sales floor area, an integrated check-in area at the front entrance and "back-of-house" areas. Back-of-house areas include storage rooms, offices, employee break room, and restrooms. Below is a square footage breakdown summary of each space within the approximately 2,300-square-foot building.

Table 1 - Floor Plan Summary

Operational Area	Square Feet
Retail Sales Area (including Check-in Area)	1,169
Storage Rooms	478
Offices	163
Employee Break Room	202
Bathrooms	144
Hallways	184
Total	2,340

Customer and Employee Access

Customers would only be allowed in the retail sales area including the check-in area. All other areas of the premises would be 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 lead directly to the check-in area. A greeter employee would then 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 their transaction is completed, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

Employees would enter through an access-controlled "employee-only" entrance that is located at the rear of the building. When loading and unloading delivery vehicles and vendor vehicles, employees would enter through the access-controlled door located at the rear of the building that leads into the limited access corridor with a door connecting to the storage room. Vendors would only be allowed to enter the premise while accompanied by an employee. The distance from the loading area to the access door is less than 20 feet. The access doors, path of travel and vehicle loading areas would be under camera surveillance.

Storefront/Delivery Operations

Provided below is a summary of the proposed retail (storefront and delivery) 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 in 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. If the business holds a retail medical cannabis license (M-license) issued by the State, persons over the age of 18 may also be allowed with the proper medical approvals i.e. physician's recommendation or medical card pursuant to CMMC Section 9-495(h)(6);
- Prior to employment, all prospective employees must successfully pass a background check

- conducted by the City, and the employee must obtain a City issued identification badge;
- Customers are only granted access to the retail area after their age and identity has been confirmed by an employee;
 - Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information:
 - Date and time of transaction;
 - Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity; and
 - Total transaction amount paid.
 - There must be video surveillance of the point-of-sale area and where cannabis goods are displayed and/or stored;
 - Cannabis products shall not be visible from the exterior of the building;
 - Free samples of cannabis goods are prohibited;
 - When receiving new inventory from licensed distributors, employees will verify the distributor's identity and license prior to allowing them to enter the facility through an access-controlled door. After distributor's credentials have been confirmed, an employee 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 by a licensed cannabis distributor and have passed laboratory testing;
 - Cannabis product packaging must be labeled with required test results and batch number;
 - Packaging containing cannabis goods shall be tamper-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. All transfers of product/cash to/from delivery vehicles will be monitored by Security Guards;
 - Cannabis deliveries must be made in-person by an employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered employed by the licensed retailer;
 - The applicant shall maintain proof of vehicle insurance for any and all vehicles being used to deliver cannabis goods;
 - During delivery, the employee shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers;
 - A delivery employee shall not leave the State of California while possessing cannabis products and while performing their duties for the cannabis retailer;
 - The business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the State;
 - Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated global positioning system (GPS) device for identifying the location of the vehicle (cell phones and tablets are insufficient);
 - Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
 - Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and

- A cannabis delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time, with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.

Business Plan

The applicant 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 business plan contains proprietary details and is therefore not included as an attachment to this staff report. The City's cannabis consultant determined that the applicant's business plan was appropriate for continued entitlement processing.

Security Plan

The applicant provided a professionally prepared security plan for the proposed retail cannabis establishment. The City's cannabis consultant reviewed the security plan and determined that appropriate security measures were included to address the City's security requirements pursuant to CMMC Title 9, Chapter VI, and State law.

Since the security plan contains sensitive operational details that require limited public exposure to remain effective, the plan is not included as an attachment. However, the following is a list of general security measures that are required for the proposed cannabis retail establishment:

- At least one security guard will be 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.

- 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 2,340-square-foot facility would be required to provide nine onsite parking spaces. The subject property includes an existing surface parking lot with 14 parking spaces, which exceeds the City's parking requirement by five spaces. The site has one existing ingress/egress access driveway from East 17th Street.

After reconfiguring the parking lot as well as restriping to meet the City's parking design standards, the parking lot would provide 11 parking spaces (nine standard spaces, one accessible space and a credit for one bicycle rack) - which exceeds the minimum requirement by two spaces. There is also public street parking along East 17th Street. Although the public street parking spaces are not counted toward the project's provided parking, these public spaces exist, are located in close proximity and are likely to be used by customers. Since the proposed use would occupy the entire building, all parking spaces would serve the proposed cannabis business.

During business hours, delivery vehicles and vendor vehicles would not use required parking spaces; rather, such vehicles will utilize a separate designated loading/unloading zone adjacent to the employee-only entrance at the rear of the building. In addition, employee parking would be provided off-site at the applicant's Measure X facility located at 3520 Cadillac Avenue and employees would be shuttled to the storefront. Since employees would park off-site, the onsite parking spaces would remain exclusively for customers. Given that employees would park offsite, there is a designated loading/unloading zone, and the provided parking exceeds the minimum Code requirements, proposed parking is adequate.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate exact demand for a new use; however, if parking shortages or other parking-related problems occur, the business owner or operator will be required to monitor the parking lot and institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services (see "Operational Conditions" of Approval No. 7 in the attached Resolution). Examples of parking demand management techniques include, but are not limited to, reducing operating hours of the business, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, and encouraging customers to take advantage of delivery service instead of store visits.

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 previous cell phone repair and barber shop 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 \$23,400. 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 State compliant packaging that is sealed, tamper-evident, and odor-resistant and remain unopened until consumption. However, a minimal amount of cannabis product would be removed from packaging for display purposes only and would be placed in transparent display containers. The proposed HVAC (heating, ventilation, air conditioning) system would utilize activated carbon filters to completely filter the air. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. Further as conditioned, if cannabis odor is detected outside of the building or off-site specifically, the business owner/operator would be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services. Lastly, cannabis products are not allowed to be disposed of in the exterior trash areas and must be disposed of in accordance with applicable State and City regulations.

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 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 retail cannabis use would be materially detrimental to the adjacent uses that include a variety of retail/commercial businesses such as furniture/mattress stores, a bar (The Harp Inn), hair and beauty salons, gym (The 12 Costa Mesa), optometry (Pearle Vision), medical urgent care center (Xpress Urgent Care), and automotive repair shop (Grand Prix Performance). The nearest residentially-zoned properties are located over 400 feet to the north from the subject property along Cabrillo Street. The

existing residences and the subject property are separated by other commercially-zoned properties including a one-acre multi-tenant center to the east that has a large surface parking lot. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area and in compliance with local and State requirements.

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

The proposed cannabis retail storefront with delivery 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 the California Environmental Quality Act 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 commercial floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan designation and policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If 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 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 the date this report was circulated, no written public comments have been received. Any public comments received prior to the June 27, 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 primary 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 Zoning Code, and 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 21-20 subject to conditions of approval.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-772

Meeting Date: 6/27/2022

TITLE:

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

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

PRESENTED BY: **NANCY HUYNH, SENIOR PLANNER**

CONTACT INFORMATION: **NANCY HUYNH, 714-754-5609; Nancy.Huynh@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 21-20, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant/authorized agent is Peter Ishak of The Distillate Co., on behalf of the property owner, 124 17th St LLC.

BACKGROUND:

The subject property is located at 124 East 17th Street. The property is located on the north side of East 17th Street and is bounded by Cabrillo Street to the north, Fullerton Avenue to the southeast, and Newport Boulevard to the west. The site is zoned C2 (General Business District) and is surrounded by other commercial zoned properties (C2, C1 - Local Business District, CL - Commercial Limited District). The site has a General Plan Land Use Designation of General Commercial.

Existing development on the site consists of a one-story 2,340-square-foot commercial building with two tenant spaces and 14 parking spaces in the existing surface parking lot. The existing building is vacant but previous uses were a cell phone repair store (uBreakiFix) and barbershop (Floyd's 99 Barbershop). The proposed retail cannabis storefront use with delivery (the business name has yet to be determined) would occupy the entire building.

The surrounding uses include a variety of retail/commercial businesses. Adjacent uses to the west are furniture/mattress stores (The Find Consignments, Sit 'n Sleep, Ortho Mattress) and to the east are multi-tenant centers with an existing Irish restaurant/bar (The Harp Inn), hair and beauty salons, gym (The 12 Costa Mesa), and apparel store (T-Shirts Warehouse). Directly across East 17th Street is a multi-tenant center with existing uses such as Starbucks Coffee, optometry (Pearle Vision), juice bar (JuJuBar) as well as a medical urgent care center (Xpress Urgent Care). Also abutting the subject property is an existing automotive repair shop (Grand Prix Performance). The nearest residential zoned properties are located approximately 400 feet away from the subject property, on Cabrillo Street. The existing residences and the subject property are separated by other commercial zoned properties including a one-acre multi-tenant center to the east with a large surface parking lot.

There are no open Code Enforcement cases on this property.

The applicant currently owns and operates a cannabis manufacturing and distribution facility, The Distillate Co., in Costa Mesa - which was approved in 2018 under Measure X. More recently on December 9, 2021, the Zoning Administrator approved a minor CUP to add non-storefront retail (delivery) to their existing Measure X business - which is allowed

pursuant to Measure Q. The Distillate Co. has been operating in the City since 2021. There are no active Code Enforcement cases at the Measure X facility.

Non-Conforming Development

The existing development is legal-nonconforming in terms of landscaping and floor area ratio (FAR), and therefore is subject to the nonconforming provisions of the Costa Mesa Municipal Code (CMMC) Section 13-204. (The existing building setbacks and parking are in conformance with the current commercial development standards.) 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 slightly higher at 0.23.

Improvements would be made to bring this structure into compliance with current building and safety codes; however, and as specifically allowed by the CMMC, the building size, placement, floor area ratio, and associated nonconforming landscaping can remain and is considered legal-nonconforming. The applicant is proposing to bring the property into closer conformance by providing additional site landscaping.

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

In November 2016, Costa Mesa voters approved Measure X, allowing medical cannabis manufacturing, packaging, distribution, research and development laboratories, and testing laboratories in Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties north of South Coast Drive and west of Harbor Boulevard ("The Green Zone," excluding the South Coast Collection property located at 3303 Hyland Avenue). Measure X is codified in Titles 9 and 13 of the 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 application complies with the City's required separation distances from sensitive uses and may proceed to submittal of a CBP.

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

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

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

The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public 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 (every two-years) prior to expiration. During the two-year CBP period, the Community Improvement Division (CID), along with other City staff, will conduct site inspections to verify that the business is operating in compliance with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

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

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

DESCRIPTION:

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

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 is generally surrounded by commercial uses. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties.

Separation Requirements

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

The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The existing building façade and exterior components are in relatively good condition and do not require significant upgrades. The applicant proposes to maintain the existing façades but would update them with new paint and a new mural on the west-facing wall (mural to be reviewed separately). The existing accessible ramp at the front of the building would also be modified in order to accommodate a Building Code compliant van accessible parking space.

The property currently does not include site landscaping and pursuant to the CMMC, and as discussed in this report under "Non-Conforming Development", is not required to comply with the City's Landscaping requirements. However, the applicant is proposing to provide new landscaping at the front of the property, in a narrow strip along the driveway and install new trees within the rear parking lot. The applicant has provided a conceptual landscaping plan as part of their CUP plan submittal and final landscaping details (generally consistent with the conceptual plans) would be reviewed further during the plan check permitting process.

Other proposed exterior improvements include:

- Reconfiguring the existing parking spaces so that all parking (except for the van accessible space) is provided at the rear of the building including relocating the parallel parking spaces out of the existing driveway to provide a wider driveway width for improved circulation and removing the parking spaces at the front of the building which are

encroaching onto the City's public right-of-way;

- Constructing a new public sidewalk at the front of the property per City standards to "complete the street." The property currently does not have a sidewalk which results in a gap in the City sidewalk network along East 17th Street;
- Constructing new driveway access per City standards, with a reduced driveway width;
- Adding a bicycle rack to encourage multi-modal transportation;
- Restriping the parking lot to comply with the City's parking design standards; and
- Constructing a new trash enclosure.

The new public sidewalk and driveway are not required offsite improvements per the Municipal Code; however, the applicant is proposing to improve the property beyond the City's requirements in an effort to improve multi-modal circulation and active transportation options along East 17th Street.

The applicant also proposes to update the exterior site with security lighting, surveillance cameras and new business signage (signs to be reviewed and permitted under a separate submittal per the City's sign code). Security lighting would be shielded and pointed downward. The applicant has provided a preliminary lighting and photometric plan as part of their CUP plans. As conditioned, the lighting and photometric plan would be further reviewed and required during the plan check process to demonstrate that lighting onsite would be adequate for security purposes.

Interior Tenant Improvements

The proposed interior improvements would combine the two existing separate tenant spaces into a single storefront business. The majority of the interior improvements would involve the installation of new demising walls to create new rooms including an open retail sales floor area, an integrated check-in area at the front entrance and "back-of-house" areas. Back-of-house areas include storage rooms, offices, employee break room, and restrooms. Below is a square footage breakdown summary of each space within the approximately 2,300-square-foot building.

Table 1 - Floor Plan Summary

Operational Area	Square Feet
Retail Sales Area (including Check-in Area)	1,169
Storage Rooms	478
Offices	163
Employee Break Room	202
Bathrooms	144
Hallways	184
Total	2,340

Customer and Employee Access

Customers would only be allowed in the retail sales area including the check-in area. All other areas of the premises would be 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 lead directly to the check-in area. A greeter employee would then 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 their transaction is completed, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

Employees would enter through an access-controlled "employee-only" entrance that is located at the rear of the building. When loading and unloading delivery vehicles and vendor vehicles, employees would enter through the access-controlled door located at the rear of the building that leads into the limited access corridor with a door connecting to the storage room. Vendors would only be allowed to enter the premise while accompanied by an employee. The distance from the loading area to the access door is less than 20 feet. The access doors, path of travel and vehicle loading areas would be under camera surveillance.

Storefront/Delivery Operations

Provided below is a summary of the proposed retail (storefront and delivery) 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 in 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. If the business holds a retail medical cannabis license (M-license) issued by the State, persons over the age of 18 may also be allowed with the proper medical approvals i.e. physician's recommendation or medical card pursuant to CMMC Section 9-495(h)(6);
- Prior to employment, all prospective employees must successfully pass a background check

- conducted by the City, and the employee must obtain a City issued identification badge;
- Customers are only granted access to the retail area after their age and identity has been confirmed by an employee;
 - Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information:
 - Date and time of transaction;
 - Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity; and
 - Total transaction amount paid.
 - There must be video surveillance of the point-of-sale area and where cannabis goods are displayed and/or stored;
 - Cannabis products shall not be visible from the exterior of the building;
 - Free samples of cannabis goods are prohibited;
 - When receiving new inventory from licensed distributors, employees will verify the distributor's identity and license prior to allowing them to enter the facility through an access-controlled door. After distributor's credentials have been confirmed, an employee 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 by a licensed cannabis distributor and have passed laboratory testing;
 - Cannabis product packaging must be labeled with required test results and batch number;
 - Packaging containing cannabis goods shall be tamper-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. All transfers of product/cash to/from delivery vehicles will be monitored by Security Guards;
 - Cannabis deliveries must be made in-person by an employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered employed by the licensed retailer;
 - The applicant shall maintain proof of vehicle insurance for any and all vehicles being used to deliver cannabis goods;
 - During delivery, the employee shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers;
 - A delivery employee shall not leave the State of California while possessing cannabis products and while performing their duties for the cannabis retailer;
 - The business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the State;
 - Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated global positioning system (GPS) device for identifying the location of the vehicle (cell phones and tablets are insufficient);
 - Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
 - Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and

- A cannabis delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time, with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.

Business Plan

The applicant 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 business plan contains proprietary details and is therefore not included as an attachment to this staff report. The City's cannabis consultant determined that the applicant's business plan was appropriate for continued entitlement processing.

Security Plan

The applicant provided a professionally prepared security plan for the proposed retail cannabis establishment. The City's cannabis consultant reviewed the security plan and determined that appropriate security measures were included to address the City's security requirements pursuant to CMMC Title 9, Chapter VI, and State law.

Since the security plan contains sensitive operational details that require limited public exposure to remain effective, the plan is not included as an attachment. However, the following is a list of general security measures that are required for the proposed cannabis retail establishment:

- At least one security guard will be 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.

- 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 2,340-square-foot facility would be required to provide nine onsite parking spaces. The subject property includes an existing surface parking lot with 14 parking spaces, which exceeds the City's parking requirement by five spaces. The site has one existing ingress/egress access driveway from East 17th Street.

After reconfiguring the parking lot as well as restriping to meet the City's parking design standards, the parking lot would provide 11 parking spaces (nine standard spaces, one accessible space and a credit for one bicycle rack) - which exceeds the minimum requirement by two spaces. There is also public street parking along East 17th Street. Although the public street parking spaces are not counted toward the project's provided parking, these public spaces exist, are located in close proximity and are likely to be used by customers. Since the proposed use would occupy the entire building, all parking spaces would serve the proposed cannabis business.

During business hours, delivery vehicles and vendor vehicles would not use required parking spaces; rather, such vehicles will utilize a separate designated loading/unloading zone adjacent to the employee-only entrance at the rear of the building. In addition, employee parking would be provided off-site at the applicant's Measure X facility located at 3520 Cadillac Avenue and employees would be shuttled to the storefront. Since employees would park off-site, the onsite parking spaces would remain exclusively for customers. Given that employees would park offsite, there is a designated loading/unloading zone, and the provided parking exceeds the minimum Code requirements, proposed parking is adequate.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate exact demand for a new use; however, if parking shortages or other parking-related problems occur, the business owner or operator will be required to monitor the parking lot and institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services (see "Operational Conditions" of Approval No. 7 in the attached Resolution). Examples of parking demand management techniques include, but are not limited to, reducing operating hours of the business, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, and encouraging customers to take advantage of delivery service instead of store visits.

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 previous cell phone repair and barber shop 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 \$23,400. 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 State compliant packaging that is sealed, tamper-evident, and odor-resistant and remain unopened until consumption. However, a minimal amount of cannabis product would be removed from packaging for display purposes only and would be placed in transparent display containers. The proposed HVAC (heating, ventilation, air conditioning) system would utilize activated carbon filters to completely filter the air. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. Further as conditioned, if cannabis odor is detected outside of the building or off-site specifically, the business owner/operator would be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services. Lastly, cannabis products are not allowed to be disposed of in the exterior trash areas and must be disposed of in accordance with applicable State and City regulations.

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 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 retail cannabis use would be materially detrimental to the adjacent uses that include a variety of retail/commercial businesses such as furniture/mattress stores, a bar (The Harp Inn), hair and beauty salons, gym (The 12 Costa Mesa), optometry (Pearle Vision), medical urgent care center (Xpress Urgent Care), and automotive repair shop (Grand Prix Performance). The nearest residentially-zoned properties are located over 400 feet to the north from the subject property along Cabrillo Street. The

existing residences and the subject property are separated by other commercially-zoned properties including a one-acre multi-tenant center to the east that has a large surface parking lot. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area and in compliance with local and State requirements.

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

The proposed cannabis retail storefront with delivery 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 the California Environmental Quality Act 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 commercial floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan designation and policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If 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 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 the date this report was circulated, no written public comments have been received. Any public comments received prior to the June 27, 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 primary 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 Zoning Code, and 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 21-20 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 21-20 FOR A STOREFRONT
RETAIL CANNABIS BUSINESS WITH DELIVERY IN THE C2
ZONE AT 124 EAST 17TH STREET**

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

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

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

WHEREAS, Planning Application 21-20 was filed by Peter Ishak, authorized agent for the property owner, 124 17th St LLC, requesting approval of the following:

A Conditional Use Permit to operate a storefront retail cannabis business with delivery within an existing 2,340-square-foot commercial building located at 124 East 17th Street. 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 27, 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 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 21-20 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 21-20 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

PASSED AND ADOPTED this 27th day of 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 27th, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2022-

EXHIBIT A

FINDINGS

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

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

Facts in Support of Findings: The subject site is located within a commercial zone (C2, General Business District) where commercial development is specifically allowed to include retail 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. The proposed retail cannabis use would not be materially detrimental to the adjacent uses which include a variety of retail/commercial businesses such as furniture/mattress stores, a bar (The Harp Inn), hair and beauty salons, gym (The 12 Costa Mesa), optometry (Pearle Vision), medical urgent care center (Xpress Urgent Care), and automotive repair shop (Grand Prix Performance). The nearest residential zoned properties are located over 400 feet away to the north from the subject property along Cabrillo Street. The existing residences and the proposed property are separated by other commercial zoned properties including the one-acre multi-tenant center to the east that has a large surface parking lot. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area and in compliance with local and State requirements.

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

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

4. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
5. No cultivation of cannabis is allowed anywhere on the premises.
6. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
7. Except for operations allowed by this Conditional Use Permit and under an active Cannabis Business Permit and State Type 10 license, no permit holder or any of its employees shall sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product to any person, firm, corporation, group or any other entity, unless that person or entity is a lawful, bona fide customer, or it possesses all currently valid permits and/or licenses required by both the State of California and applicable local governmental entity to lawfully receive such cannabis and to engage in a "cannabis activity" as defined by Costa Mesa Municipal Code sec. 9-485. The permit holder shall verify that the recipient, regardless of where it is located, of any cannabis or cannabis product sold, distributed, furnished, and/or otherwise provided by or on behalf of the permit holder, possesses all required permits and/or licenses therefor.
8. The applicant shall defend, indemnify, and hold harmless the City, its elected 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.
- Bldg. 12. Development shall comply with the requirements of the following adopted codes: 2019 California Residential Code, 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.
- 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-21-19. 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-21-20 until a valid new Cannabis Business Permit is received from the City of Costa Mesa.
16. A change in ownership affecting an interest of 51 or more percent, or an incremental change in ownership that will result in a change of 51 or more percent over a three year period, shall require submittal and approval of a

- new Cannabis Business Permit. A change in ownership that affects an interest of less than 51 percent shall require approval of a minor modification to the Cannabis Business Permit.
- State
17. The business must obtain any and all licenses required by State law and/or regulation prior to engaging in any cannabis activity at the property.
 18. The applicant shall obtain State License Type 10 prior to operating. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
 19. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City. This Conditional Use Permit will expire and be of no further force and effect if any State issued license remains suspended for a period exceeding six (6) months. Documentation of three violations during routine inspections or investigations of complaints shall result in the Community Improvement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
 20. Third parties are prohibited from providing delivery services for non-storefront retail.
 21. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business, except as otherwise specifically provided for by State law and CMMC Section 9-495(h)(6). It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.
- PD
22. Every manager, supervisor, employee or volunteer of the cannabis business must submit fingerprints and other information specified on the Cannabis Business Permit for a background check by the Costa Mesa Police Department to verify that person's criminal history. No employee or volunteer may commence paid or unpaid work for the business until the background checks have been approved. No cannabis business or owner thereof may employ any person who has been convicted of a felony within the past 7 years, unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code sections 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance.
- CID
23. Should any employee, volunteer or other person who possesses an identification badge be terminated or cease their employment with the

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

24. The property owner and applicant shall use “Crime Prevention Through Environmental Design” techniques to reduce opportunities for crime, loitering and encampments on the property as deemed appropriate by the Community Improvement Manager and Director of Economic and Development Services.
- Finance 25. This business operator shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under State and local law. This business operator shall cooperate with the City with respect to any reasonable request to audit the cannabis business’ books and records for the purpose of verifying compliance with the CMMC and this CUP, including but not limited to a verification of the amount of taxes required to be paid during any period.
26. The following records and recordkeeping shall be maintained/conducted:
 - a. The owner/operator of this cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis, or at any time upon reasonable request of the City, the owner/operator shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.
 - b. The owner/operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this condition shall be provided to the City Manager upon a reasonable request.
 - c. The owner/operator shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the retail sale 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 21-20 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Prior to the Building Division issuing a demolition permit, the applicant shall contact the South Coast Air Quality Management District (AQMD) located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000

Or visit its website:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.

4. Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not detected outside the property, anywhere on adjacent property or public right-of-way. Building and mechanical permits must be obtained from the Building Division prior to work commencing on any part of the odor control system.
5. Plan check submittal shall include air quality/odor control device specification sheets. Plan check submittal shall also include a landscape plan that complies with CMMC requirements, drought-tolerant plants and/or California native plants, a bike rack, parking lot striping in conformance with CMMC requirements, and trash enclosure.
6. No signage shall be installed until the owner/operator or its designated contractor has obtained permits required from the City. Business identification signage shall be limited to that needed for identification only. Business identification signage shall not include any references to cannabis, whether in words or symbols. All signs shall comply with the CMMC.
7. The plans and business operator shall comply with the requirements of the 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 a temporary fencing and temporary security lighting exhibit to ensure the site is secured during construction and to discourage crime, vandalism, and illegal encampments.
10. The applicant shall submit a lighting plan to the Planning Division for review and approval. The lighting plan shall show locations of all security lighting. As determined by the Director of Economic and Development Services or their designee, a photometric study may be required to demonstrate compliance with the following: (a) lighting levels within the property including the parking lot shall be adequate for safety and security purposes (generally, at least 1.0 foot candle), (b) lighting design and layout shall minimize light spill at the residential property line and at other light-sensitive uses (generally, no more than 0.5 foot candle), and (c) glare shields may be required to prevent light spill.
11. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

Prior to Issuance of a Certificate of Use/Occupancy

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

Prior to Issuance of Cannabis Business Permit

1. The applicant shall contact the Planning Division for a facility inspection and provide a matrix of conditions of approval explaining how each was met prior to issuance of a Cannabis Business Permit.
2. The applicant shall 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 trained in traffic control to monitor parking lot use and assist with customer parking lot circulation, encouraging customers to take advantage of delivery service instead of store visits, 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.
16. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
17. Cannabis shall not be consumed on the property at any time, in any form.
18. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
19. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the property, or on any of the vehicles owned or used as part of the cannabis business.
20. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
21. If cannabis odor is detected outside the building, the business owner or operator shall institute corrective measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services.
22. Cannabis liquid or solid waste must be made unusable and unrecognizable prior to leaving a secured storage area and shall be disposed of at facility approved to receive such waste. No cannabis waste shall be disposed of in the trash facilities located on-site.
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.

