

**RESOLUTION NO. PC-2023-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-27 FOR A CANNABIS DISTRIBUTION AND NON-STOREFRONT RETAIL FACILITY (AK EXCLUSIVES) AT 3505 CADILLAC AVENUE, UNIT O-209A**

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

WHEREAS, on or about November 8, 2016, Costa Mesa voters approved Measure X; which allows for the distribution, manufacturing, processing, research and development laboratories, testing laboratories and transportation of marijuana related uses located in the Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties north of South Coast Drive, west of Harbor Boulevard, excluding the South Coast Collection (SOCO) property located at 3033 Hyland Avenue.

WHEREAS, on or about November 3, 2020, 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, Planning Application 22-27 was filed by Eileen Wade, authorized agent for the property owner, Don Siriani, requesting approval of the following:

A Conditional Use Permit to operate a cannabis distribution and non-storefront retail facility within a 1,170-square-foot tenant space at 3505 Cadillac Avenue, Unit O-209A.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 10, 2023 with all persons having the opportunity to speak for and against the proposal;

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

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 22-27 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 22-27 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 10th day of April, 2023.**

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Adam Ereth, Chair  
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023- \_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on April 10, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2023- \_\_

## EXHIBIT A

### FINDINGS

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

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

**Facts in Support of Findings:** The subject use is proposed within the City's "Green Zone," an industrial area of the community where specific types of cannabis uses are conditionally permitted, such as distribution, manufacturing, testing and non-storefront retail (delivery only). The proposed use is a cannabis distribution facility that provides home deliveries and is located in an area specifically designated for these types of uses. The specific building in which the proposed cannabis business is to be located, includes six other tenants that provide similar types of cannabis related services. Similar to other industrial uses, the proposed cannabis business would generate limited customer traffic to the site as the business is not open to the public and, as proposed and conditioned, the cannabis use would be compatible with adjacent industrial and commercial uses. Compliance with conditions of approval, local regulations, and State requirements would allow this use to operate with minimal impact on surrounding properties and uses.

**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 business would follow safety measures as detailed in the professionally prepared security plan submitted to the City. The security plan was evaluated for compliance by the City's cannabis security consultant (HdL Companies). Measures designed to maintain safety at the facility include, but are not limited to, window and door alarms, panic buttons, motion-detectors, limited access areas, a video surveillance system that monitors all exterior entrances, exits and all interior limited access areas, and security lighting. As proposed and conditioned, video recordings shall be maintained for a minimum of three months. As required by the CMMC and affirmed in the security plan, the business shall designate a security representative to be available to meet with the City Manager, Chief of Police, or their designees, regarding any security or operational concerns. All business employees shall pass a live scan background check and obtain identification badges from the City. The recommended conditions of approval and local and State laws are intended to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public, and would not 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 cannabis operations are allowed in the PDI Zoning District. The proposed use would occupy an existing industrial/office tenant space and there are no proposed additions to the building, therefore there is no change in land use intensity. As stated in the General Plan Land Use Element, the City’s industrial designations “accommodate a variety of industrial and compatible office uses, as well as limited and supportive commercial uses.” The use is consistent with the General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; prioritizing commercial and industrial uses at properties north of I-405; and promoting the incubation of unique and specialized commercial and industrial businesses,

- B. **Finding:** 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. This project site contains an existing building and does not propose an increase in floor area. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.
- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

#### **General**

1. The use of this property as a cannabis distribution and non-storefront retail (delivery) business shall comply with the approved plans and terms described in the resolution and these conditions of approval. 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 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 manufacturing, processing, laboratory testing, transporting, delivery, distribution, 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. Has met all requirements of 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 conditions of approval of this MCUP.

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. The subject business shall comply with the applicable operating requirements for non-storefront delivery listed in CMMC Title 9, Chapter VI, Section 9-495(i).
6. No storefront retail or cultivation of cannabis is allowed anywhere on the premises.
7. 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.
8. A Cannabis Business Permit may be revoked upon a hearing by the Director of Development Services pursuant to Section 9-120 of the CMMC for failing to comply with the terms of the permit, the applicable provisions of the CMMC, State law or regulation and/or any condition of any other permit issued pursuant to this code. Revocation of the Cannabis Business Permit shall trigger the City's proceedings to revoke the CUP and its amendments. The CUP granted herein shall not be construed to allow any subsequent owner/operator to continue operating under PA-22-27 until a valid new Cannabis Business Permit is received from the City of Costa Mesa.
9. The uses authorized by the 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.
10. The applicant shall obtain State License Type 9 and Type 11 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.
11. Except for delivery operations allowed by this CUP and under an active CBP and State Type 9 license, the applicant, including any employee thereof, shall not sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product under its possession and/or control to any person, firm, corporation, group or any other entity, unless that person or entity possesses all currently valid permits and/or licenses required by both the state of California and applicable local government entity to lawfully receive such cannabis and to engage in a "cannabis activity" as defined by Costa Mesa Municipal Code sec. 9-485. Applicant is charged

