

RESOLUTION NO. 2025-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, UPHOLDING THE DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES DETERMINATION THAT CONDITIONAL USE PERMIT PA-21-23 TO ESTABLISH A CANNABIS STOREFRONT LOCATED AT 1687 ORANGE AVENUE (KING'S CREW) HAS EXPIRED

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, appeal application PAPL-25-0001 was filed by Laurie Holcomb, representing Gold Flora Partners Costa Mesa LLC, and the property owner, Orange Ave Investments, LLC, requesting an appeal of the Director of Development Services determination that Conditional Use Permit PA-21-23 to operate a cannabis retail storefront business within an existing 2,778-square-foot commercial building located at 1687 Orange Avenue has expired;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 12, 2022 with all persons having the opportunity to speak for and against the Conditional Use Permit, and the project was approved by the Planning Commission on a 5-2 vote;

WHEREAS, Costa Mesa Municipal Code Section 13-29(k)(2)(a) and Condition of Approval No. 2, approval of the planning application is valid for two years from the effective date and expires 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;

WHEREAS, as of September 20, 2024, two years passed from the effective date of the CUP, and the application expired as none of the required actions for extension or establishing the use were taken, nor has the applicant filed for an extension of time;

WHEREAS, the City issued a Notice of Expiration on December 2, 2024;

WHEREAS, an appeal of the Director of Development Services determination of the expiration of the CUP was filed on December 9, 2024;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 24, 2025 with all persons having the opportunity to speak for and against the appeal, and the appeal was denied by the Planning Commission on a 6-0-1 vote;

WHEREAS, the determination that a Conditional Use Permit has expired based on standard applicable regulations of the Costa Mesa Municipal Code (CMMC) and project conditions of approval is a “ministerial” decision and is therefore exempt from the California Environmental Quality Act pursuant to California Public Resources Code Section 15268;

WHEREAS, an appeal of the Planning Commission’s decision to uphold the Director of Economic and Development Services determination that Conditional Use Permit PA-21-23 has expired was filed on February 27, 2025;

WHEREAS, a duly noticed public hearing was held by the City Council on April 15, 2025 with all persons having the opportunity to speak for and against the appeal;

NOW, THEREFORE, based on applicable evidence in the record, project conditions of approval and regulations pursuant to the Cost Mesa Municipal Code, the City Council hereby **DENIES** the appeal and upholds the Director of Economic and Development Services determination that Conditional Use Permit PA-21-23 expired.

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 6th day of May, 2025.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 6th day of May 2025, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 7th day of May 2025.

Brenda Green, City Clerk