APPLICANT LETTER

To Whom it may concern,

17th St Retail LLC (COMPANY) intends to apply for a Storefront and Delivery retail location to be located at 124 E 17th St Costa Mesa, CA 92627.

The space located at 124 E 17th St Costa Mesa, CA 92627 has 1 building located on the property which is 2,340 Sq Ft in size. The full 2,340 Sq Ft of premises shall be used for a Cannabis Retail Storefront

The owners and operators of the Company are Peter Ishak, James Switzer and Lee McCue. The three owners also own and operate both a Type 6 Manufacturing and a Type 11 Distribution licenses in the Measure X section of Costa Mesa. Peter, James and Lee also have fully integrated Cannabis operations in Nevada and are considered one of the top providers of Cannabis in the state. Peter Ishak has been in the Cannabis industry since 2005. Peter has owned and operated multiple Medical Dispensaries in the Los Angeles. Peter was also instrumental in the Arizona Medical Cannabis market in becoming one of the first few retail operators to become operational in the state. Peter, James and Lee are looking forward to bringing their years of experience and success in the Cannabis industry to the newly beginning Cannabis Retail Operations in the City Of Costa Mesa.

The company intends to sell all legally permitted and tested Cannabis products for use by consumer. These products include but are not limited to: Cannabis flower, Cannabis Concentrates, Cannabis topicals, Cannabis Edibles. Products will be sold in store and will also be available for delivery to persons of legal age and residence.

The location at 124 E 17th St Costa Mesa, CA 92627 is NOT located in the Green Zone. There will no hazardous chemicals stored at the location.

If there is any additional information or further clarification needed, please let us know and we will provide immediately. Thank You for this opportunity to submit an application for a Storefront Retail use.

17th Retail LLC

Company Name

Peter Ishak

Authorized Representative Signature

Peter Ishak

Authorized Representative Name

Manager


06/19/2022

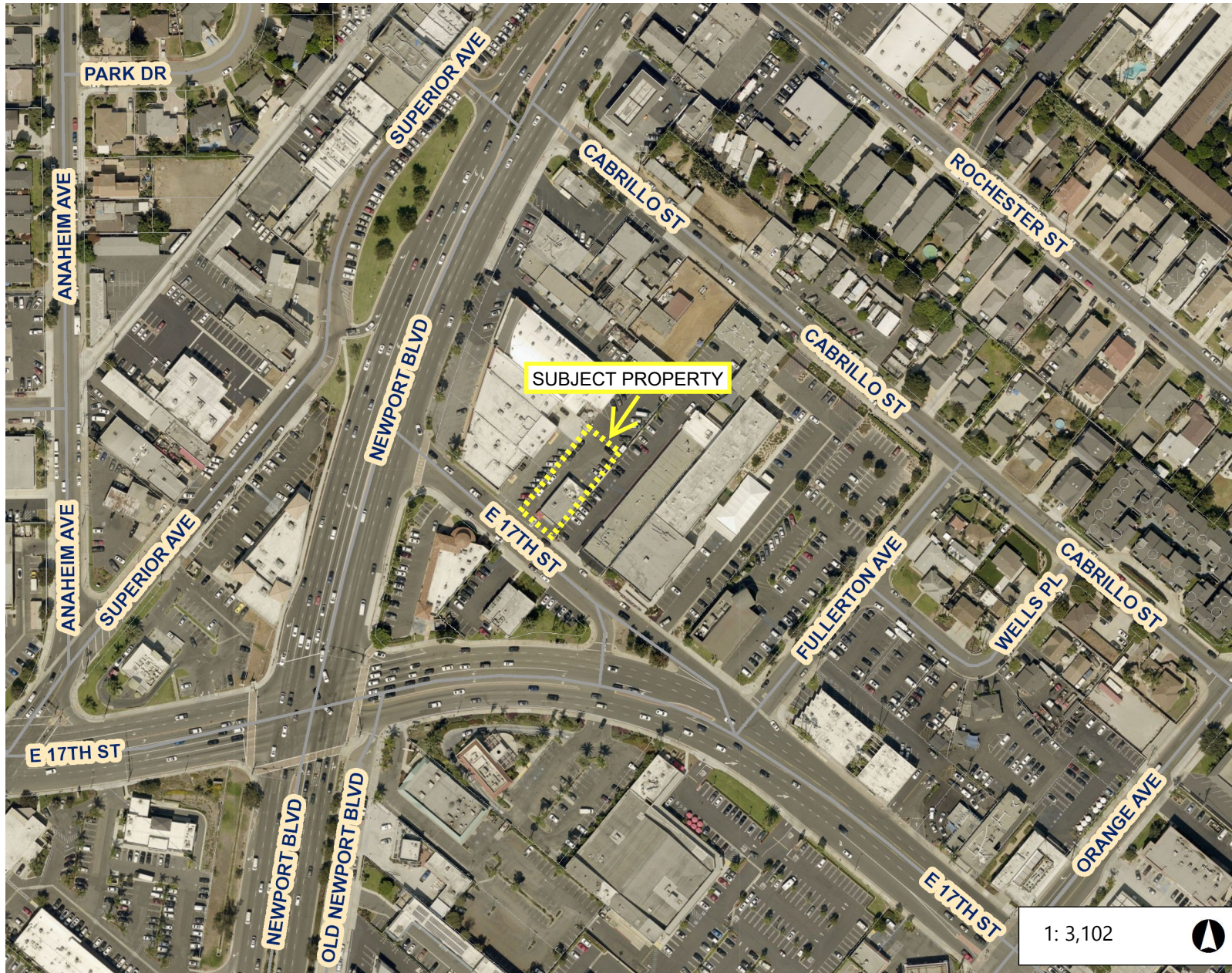
Title

Date



Legend

 Costa Mesa



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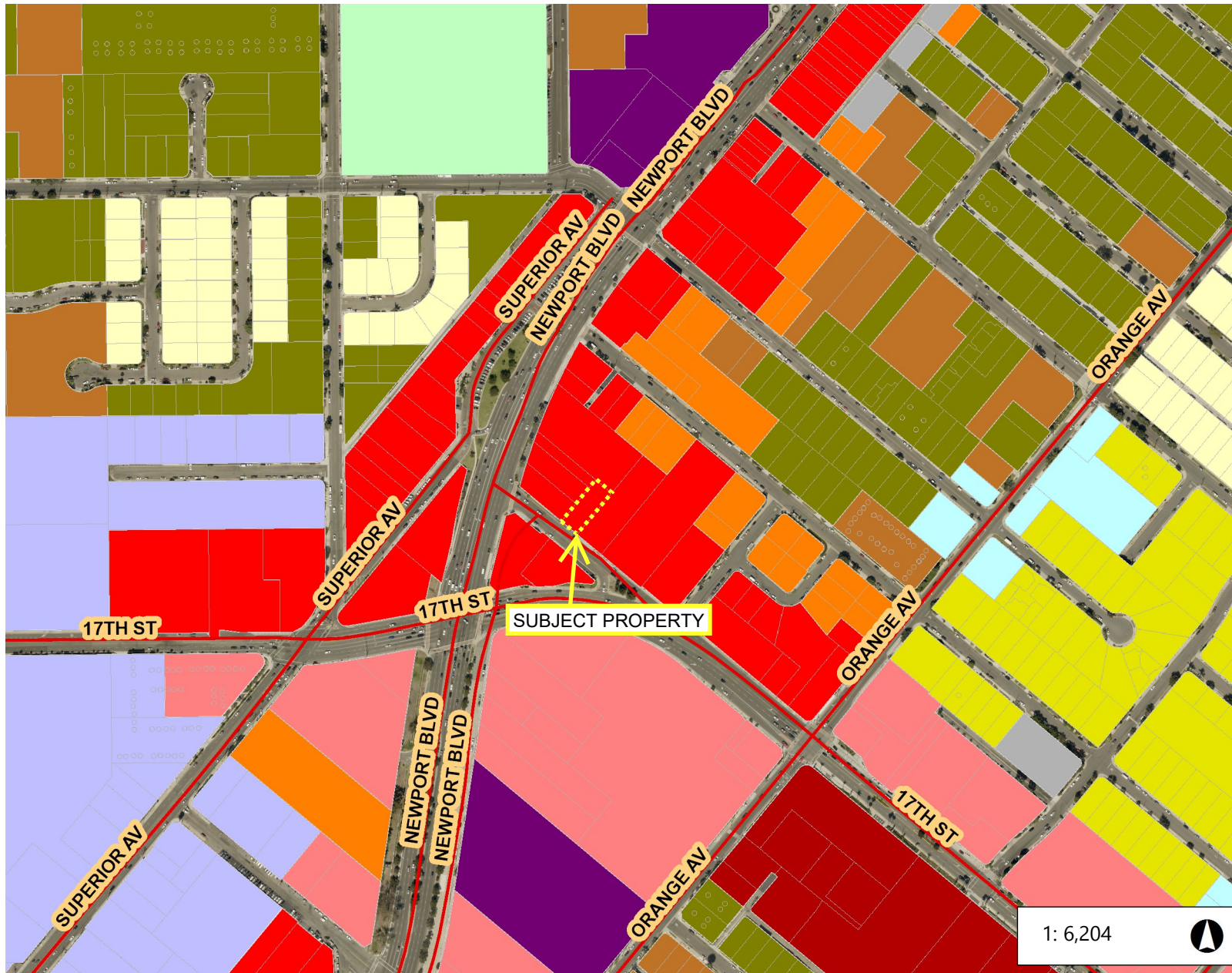
0.1 0 0.05 0.1 Miles

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Notes

PA-21-20 (124 E 17th St)



Legend

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

1: 6,204



0.2 0 0.10 0.2 Miles

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Notes

PA-21-20 (124 E 17th St)

124 E 17TH STREET (PA-21-20)

EXISTING SITE PHOTOS



Existing building front façade facing E 17th St. to be updated with new paint and signage



Existing west building elevation facing driveway to be updated with a new mural (reviewed and permitted under separate submittal)



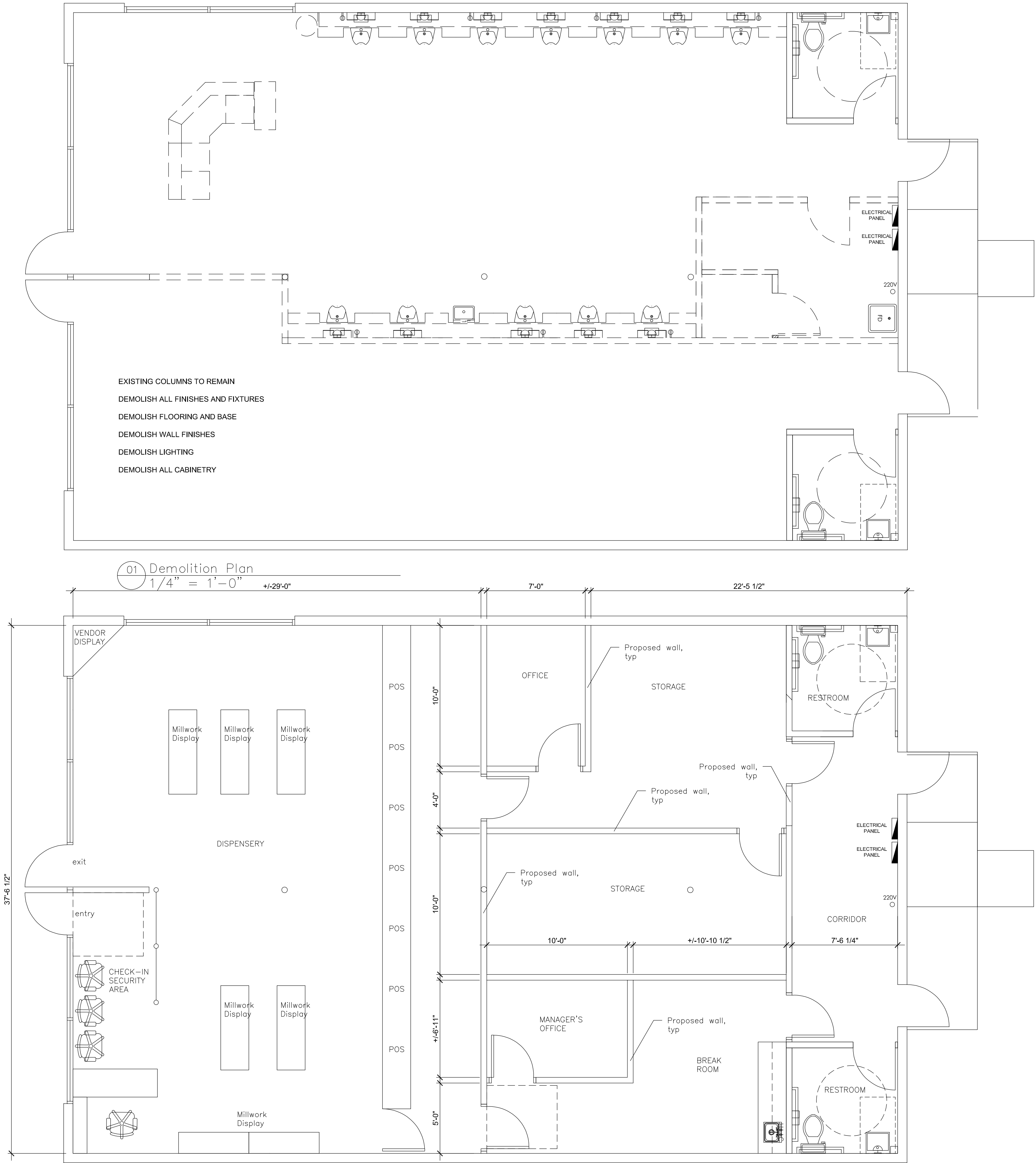
Existing rear of the building to also be updated with new paint as well as security cameras/lighting



Existing condition of the rear surface parking lot to be reconfigured and restriped to comply with parking design standards

ATTACHMENT 6





01 Demolition Plan
1/4" = 1'-0"

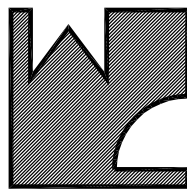
01 Floor Plan
1/4" = 1'-0"

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Oklahoma
Hawaii
Montana
Georgia
New Mexico
Tennessee
Washington
Oregon
Maryland

PROJECT TITLE:
**Retail
Tenant Improvement**
124 East 17th Street
Costa Mesa, Ca.
92627

darren machulsky
architect



31 ELIANT ROAD
HUNTSVILLE, AL 35894
PHONE: 205.835.1111

PHONE: 609.482.4234 FAX: 760.720.9555 DARREN@DMACHULSKY.COM



Darren Machulsky

PERMIT 9-28-2021

REVISIONS:		
1	10-20	CUP
2	3-28	CUP
3	6-10	CUP

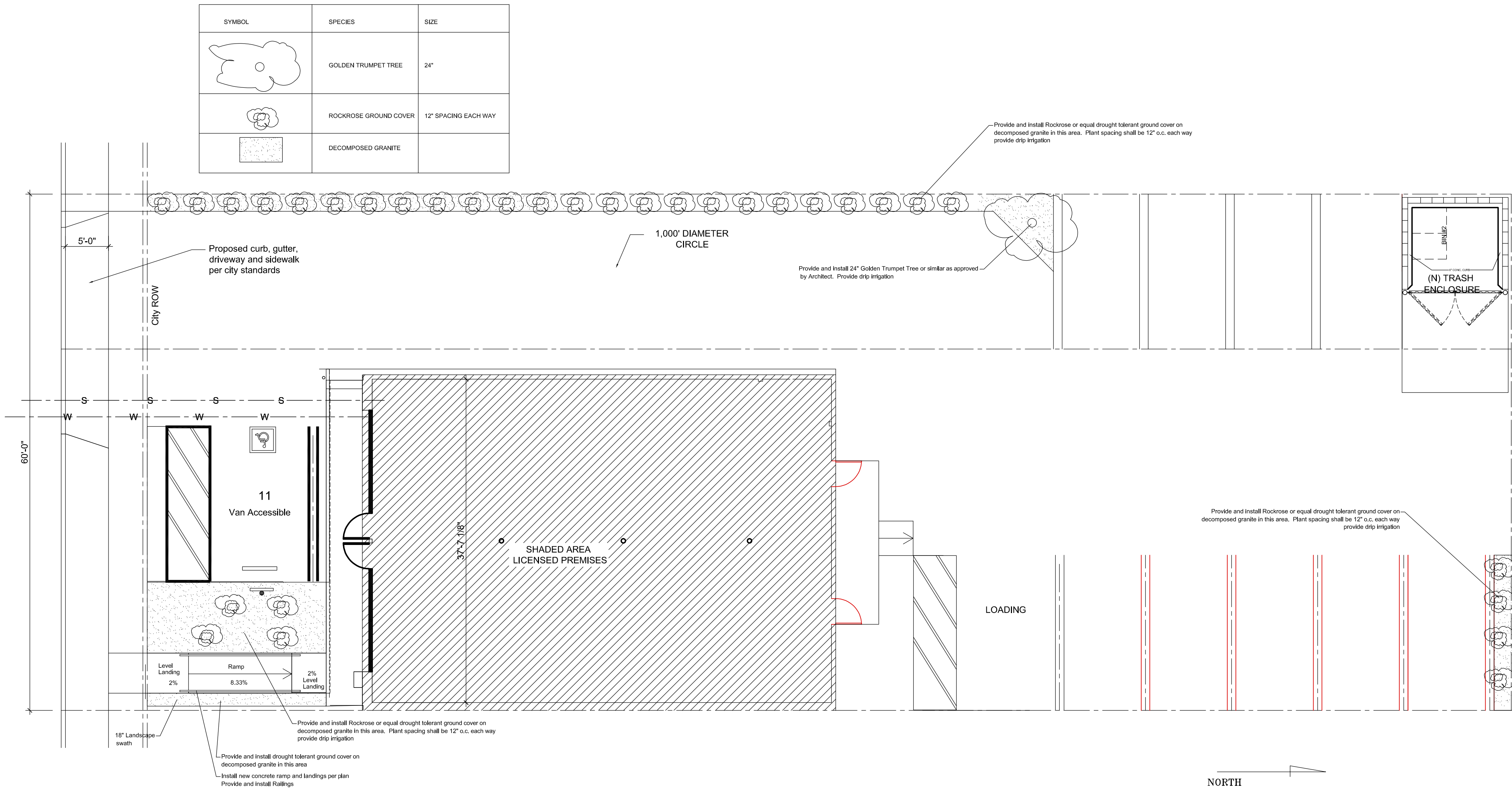
PLAN

DWG TITLE:

A1.1

DWG #:

EAST 17TH STREET



SYMBOL	SPECIES	SIZE
	GOLDEN TRUMPET TREE	24"
	ROCKROSE GROUND COVER	12" SPACING EACH WAY
	DECOMPOSED GRANITE	

NORTH

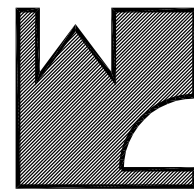
01 Site Plan/Key Plan
TS1 1/8" = 1'-0"

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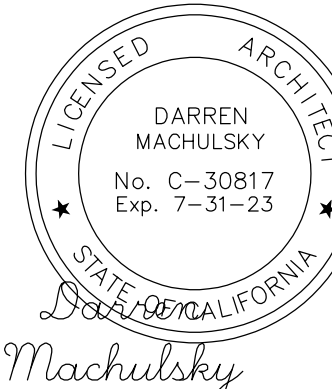
PROJECT TITLE:
Retail
Tenant Improvement
124 East 17th Street
Costa Mesa, Ca.
92627

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architect



31 ELIANT ROAD
HUNTSVILLE, AL 35894
PHONE 205.964.1111
FAX 205.964.1112

PHONE 609.482.4234 FAX 760.720.9555 DARREN@DMACHULSKY.COM



PERMIT 9-28-2021

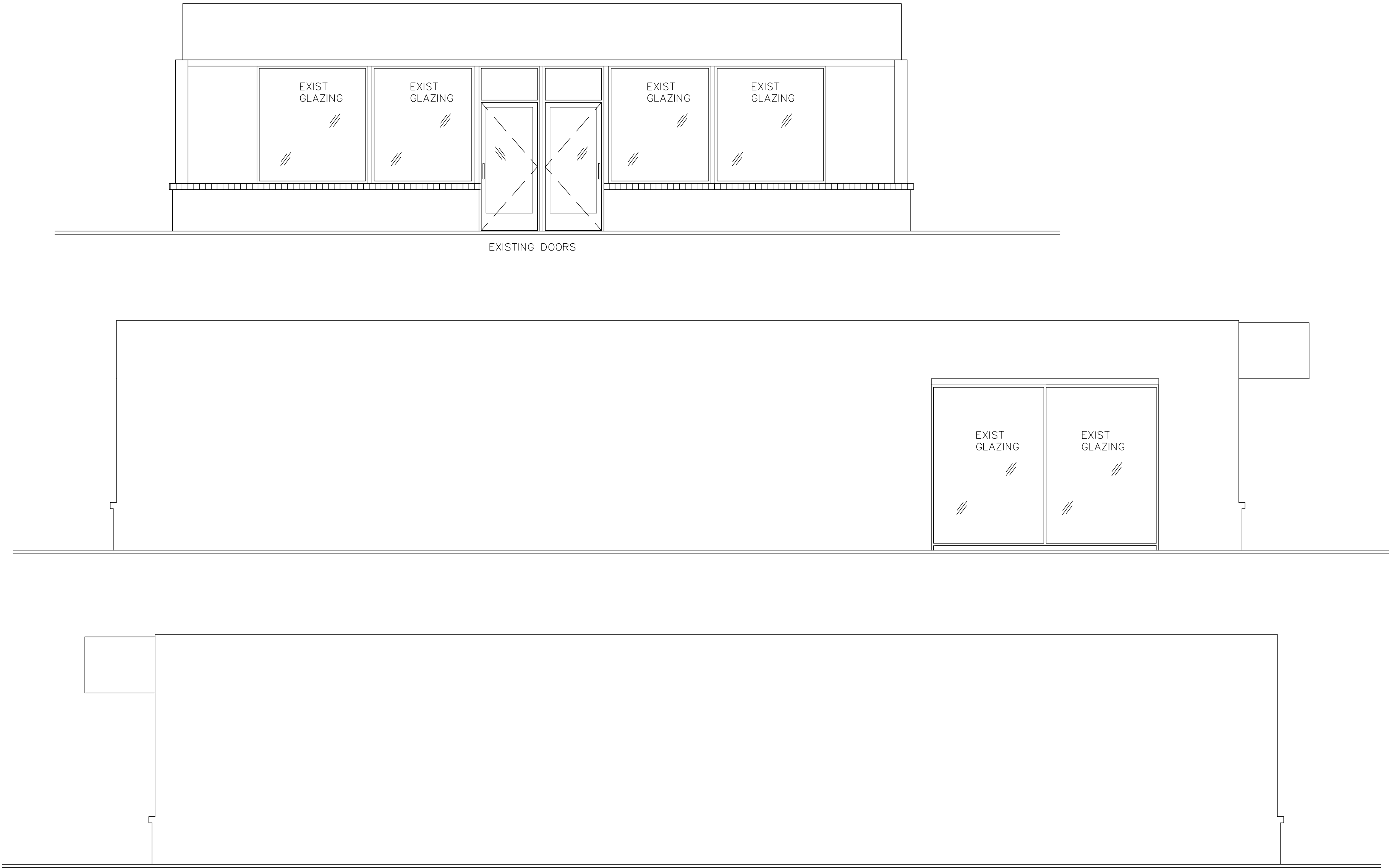
REVISIONS:		
1	10-20	CUP
2	3-28	CUP
3	6-10	CUP

Landscape

DWG TITLE:

L1

DWG #:

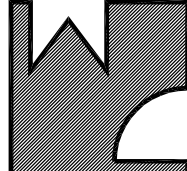


01 Existing Elevations
1/4" = 1'-0"

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Tennessee
Washington
Oregon
Maryland

PROJECT TITLE:
Retail
Tenant Improvement
124 East 17th Street
Costa Mesa, Ca.
92627



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REVISIONS:			
1	10-20	CUP	
2	3-28	CUP	

ELEVATION

DWG TITLE:

A2.1

DWG #:

PERMIT 9-28-2021











City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-768

Meeting Date: 6/27/2022

TITLE:

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

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY: NANCY HUYNH, SENIOR PLANNER

CONTACT INFORMATION: NANCY HUYNH 714-754-5609, Nancy.Huynh@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 21-14, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant/authorized agent is Michael Moussalli of 1921 Harbor Blvd LLC dba High Seas, on behalf of the property owner, Socal Evergy, Inc.