with a duty to, and shall first verify, that the recipient, whether located in the City or elsewhere, of any cannabis or cannabis product so sold, distributed, furnished, and/or otherwise provided by or on behalf of applicant, possesses all required permits and/or licenses therefore.

12. Vehicle loading and unloading shall only take place in designated parking spaces with direct unobstructed view of surveillance (as indicated on the approved site plans). No loading and unloading of cannabis products into the vehicles shall take place outside of camera view. Video surveillance cameras shall be installed on the exterior of the building with direct views of the exterior door and loading areas. Any modifications or additional vehicle loading and unloading areas shall be submitted to the Director of Development Services or designee for approval.
13. If distribution is conducted by a third party company, the loading areas shall be free and clear of any cannabis products and the third party distributor shall be escorted at all times. All cannabis products within the receiving/quarantine or storage area shall be secured in a locked container. Prior to a distributor's arrival, distributors are required to give notice to authorized facility personnel. Upon arrival, authorized facility personnel shall escort the distributor vehicle to the loading area.
14. Third parties are prohibited from providing delivery services for the Type 9 non-storefront retail (delivery) license.
15. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally defend, with the attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and/or costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the indemnitors' joint and several obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this condition.
16. 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.
17. 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.

18. The operator shall maintain a valid Cannabis Business Permit and a valid Business License at all times. The original Cannabis Business Permit application number associated with this address is MX-22-01. 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 tenant space.
19. Cannabis shall not be consumed on the premises at any time, in any form.
20. No outdoor storage of cannabis or cannabis products is permitted at any time.
21. All cannabis and cannabis distributed pursuant to this CUP shall be transported by persons licensed to do so and shall only be sold, distributed, transported or otherwise furnished to facilities operating in full conformance with all applicable State and local laws and regulations. The discovery of a cannabis product originating from this facility at any unpermitted or otherwise unlawful cannabis facility or operation, including a dispensary, may be considered as evidence in any action to revoke, suspend or modify this CUP and/or the corresponding Cannabis Business Permit that is based on whole or in part on this condition of approval or any related provision of the Municipal Code.
22. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
23. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business. It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.
24. The owner/operator shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
25. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of this property, or on any of the vehicles owned or used as part of the cannabis business.
26. 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 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.

27. Should any employee, volunteer or other person who possess an identification badge be terminated or cease their employment with the business, the applicant shall return such identification badge to the Community Improvement Division within 24 hours, not including weekends and holidays.
28. The City Manager or her or his designees may enter this business at any time during the hours of operation without notice, and inspect this business as well as any recordings and records required to be maintained pursuant to Title 9, Chapter VI or under applicable provisions of State law. If the City Manager or his or her designees are not allowed to enter the business or inspect any area of the premises, a revocation process may immediately be started pursuant to the applicable provisions of the CMMC.
29. 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 CUP will expire and be of no further force and effect if any State issued license remains suspended for a period of 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.
30. 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.
31. 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.
32. 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 production or manufacturing, laboratory testing and distribution processes. 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 scale). The owner/operator shall ensure that such information is compatible with the City's recordkeeping systems. The system must have the capability to produce historical transactional data for review by the City Manager.
33. 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 CBP. A change in ownership that affects an interest of less than 51 percent shall be require a minor modification to the CBP.
34. 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 falsifies any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law.

35. The approved use includes distribution and direct delivery to customers only. There shall be no extraction operations, refining, or winterization conducted in this facility.
36. The approved use includes distribution and direct delivery to customers only. There shall be no storage or use of volatiles, solvents, or hazardous materials at this facility.
37. Any change in equipment, operation, or hazard shall be submitted to the City for review and approval prior to the change taking place.
38. 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.
39. A copy of the approved Safety Plan shall be maintained onsite at all times, and it shall be available at the request of any City Official.
40. 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.
41. 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.
42. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
43. Street address shall be visible from the public street and/or shall be displayed on the freestanding sign. If there is no freestanding sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
44. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
45. Trash enclosure(s) or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform to City standards.
46. Vehicle standing, loading and unloading shall be conducted so as not to interfere with normal use of streets, sidewalks, driveways and on-site parking.
47. No vehicle loading area shall encroach into a required building setback along a public right-of-way.
48. Development shall comply with the requirements of the following adopted codes: 2022 California Residential Code, 2022 California Building Code,

2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2022 California Building Code.