BACKGROUND:

The subject property is located at 1921 Harbor Boulevard and is generally situated west of the State Route (SR) 55 Freeway. The property fronts Harbor Boulevard and is bounded by West 19th Street to the south, Bernard Street to the north, and Maple Avenue to the west. The site is zoned C2 (General Business District) and is surrounded by other commercially zoned properties (C1 - Local Business District and PDC - Planned Development Commercial). The property also abuts an existing R2-HD (Multiple-Family Residential District, High Density) zoned property. The site has a General Plan Land Use Designation of General Commercial.

Existing development on the site consists of a one-story 7,215 square-foot commercial building with two tenant spaces and 12 parking spaces in the existing surface parking lot located at the rear of the property. Access to the site is provided by an existing 25-foot wide shared driveway along Fairfax Drive off of Harbor Boulevard. The existing building is currently vacant but previous uses included a retail barbeque and accessories store (Barbeques Galore) and fitness training studio (Malakas Training). The proposed retail cannabis storefront use with delivery, "High Seas", would occupy the entire existing building.

The property is located on one of the City's primary commercial corridors and the surrounding uses predominantly include multi-tenant commercial centers. Existing businesses in these commercial centers consist of restaurants/bars (Basil Mediterranean Grill, Dominoes, Baskin Robbins, SOCIAL), a beauty supply store, mailing and shipping services, massage and beauty parlors, a retail bicycle store, and an automotive repair shop. To the rear of the property abutting the parking lot is an existing residential mobile home community, "Oceanbreeze Mobile Estates," that is developed with approximately 40 mobile homes. The subject property's parking lot and the mobile home community are separated by a six-foot tall wrought iron fence and share an existing egress/ingress (driveway entrance/exit) along Fairfax Drive off of Harbor Boulevard. In addition, there is an existing pedestrian gate that provides access between the mobile home community and Fairfax Drive.

There are no open Code Enforcement cases on this property.

The applicant currently owns and operates a cannabis manufacturing and distribution facility, Se7en Leaf, in Costa Mesa - which was approved in 2018 under Measure X. Se7en Leaf has been operating since 2018. There are no active Code Enforcement cases at the Measure X facility.

Non-Conforming Development

The existing development is legal-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 0.43.

Improvements would be made to bring this structure into compliance with current building and safety codes; however, and as specifically allowed by the CMMC, the building size and placement on the site and associated nonconforming FAR, setbacks, parking, and landscaping can remain and is considered legal-nonconforming. The applicant is proposing to bring the property into closer conformance by providing landscaping and increasing the parking supply as further described below in the Analysis section of this report.

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

In November 2016, Costa Mesa voters approved Measure X, allowing medical cannabis manufacturing, packaging, distribution, research and development laboratories, and testing laboratories in “Industrial Park” (MP) and “Planned Development Industrial” (PDI) zoned properties north of South Coast Drive and west of Harbor Boulevard (“The Green Zone,” excluding the South Coast Collection property located at 3303 Hyland Avenue). Measure X is codified in Titles 9 and 13 of the 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 application complies with the City’s required separation distances from sensitive uses and may proceed to submittal of a CBP.

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

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

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

The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public 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 (every two-years) prior to expiration. During the two-year CBP period, the Community Improvement Division (CID), along with other City staff, will conduct site inspections to verify that the business is operating in compliance with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

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

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

DESCRIPTION:

Planning Application 21-14 is a request for a CUP to allow retail cannabis uses within an existing 7,215-square-foot commercial building located at 1921 Harbor Boulevard. The affiliated State license is Type 10 “storefront retailer” which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

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 generally surrounded by commercial uses. The property to the rear includes a residential use. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. In addition, staff has drafted numerous specific conditions of approval, included in the Resolution, to ensure site-specific land use compatibility. For example, a condition is included that requires a parking lot attendant to monitor the customer use of the lot and, specifically during morning and evening hours, ensure that customers are respecting the adjacent residential use in regard to noise or other potential disturbances.

Separation Requirements

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

The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The existing building façade and exterior components are in relatively good condition and do not require significant upgrades. However, the applicant proposes to update the building façade by squaring off the top portion of the building, enhancing it with perforated metal panels that would wrap around the building, and applying new paint in a light blue color to complement the proposed "sea" theme of the proposed business. The existing brick would be replaced with engineered stone panels also in a blue color. The main entrance area located at the rear parking lot would feature decorative blue metal panels around the entry door. There would also be a secondary entrance/exit door with direct access from the Harbor Boulevard sidewalk.

The property currently does not have any landscaping onsite; the applicant would add landscaping at the front façade along Harbor Boulevard and at the building's main entrance area facing the parking lot. The applicant has provided a conceptual landscaping plan as part of their CUP plans that would bring the property into closer conformance with the landscaping standards. The City requires that final landscaping details (generally consistent with the conceptual plan) be reviewed further during the plan check permitting process.

Other proposed exterior improvements include:

- Installing a six-foot high block wall along the western property line abutting the existing mobile home community to provide a better buffer between the two properties;
- Increasing the onsite parking supply from 12 existing spaces to 16 spaces (including credit for one bicycle rack);
- Adding a bicycle rack to encourage multi-modal transportation;
- Restriping the parking lot to comply with the City's parking design standards;
- Constructing a new trash enclosure; and
- Installing new six-foot high wrought iron fencing along the southern property line to prevent customers from parking in the adjacent businesses' parking lots and to eliminate cut through traffic to the adjacent properties.

The applicant also proposes to update the site with security lighting, surveillance cameras and new business signage (signs would be reviewed and permitted separately per the City's sign code requirements). Security lighting would be shielded, pointed downward and located in such a manner to prevent potential lighting impacts to the abutting residential property. The applicant has provided a preliminary lighting and photometric plan as part of their CUP plans. As conditioned, the lighting and photometric plan would be further reviewed and required during the plan check process to demonstrate that lighting onsite would be adequate for security purposes but not cause inappropriate light spill onto the abutting residentially-zoned property.

Interior Tenant Improvements

The proposed interior floor plan combines the two existing separate tenant spaces into a single storefront business. The majority of the interior improvements would involve construction of new demising walls to create new rooms including a reception room with customer waiting area, retail sales area (including five checkout stands), and "back-of-house" areas. Back-of-house areas include storage room, delivery operations area, a security room, offices, employee break room, restrooms, and a vendor receiving room. Below is a square footage breakdown summary of each space within the 7,215-square-foot building.

Table 1- Floor Plan Summary

Operational Area	Square Feet
Reception Room/Waiting Area	1,268
Retail Sales Area	2,204
Storage Rooms	1,715
IT Storage	30
Offices	387
Delivery Office	318
Employee Break Room	303
Vendor Receiving Room	160
Bathrooms	209
Hallways	372
Equipment Room/Janitorial Storage	170
Electrical Room	79
Total	7,215

Customer and Employee Access

Customers would only be allowed in the reception room/waiting area and retail sales area. All other areas of the premises would be accessible only to employees with the proper security credentials. Customer access to the proposed establishment includes entering the licensed premise through the entrance doors (located both at the parking lot and from the sidewalk on Harbor Boulevard) that connects directly to the reception room. A greeter employee would verify the customer's identity and age before allowing the customer to enter the retail sales area. After a customer's identity and age is verified and their transaction is completed, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

Employees would enter through either of the public entrances since there is not a separate "employee-only entrance." Once inside the facility, employees would enter through a controlled access door that would lead into the back-of-house areas. When loading and unloading delivery vehicles and vendor vehicles, employees would enter/exit through the access-controlled door located at the rear of the building that leads directly into the receiving room. Vendors would only be allowed to enter the premise while accompanied by an employee. The distance from the controlled access doors to the vehicle loading area is less than 10 feet. The access doors, path of travel and vehicle loading areas would be under camera surveillance.

Storefront/Delivery Operations

The proposed business is required to comply with retail storefront and operational

conditions/requirements as follows:

- Display State license, CBP, and City business license in a conspicuous building location;
- Hours of operations are limited to 7:00 AM to 10:00 PM daily;
- Shipments of cannabis goods may only be accepted during regular business hours;
- Cannabis inventory shall be secured using a lockable storage system during non-business hours;
- At least one licensed security guard shall be on premises 24-hours a day;
- The premises and the vicinity must be monitored by security and/or other staff to ensure that patrons immediately leave, do not consume cannabis onsite or within close proximity, and/or do not disturb the adjacent residential neighbors. Security guards will monitor the parking lot diligently during morning and evening business hours. The CMMC prohibits the consumption of cannabis or cannabis products in public areas; cannabis consumption is limited to non-public areas, such as within a private residence. State law further prohibits cannabis consumption and open container possession within 1,000 feet of sensitive uses and while riding in or driving a vehicle;
- There must be continuous video monitoring and recording of the interior and exterior of the premises;
- Adequate security lighting shall be provided and shall be designed to prevent offsite light spill;
- Onsite sales of alcohol or tobacco products and on-site consumption of alcohol, cannabis, and tobacco products is prohibited;
- No one under the age of 21 is allowed to enter the premises. If the business holds a retail medical cannabis license (M-license) issued by the State, persons over the age of 18 may also be allowed with the proper medical approvals i.e. physician's recommendation or medical card pursuant to CMMC Section 9-495(h)(6);
- Prior to employment, all prospective employees must successfully pass a background check conducted by the City, and the employee must obtain a City issued identification badge;
- Customers are only granted access to the retail area after their age and identity has been confirmed by an employee;
- Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information:
 - Date and time of transaction;
 - Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity; and
 - Total transaction amount paid.
- There must be video surveillance of the point-of-sale area and where cannabis goods are displayed and/or stored;
- Cannabis products shall not be visible from the exterior of the building;
- Free samples of cannabis goods are prohibited;
- When receiving new inventory from licensed distributors, employees will verify the distributor's identity and license prior to allowing them to enter the facility through an access-controlled door. After distributor's credentials have been confirmed, an employee will escort the distributor to the shipping and receiving area and remain with them throughout the process.
- Cannabis goods to be sold at this establishment (either storefront or delivery) must be obtained by a licensed cannabis distributor and have passed laboratory testing;

- Cannabis product packaging must be labeled with required test results and batch number;
- Packaging containing cannabis goods shall be tamper-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 path of travel and loading and unloading area;
- Cannabis deliveries must be made in-person by an employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered employed by the licensed retailer;
- The applicant shall maintain proof of vehicle insurance for any and all vehicles being used to deliver cannabis goods;
- During delivery, the employee shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers;
- A delivery employee shall not leave the State of California while possessing cannabis products and while performing their duties for the cannabis retailer;
- The business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the State;
- Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated global positioning system (GPS) device for identifying the location of the vehicle (cell phones and tablets are insufficient);
- Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
- Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and
- A cannabis delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time, with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.

Business Plan

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

Security Plan

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

Since the security plan contains sensitive operational details that require limited public exposure to remain effective, the plan is not included as an attachment. However, the following is a list of general

security measures that are required for the proposed cannabis retail establishment:

- At least one security guard will be 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.
- 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 7,215-square-foot facility would be required to provide 29 onsite parking spaces. The subject property includes an existing surface parking lot with 12 parking spaces, which is considered legal non-conforming. Access to the site is provided by an existing 25-foot wide shared driveway which is shared with an abutting residential property and adjacent commercial property. There is an existing public sidewalk at the front of the building, which provides access to the site for pedestrians and bicyclists.

The applicant proposes to reconfigure the parking lot to increase the provided parking to 16 parking spaces total (14 standard spaces, one accessible space, and credit for one bicycle rack). There is also three public parking spaces available at the front of the building along Harbor Boulevard. Although the public parking spaces are not counted toward the project’s provided parking, these

public spaces exist and are located in close proximity and are likely to be used by customers. Since the proposed use would occupy the entire building, all onsite parking would serve the retail cannabis business. As described further below, the site parking is considered legal non-conforming and pursuant to the CMMC is allowed to continue with less parking than required by current Code standards.

In addition to the 16 parking spaces provided onsite, offsite parking is proposed to be provided at 1901 Newport Boulevard, which has surplus parking available (over 130 surplus spaces) in the existing parking structure located across Harbor Boulevard and approximately 500 feet from the subject property. The applicant has secured 20 offsite parking spaces for employees and for customers if needed. During business hours, delivery vehicles and vendor vehicles would use the proposed loading/unloading area onsite. With the proposed offsite parking, the total parking available for customers and employees would be 36 spaces exceeding the Zoning Code requirements by seven spaces. Should the offsite parking be necessary for customers, the operator would post signs and have an employee stationed at the front of the building to direct customers to the offsite parking location. Access from the offsite parking location to the storefront is provided by an existing continuous sidewalk along West 19th Street and Harbor Boulevard (the walk time from the offsite parking to the storefront is under five minutes). Given that all employees would park offsite, nearby offsite parking would be made available for customers if needed, and there is a designated loading/unloading zone for delivery and vendor vehicles - staff believes the applicant has provided adequate parking to serve the proposed use.

Table 2 - Parking Summary

Existing and Required Parking	
Zoning Code Required Parking	29 spaces
Existing Legal Non-conforming Parking	12 spaces
Proposed Parking	
Proposed Parking	16 spaces
Employee Off-site Parking at 1901 Newport Boulevard	20 spaces
Total Provided Parking	
Available Parking for Customers and Employees	36 spaces

Furthermore, the CMMC Title 13, Chapter X, Table 13-304, allows legal non-conforming parking to continue so long as the development will not be made more nonconforming. The proposed storefront would be replacing another retail use with the same parking ratio as well as replacing a fitness use that had a higher parking ratio (10 spaces per 1,000 gross square feet). In addition, the parking lot would not be shared with any other business unlike existing conditions where two businesses share one legal non-conforming parking lot. Therefore, the proposed project would not make the property more nonconforming since a retail cannabis storefront is a retail use. No additional parking spaces would be required and the property would be allowed to retain the legal nonconforming parking status.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate exact demand for a new use; however, if parking shortages or other parking-related problems occur, the business owner or operator will be required to monitor the parking lot and institute appropriate operational measures necessary to minimize or eliminate the problem in a

manner deemed appropriate by the Director of Economic and Development Services (see “Operational Conditions” of Approval No. 7 in the attached Resolution). Examples of parking demand management techniques include, but are not limited to, 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, offering an employee shuttle service, and incentivizing employee carpooling/cycling/walking.

Traffic

The CMMC Section 13-275(e) indicates that any increase in traffic generation by a change of use that is required to obtain a discretionary permit, shall be subject to review by the appropriate reviewing authority, which may impose fees to address increased trip generation. If required, the fee collected is used to fund the City’s comprehensive transportation system improvement program. The purpose of the program is to ensure that the City’s transportation system has the capacity to accommodate additional trips.

The 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 previous retail and fitness 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 \$85,000. 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 State compliant packaging that is sealed, tamper-evident, and odor-resistant 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 Activated Carbon Filtration systems to completely filter the air. 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. Further, 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. Lastly, cannabis products are not allowed to be disposed of in the exterior trash area, and as indicated below, the trash area is conditioned to be located and designed in a manner to avoid offsite impacts.

Proximity to Residential

The subject property abuts an existing residential property. The applicant has conducted outreach to the mobile home community. To ensure neighborhood compatibility, proposed project conditions and requirements include the following:

- Business hours are limited from 7AM to 10PM.
- Install a six-foot high block wall to provide a buffer between the residential and commercial properties;
- Shield security lighting down and away from the mobile homes to prevent light spillover. As conditioned, a photometric study would be required to be submitted during plan check to demonstrate that light levels at the residential property are minimal;
- Post signs within the parking lot to remind customers and vendors to keep noise levels to a minimum;
- Limit the hours that the business can dispose of waste at the trash enclosure to avoid noise impacts during sensitive hours i.e. dispose of trash between 8AM and 8PM;
- The trash facility must be located and designed in a manner that does not result in odor impacts to the adjacent residential use. Per the recommended conditions of approval, during the plan check process, the trash enclosure will be required to be located nearest to the building and/or enclosed in a manner that prevents off-site odors. Only typical refuse shall be disposed in the site trash areas, and disposal of cannabis products is prohibited. If odor complaints are received and confirmed by the City, odor impacts shall be eliminated in a manner deemed appropriate by the Director of Economic and Development Services; and
- A parking lot attendant will monitor the site's parking areas to ensure that customers are quiet, turn off vehicle engines promptly, do not play loud music, and generally do not create excessive neighbor disturbances. The parking lot monitor will be especially diligent to prevent noise and other neighbor disturbance during morning and evening business hours.

GENERAL PLAN CONFORMANCE:

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

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

- 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 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 which is predominantly intended for 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 retail cannabis use would be materially detrimental to the adjacent uses that include an automotive repair shop and several multi-tenant commercial centers with a variety of retail businesses (restaurants, bars, beauty parlors, grocery stores, and other service amenities).

The proposed use would also not be materially detrimental to the abutting residences because the project would include features to ensure neighborhood compatibility such as: installing a six-foot high block wall to provide a better buffer between the two properties, shielding security lighting down and away from the mobile homes to prevent potential lighting impacts, posting signs within the parking lot to remind customers and vendors to keep noise levels to a

minimum, and having an employee monitor the parking lot to ensure that customers do not create neighbor disturbances. The storefront business would also include odor control measures as described in this report to minimize any odor impacts to the residences. There would also be a security guard present onsite. Vehicular and pedestrian access to the mobile home community would remain as it is currently which is provided by a pedestrian gate abutting the subject property's parking lot and vehicular gate along Fairfax Drive. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

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

The proposed cannabis retail storefront with delivery 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 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use. This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in commercial floor area or otherwise expand the prior commercial use. The

project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

The Planning Commission has the following alternatives:

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

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

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

As of the date this report was circulated, no written public comments have been received. Any public comments received prior to the June 27, 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 Zoning Code, and the City's General Plan. Further, the project has been conditioned to minimize impacts to the neighboring residential use. The required findings for the CUP can be made, as described above, and therefore, staff recommends approval of Planning Application 21-14 subject to conditions of approval.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-768

Meeting Date: 6/27/2022

TITLE:

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

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY: NANCY HUYNH, SENIOR PLANNER

CONTACT INFORMATION: NANCY HUYNH 714-754-5609, Nancy.Huynh@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 21-14, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant/authorized agent is Michael Moussalli of 1921 Harbor Blvd LLC dba High Seas, on behalf of the property owner, Socal Evergy, Inc.

BACKGROUND:

The subject property is located at 1921 Harbor Boulevard and is generally situated west of the State Route (SR) 55 Freeway. The property fronts Harbor Boulevard and is bounded by West 19th Street to the south, Bernard Street to the north, and Maple Avenue to the west. The site is zoned C2 (General Business District) and is surrounded by other commercially zoned properties (C1 - Local Business District and PDC - Planned Development Commercial). The property also abuts an existing R2-HD (Multiple-Family Residential District, High Density) zoned property. The site has a General Plan Land Use Designation of General Commercial.

Existing development on the site consists of a one-story 7,215 square-foot commercial building with two tenant spaces and 12 parking spaces in the existing surface parking lot located at the rear of the property. Access to the site is provided by an existing 25-foot wide shared driveway along Fairfax Drive off of Harbor Boulevard. The existing building is currently vacant but previous uses included a retail barbeque and accessories store (Barbeques Galore) and fitness training studio (Malakas Training). The proposed retail cannabis storefront use with delivery, "High Seas", would occupy the entire existing building.

The property is located on one of the City's primary commercial corridors and the surrounding uses predominantly include multi-tenant commercial centers. Existing businesses in these commercial centers consist of restaurants/bars (Basil Mediterranean Grill, Dominoes, Baskin Robbins, SOCIAL), a beauty supply store, mailing and shipping services, massage and beauty parlors, a retail bicycle store, and an automotive repair shop. To the rear of the property abutting the parking lot is an existing residential mobile home community, "Oceanbreeze Mobile Estates," that is developed with approximately 40 mobile homes. The subject property's parking lot and the mobile home community are separated by a six-foot tall wrought iron fence and share an existing egress/ingress (driveway entrance/exit) along Fairfax Drive off of Harbor Boulevard. In addition, there is an existing pedestrian gate that provides access between the mobile home community and Fairfax Drive.

There are no open Code Enforcement cases on this property.

The applicant currently owns and operates a cannabis manufacturing and distribution facility, Se7en Leaf, in Costa Mesa - which was approved in 2018 under Measure X. Se7en Leaf has been operating since 2018. There are no active Code Enforcement cases at the Measure X facility.

Non-Conforming Development

The existing development is legal-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 0.43.

Improvements would be made to bring this structure into compliance with current building and safety codes; however, and as specifically allowed by the CMMC, the building size and placement on the site and associated nonconforming FAR, setbacks, parking, and landscaping can remain and is considered legal-nonconforming. The applicant is proposing to bring the property into closer conformance by providing landscaping and increasing the parking supply as further described below in the Analysis section of this report.

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

In November 2016, Costa Mesa voters approved Measure X, allowing medical cannabis manufacturing, packaging, distribution, research and development laboratories, and testing laboratories in "Industrial Park" (MP) and "Planned Development Industrial" (PDI) zoned properties north of South Coast Drive and west of Harbor Boulevard ("The Green Zone," excluding the South Coast Collection property located at 3303 Hyland Avenue). Measure X is codified in Titles 9 and 13 of the 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 application complies with the City’s required separation distances from sensitive uses and may proceed to submittal of a CBP.

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

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

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

The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public 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 (every two-years) prior to expiration. During the two-year CBP period, the Community Improvement Division (CID), along with other City staff, will conduct site inspections to verify that the business is operating in compliance with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

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

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

DESCRIPTION:

Planning Application 21-14 is a request for a CUP to allow retail cannabis uses within an existing 7,215-square-foot commercial building located at 1921 Harbor Boulevard. The affiliated State license is Type 10 “storefront retailer” which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

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 generally surrounded by commercial uses. The property to the rear includes a residential use. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. In addition, staff has drafted numerous specific conditions of approval, included in the Resolution, to ensure site-specific land use compatibility. For example, a condition is included that requires a parking lot attendant to monitor the customer use of the lot and, specifically during morning and evening hours, ensure that customers are respecting the adjacent residential use in regard to noise or other potential disturbances.

Separation Requirements

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

The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The existing building façade and exterior components are in relatively good condition and do not require significant upgrades. However, the applicant proposes to update the building façade by squaring off the top portion of the building, enhancing it with perforated metal panels that would wrap around the building, and applying new paint in a light blue color to complement the proposed "sea" theme of the proposed business. The existing brick would be replaced with engineered stone panels also in a blue color. The main entrance area located at the rear parking lot would feature decorative blue metal panels around the entry door. There would also be a secondary entrance/exit door with direct access from the Harbor Boulevard sidewalk.

The property currently does not have any landscaping onsite; the applicant would add landscaping at the front façade along Harbor Boulevard and at the building's main entrance area facing the parking lot. The applicant has provided a conceptual landscaping plan as part of their CUP plans that would bring the property into closer conformance with the landscaping standards. The City requires that final landscaping details (generally consistent with the conceptual plan) be reviewed further during the plan check permitting process.

Other proposed exterior improvements include:

- Installing a six-foot high block wall along the western property line abutting the existing mobile home community to provide a better buffer between the two properties;
- Increasing the onsite parking supply from 12 existing spaces to 16 spaces (including credit for one bicycle rack);
- Adding a bicycle rack to encourage multi-modal transportation;
- Restriping the parking lot to comply with the City's parking design standards;
- Constructing a new trash enclosure; and
- Installing new six-foot high wrought iron fencing along the southern property line to prevent customers from parking in the adjacent businesses' parking lots and to eliminate cut through traffic to the adjacent properties.

The applicant also proposes to update the site with security lighting, surveillance cameras and new business signage (signs would be reviewed and permitted separately per the City's sign code requirements). Security lighting would be shielded, pointed downward and located in such a manner to prevent potential lighting impacts to the abutting residential property. The applicant has provided a preliminary lighting and photometric plan as part of their CUP plans. As conditioned, the lighting and photometric plan would be further reviewed and required during the plan check process to demonstrate that lighting onsite would be adequate for security purposes but not cause inappropriate light spill onto the abutting residentially-zoned property.

Interior Tenant Improvements

The proposed interior floor plan combines the two existing separate tenant spaces into a single storefront business. The majority of the interior improvements would involve construction of new demising walls to create new rooms including a reception room with customer waiting area, retail sales area (including five checkout stands), and "back-of-house" areas. Back-of-house areas include storage room, delivery operations area, a security room, offices, employee break room, restrooms, and a vendor receiving room. Below is a square footage breakdown summary of each space within the 7,215-square-foot building.

Table 1- Floor Plan Summary

Operational Area	Square Feet
Reception Room/Waiting Area	1,268
Retail Sales Area	2,204
Storage Rooms	1,715
IT Storage	30
Offices	387
Delivery Office	318
Employee Break Room	303
Vendor Receiving Room	160
Bathrooms	209
Hallways	372
Equipment Room/Janitorial Storage	170
Electrical Room	79
Total	7,215

Customer and Employee Access

Customers would only be allowed in the reception room/waiting area and retail sales area. All other areas of the premises would be accessible only to employees with the proper security credentials. Customer access to the proposed establishment includes entering the licensed premise through the entrance doors (located both at the parking lot and from the sidewalk on Harbor Boulevard) that connects directly to the reception room. A greeter employee would verify the customer's identity and age before allowing the customer to enter the retail sales area. After a customer's identity and age is verified and their transaction is completed, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

Employees would enter through either of the public entrances since there is not a separate "employee-only entrance." Once inside the facility, employees would enter through a controlled access door that would lead into the back-of-house areas. When loading and unloading delivery vehicles and vendor vehicles, employees would enter/exit through the access-controlled door located at the rear of the building that leads directly into the receiving room. Vendors would only be allowed to enter the premise while accompanied by an employee. The distance from the controlled access doors to the vehicle loading area is less than 10 feet. The access doors, path of travel and vehicle loading areas would be under camera surveillance.

Storefront/Delivery Operations

The proposed business is required to comply with retail storefront and operational

conditions/requirements as follows:

- Display State license, CBP, and City business license in a conspicuous building location;
- Hours of operations are limited to 7:00 AM to 10:00 PM daily;
- Shipments of cannabis goods may only be accepted during regular business hours;
- Cannabis inventory shall be secured using a lockable storage system during non-business hours;
- At least one licensed security guard shall be on premises 24-hours a day;
- The premises and the vicinity must be monitored by security and/or other staff to ensure that patrons immediately leave, do not consume cannabis onsite or within close proximity, and/or do not disturb the adjacent residential neighbors. Security guards will monitor the parking lot diligently during morning and evening business hours. The CMMC prohibits the consumption of cannabis or cannabis products in public areas; cannabis consumption is limited to non-public areas, such as within a private residence. State law further prohibits cannabis consumption and open container possession within 1,000 feet of sensitive uses and while riding in or driving a vehicle;
- There must be continuous video monitoring and recording of the interior and exterior of the premises;
- Adequate security lighting shall be provided and shall be designed to prevent offsite light spill;
- Onsite sales of alcohol or tobacco products and on-site consumption of alcohol, cannabis, and tobacco products is prohibited;
- No one under the age of 21 is allowed to enter the premises. If the business holds a retail medical cannabis license (M-license) issued by the State, persons over the age of 18 may also be allowed with the proper medical approvals i.e. physician's recommendation or medical card pursuant to CMMC Section 9-495(h)(6);
- Prior to employment, all prospective employees must successfully pass a background check conducted by the City, and the employee must obtain a City issued identification badge;
- Customers are only granted access to the retail area after their age and identity has been confirmed by an employee;
- Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information:
 - Date and time of transaction;
 - Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity; and
 - Total transaction amount paid.
- There must be video surveillance of the point-of-sale area and where cannabis goods are displayed and/or stored;
- Cannabis products shall not be visible from the exterior of the building;
- Free samples of cannabis goods are prohibited;
- When receiving new inventory from licensed distributors, employees will verify the distributor's identity and license prior to allowing them to enter the facility through an access-controlled door. After distributor's credentials have been confirmed, an employee will escort the distributor to the shipping and receiving area and remain with them throughout the process.
- Cannabis goods to be sold at this establishment (either storefront or delivery) must be obtained by a licensed cannabis distributor and have passed laboratory testing;

- Cannabis product packaging must be labeled with required test results and batch number;
- Packaging containing cannabis goods shall be tamper-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 path of travel and loading and unloading area;
- Cannabis deliveries must be made in-person by an employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered employed by the licensed retailer;
- The applicant shall maintain proof of vehicle insurance for any and all vehicles being used to deliver cannabis goods;
- During delivery, the employee shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers;
- A delivery employee shall not leave the State of California while possessing cannabis products and while performing their duties for the cannabis retailer;
- The business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the State;
- Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated global positioning system (GPS) device for identifying the location of the vehicle (cell phones and tablets are insufficient);
- Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
- Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and
- A cannabis delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time, with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.

Business Plan

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

Security Plan

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

Since the security plan contains sensitive operational details that require limited public exposure to remain effective, the plan is not included as an attachment. However, the following is a list of general

security measures that are required for the proposed cannabis retail establishment:

- At least one security guard will be 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.
- 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 7,215-square-foot facility would be required to provide 29 onsite parking spaces. The subject property includes an existing surface parking lot with 12 parking spaces, which is considered legal non-conforming. Access to the site is provided by an existing 25-foot wide shared driveway which is shared with an abutting residential property and adjacent commercial property. There is an existing public sidewalk at the front of the building, which provides access to the site for pedestrians and bicyclists.

The applicant proposes to reconfigure the parking lot to increase the provided parking to 16 parking spaces total (14 standard spaces, one accessible space, and credit for one bicycle rack). There is also three public parking spaces available at the front of the building along Harbor Boulevard. Although the public parking spaces are not counted toward the project’s provided parking, these

public spaces exist and are located in close proximity and are likely to be used by customers. Since the proposed use would occupy the entire building, all onsite parking would serve the retail cannabis business. As described further below, the site parking is considered legal non-conforming and pursuant to the CMMC is allowed to continue with less parking than required by current Code standards.

In addition to the 16 parking spaces provided onsite, offsite parking is proposed to be provided at 1901 Newport Boulevard, which has surplus parking available (over 130 surplus spaces) in the existing parking structure located across Harbor Boulevard and approximately 500 feet from the subject property. The applicant has secured 20 offsite parking spaces for employees and for customers if needed. During business hours, delivery vehicles and vendor vehicles would use the proposed loading/unloading area onsite. With the proposed offsite parking, the total parking available for customers and employees would be 36 spaces exceeding the Zoning Code requirements by seven spaces. Should the offsite parking be necessary for customers, the operator would post signs and have an employee stationed at the front of the building to direct customers to the offsite parking location. Access from the offsite parking location to the storefront is provided by an existing continuous sidewalk along West 19th Street and Harbor Boulevard (the walk time from the offsite parking to the storefront is under five minutes). Given that all employees would park offsite, nearby offsite parking would be made available for customers if needed, and there is a designated loading/unloading zone for delivery and vendor vehicles - staff believes the applicant has provided adequate parking to serve the proposed use.

Table 2 - Parking Summary

Existing and Required Parking	
Zoning Code Required Parking	29 spaces
Existing Legal Non-conforming Parking	12 spaces
Proposed Parking	
Proposed Parking	16 spaces
Employee Off-site Parking at 1901 Newport Boulevard	20 spaces
Total Provided Parking	
Available Parking for Customers and Employees	36 spaces

Furthermore, the CMMC Title 13, Chapter X, Table 13-304, allows legal non-conforming parking to continue so long as the development will not be made more nonconforming. The proposed storefront would be replacing another retail use with the same parking ratio as well as replacing a fitness use that had a higher parking ratio (10 spaces per 1,000 gross square feet). In addition, the parking lot would not be shared with any other business unlike existing conditions where two businesses share one legal non-conforming parking lot. Therefore, the proposed project would not make the property more nonconforming since a retail cannabis storefront is a retail use. No additional parking spaces would be required and the property would be allowed to retain the legal nonconforming parking status.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate exact demand for a new use; however, if parking shortages or other parking-related problems occur, the business owner or operator will be required to monitor the parking lot and institute appropriate operational measures necessary to minimize or eliminate the problem in a

manner deemed appropriate by the Director of Economic and Development Services (see “Operational Conditions” of Approval No. 7 in the attached Resolution). Examples of parking demand management techniques include, but are not limited to, 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, offering an employee shuttle service, and incentivizing employee carpooling/cycling/walking.

Traffic

The CMMC Section 13-275(e) indicates that any increase in traffic generation by a change of use that is required to obtain a discretionary permit, shall be subject to review by the appropriate reviewing authority, which may impose fees to address increased trip generation. If required, the fee collected is used to fund the City’s comprehensive transportation system improvement program. The purpose of the program is to ensure that the City’s transportation system has the capacity to accommodate additional trips.

The 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 previous retail and fitness 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 \$85,000. 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 State compliant packaging that is sealed, tamper-evident, and odor-resistant 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 Activated Carbon Filtration systems to completely filter the air. 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. Further, 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. Lastly, cannabis products are not allowed to be disposed of in the exterior trash area, and as indicated below, the trash area is conditioned to be located and designed in a manner to avoid offsite impacts.

Proximity to Residential

The subject property abuts an existing residential property. The applicant has conducted outreach to the mobile home community. To ensure neighborhood compatibility, proposed project conditions and requirements include the following:

- Business hours are limited from 7AM to 10PM.
- Install a six-foot high block wall to provide a buffer between the residential and commercial properties;
- Shield security lighting down and away from the mobile homes to prevent light spillover. As conditioned, a photometric study would be required to be submitted during plan check to demonstrate that light levels at the residential property are minimal;
- Post signs within the parking lot to remind customers and vendors to keep noise levels to a minimum;
- Limit the hours that the business can dispose of waste at the trash enclosure to avoid noise impacts during sensitive hours i.e. dispose of trash between 8AM and 8PM;
- The trash facility must be located and designed in a manner that does not result in odor impacts to the adjacent residential use. Per the recommended conditions of approval, during the plan check process, the trash enclosure will be required to be located nearest to the building and/or enclosed in a manner that prevents off-site odors. Only typical refuse shall be disposed in the site trash areas, and disposal of cannabis products is prohibited. If odor complaints are received and confirmed by the City, odor impacts shall be eliminated in a manner deemed appropriate by the Director of Economic and Development Services; and
- A parking lot attendant will monitor the site's parking areas to ensure that customers are quiet, turn off vehicle engines promptly, do not play loud music, and generally do not create excessive neighbor disturbances. The parking lot monitor will be especially diligent to prevent noise and other neighbor disturbance during morning and evening business hours.

GENERAL PLAN CONFORMANCE:

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

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

- 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 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 which is predominantly intended for 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 retail cannabis use would be materially detrimental to the adjacent uses that include an automotive repair shop and several multi-tenant commercial centers with a variety of retail businesses (restaurants, bars, beauty parlors, grocery stores, and other service amenities).

The proposed use would also not be materially detrimental to the abutting residences because the project would include features to ensure neighborhood compatibility such as: installing a six-foot high block wall to provide a better buffer between the two properties, shielding security lighting down and away from the mobile homes to prevent potential lighting impacts, posting signs within the parking lot to remind customers and vendors to keep noise levels to a

minimum, and having an employee monitor the parking lot to ensure that customers do not create neighbor disturbances. The storefront business would also include odor control measures as described in this report to minimize any odor impacts to the residences. There would also be a security guard present onsite. Vehicular and pedestrian access to the mobile home community would remain as it is currently which is provided by a pedestrian gate abutting the subject property's parking lot and vehicular gate along Fairfax Drive. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

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

The proposed cannabis retail storefront with delivery 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 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use. This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in commercial floor area or otherwise expand the prior commercial use. The

project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES:

The Planning Commission has the following alternatives:

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

LEGAL REVIEW:

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

PUBLIC NOTICE:

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

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

As of the date this report was circulated, no written public comments have been received. Any public comments received prior to the June 27, 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 Zoning Code, and the City's General Plan. Further, the project has been conditioned to minimize impacts to the neighboring residential use. The required findings for the CUP can be made, as described above, and therefore, staff recommends approval of Planning Application 21-14 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 21-14 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (HIGH SEAS) IN THE C2 ZONE AT 1921 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, 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 21-14 was filed by Michael Moussalli, authorized agent for the property owner, Socal Evergy Inc., requesting approval of the following:

A Conditional Use Permit to operate a storefront retail cannabis business with delivery within an existing 7,215-square-foot commercial building located at 1921 Harbor 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 27, 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 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 21-14 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 21-14 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

PASSED AND ADOPTED this 27th day of 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 27th, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2022-

EXHIBIT A

FINDINGS

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

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

Facts in Support of Findings: The subject site is located within a commercial zone (C2, General Business District) where commercial development is specifically allowed to include retail storefronts. In addition, the property is located on one of the City's primary commercial corridors which is predominantly intended for commercial uses. Pursuant to the CMMC, cannabis retail storefronts 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 retail cannabis use would be materially detrimental to the adjacent uses that include an automotive repair shop and several multi-tenant commercial centers with a variety of retail businesses (restaurants, bars, beauty parlors, grocery stores, and other service amenities).

The proposed use would also not be materially detrimental to the abutting residences because the project would include features to ensure neighborhood compatibility such as: installing a six-foot high block wall to provide a better buffer between the two properties, shielding security lighting down and away from the mobile homes to prevent potential lighting impacts, posting signs within the parking lot to remind customers and vendors to keep noise levels to a minimum, and having an employee monitor the parking lot to ensure that customers do not create neighbor disturbances. The storefront business would also include odor control measures as described in this report to minimize any odor impacts to the residences. There would also be a security guard present onsite. Vehicular and pedestrian access to the mobile home community would remain as it is currently which is provided by a pedestrian gate abutting the subject property's parking lot and vehicular gate along Fairfax Drive. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

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

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

4. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
5. No cultivation of cannabis is allowed anywhere on the premises.
6. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
7. Except for operations allowed by this Conditional Use Permit and under an active Cannabis Business Permit and State Type 10 license, no permit holder or any of its employees shall sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product to any person, firm, corporation, group or any other entity, unless that person or entity is a lawful, bona fide customer, or it possesses all currently valid permits and/or licenses required by both the State of California and applicable local governmental entity to lawfully receive such cannabis and to engage in a "cannabis activity" as defined by Costa Mesa Municipal Code sec. 9-485. The permit holder shall verify that the recipient, regardless of where it is located, of any cannabis or cannabis product sold, distributed, furnished, and/or otherwise provided by or on behalf of the permit holder, possesses all required permits and/or licenses therefor.
8. The applicant shall defend, indemnify, and hold harmless the City, its elected 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.
- Bldg. 12. Development shall comply with the requirements of the following adopted codes: 2019 California Residential Code, 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.
- 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-21-08. 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-21-14 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.

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| State | <p>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.</p> <p>18. The applicant shall obtain State License Type 10 prior to operating. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.</p> <p>19. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City. This Conditional Use Permit will expire and be of no further force and effect if any State issued license remains suspended for a period exceeding six (6) months. Documentation of three violations during routine inspections or investigations of complaints shall result in the Community Improvement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.</p> <p>20. Third parties are prohibited from providing delivery services for non-storefront retail.</p> <p>21. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business, except as otherwise specifically provided for by state law and CMMC Section 9-495(h)(6). It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.</p> |
| PD | <p>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.</p> |
| CID | <p>23. Should any employee, volunteer or other person who possesses an identification badge be terminated or cease their employment with the</p> |

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=23381>. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.

4. Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not detected outside the property, anywhere on adjacent property or public right-of-way. Building and mechanical permits must be obtained from the Building Division prior to work commencing on any part of the odor control system.
5. Plan check submittal shall include air quality/odor control device specification sheets. Plan check submittal shall also include a landscape plan that complies with CMMC requirements, drought-tolerant plants and/or California native plants, a bike rack, parking lot striping in conformance with CMMC requirements, and trash enclosure.
6. No signage shall be installed until the owner/operator or its designated contractor has obtained permits required from the City. Business identification signage shall be limited to that needed for identification only. Business identification signage shall not include any references to cannabis, whether in words or symbols. All signs shall comply with the CMMC.
7. The plans and business operator shall comply with the requirements of the 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.
11. The applicant shall submit a lighting plan to the Planning Division for review and approval. The lighting plan shall show locations of all security lighting. As determined by the Director of Economic and Development Services or their designee, a photometric study may be required to demonstrate compliance with the following: (a) lighting levels on the property including the parking lot shall be adequate for safety and security purposes (generally, at least 1.0 foot candle), (b) lighting design and layout shall minimize light spill at the adjacent residential property line and at other light-sensitive uses (generally, no more than 0.5-footcandle at the property line), and (c) glare shields may be required to prevent light spill.
12. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

13. The trash enclosure shall be designed in a way to prevent noise and odor impacts to the abutting residential zoned property including but not limited to, relocating the trash enclosure away from the residences or fully enclosing the trash enclosure to eliminate any odor.

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.
8. The applicant shall post signs within the parking lot directing customers, employees and vendors to use consideration when entering their vehicles and leaving the parking lot such as no loud voices, shouting, loud music, revving car engines, etc. The language of the parking lot signs shall be reviewed and approved by the Planning Division prior to installation.

Operational Conditions

1. No product deliveries to the facility shall occur after 10:00 PM and before 7:00 AM.
2. Onsite sales 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 trained in traffic control 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.
16. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
17. Cannabis shall not be consumed on the property at any time, in any form.
18. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
19. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the property, or on any of the vehicles owned or used as part of the cannabis business.
20. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
21. If cannabis odor is detected outside the building, the business owner or operator shall institute corrective measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services.
22. Cannabis liquid or solid waste must be made unusable and unrecognizable prior to leaving a secured storage area and shall be disposed of at facility approved to receive such waste.
23. 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.

24. Waste disposal to the exterior trash enclosure shall be limited between the hours of 8AM and 8PM to prevent noise impacts to the abutting residential zoned property.
25. A parking attendant shall be required to monitor the exterior including the parking lot especially during the evening to ensure customers and vendors are using consideration (i.e. abiding by the parking lot signs as conditioned in Cannabis Business Permit Condition No. 8) when entering or leaving the business.
26. Should the off-site parking provided at 1901 Newport Boulevard be terminated, the applicant must notify the Director of Economic and Development Services in writing 30 days prior to termination and secure other off-site parking to address parking shortages, subject to review and approval by the Economic and Development Services Director or designee.



1921 HARBOR BLVD LLC.

dba *HIGH SEAS*

CANNABIS RETAIL STORE WITH DELIVERY

PROJECT DESCRIPTION LETTER

CONDITIONAL USE PERMIT APPLICATION

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Overview

General Project Description

Applicant Name: Michael Moussalli

Business Entity: 1921 Harbor Blvd LLC dba High Seas

Operators Business Name: High Seas Cannabis

Business and Operations Address: 1921 Harbor Blvd, Costa Mesa, CA 92627

APN: 422-103-10

Zone: C2

Building Size: 7215 sq feet

Year Built: 1948

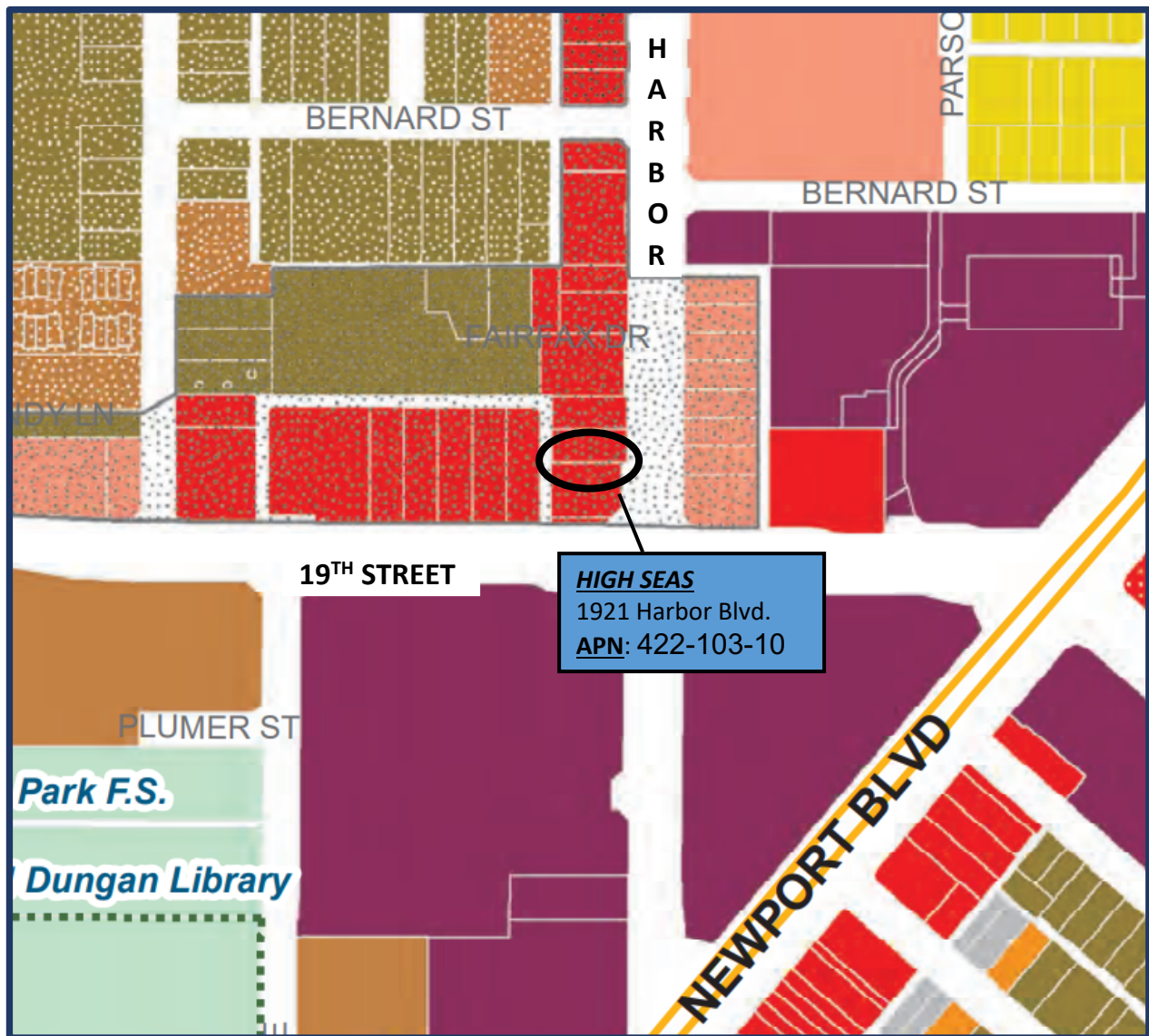
Occupancy: M (Retail)

Business Description: Adult-Use and Medical Cannabis Retail Storefront with Delivery.

California State License designation: Type 10: Storefront Retail w/ Delivery

Zoning

The High Seas facility complies with the City and State's approved cannabis zoning ordinance/regulations. The property has over 1,000 feet of separation from Sensitive Use locations identified by the City, including K-12 schools, child daycares, playgrounds, homeless shelters and youth centers.



Proposed Retail Location – 1921 Harbor Blvd, Costa Mesa, CA 92627



Sidewalk view of building



View from Harbor Blvd.



Rear view of building



Interior view of building



Aerial view - East



Aerial view - South

Ownership Experience

The High Seas' Ownership Team and their group of consultants/experts have tenured involvement in the California cannabis industry. This involvement has provided the company with the necessary tools required to own and operate a successful cannabis retail business in Costa Mesa. With expertise in fields ranging from international commodities, real estate, medical manufacturing and even film production (besides their extensive licensed California cannabis industry experience), the Ownership Team possesses a unique set of skills which positions their proposed business to be one of the most formidable cannabis retail operations in the industry.

Michael Moussalli, Matteo Tabib & Se7enleaf

Owners Michael Moussalli and Matteo Tabib have owned and operated Costa Mesa's own *Se7enleaf Manufacturing & Distribution* for over four years with overwhelming success. Se7enLeaf was one of the first licensed operators to open in Costa Mesa and Michael and Matteo have run their two Costa Mesa facilities on a day to day basis since inception. Over the last four years, Michael and Matteo have diligently serviced the City by presenting their company as a shining example of compliance, tax generation and operational excellence for the California cannabis industry.

Michael Moussalli, Owner



Se7enLeaf has been a leading California contract manufacturer for the last 4 years and Michael and Matteo have developed invaluable relationships with a large number of the top-selling brands and suppliers in the cannabis space. Their collective knowledge of Vertical Supply Chain Management has set them apart as a team which understands what it takes to survive and thrive in the Southern California cannabis market.

Rachel Xin, Owner

Rachel Xin & Empeen Group

Rachel Xin is the owner of a green-house cultivation business located in Northern California. Her farm has produced over 3,700 pounds per year of premium mixed-light flower for California consumers for the past 4 years. Mrs. Xin's successful experience with the California cultivation market represents the third aspect of the trifecta that is the High Seas Ownership Team and a crucial key to the success of the store.



Business Plan

Executive Summary

High Seas has designed its retail store to capture the essence and feel of the Beach Cities by providing a unique retail experience which prioritizes customer satisfaction and education above all else. The High Seas brand encompasses the eclectic culture of South Orange County which rides a defined line between quality and affordability. The company has combined staggering levels of resources, industry experience and gratitude for the City of Costa Mesa to present a cannabis retail experience that will quickly become a Costa Mesa landmark.

Target Consumer

Primary Target Market

- Age 30-70
- Career focused
- Disposable income
- Individuals looking for premium products
- Targeting both new and experienced users

High Seas primary target consumer is represented by the standard Costa Mesa/Newport resident: middle aged to elderly, career focused and successful with disposable income. Potential customers will include a healthy blend of both experienced and new cannabis users. While the dispensary will provide brands and products suited for all socio-economic groups, High Seas' primary focus will be to service Costa Mesa individuals that are seeking an elevated cannabis product experience. Our carefully curated product lines will always satisfy the needs of our customers that prioritize quality over quantity and who value thoughtful product offerings.

Secondary Target Market

- 21-30
- Establishing themselves in a career
- Looking for more value-based products
- May or may not be experience with cannabis

While the company will be primarily focused on drawing potential customers which are more financially established, High Seas cannot and will not make the mistake of disregarding consumers which are constantly searching for cost-effective cannabis products that don't sacrifice quality for cost. With the Millennial demographic representing a massive segment of the cannabis market, careful consideration must be taken by a cannabis retailer to provide a suitable variety of brands/products that will satisfy the industry's most prevalent consumers. Through the company's massive distribution channels (see *Day-to-Day Operations: Supply Chain*) and its internal product/brand development capabilities (see *Supply Chain*), High Seas will quickly establish itself as a Costa Mesa cannabis storefront which champions an elevated cannabis experience while providing cost-effective options regardless of the customer's financial status.