49. Equipment shall comply with the California Building and Fire Code requirements, including, but not limited to, the requirement that equipment be approved by a recognized testing laboratory for the specific use.
50. The use shall operate in accordance with the Business Plan approved as part of the Cannabis Business Permit. Any changes to the Business Plan must submitted to, and approved by, the Planning Division. A written explanation of the changes shall accompany the submittal. Changes to the Business Plan will trigger an amendment to the CBP and may trigger an amendment to this CUP.
51. The use shall operate in accordance with the Security Plan approved as part of the Cannabis Business Permit. Any changes to the Security Plan must submitted to, and approved by, the Planning Division. A written explanation of the changes shall accompany the submittal. Changes to the Security Plan will trigger an amendment to the CBP and may trigger an amendment to this CUP.

### **Prior to Issuance of Building Permits**

1. Plans shall be prepared by a California licensed Architect or Engineer. Plans shall be wet stamped and signed by the licensed Architect or Engineer.
2. No sign shall be installed until the owner/operator or its designated contractor has obtained any permit 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.
3. The conditions of approval and ordinance or code provisions of Planning Application 22-27 shall be blueprinted on the face of the site plan as part of the plan check submittal package when building permits are necessary.
4. Prior to the Building Division issuing a demolition permit. contact South Coast Air Quality Management District (AQMD) located at:  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178  
Tel: 909- 396-2000

or  
Visit their web site:  
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>. The Building Div. will not issue a demolition permit until an Identification Number is provided by AQMD.

5. 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, or within any other units located within the same building as the cannabis business. Building and mechanical permits must be obtained from the Building Division prior to work commencing on any part of the odor control system.
6. The plans shall comply with the requirements of the 2022 California Fire Code, including the 2022 Intervening Update and referenced standards as amended by the City of Costa Mesa.

#### **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 inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

#### **Prior to Issuance of Cannabis Business Permit**

1. The applicant shall contact the Planning Division for a facility inspection and provide a matrix of conditions of approval explaining how each was met prior to issuance of a modification to the Cannabis Business Permit.
2. The applicant shall submit to the City 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 fees (\$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.
6. 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 distribution shall occur between 12:00 AM and 5:00 AM.
2. Delivery to customers is limited to the hours between 7:00 AM and 10:00 PM.
3. The applicant shall submit an updated vehicle list each quarter with the quarterly update to the employee roster required pursuant to the CBP. The number of vehicles parked onsite in commonly-held parking areas shall not exceed the number of available onsite surplus parking spaces. Delivery vehicles not owned by employees shall not be parked on City streets when not in use.
4. 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.
5. The operator shall maintain free of litter all areas of the premises 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 whatever security and operational measures are 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 Development Services Director.
8. All employees must wear an identification badge while on the premises of the business and/or performing deliveries, in a format proscribed by the City Manager. When on the premises, badges must clearly visible and worn on outermost clothing and above the waist in a visible location.
9. 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.
10. The operator shall ensure that deliveries are grouped to decrease total trip generation.
11. Vehicle standing, loading and unloading shall be conducted so as not to interfere with normal use of streets, sidewalks, driveways and on-site parking.
12. Cannabis shall not be consumed on the premises at any time, in any form.
13. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
14. No outdoor storage of cannabis or cannabis products is permitted at any time.
15. The owner/operator shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
16. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of this property, or on any of the vehicles owned or used as part of the cannabis business.

17. 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.
18. Cannabis products shall arrive in State compliant packaging that is sealed and odor resistant, and remain unopened while on the premises. If cannabis odor is detected within an adjacent suite, outside of the building or off-site/outside of the premises, the business owner/operator is required to institute odor mitigation in a manner deemed appropriate by the Director of Economic and Development Services.
19. Prior to exiting the premises for loading/unloading cannabis products for deliveries/distribution into the delivery/distribution vehicle(s) from the licensed premises, products shall be transferred in a secured/locked container approved by the Economic and Development Services Director, or his/her designee. In addition, delivery/distribution vehicles shall also be equipped with a locked container where products shall be stored during deliveries/distribution.