Retail Experience

High Seas benefits from a strong, longstanding partnership with *High Standard Consulting*, a leading California cannabis industry consulting group, who acts as the company's trusted licensing and compliance partner. Over the past four years, *HSC* has contributed to the launch and ongoing success of over 10 Southern California cannabis retail businesses ranging from Los Angeles to San Diego. The consultants specialize in local and State permitting, operational compliance and overall Best Industry Practices. The hard-earned knowledge/experience accumulated through *HSC's* client's (who make up some of the most successful companies/brands in the world) represent a solid addition to what is already a severely competent Ownership Team (see *Owner Experience*).

Supply Chain

The High Seas' ownership team benefits from over 4 years of operational experience within the California cannabis market. With this experience has come priceless industry relationships and network capabilities. Primarily, the business will utilize the extensive distribution network and capabilities of **Se7enleaf** (a Costa Mesa licensed manufacturing and distribution company) which has been owned and operated by High Seas' owners Michael Moussalli and Matteo Tabib since 2018. High Seas will benefit from an *extensive* product Supply Chain network which will flow from and through Se7enleaf Distribution.



Projected Customers Per Day

Through a traffic analysis of the immediate area and extensive research into local demographics and demand, High Seas anticipates significant customer traffic immediately upon launch. Conservatively, the company anticipates an average of 240 customers per day. However, due to the store's proximity to Triangle Square, ease of access to the 55 Freeway and the fact that High Seas will be one of the few licensed cannabis dispensaries in the immediate area, we believe all of these factors combined will contribute to an average daily customer base of over 300 customers per day.

Based on these factors, a projection of \$675,000 in tax revenue is conservatively estimated to be generated by the company during its first year of operation.

Employee Count and Local Hiring

The company will employ an estimated 17 individuals for the launch of its Costa Mesa Store for the first 6 months of operations. This number is expected to grow to 25 staff members before the close of the first year of operations.

High Seas has prioritized the hiring of Costa Mesa residents and locals which will contribute to the company's overall goals of uplifting the community with in which we operate, as well as to help mitigate any potential traffic issues (see *Parking*).

Operational Flow

A combination of a high volume of customers, frequent inbound cannabis product deliveries from our distribution partners and outbound product deliveries to customer's homes make it crucial that the company have a thorough and diligent response to any potential security risks associated with the presence of a cannabis retailer. High Seas has developed safe/secure strategies for managing high-volume inbound and outbound cannabis product to/from the facility and has provided City Staff with detailed diagrams and elaborate process flow notes on how the operational flow will transpire

Security

Overview

The City of Costa Mesa has developed a stringent set of security requirements for cannabis businesses and High Seas will not only meet but exceed those requirements. The company has retained Armaplex Security, a leading cannabis industry Security consultant, to develop the Security Plan so as exceed the expectations of the City and for High Seas to act as an example to the industry for a safe and secure dispensary.

Site Assessment

Armaplex Security assessed High Seas' proposed site and surrounding areas to determine what would be needed to properly secure the facility. The site is located at 1921 Harbor Blvd, Costa Mesa, CA. It is positioned on the west side of Harbor Blvd between Fairfax Dr and W 19th Street.

The overall construction and design of this building lends itself extremely well to being secured with industry standard security measures, which will be implemented during buildout. Armaplex did not find any challenges to securing the site that would create a major issue for retrofitting or that would disqualify this site for the proposed use.

No Loitering

High Seas will prohibit loitering both on and within 50 feet of the premises in compliance with City of Costa Mesa requirements. In order to deter loitering and vandalism, a High Seas Security Guard will be on-site 24 hours a day and will regularly monitor the premises for loitering.

No Onsite Consumption

High Seas will strictly prohibit the consumption of cannabis, alcohol, or tobacco onsite per City of Costa Mesa requirements. To inform patrons of our no consumption policy, High Seas will post signage at all entrances, which will provide clear and legible notice that smoking, ingesting, or otherwise consuming cannabis on the premises or adjacent areas is prohibited.

Operational Security

Operational security focuses on Employee Specific Policies, processes, training, written and unwritten procedures, and personnel. Most security failures occur due to vulnerabilities in operational security, thus specific protocols and accountability standards must be in place to diminish the likelihood of a gap in this area.

High Seas management understands the importance of creating a security culture to assist in the overall success of the security program and will train all employees on the importance of

security. Not only is security important to the safekeeping of company employees and assets, but it is also essential for the maintenance of public safety for the Costa Mesa community. Managers will follow all security policies and procedures in order to set an example and promote this compliance culture. A manager will be on duty during all business hours and will be responsible for monitoring behavior of employees per City of Costa Mesa requirements. In a broad sense, every employee should be considered part of the security program. Through a security awareness program, employees will be taught to understand the relationship between security and the organization's success, learn their obligations under the security program, understand how various security measures support security program objectives, and become familiar with available resources to help with security concerns.

Training procedures will be incorporated in the on-boarding process of all employees and security staff. Positive customer relations will help minimize any threatening activity to employees or other customers.

Some of the training will include:

- Loss Prevention
- Assault / Burglary Prevention and Safety Protocols
- Customer Cash Transaction Procedures for Theft Prevention

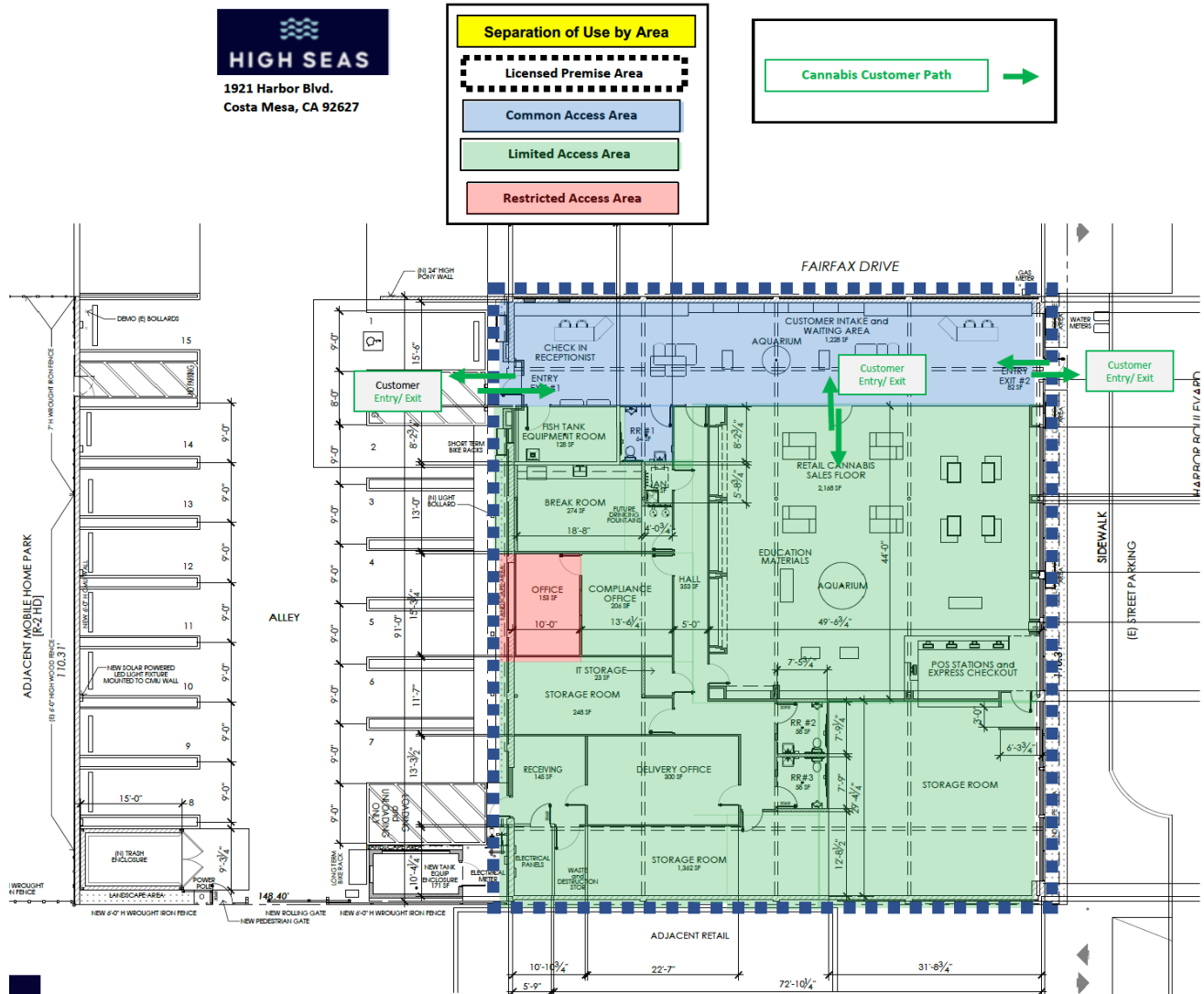
Customer, Patient, and Visitor Identification and Check-in Protocols

The Retail Cannabis Sales Floor will be locked at all times and under the control of a High Seas employee or a Security Guard. Upon arriving at the premises, customers will approach the receptionist and be vetted in the Customer Intake and Waiting Area prior to being allowed to enter the Retail Cannabis Sales Floor. The customer will be asked to provide a valid government issued ID, which will be verified by High Seas staff, before the customer enters the Retail Cannabis Sales Floor.

Once a customer's identification has been verified at the entrance to the facility, they will be permitted to enter the Customer Intake and Waiting Area. The Retail Cannabis Sales Floor is equipped with a "buzz-in" entry system. This adds a second layer of security on-site, ensuring that no youth or underaged individuals ever have access to cannabis products. As a customer enters the Customer Intake and Waiting Area, staff will immediately request their ID so that they may be checked-in to the customer database and verified to ensure they are either A) at least 21 years of age or b) at least 18 years of age with a valid medical cannabis card. Only after being properly checked-in, will a customer be granted access to the Retail Cannabis Sales Floor.

Prior to admittance, a member of the security team will confirm that the customer is not carrying any weapons or acting in a threatening or suspicious manner per City of Costa Mesa requirements. Security will ask entrants to remove helmets, headgear or oversized glasses that restrict the capture of their face on security cameras. Highly intoxicated individuals will not be allowed to enter the facility.

Customer Access Areas and Limited Access Areas



Customers will not be allowed beyond the Retail Cannabis Sales Floor into limited access areas. Access beyond the retail area, and entry to all limited-access areas will have electronic access control requiring unique identity verification that records the movements of employees and contractors. High Seas will only permit authorized individuals to enter the limited-access areas of the premises per City of Costa Mesa requirements. When employees are terminated, all issued keys/fobs/cards will be accounted for. If a fob/card is missing, it will be immediately deleted from the access control system. Non-managerial employees will not be permitted to take electronic access cards off premises.

Inventory Control

All product storage rooms will be constructed using cannabis security industry standards. Access to these rooms will be controlled and restricted to vetted personnel.

Product Access Protocols

Product security will be maintained as a priority and all employees and contractors will strictly adhere to High Seas policies and procedures or disciplinary/removal measures will be taken. In compliance with the Costa Mesa and State Security Requirements, High Seas will implement the below policies and procedures to secure all cannabis product and ensure that none is lost or diverted to individuals who are not authorized to possess it.

- High Seas employees will be physically present in the retail area at all times when there are individuals who are not employees in the retail area.
- During business hours, a minimum quantity of cannabis products, no more than necessary to meet daily demand, will be maintained in the retail showroom area in locked cabinets and containers and only removed for short periods of time by sales personnel in order to show customers and to complete a sales.
- High Seas sales personnel will take orders from customers and then fulfill those orders in the Storage area where the product is stored. This will prevent excess product from being stored where patrons are allowed.
- Excess cannabis products not needed for display will be stored inside of the locked Storage Room which will be inside of the secure limited access area. Only managers and select employees will have access to this room. After hours, all cannabis products will be stored in accordance with the requirements of the State of California and the City.
- All product display cases will be intrusion resistant, locked, accessible only by a manager, and only opened outside of the facility business hours.
- Employees who handle cannabis product, in order to transfer that product to customers, will be required to check-in and take responsibility for the product they are handling.
- Checks and Balances Security requires that no single employee be allowed unrestricted access to secure cannabis product storage areas or high value assets. Managers will monitor and approve the access that employees have to areas where cannabis is stored.

Receiving Product Deliveries

High Seas' product receiving process fully complies with all track and trace regulations and ensures the security of assets and the safety of all personnel. High Seas suppliers will transport products to High Seas only through compliant, licensed, insured and state authorized distributors per City of Costa Mesa requirements.

The movement of large amounts of high value product, at one time, can create an excessive risk of loss during transfer. Therefore, High Seas will receive product deliveries on a regular basis to minimize the total amount of product being delivered at any one time. Deliveries will be scheduled at random times and on random days in order to avoid predictability that can elevate the risk of theft. The timing of deliveries will only be provided to specific employees with appropriate security clearance to minimize the risk of theft. All product deliveries will be recorded on video such that all individuals involved in each delivery are clearly visible on the video footage.

Distribution vehicles will notify High Seas management 15 minutes in advance of their arrival. A High Seas Security Staff member will visually verify that there are no imminent threats and notify transport personnel it is safe to approach the receiving door of the business (located at the rear of High Seas' facility in the loading and unloading area). Transport vehicles will park in the designated Loading Zone at the rear of High Seas' facility within view of High Seas security cameras.

Event Logging

High Seas' access control system will have event logging capabilities that record successful entries as well as unsuccessful attempts to access an area. This is important in the event a person is attempting to gain access to an area that is restricted without proper clearance. These electronic logs will be maintained for at least 90 days and made available to the police chief or development services director upon request.

Cannabis Product Tracking

All cannabis material will be tracked via "chain of custody" protocols during transport, arrival at the site and through to final sale to customer or patient. Information to be tracked will include cannabis, inventory data, gross sales by weight and by sale, and any other information deemed necessary by the City, recorded in a format compatible with the City's record keeping systems. High Seas' responsibility for tracking, securing and releasing product according to regulation only ends when the customer or patient has left the site with the product.

Cash Handling

High Seas will minimize the number of cash transactions that take place on site by accepting electronic payment options whenever possible. All customer transactions will be recorded in High Seas' POS system, and the cash drawers will be reconciled at the end of every evening utilizing audit trails provided by High Seas.

Armored Car Transportation

All cash will be removed from the site as often as is necessary to avoid an excessive accumulation that would present a risk. These removals will be conducted by licensed secure transport personnel using armored vehicles to perform the transport. Armored truck personnel will coordinate with High Seas security staff and managers when securing cash on the premise for transport. Cash pickups will be irregularly scheduled by management with the number of staff members made aware of said schedule kept down to an absolute minimum.

Surveillance Camera System

High Seas' digital security camera and monitoring system will be an important part of maintaining security at the site as well as compliance with the City of Costa Mesa, and State of California security requirements. The system will exceed California State minimum requirements and those set out by the City of Costa Mesa.

The installation of security technology will be done by a licensed California company according to best practices and standards. High Seas will install and maintain a fully operational digital video surveillance and camera recording system. The surveillance-system storage device or the cameras will be capable of being accessed through the internet by authorized City of Costa Mesa designees.

Cameras will be low-light capable, but High Seas will ensure that all areas recorded by the video surveillance system will have adequate lighting to allow the surveillance cameras to effectively record images. Cameras will be immobile and in a permanent location, within weatherproof enclosures. The camera recording software will maintain a minimum of 90 consecutive days of archival footage. High Seas will have over 30 cameras onsite.

Intrusion Detection/Alarm System

The entire building will be equipped with a professionally installed, maintained, and centrally monitored real-time fire and intrusion alarm system. The intrusion detection system will be used in conjunction with barriers, video surveillance systems (video alarm system), and alarm communications systems to provide a comprehensive alarm assessment.

Security Guards

High Seas will maintain 24-hour on-site security guard at this location, in compliance with the current Costa Mesa regulations. Security guards will be trained, certified, and licensed by the State of California Bureau of Security and Investigative Services. Security guards will carry firearms if authorized by the Chief of Police. While we will always have at least one security guard on site, the exact number of guards we will utilize at any given time during operational hours will depend on our customer traffic and other staff that is on-duty.

Security Liaison

High Seas will also identify an on-site designated security liaison, available to meet with the City Manager or designee regarding any security-related or operational issues. The security liaison will provide the City Manager or designee with the names and contact phone numbers of all Managers.

Delivery Security

High Seas' delivery drivers will be at least 21 years old. Vehicles will be non-conspicuous and will not display signs, logos, pictures or any other form of advertisement to indicate the vehicle belongs to High Seas or contains cannabis. High Seas' delivery drivers will be trained to be aware of potential security threats and to exercise caution while conducting deliveries. During deliveries, High Seas drivers practice the following safety measures:

- Never carry more than \$5,000 worth of cannabis products at any time, the value of which is determined using the current retail price at the delivery service;
- Survey the area for any suspicious persons prior to exiting vehicle;
- Lock the delivery vehicle and activate the vehicle alarm system at all times when not in the vehicle. Driver will never leave cannabis in an unattended vehicle unless it is equipped with an active vehicle alarm system.
- Keep cannabis inventory and cash secured and affixed to the vehicle's interior at all times.
- Confirm consumer's ID and match it to the name on order before releasing a delivery order to customer;

Proof of Age for Delivery

Every person receiving a delivery will be verified with an electronic age verification device, prior to delivery to that person. This device will sync with the POS database and network data storage in order to retain a log of all scans for a minimum of 180 days that includes date and time of each transaction and the customer's age.

Vehicle GPS

In accordance with City of Costa Mesa requirements, High Seas' vehicles will be outfitted with a dedicated Global Positioning System (GPS) device owned by High Seas. The GPS will be affixed to the delivery vehicle and will remain active at all times. High Seas will be able to identify the geographic location of all delivery vehicles and to provide this information to the DCC (Department of Cannabis Control) or City of Costa Mesa upon request.

Neighborhood Compatibility

Improved Neighborhood Security

As demonstrated throughout the security overview section of this document, High Seas has planned and aims to improve the overall security of the area surrounding the retail facility. Through a combination of a licensed security guard, alarm systems, anti-theft infrastructure enhancements and 24/7 video surveillance of surrounding the building, members of the immediate community will benefit from advanced levels of security/protection that did not exist in the immediate area before High Seas arrival.

Traffic Mitigation

High Seas has carefully considered the potential impact of the business's presence on the state of traffic in the surrounding area. The primary advantage the company has identified as a major mitigator of traffic due to inbound customers is the position of the building's parking lot. Customers arriving by car will be able to park in the back of the store, in a designated parking lot that is owned by High Seas. Additionally, High Seas will dedicate a staff member helping to assist with traffic and parking in the parking lot during high traffic hours of the store, to ensure that no back-ups occur and that traffic keeps flowing without incident.

Odor Mitigation

In the interests of being a good neighbor, High Seas will implement odor control measures such that cannabis odor generated inside the facility is not detected anywhere outside or surrounding the property. The company's goal is to present a facility which a passerby would not be able to identify as a cannabis retail store based on the odor emanating from it.

High Seas will utilize a properly permitted and approved HVAC system in conjunction with Activated Carbon Filtration (ACF). ACF involves forcing the air circulating within the HVAC system through strategically placed carbon filters throughout the facility in order to eliminate odors and pathogens that may pose a public nuisance or health risk. This method is highly effective for eliminating odor and can be used in conjunction with other technologies if needed.

Replacement of filters and regeneration of activated carbon as well as other routine maintenance will be performed in conformity with manufacturer's recommendation. In addition, the particulate collector "sock" associated with the carbon filter will be changed out every three (3) months for proper air flow. ACF is the most efficient odor mitigation method available of the existing technologies that provides an added environmental benefit: generally, the energy required to run the filtration system is already accounted for in the HVAC air handling and exchange system. In our experience, ACF is abundantly effective at mitigating odor, even in a large-scale cultivation setting.

The HVAC/Odor mitigation system is designed to create "negative air pressure" between the building's interior and exterior to contain internal odors. Any/all ventilation equipment is directed to top story exhaust vents that face away from adjacent properties. Fresh air is brought into the building's system via fresh air ducts; fresh air quantities are calculated using the American Society of Heating and Refrigeration Engineers (ASHRAE) Standard 62.1. Ventilation will be sufficient to safeguard the company policy to never leave the windows or doors open.

Consumption of cannabis products are strictly prohibited by staff and customers anywhere near the premises. Staff and security will ensure that cannabis products are not removed from their child protective packaging while on or near the premises.

Staff and security will additionally ensure that the smoking of tobacco never takes place on or near the premises.

A daily perimeter patrol of the of the site will be performed to detect odor. If odor is detected, there will be an established protocol for determining corrective action; including but not limited to, fan operation, carbon-filtration exhaust system integrity, and filter media effectiveness. In the unlikely event that a neighborhood complaint were to occur, it will be addressed within 24 hours by the General Manager.

Parking

Location

High Seas is located right behind Triangle Square on the corner of 19th and Harbor Blvd. It is in a prime location for customers who are dining or shopping at Triangle Square to be able to walk over to shop at the store, or for customers shopping in the 1835 Newport shopping plaza to do the same. High Seas anticipates a good portion of its customers to arrive to the store on foot or through rideshare/ alternative transportation, which will help reduce the overall parking needs of the business.



Existing MCUP

There is an existing MCUP (Case Number ZA-19-67) that allows for legal non-conforming parking as the current uses for the building are retail and our proposed use is also retail. This MCUP and the current parking conditions have previously been vetted by the Planning Department during our Pre-Application phase. As it currently stands, the existing legal non-conforming parking on our lot has 12 parking stalls, however High Seas proposes to increase the number of on-site parking from 12 stalls to 16 stalls (which includes Bike Racks) plus 1 additional Loading/Unloading stall with our new site plan. Furthermore, we want to ensure we have ample parking for both our customers and our employees, so we have also implemented some additional parking solutions.

Express Check-out

High Seas has incorporated a highly efficient Express Check-out system which the company will make accessible to its customers through its Online Ordering system on the High Seas website. The system has been designed and proven to reduce the amount of time a customer spends in the store without sacrificing the customer's overall experience. In turn, this will translate to the reduction of potential parking overflow and improved operational efficiency.

Offsite Parking

To maximize available parking for our customers, High Seas secured a couple offsite parking locations for employees who choose to drive to work, as well as for vendors and other visitors of the store. High Seas has executed two parking rental contracts to secure up to 45 additional parking spots for use as needed.

One off-site parking location is owned by High Sea's owner Rachel Xin, who has a commercial property less than 15 minutes away that can provide High Seas with up to 25 parking spots on a daily basis. This off-site parking location will primarily be used for High Seas employees and High Seas will provide a shuttle service three times a day to accommodate shift changes, once in the morning for the early shift of employees, once in the afternoon and once in the evening. At the off-site parking location, Employees will be able to wait in a secured lobby for the shuttle service to arrive as to minimize any potential security risks.

A second off-site parking location with an additional 20 parking spots has also been secured directly across the street from High Seas and this parking structure is located at 1901 Newport Blvd. This off-site parking will be available for some employees, as well as vendors and visitors of High Seas, to park at daily. This location can also be used for overflow customer parking, should the need ever arise.

Delivery Vehicle Parking

High Seas intends to deploy an active delivery service upon launch, however our delivery fleet will never compromise our customers' access to readily available parking at our store. All High Seas delivery vehicles will be owned individually by High Seas' delivery driver employees and will be properly outfitted with all required security measures (GPS, locked cases for product, etc.). Additionally, High Seas will fully insure each delivery driver employee's vehicle, in accordance with all State and local laws. At the end of each shift, High Seas' delivery driver employees will ensure there is no more product is left in their vehicles and take their vehicles back home. Product will never be stored in a delivery vehicle when it is not in service during normal business hours. High Seas will not need additional parking spaces to store delivery vehicles for delivery operations

Customer/Employee Alternative Transportation Incentives

To avoid contributing to the stressed traffic/parking situation that already exists in many parts of Costa Mesa, High Seas will offer employee and customer incentives for those who chose to travel to the dispensary utilizing an eco-friendly means of transportation. Qualifying transportation methods include carpool, bicycle, skateboard, Ride Share and/or any method of transportation which reduces the average carbon footprint associated with a trip to the High

Seas store. High Seas will help off-set ride share costs for tenured employees that live within 3 miles of the store, as well as offer customers and employees who choose to use alternative transportation methods discounts on products purchased at the store.

Community Integration and Education

High Seas believes that it can and should play a critical role in the well-being of the community. As part of our mission, we believe that we have an obligation to be a “good neighbor” that provides ongoing benefits and support to our community. We believe in the concepts of personal accountability and “paying it forward, so therefore have developed our Community Integration and Education Plan as a vehicle for accomplishing this objective.

High Seas will mobilize its Community Integration and Education Plan (CIEP) at the highest level of our organization. Senior Management will be responsible for overseeing the implementation of the plan, which includes the designation of our Community Liaison, allocation of resources, and the regular evaluation of the viability of the plan. In addition, the owners, managers and community relations representative will attend meetings with the City Manager or his/her designee(s) and other interested parties as deemed appropriate by the City Manager or his/her designee(s) to discuss costs, benefits, and other community issues that may arise as a result of our business’s operation.

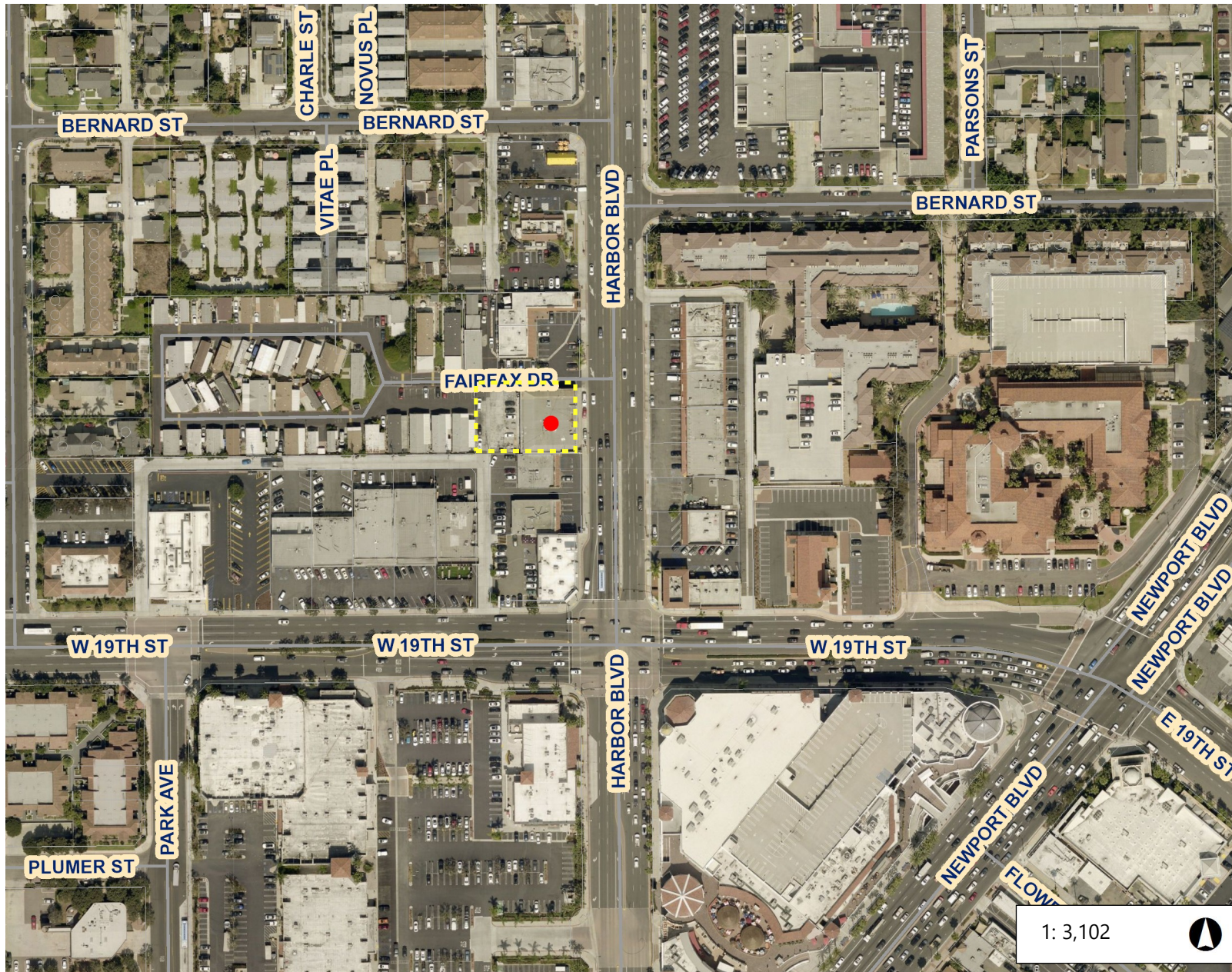
Event Sponsorship

The High Seas Team aims to ensure that more family fun activities will be a part of the city’s budget for years to come and recognize that sponsoring events will invite both locals and tourists to participate in the community. High Seas intends to help sponsor and coordinate Community Events and Education Seminars to give back to the community from which it will rise. This will ultimately create economic and cultural capital for all members of our community. Not only will High Seas donate to the community, but we will also appoint an individual to contribute to the City Council to drive community engagement.

In addition to event sponsorship, High Seas will host an annual food drive specifically aimed at benefiting the local community. We will obtain sponsorships from our vendor partners as well as collect food and monetary donations on behalf of the community. All items collected will be distributed in partnership with local charities.

ADDITIONAL QUESTIONS?

If you have any additional questions about our project, the High Seas team, or anything pertaining to our retail store, please reach out and let us know! We would be happy to get into greater detail and share additional information with you.



Legend

 Costa Mesa

1: 3,102



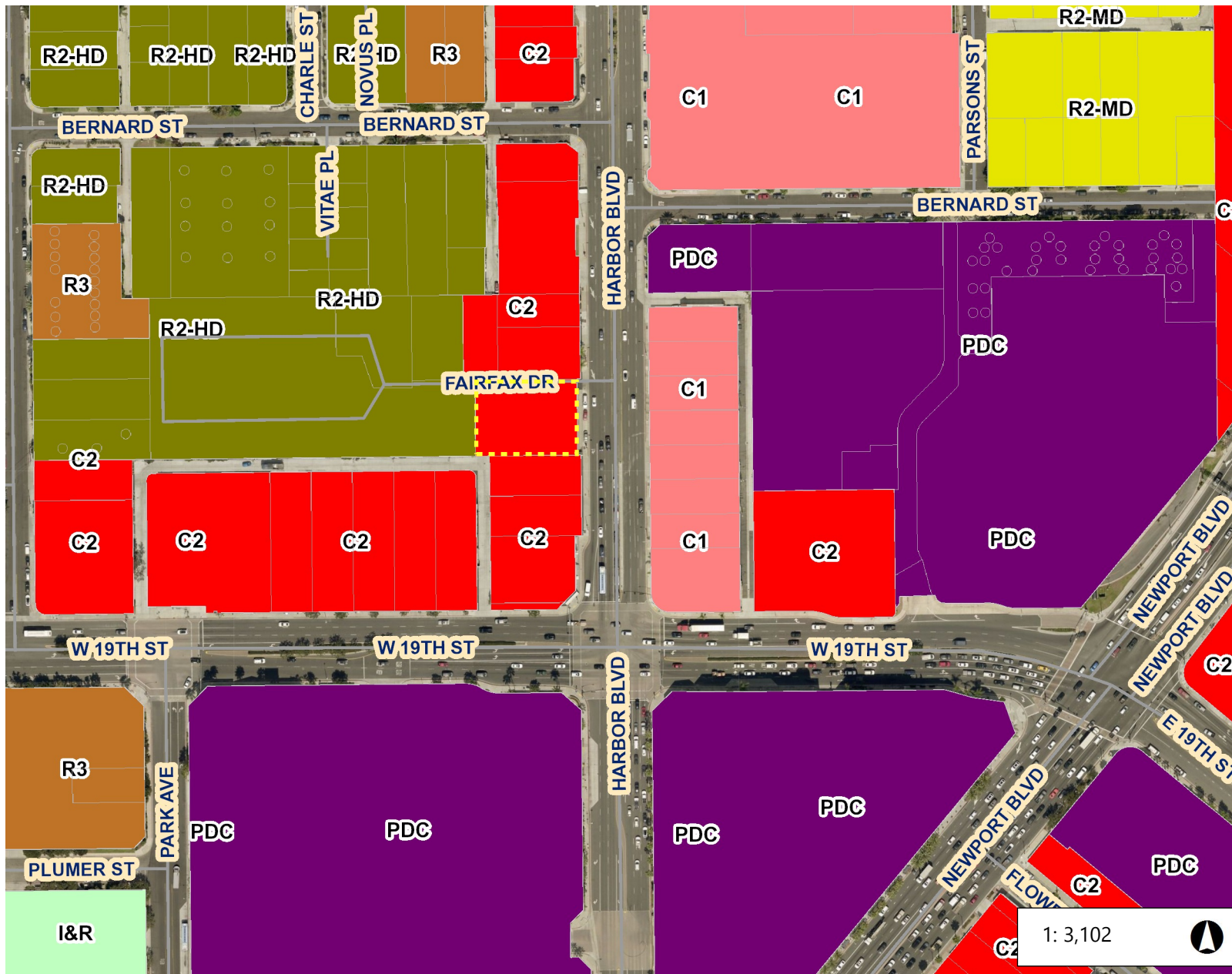
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© City of Costa Mesa


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

Notes























PA-21-14 (1921 Harbor Boulevard)



Legend

 Costa Mesa

Zoning

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

Notes

PA-21-14 (1921 Harbor Boulevard)

ATTACHMENT 5

1921 HARBOR BLVD. (PA-21-14)

EXISTING SITE PHOTOS



Existing building front façade facing Harbor Blvd. to be updated with new façade, paint, and signage



Existing north building elevation facing driveway to be updated with new materials and paint

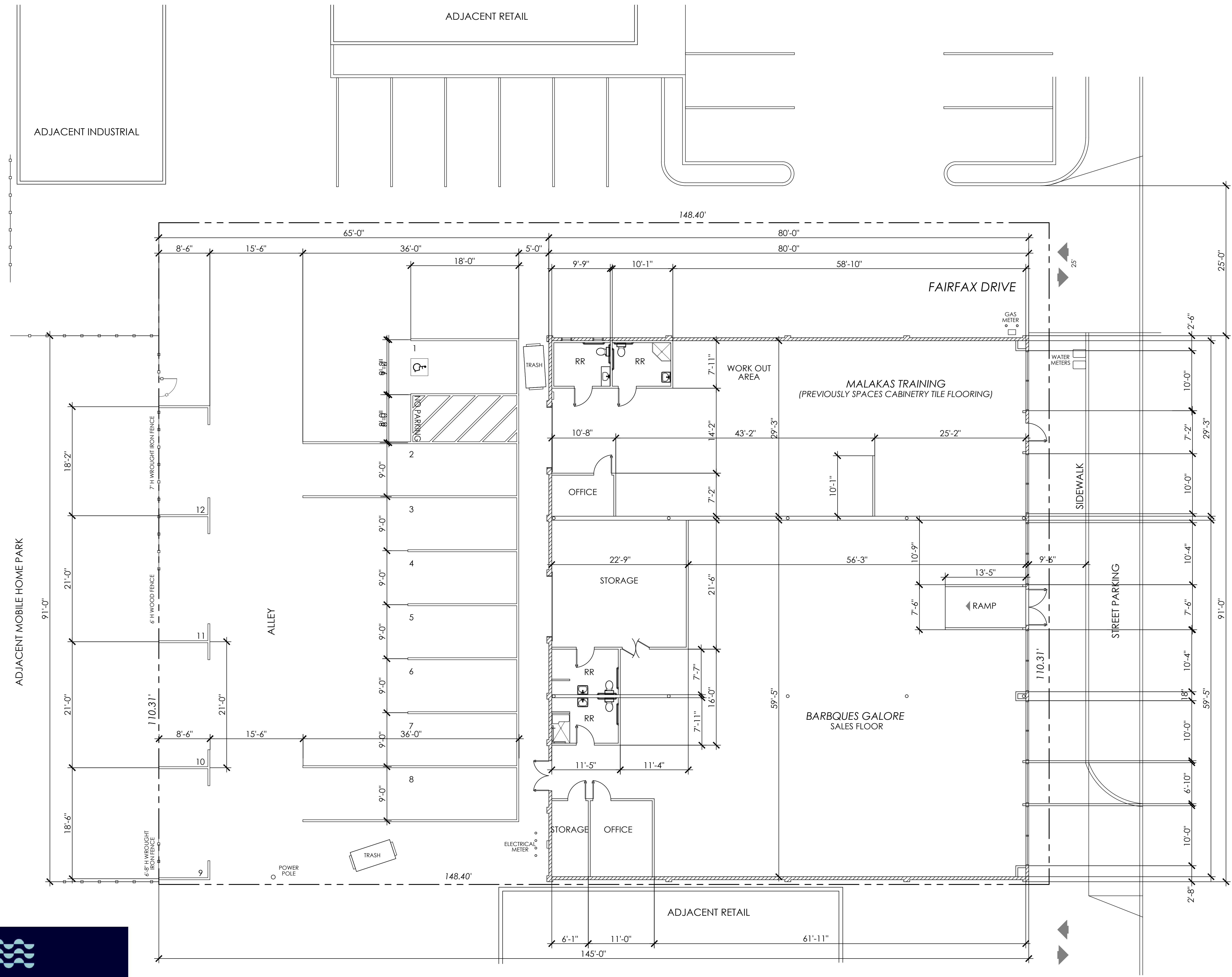


Existing rear of the building and condition of the rear surface parking lot to be reconfigured and restriped to comply with parking design standards



View of the abutting residential mobile home community, Oceanbreeze Mobile Estates

ATTACHMENT 6



SITE SUMMARY

SITE	16,344.75 SF
ZONE	.375 SF ACRES C2
CURRENT USE	GENERAL BUSINESS DISTRICT RETAIL
ALLOWABLE FAR	.20
ACTUAL FAR	.445
BUILDING SF	7,227 SF
% OF LANDSCAPE	0 %
PARKING	
STALLS PROVIDED	12 STALLS
ON SITE STALLS (9'X18')	11 STALLS
(INCLUDES 4 TANDEM STALLS)	
ACCESSIBLE STALL (9'X18')	1

THE EXISTING PARKING and FAR WERE APPROVED AS EXISTING NON-CONFORMING PER MCUP 2A-19-67

WALL LEGEND

- (E) MASONRY WALL
- (E) INTERIOR WALL

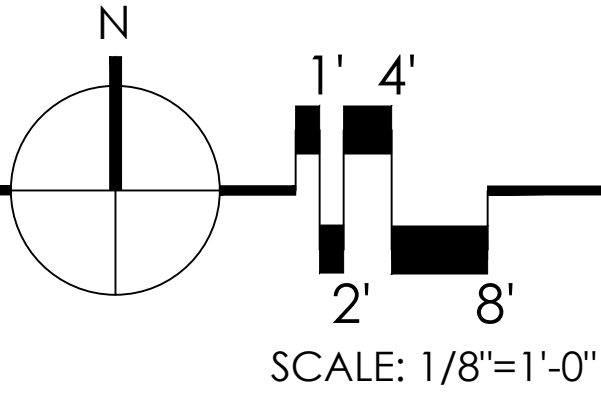


2961 W. MACARTHUR BLDV. STE 209
SANTA ANA, CA. 92704
(949) 400-4110

HARBOR DISPENSARY

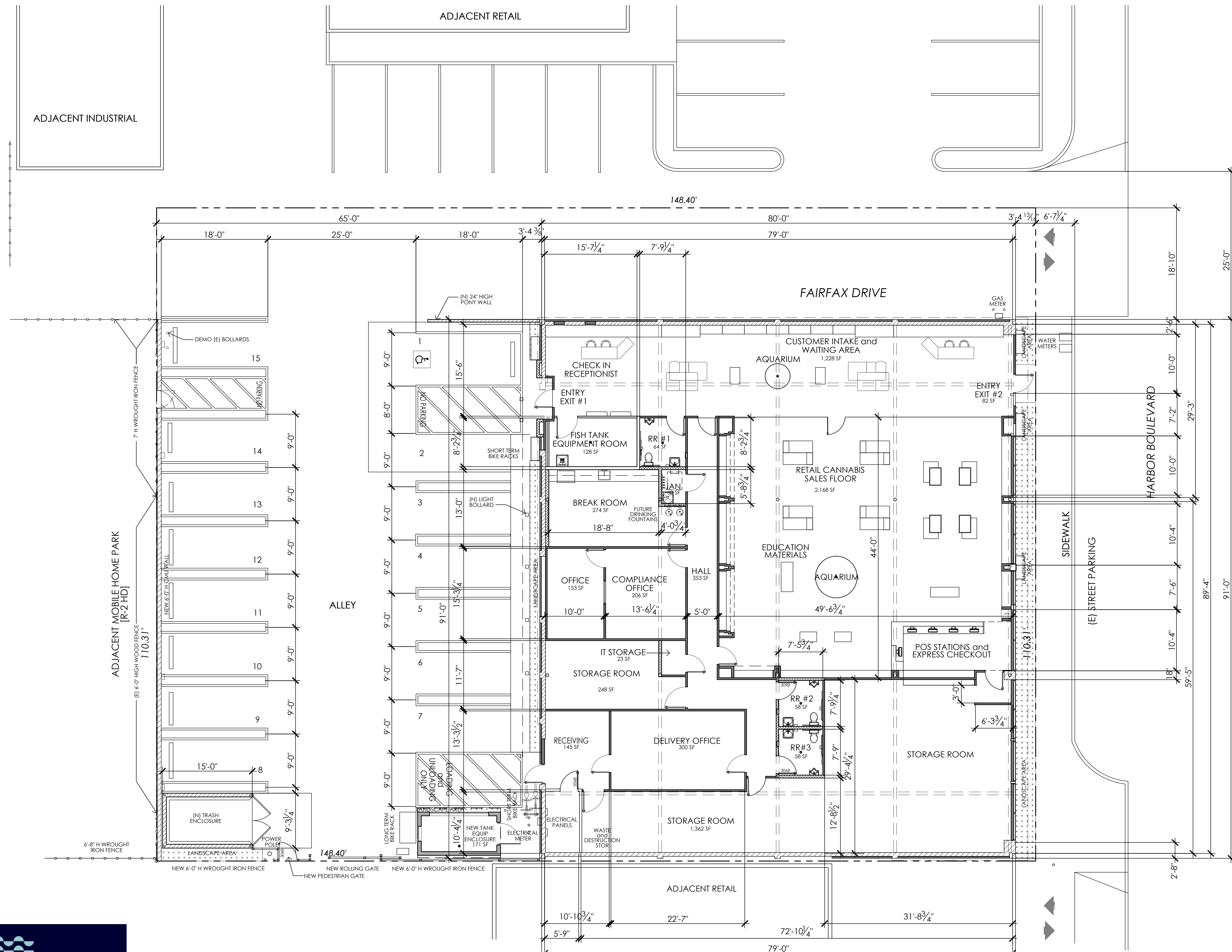
1921 HARBOR BLVD.
COSTA MESA, CA 92627
APN: 422-103-10

EXISTING SITE / FLOOR PLAN



ARCHITECTURE PLANNING INTERIORS
WILLIAM MASON ARCHITECT, INC.

824 VIA ALHAMBRA, UNIT D
LAGUNA WOODS, CALIFORNIA 92637
O: 714.427.0688 M: 714.724.3990
EMAIL: Bill@WilliamMasonArchitect.com
12.14.21
3.17.22
6.20.22



SITE SUMMARY

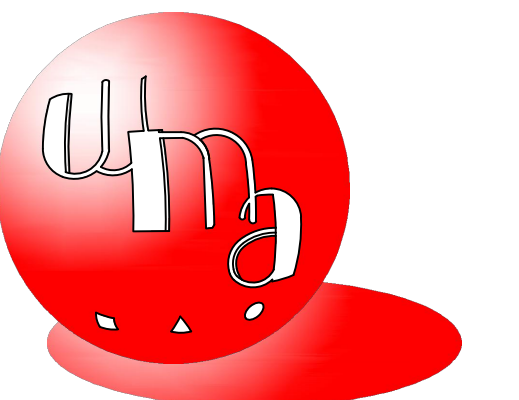
SITE	16,344.75 SF
ZONE	.375 SF ACRES
GENERAL BUSINESS DISTRICT	C2
PREVIOUS USE	RETAIL CANNABIS
PROPOSED USE	STOREFRONT
ALLOWABLE FAR	.20
ACTUAL FAR	.432
BUILDING SF	7,215 SF
LICENSED PREMISE	7,215 SF
LANDSCAPE AREA	332 SF
% OF LANDSCAPE	2.03 %

PARKING	
STALLS REQUIRED (4 / 1,000)	29 STALLS
STALLS PROVIDED	16 STALLS
STANDARD STALLS (9'X18')	14 STALLS
SHORT TERM BIKE RACK	1
LONG TERM BIKE RACK	1
ACCESSIBLE VAN STALL (9'X18')	1

LOADING and UNLOADING SPACE 1
ALL PARKING LOT STRIPING IS NEW

WALL LEGEND

(E) MASONRY WALL	
(E) INTERIOR WALL	
(E) INTERIOR WALL	
(N) WALL	
(N) WALL	



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3.17.22

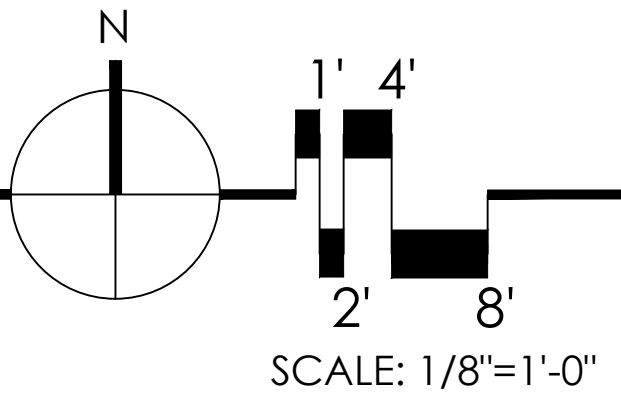


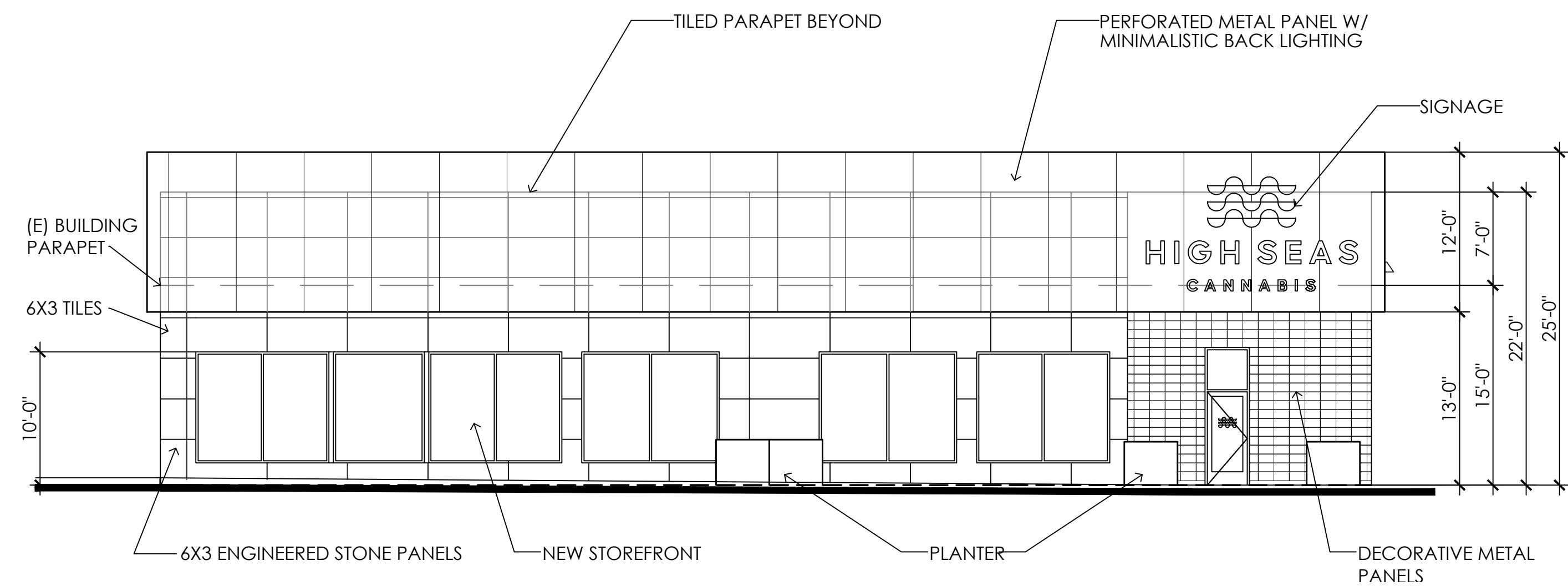
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SANTA ANA, CA. 92704
(949) 400-4110

HIGH SEAS DISPENSARY

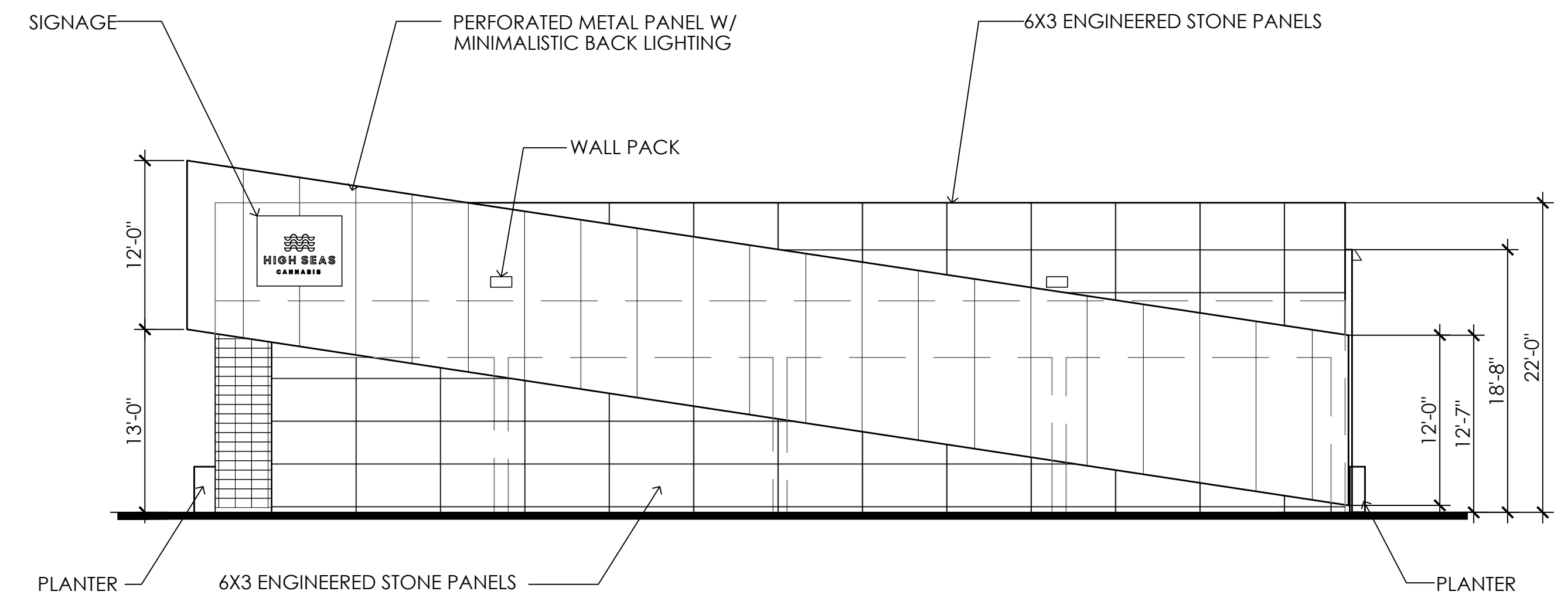
PROPOSED SITE / FLOOR PLAN

1921 HARBOR BLVD.
COSTA MESA, CA 92627
APN: 422-103-10



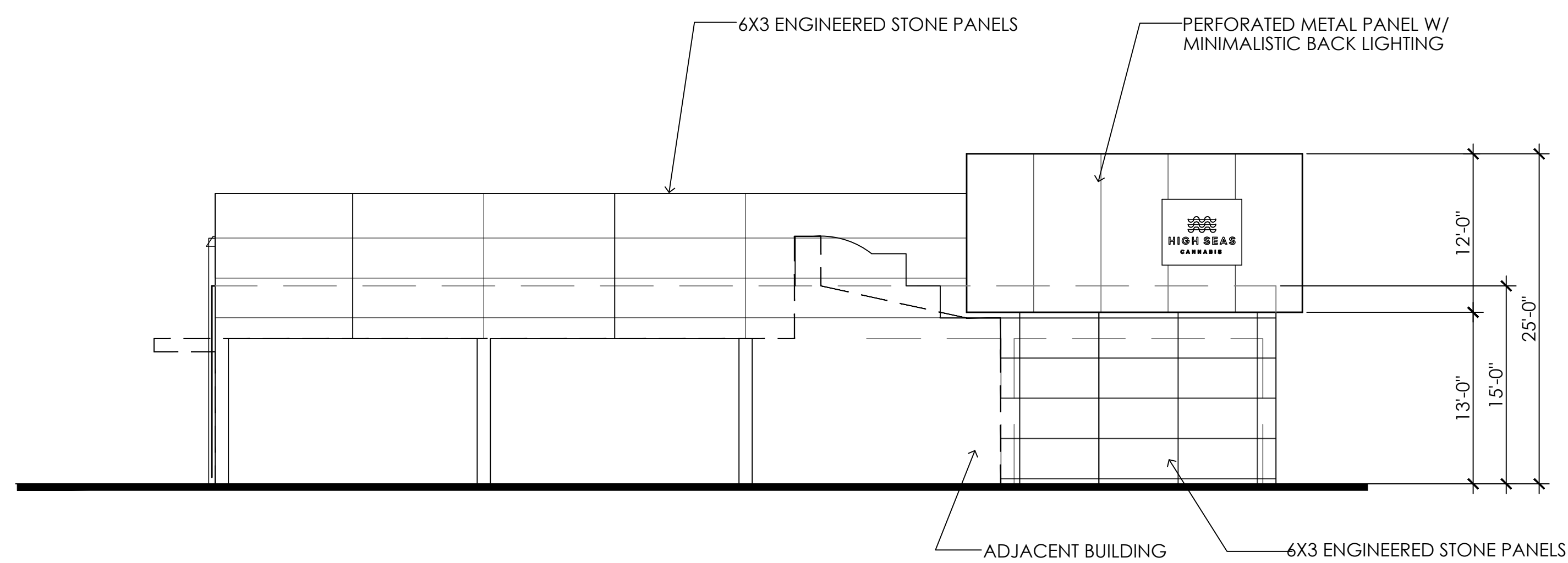


EAST ELEVATION

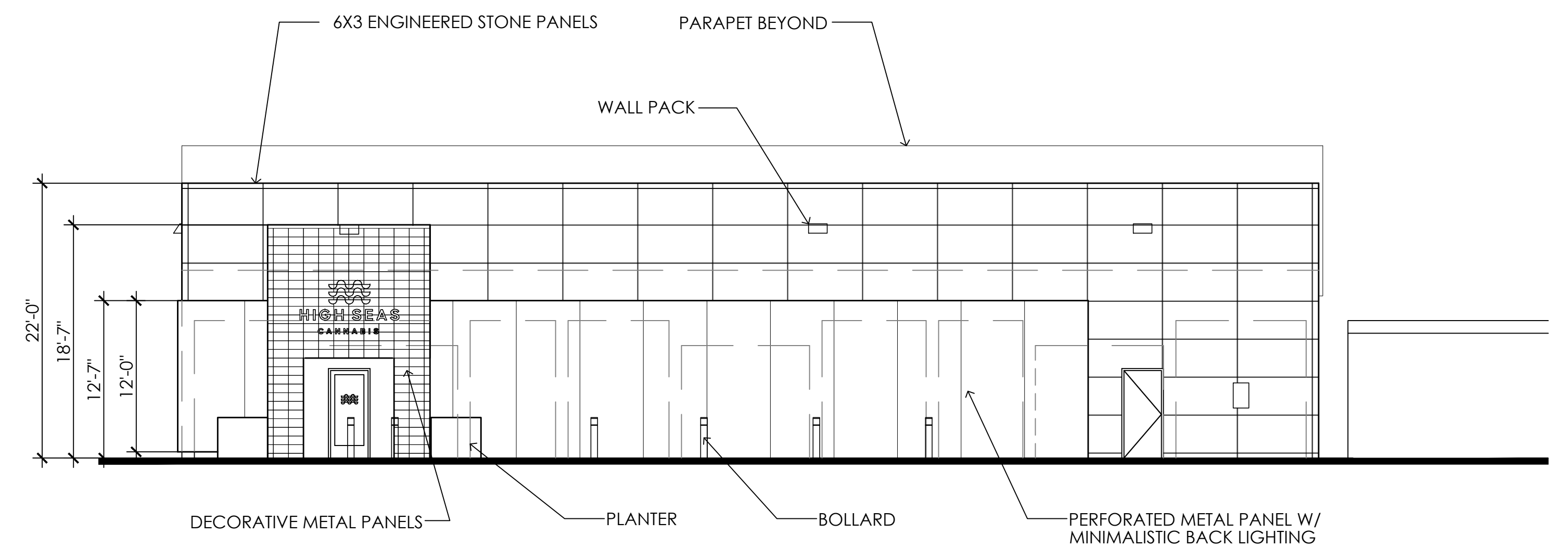


NORTH ELEVATION

NOTE: SIGNS ARE UNDER A SEPARATE PERMIT



SOUTH ELEVATION

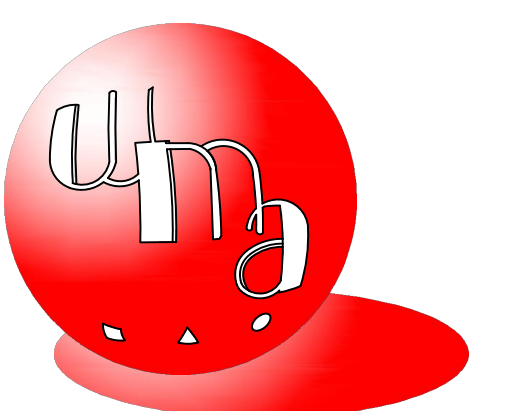
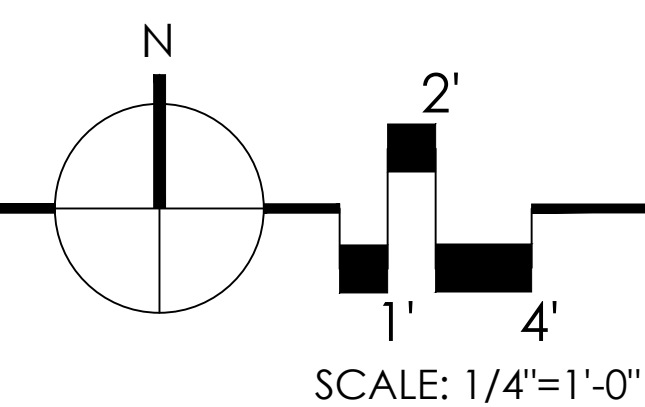


WEST ELEVATION



HIGH SEAS DISPENSARY

ELEVATIONS

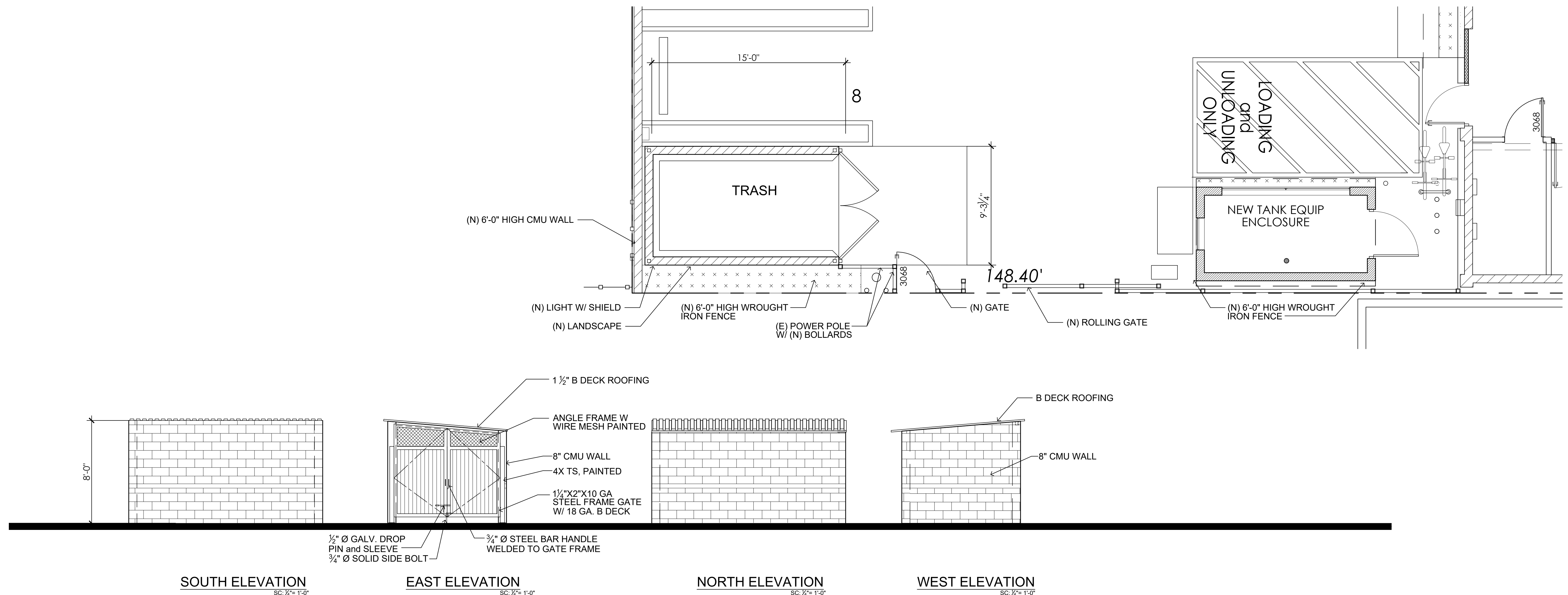
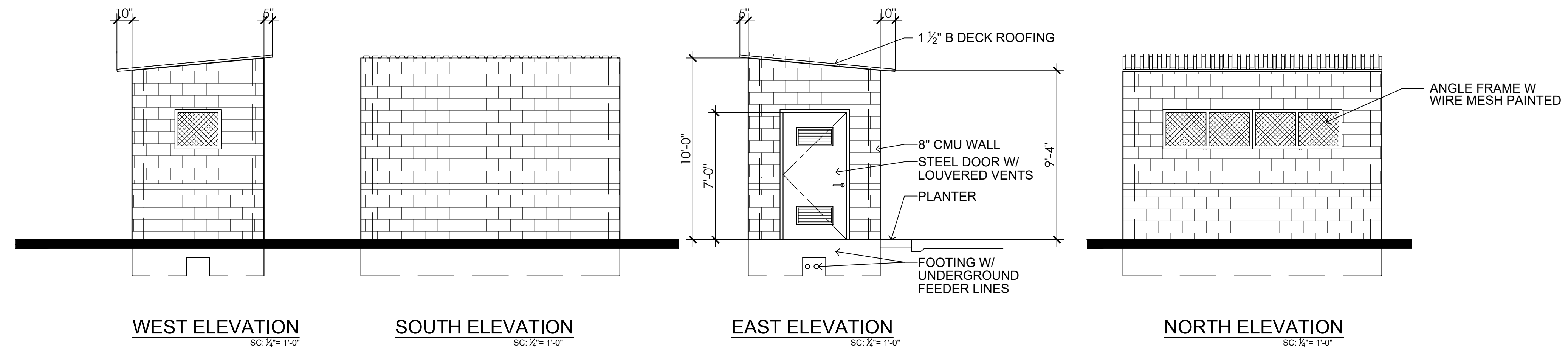


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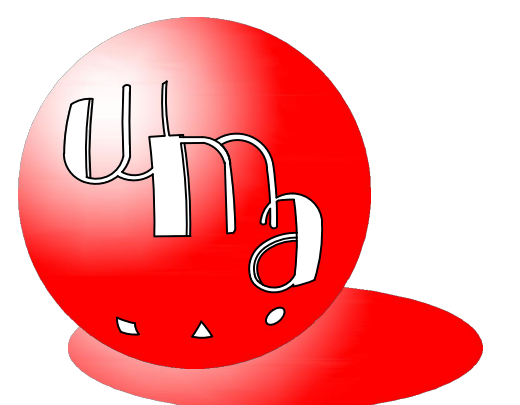
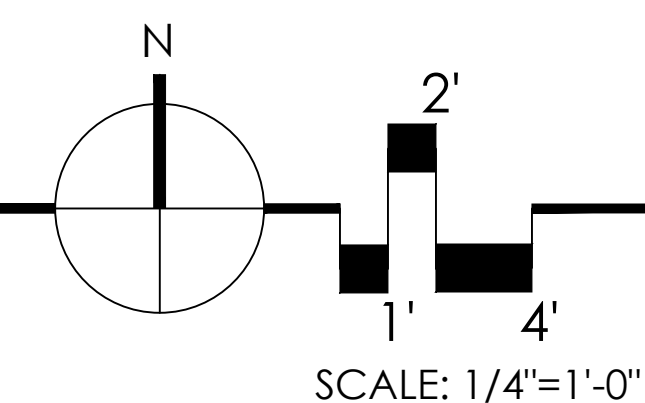


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(949) 400-4110

HIGH SEAS DISPENSARY

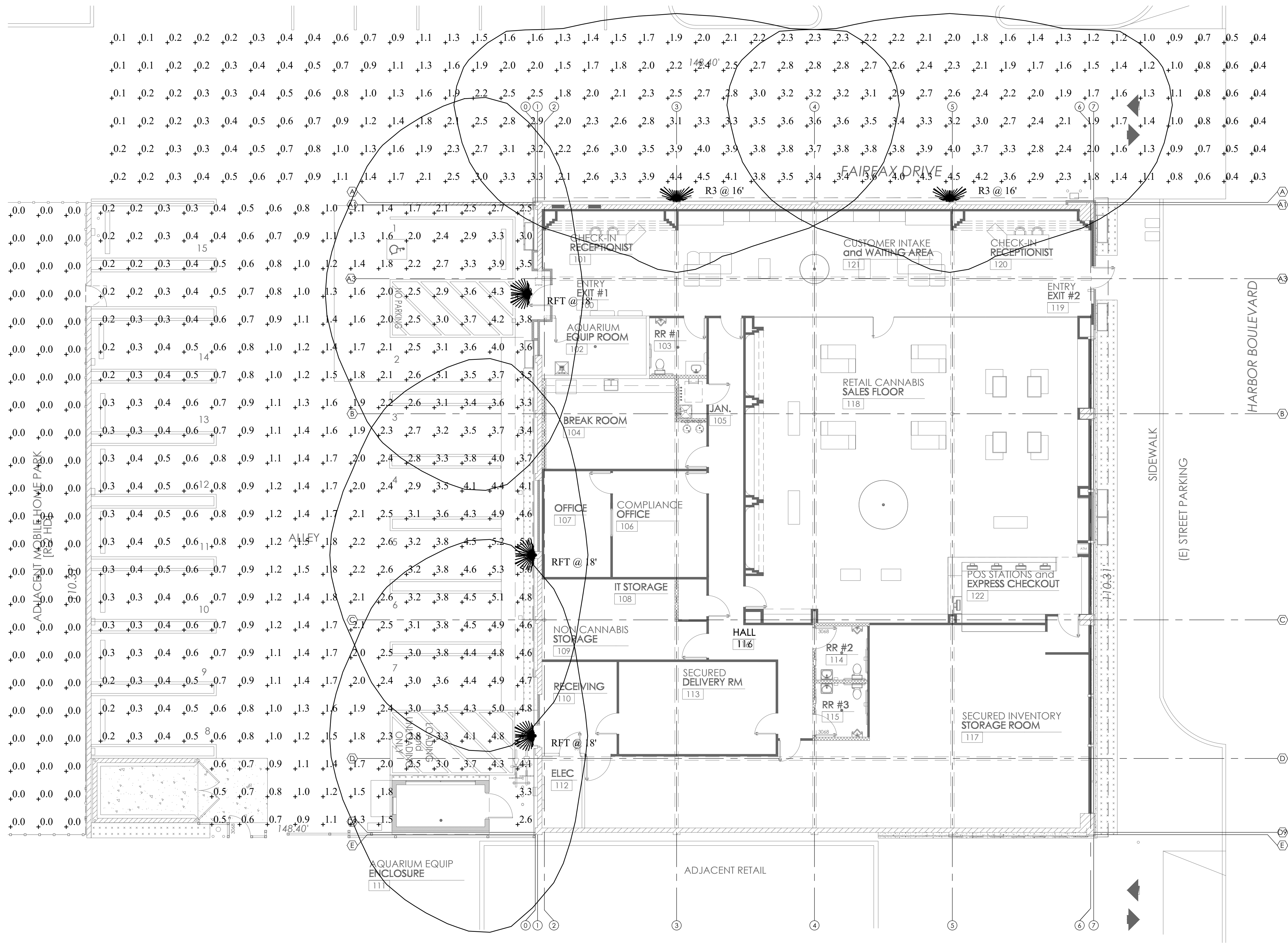
1921 HARBOR BLVD.
COSTA MESA, CA 92627
APN: 422-103-10

NEW TRASH ENCLOSURE AQUARIUM EQUIPMENT ROOM



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O: 714.427.0688 M: 714.724.3990
EMAIL: Bill@WilliamMasonArchitect.com
12.14.21
12.16.21
3.17.22
6.20.22



ELECTRICAL SITE LIGHTING PHOTOMETRIC PLAN 1
1/8"=1'-0"

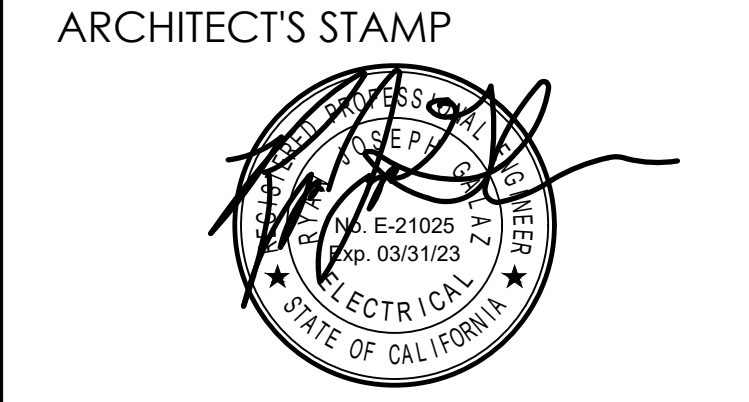
Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Area	+	1.8 fc	5.3 fc	0.2 fc	26.5:1	9.0:1
SIDE COMMON DRIVEWAY	+	1.8 fc	4.5 fc	0.1 fc	45.0:1	18.0:1

Schedule							
Symbol	Label	Quantity	Manufacturer	Catalog Number	Lumens Per Lamp	Light Loss Factor	Wattage
	R3	2	Lithonia Lighting	WDGE3 LED P1 70CRI R3 30K	6933	0.8	\$1.1717
	RFT	3	Lithonia Lighting	WDGE3 LED P1 70CRI RFT 30K	6996	0.8	\$1.1717



Energy Solutions Group, Inc.
Mechanical • Electrical
Plumbing • Energy Design &
Engineering Services

(714) 975-3501 | Rgalaz@mepesg.com
P.O. BOX 6390 La Quinta, CA 92248
Website | www.mepesg.com



△	DATE	REVISION

OWNER:

1921 HARBOR BLVD.
COSTA MESA, CA. 92627

PROJECT:
HIGH SEAS MARIJUANA DISPENSARY
1921 HARBOR BLVD.
COSTA MESA, CA. 92627

TRACT / LOT	
PROJECT NO.	21.041.10
SCALE:	AS NOTED
DATE:	2/X/22
DRAWN BY:	
REVIEWED BY:	
CHECKED BY:	
ISSUED TO BID:	
ISSUED FOR CONSTR:	

SHEET TITLE:
ELECTRICAL SITE LIGHTING PHOTOMETRIC PLAN
SHEET NO.
E-1.1A

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WEDGE3 LED

Architectural Wall Sconce



Buy American



Catalog
Number

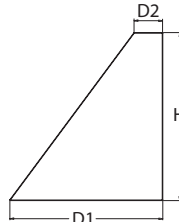
Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

Depth (D1): 8"
Depth (D2): 1.5"
Height: 9"
Width: 18"
Weight: 19.5 lbs
(without options)



Introduction

The WEDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing a true site-wide solution. Embedded with nLight® AIR wireless controls, the WEDGE family provides additional energy savings and code compliance.

WEDGE3 has been designed to deliver up to 12,000 lumens through a precision refractive lens with wide distribution, perfect for augmenting the lighting from pole mounted luminaires.

WEDGE LED Family Overview

Luminaire	Standard EM, 0°C	Cold EM, -20°C	Sensor	Lumens (4000K)					
				P1	P2	P3	P4	P5	P6
WEDGE1 LED	4W	--	--	1,200	2,000	--	--	--	--
WEDGE2 LED	10W	18W	Standalone / nLight	1,200	2,000	3,000	4,500	6,000	--
WEDGE3 LED	15W	18W	Standalone / nLight	7,500	8,500	10,000	12,000	--	--
WEDGE4 LED	--	--	Standalone / nLight	12,000	16,000	18,000	20,000	22,000	25,000

Ordering Information

EXAMPLE: WEDGE3 LED P3 40K 70CRI R3 MVOLT SRM DDBXD

Series	Package	Color Temperature	CRI	Distribution	Voltage	Mounting
WEDGE3 LED	P1	30K 3000K	70CRI	R2 Type 2	MVOLT	Shipped included
	P2	40K 4000K	80CRI	R3 Type 3	347 ¹	SRM Surface mounting bracket
	P3	50K 5000K		R4 Type 4	480 ¹	ICW Indirect Canopy/Ceiling Washer bracket (dry/damp locations only) ⁴
	P4			RFT Forward Throw		
						Shipped separately
						AWS 3/8inch Architectural wall spacer
						PBBW Surface-mounted back box (top, left, right conduit entry). Use when there is no junction box available.

Options				Finish	
E15WH	Emergency battery backup, Certified in CA Title 20 MAEDBS (15W, 5°C min)	Standalone Sensors/Controls		DDBXD	Dark bronze
E20WC	Emergency battery backup, Certified in CA Title 20 MAEDBS (18W, -20°C min)	PIR	Bi-level (100/35%) motion sensor for 8-15' mounting heights. Intended for use on switched circuits with external dusk to dawn switching.	DBLXD	Black
PE ²	Photocell, Button Type	PIRH	Bi-level (100/35%) motion sensor for 15-30' mounting heights. Intended for use on switched circuits with external dusk to dawn switching	DNAXD	Natural aluminum
DMG ³	0-10V dimming wires pulled outside fixture (for use with an external control, ordered separately)	PIR1FC3V	Bi-level (100/35%) motion sensor for 8-15' mounting heights with photocell pre-programmed for dusk to dawn operation.	DWHXD	White
BCE	Bottom conduit entry for back box (PBBW). Total of 4 entry points.	PIRH1FC3V	Bi-level (100/35%) motion sensor for 15-30' mounting heights with photocell pre-programmed for dusk to dawn operation.	DSSXD	Sandstone
SPD10KV	10kV Surge pack	Networked Sensors/Controls		DDBTXD	Textured dark bronze
BAA	Buy America(n) Act Compliant	NLTAIR2 PIR	nLightAIR Wireless enabled bi-level motion/ambient sensor for 8-15' mounting heights.	DBLBXD	Textured black
			NLTAIR2 PIRH	DNATXD	Textured natural aluminum
			See page 4 for out of box functionality	DWHGXD	Textured white
				DSSTXD	Textured sandstone

Accessories

Ordered and shipped separately.

WEDGEAWS DDBXD WEDGE 3/8inch Architectural Wall Spacer (specify finish)
WEDGE3PBBW DDBXD U WEDGE3 surface-mounted back box (specify finish)

NOTES

- 347V and 480V not available with E15WH and E20WC.
- PE not available in 480V and with sensors/controls.
- DMG option not available with sensors/controls.
- Not qualified for DLC. Not available with emergency battery backup or sensors/controls



COMMERCIAL OUTDOOR

One Lithonia Way • Conyers, Georgia 30012 • Phone: 1-800-705-SERV (7378) • www.lithonia.com
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WEDGE3 LED
Rev. 03/01/22

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watts	Dist. Type	30K (3000K, 70 CRI)					40K (4000K, 70 CRI)					50K (5000K, 70 CRI)				
			Lumens	LPW	B	U	G	Lumens	LPW	B	U	G	Lumens	LPW	B	U	G
P1	52W	R2	7,037	136	1	0	1	7,649	148	2	0	1	7,649	148	2	0	1
		R3	6,922	134	1	0	2	7,524	145	1	0	2	7,524	145	1	0	2
		R4	7,133	138	1	0	2	7,753	150	1	0	2	7,753	150	1	0	2
		RFT	6,985	135	1	0	2	7,592	147	1	0	2	7,592	147	1	0	2
P2	59W	R2	7,968	135	2	0	1	8,661	147	2	0	1	8,661	147	2	0	1
		R3	7,838	133	1	0	2	8,519	144	1	0	2	8,519	144	1	0	2
		R4	8,077	137	1	0	2	8,779	149	1	0	2	8,779	149	1	0	2
		RFT	7,909	134	1	0	2	8,597	146	2	0	2	8,597	146	2	0	2
P3	71W	R2	9,404	132	2	0	1	10,221	143	2	0	1	10,221	143	2	0	1
		R3	9,250	130	2	0	2	10,054	141	2	0	2	10,054	141	2	0	2
		R4	9,532	134	2	0	2	10,361	145	2	0	2	10,361	145	2	0	2
		RFT	9,334	131	2	0	2	10,146	142	2	0	2	10,146	142	2	0	2
P4	88W	R2	11,380	129	2	0	1	12,369	140	2	0	1	12,369	140	2	0	1
		R3	11,194	127	2	0	2	12,167	138	2	0	2	12,167	138	2	0	2
		R4	11,535	131	2	0	2	12,538	142	2	0	2	12,538	142	2	0	2
		RFT	11,295	128	2	0	2	12,277	139	2	0	2	12,277	139	2	0	2

Electrical Load

Performance Package	System Watts	Current (A)					
		120V	208V	240V	277V	347V	480V
P1	52W	0.437	0.246	0.213	0.186	0.150	0.110
P2	59W	0.498	0.287	0.251	0.220	0.175	0.126
P3	71W	0.598	0.344	0.300	0.262	0.210	0.152
P4	88W	0.727	0.424	0.373	0.333	0.260	0.190

Lumen Output in Emergency Mode (4000K, 70 CRI)

Option	Dist. Type	Lumens
E15WH	R2	3,185
	R3	3,133
	R4	3,229
	RFT	3,162
E20WC	R2	3,669
	R3	3,609
	R4	3,719
	RFT	3,642

Lumen Multiplier for 80CRI

CCT	Multiplier
30K	0.891
40K	0.906
50K	0.906

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.05
10°C	50°F	1.03
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
40°C	104°F	0.97

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a 25°C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

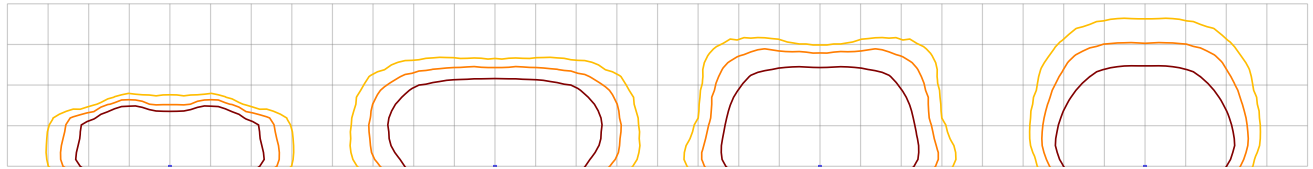
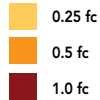
To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	>0.98	>0.97	>0.92

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting WDGE LED homepage. Tested in accordance with IESNA LM-79 and LM-80 standards.

LEGEND



MH = 15ft
Grid = 15ft x 15ft

WDGE3 LED P3 40K 70CRI R2

WDGE3 LED P3 40K 70CRI R3

WDGE3 LED P3 40K 70CRI R4

WDGE3 LED P3 40K 70CRI RFT

Emergency Egress Options

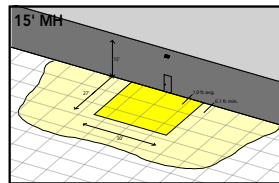
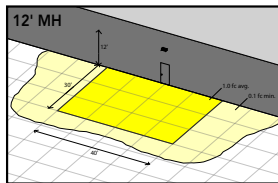
Emergency Battery Backup

The emergency battery backup is integral to the luminaire — no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product. All emergency battery backup configurations include an independent secondary driver with an integral relay to immediately detect loss of normal power and automatically energize the luminaire. The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time normal power is lost and maintain, minimum of 60% of the light output at the end of 90 minutes.

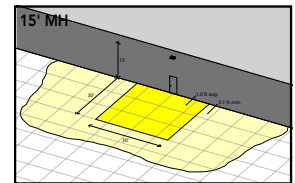
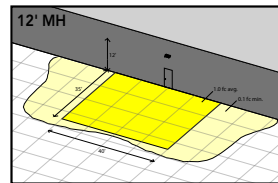
Applicable codes: NFPA 70/NEC – section 700.16, NFPA 101 Life Safety Code Section 7.9

The examples below show illuminance of 1 fc average and 0.1 fc minimum in emergency mode with E15WH or E20WC and R4 distribution.

Grid = 10ft x 10ft



WDGE3 LED xx 40K 70CRI R4 MVOLT E15WH



WDGE3 LED xx 40K 70CRI R4 MVOLT E20WC

Motion/Ambient Sensor (PIR_, PIRH_)

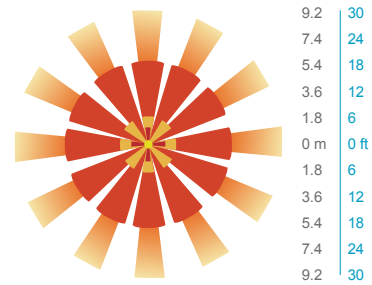
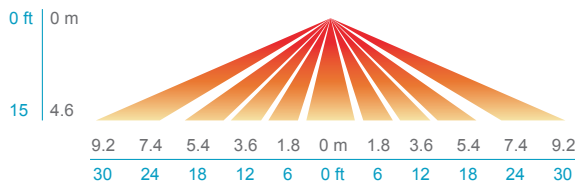
Motion/Ambient sensor (Sensor Switch MSOD) is integrated into the the luminaire. The sensor provides both Motion and Daylight based dimming of the luminaire. For motion detection, the sensor utilizes 100% Digital Passive Infrared (PIR) technology that is tuned for walking size motion while preventing false tripping from the environment. The integrated photocell enables additional energy savings during daytime periods when there is sufficient daylight. Optimize sensor coverage by either selecting PIR or PIRH option. PIR option comes with a sensor lens that is optimized to provide maximum coverage for mounting heights between 8-15ft, while PIRH is optimized for 15-40ft mounting height.

Networked Control (NLTAIR2)

nLight® AIR is a wireless lighting controls platform that allows for seamless integration of both indoor and outdoor luminaires. Five-tier security architecture, 900 MHz wireless communication and app (CLAIRITY™ Pro) based configurability combined together make nLight® AIR a secure, reliable and easy to use platform.

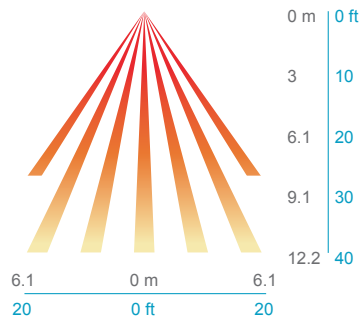
PIR

HIGH VIEW

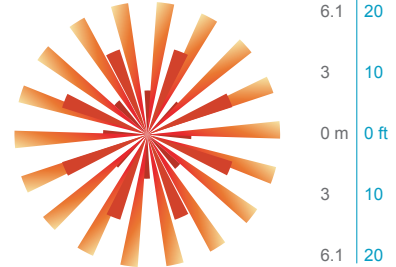


PIRH

SIDE VIEW



TOP VIEW



Motion/Ambient Sensor Default Settings

Option	Dim Level	High Level (when triggered)	Photocell Operation	Motion Time Delay	Ramp-down Time	Ramp-up Time
PIR or PIRH	Motion - 3V (37% of full output) Photocell - 0V (turned off)	10V (100% output)	Enabled @ 5fc	5 min	5 min	Motion - 3 sec Photocell - 45 sec
PIR1FC3V, PIRH1FC3V	Motion - 3V (37% of full output) Photocell - 0V (turned off)	10V (100% output)	Enabled @ 1fc	5 min	5 min	Motion - 3 sec Photocell - 45 sec
NLTAIR2 PIR, NLTAIR2 PIRH (out of box)	Motion - 3V (37% of full output) Photocell - 0V (turned off)	10V (100% output)	Enabled @ 5fc	7.5 min	5 min	Motion - 3 sec Photocell - 45 sec



**NLTAIR2 PIR – nLight AIR
Motion/Ambient Sensor**

D = 8"

H = 11"

W = 18"



PBBW – Surface-Mounted Back Box
Use when there is no junction box available.

D = 1.75"

H = 9"

W = 18"



AWS – 3/8inch Architectural Wall Spacer

D = 0.38"

H = 4.4"

W = 7.5"

FEATURES & SPECIFICATIONS

INTENDED USE

Common architectural look, with clean rectilinear shape, of the WEDGE LED was designed to blend with any type of construction, whether it be tilt-up, frame or brick. Applications include commercial offices, warehouses, hospitals, schools, malls, restaurants, and other commercial buildings.

CONSTRUCTION

The single-piece die-cast aluminum housing to optimize thermal transfer from the light engine and promote long life. The driver is mounted in direct contact with the casting for a low operating temperature and long life. The die-cast door frame is fully gasketed with a one-piece solid silicone gasket to keep out moisture and dust, providing an IP65 rating for the luminaire.

FINISH

Exterior painted parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Standard Super Durable colors include dark bronze, black, natural aluminum, sandstone and white. Available in textured and non-textured finishes.

OPTICS

Individually formed acrylic lenses are engineered for superior application efficiency which maximizes the light in the areas where it is most needed. Light engines are available in 3000 K, 4000 K or 5000 K configurations. The WEDGE LED has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL

Light engine consists of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L92/100,000 hours at 25°C). The electronic driver has a power factor of >90%, THD <20%. Luminaire comes with built in 6kV surge protection, which meets a minimum Category C low exposure (per ANSI/IEEE C62.41.2). Fixture ships standard with 0-10v dimmable driver.

INSTALLATION

A universal mounting plate with integral mounting support arms allows the fixture to hinge down for easy access while making wiring connections. The 3/8" Architectural Wall Spacer (AWS) can be used to create a floating appearance or to accommodate small imperfections in the wall surface. The ICW option can be used to mount the luminaire inverted for indirect lighting in dry and damp locations. Design can withstand up to a 1.5 G vibration load rating per ANSI C136.31.

LISTINGS

CSA certified to U.S. and Canadian standards. Light engines are IP66 rated; luminaire is IP65 rated. PIR options are rated for wet location. Rated for -40°C minimum ambient. DesignLights Consortium® (DLC) Premium qualified product and DLC qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified. International Dark-Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature and SRM mounting only.

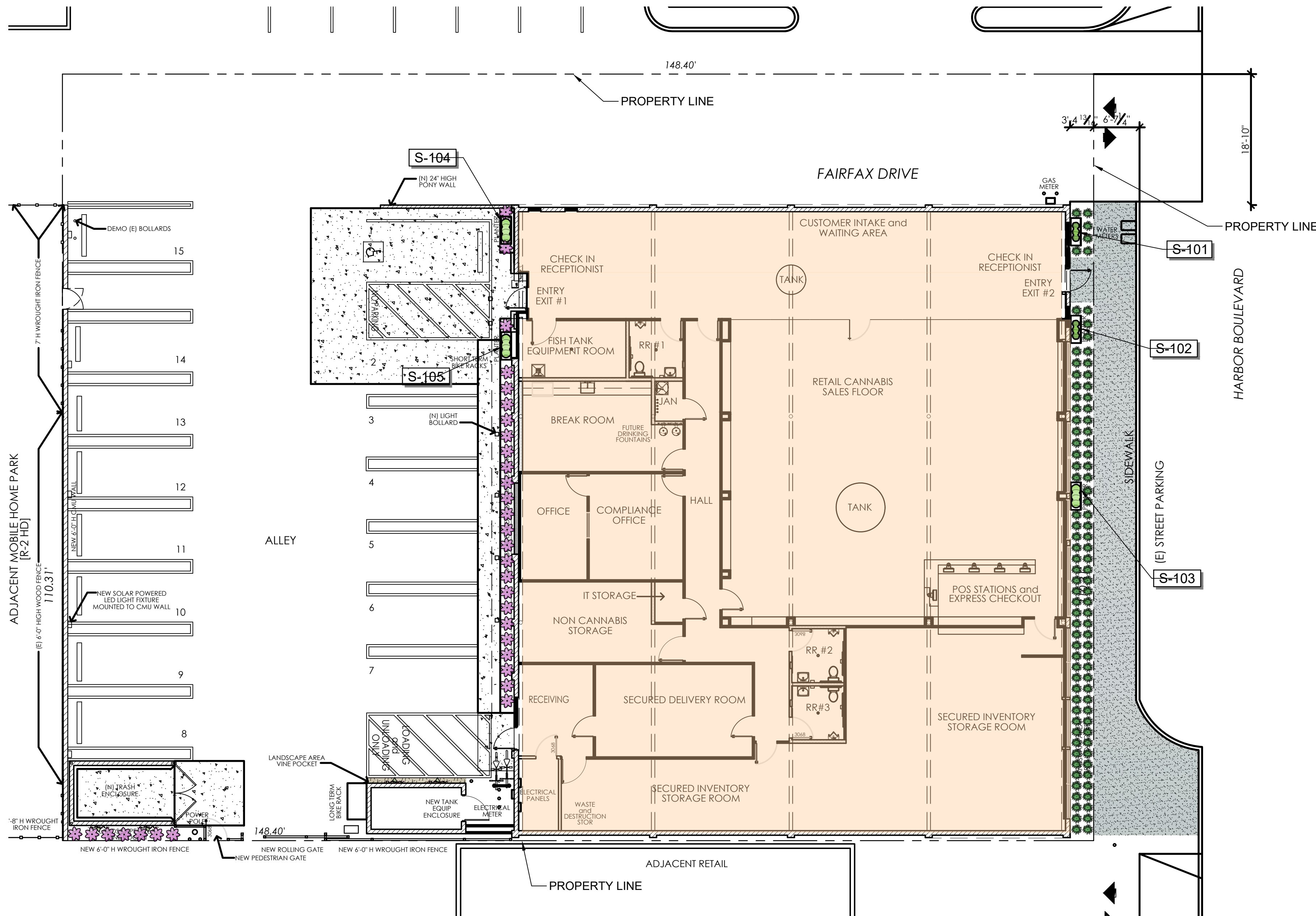
BUY AMERICAN

Product with the BAA option is assembled in the USA and meets the Buy America(n) government procurement requirements under FAR, DFARS and DOT. Please refer to www.acuitybrands.com/buy-american for additional information.

WARRANTY

5-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/support/warranty/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



REFERENCE IMAGERY - PLANT MATERIAL (IN-GROUND)



Ophiopogon japonicum -
Mondo Grass



Dianella 'Little Rev' -
Dwarf Flax Lily



Ficus repens -
Creeping Fig

REFERENCE IMAGERY - PLANT MATERIAL (IN POTS)



Pedilanthus macrocarpus -
Lady's Slipper



Sansevieria trifasciata -
Snake Plant



Sedum Nussbaumerianum -
Sedum

ALL PLANTER AREAS ARE TO RECEIVE AN AUTOMATIC IRRIGATION CONSISTING OF LOW VOLUME POINT TO POINT OR DRIP LINE DRIP IRRIGATION, WEATHER BASED SMART IRRIGATION CONTROLLER AND FLOW SENSING. HYDROZONES WILL BE PROPERLY DESIGNATED. NO OVERHEAD IRRIGATION IS ALLOWED WITHIN 24" OF NON-PERMEABLE SURFACES. SUBSURFACE OR LOW-VOLUME IRRIGATION MUST BE USED FOR IRREGULARLY SHAPED AREAS, OR AREAS LESS THAN 10 FEET IN WIDTH. ALL POTS TO RECEIVE PERMANENT IRRIGATION TIED TO THE NEW IRRIGATION SYSTEM.



REFERENCE IMAGERY - DECORATIVE POTS
(CARDIFF RECTANGULAR FIBERGLASS POT FROM OLD TOWN FIBERGLASS - MODEL CF481824 - (48" LONG X 18" WIDE X 24" HIGH) COLOR TO BE SELECTED BY ARCHITECT AND OWNER

PLANT SCHEDULE

SHRUBS	BOTANICAL / COMMON NAME	CONT	PF	QTY	REMARKS
	Dianella revoluta 'DR5000' TM / Little Rev Flax Lily	5 Gal.		32	
	Ophiopogon japonicus / Mondo Grass	1 Gal.	M	96	
VINE	BOTANICAL / COMMON NAME	CONT	PF	QTY	REMARKS
	Ficus repens / Creeping Fig	5 Gal.	M	4	

SYMBOL	DESCRIPTION
	POT A - (3) 5 GALLON SANSEVIERIA TRIFASCIATA WITH AN UNDERSTORY OF 1 GALLON SEDUM NUSSBAUMERIANUM TO FILL POT
	POT B - (3) 5 GALLON SANSEVIERIA TRIFASCIATA WITH AN UNDERSTORY OF 1 GALLON SEDUM NUSSBAUMERIANUM TO FILL POT
	POT C - (3) 5 GALLON PEDILANTHUS MACROCARPUS
	POT D - (3) 5 GALLON PEDILANTHUS MACROCARPUS
	POT E - (3) 5 GALLON PEDILANTHUS MACROCARPUS

PLANTING NOTES:

SOIL TEST
AFTER SOIL HAS BEEN SET IN PLACE & PRIOR TO ANY SOIL PREPARATION, THE CONTRACTOR SHALL FURNISH SOIL TESTS OF THE SITE FOR AGRICULTURAL FERTILITY AND TO DETERMINE PROPER SOIL AMENDMENTS. TEST ARE TO BE PERFORMED BY A MEMBER OF THE CALIFORNIA ASSOCIATION OF AGRICULTURAL LABORATORIES USING ORGANIC FERTILIZER AND SOIL CONDITIONERS DERIVED FROM COMPOSTED HIGHER PLANT FORMS WITH COPIES SENT TO THE OWNER, CITY OF LANDSCAPE ARCHITECT & LANDSCAPE ARCHITECT, PRIOR TO INSTALLATION.

SOIL PREPARATION
THE FOLLOWING IS PROVIDED FOR BID PURPOSES ONLY AND SHALL BE MODIFIED AS NECESSARY GIVEN THE RESULTS OF THE SOILS TEST. THE CONTRACTOR SHALL BE PREPARED TO PROVIDE DELIVERY SLIPS AND EMPTY FERTILIZER BAGS ON SITE FOR VERIFICATION OF MATERIAL.

- FOR TURF AND GROUNDCOVER AREAS THE FOLLOWING SHALL BE UNIFORMLY AND THOROUGHLY ROTOTILLED INTO THE SOIL TO A MIN. DEPTH OF 6 INCHES FOR EVERY 1000 SQ. FEET OF AREA.
TRI-C ENDO 120
60 LBS/ACRE
TRI-C 6-2-4 W / 5% S:
60-70 LBS/1000 SQ.FT
SHAVINGS/COMPOST:
2-3 CUBIC YARDS/1000 SQ.FT

NOTE: SOIL TESTS SHOULD BE TAKEN FOR MORE SPECIFIC RECOMMENDATIONS AND TO DETERMINE IF ADDITIONAL CORRECTIVE AMENDMENTS ARE NECESSARY.

- BACKFILL MIX FOR USE OF PLANTING ALL TREES, SHRUBS & VINES
INCORPORATE TRI-C HUMATE @ 5-6 LBS/CU.YD OF BACKFILL MIX
- PLANT TABLET FOR ALL TREES, SHRUBS, VINES AND GROUNDCOVERS:
(22-48) TRI-C MYCO TABS FOR ALL BOX SIZED TREES 24" BOX OR LARGER
(2) TRI-C MYCO TABS PER 1 GALLON STOCK
(8) TRI-C MYCO TABS TABLETS PER 5 GALLON STOCK
(16) TRI-C MYCO TABS PER 15 GALLON STOCK
(1) TRI-C MYCO TABS FOR EACH GROUNDCOVER HOLE

INSTALL TRI-C MYCO TABLETS PER MFG. RECOMMENDATIONS
AVAILABLE THROUGH:
TRI-C ORGANICS 1-800-927-3311

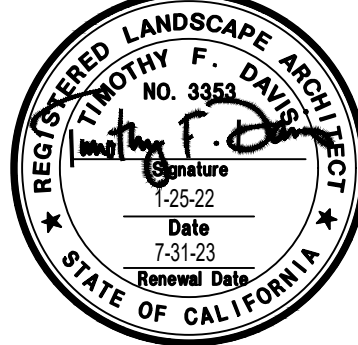
- ALL PALM TREES TO BE PLANTED WITH 100% CLEAN PLASTER SAND. REFER TO PALM TREE PLANTING NOTES AND DETAIL FOR FURTHER SPECIFICATIONS.

TOP DRESSING
ALL SHRUBS AND GROUNDCOVER AREAS ARE TO BE TOP DRESSED WITH 3" THICK LAYER OF LOCALLY COMPOSTED 2" MINUS SHREDDED TREE BARK MULCH OR APPROVED EQUIVALENT. INSTALL MULCH PRIOR TO GROUND COVER PLANTING, INSTALL MULCH 4" DEEP ON SLOPES AND IN PERMANENT PLANT BASINS ON SLOPES.

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

WMA
ARCHITECTURE PLANNING INTERIORS
WILLIAM MASON, ARCHITECT INC.
824 VIA ALHAMBRA, UNIT D
LAGUNA WOODS, CALIFORNIA 92637
M:714.427.0688 O:714.724.3990
EMAIL:Bill@WilliamMasonArchitect.com

ARCHITECT'S STAMP



DATE	REVISION

OWNER:

PROJECT:



TRACT / LOT	
PROJECT NO.	21.041.10
SCALE:	AS NOTED
DATE:	2/X/22
DRAWN BY:	
REVIEWED BY:	
CHECKED BY:	
ISSUED TO BID:	
ISSUED FOR CONSTR:	

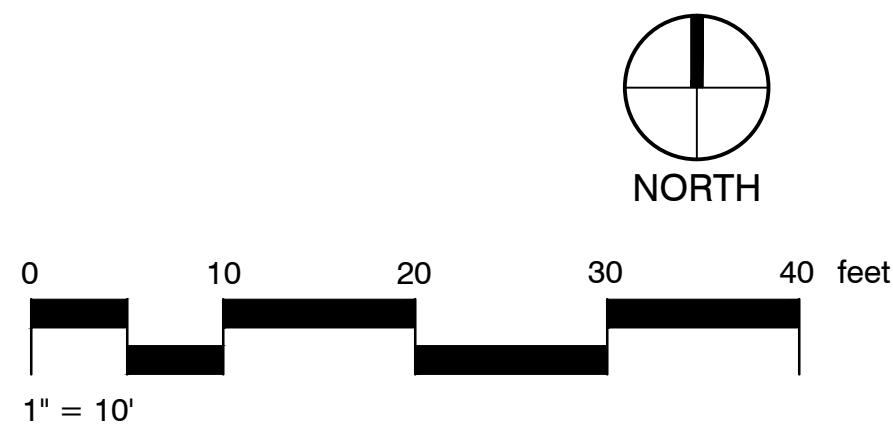
SHEET TITLE:

CONCEPTUAL
LANDSCAPE PLAN

SHEET NO.

L1.0

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MARCH 28, 2022



**SCHEMATIC DESIGN
PACKAGE**

PROJECT: HIGH SEAS

PROJECT LOCATION:
1921 Harbor Blvd.
Costa Mesa, CA
92627

**PLEASE NOTE: **ALL RENDERINGS ARE CONCEPTUAL AND ARE SUBJECT TO
CHANGE****













Sea you
Soon!


HIGH SEA
CANNABIS









Express
Check out

Sea
Free

apothecanna

PAPA & BARKLEY

Infused
Pre-Rolls







