



Pre-Application: Cannabis Storefront Business (Dispensary)

Submittal Guide and Application Forms

Materials included in this CBP submittal guide and application packet:

- Step-by-step pre-application submittal guide and instructions
- Pre-application Form

STEP 1: Review the Retail Storefront requirements identified in the Costa Mesa Municipal Code to ensure your proposed location will work

Check Zone of Proposed Location. Confirm that your desired location is within a commercial zone.

Storefronts must be located in a commercial zone in the City. Here is a link to the zoning map:

<https://www.costamesaca.gov/home/showpublisheddocument/7259/636735580770370000>

Check Sensitive Use. Confirm that your desired location is NOT within the specified separation from sensitive uses.

Storefronts must be located a certain distance from the following sensitive uses:

- At least 1,000 feet from a K-12 school, playground, child day care or homeless shelter
- At least 600 feet from a Youth Center
- Here is a link to a map depicting sensitive uses:

<https://www.costamesaca.gov/home/showpublisheddocument/48128>

(Note this map is for reference and for general guidance purposes only. The sensitive uses map may be updated periodically. It is the applicant's responsibility to review and determine separation for their proposed storefront location.)

Separation is measured from the closest exterior wall of the proposed licensed premises, not the building footprint or the property line. This means that a portion of a building or site could be within the specified separation, so long as the actual portion of the building or site to be used for the proposed retail storefront is not. It is recommended that you also walk or drive through the area within 1,200 feet (or 600 feet for youth centers) of your proposed location to confirm that no other sensitive uses exist and are currently in operation. Any portion of the building that is within the specified separation from sensitive uses cannot be utilized in any manner by the cannabis business.

Prior Illegal Unpermitted Cannabis Activities. Confirm that no illegal or unpermitted cannabis activities have occurred on the property.

The City will not accept applications for retail cannabis uses on sites where illegal and/or unpermitted cannabis activities have taken place in the past 365 days. These provisions are listed on Page 7 of Ordinance No. 2021-08. Here is a link to that ordinance: <https://www.costamesaca.gov/home/showpublisheddocument/48514>.

Regardless of which tenant suite/unit and/or building the unpermitted cannabis activity occurred at, this provision applies to the entire property and not just the premises.

STEP 2: Review the Application Submittal Phases on the cannabis webpage to determine when you may submit a pre-application for a proposed retail storefront business

The City will accept applications for retail cannabis uses in different phases as indicated below:

Phase One: August 12, 2021 to September 10, 2021

The City will only accept applications from:

- Businesses entities and owners of existing cannabis businesses with approved CUPs and CBPs in the Green Zone who wish to establish a storefront use in a commercial zone (Pre-Application Review required first). Only **one** application per Measure X business will be allowed in this phase.
- Business entities and owners of existing cannabis businesses with approved CUPs and CBPs in the Green Zone who wish to add a delivery component (non-storefront retail) to their existing business.
- Applicants with CUP applications currently filed and under review to establish a cannabis business in the Green Zone may amend their application to include a delivery component (non-storefront retail).
- Equity Applicants who are eligible to file an application pursuant to the Cannabis Equity Program. (Refer to the City's cannabis webpage for more information on the Equity Program.)

Phase Two: beginning on September 13, 2021

The City will accept applications from:

- ALL applicants, including owners of existing cannabis businesses in the Green Zone who wish to submit applications for additional storefront locations.

STEP 3: Review the Cannabis Wait List provisions on the City’s webpage to determine when your pre-application may be accepted and fees collected

Active Land Use Applications. The City will actively process 15 land use applications and 15 Cannabis Business Permit applications for retail cannabis businesses at any given time. Applications shall be processed in the order received. “Land use applications” include pre-applications and CUP/MCUP applications.

NOTE: The 15 land use applications/15 CBP applications under review at any given time is **NOT** a cap on the number of retail storefronts allowed in the City. This is the total number of land use applications for storefronts that City staff will process at any given time based solely on staff’s capacity to process and review the applications.

Once an application has been reviewed and moved to the next step of the permit review process, the next application on the Wait List may be moved from the Wait List to the active “land use applications under review” list for staff to begin its review.

Cannabis Wait List. The cannabis webpage will allow you to determine if a wait list exists. The Wait List information will continually be updated and made available on the cannabis webpage.

- **If no Cannabis Wait List:** you may submit a complete pre-application, including the processing fee and staff will begin to review the application. (Refer to Step 5 below for submittal instructions.) Your application will be placed on the “Active Land Use Applications Under Review” list.
- **If there is a Cannabis Wait List:** you may submit a complete pre-application, excluding the processing fee. If City staff determines your pre-application submittal contains all of the information and forms required for processing, you will be assigned a spot on the Cannabis Wait List.

Placement on the Wait List. Please note that eligible equity applicants will be placed at the top of the Cannabis Wait List. Other applicants will be placed on the wait list in the order that their application is received for processing. Again, placement on the wait list indicates only the order that staff will process applications received.

When it is your turn on the Wait List. When the City is ready to process your pre-application, staff will notify you and make an appointment to collect the pre-application fee.

STEP 4: Complete the Pre-Application Form

Pre-application Form. A copy of the pre-application form is provided in this submittal guide. Refer to the end of the submittal guide for the pre-application form.

The pre-application form must be signed by both the applicant and the property owner. The signatures must be notarized. (Please note that notary services are not available at

City Hall.)

STEP 5: Pre-Application Submittal for Storefront

Please note that your pre-application ***MUST*** include all of the required documents, forms and information. The City will ***NOT*** accept incomplete applications for processing.

Required Documents and Materials. The following items are required to be submitted with the pre-application submittal:

1. **Assessor's Parcel Map(s).** The map needs to depict your proposed location and all sensitive uses within 1,200 feet of the proposed storefront licensed premise. You may hire someone to prepare this map, or you may do it yourself. Here is a link to the Orange County Assessor's Office where maps may be purchased:
<https://www.ocgov.com/gov/assessor/property>.

Note: The separation requirement is 1,000 feet from K-12 schools (public and private), child day care facilities, homeless shelters, and playgrounds as well as 600 feet from youth centers. However, for the purpose of the pre-application review the submitted map must show all parcels within 1,200 feet of the proposed storefront premise.

In addition, note and/or include the following on the submitted map:

- All distances shall be measured in accordance to Section 13-200.93 of [Ordinance No. 2021-08](#).
 - Include the following language on a page attached to the maps: "I certify that the map identifies all sensitive uses as depicted in the City's provided map of sensitive uses based on the City's current records and information, as well as all sensitive uses observed during the preparer's inspection of uses within 1,000 feet of the proposed cannabis business." The preparer of the map shall sign the page.
 - In cases where the separation distance between the proposed premises and a sensitive use is within 10% of the minimum required separation, the City may require the applicant to submit a precise measurement as calculated by a licensed civil engineer. For example, if a measurement on the Assessor's Parcel Map reveals the proposed premises is located approximately 900 feet from a sensitive use, the City may require a licensed civil engineer/surveyor to certify the exact distance. An applicant may submit a map prepared and signed by a licensed engineer or surveyor to confirm that the required separation does exist.
2. **Applicant Letter.** Describe the business, square footage of the premises, how the space will be used, types of products to be sold; if the business is located in the Green Zone, include a list of any chemicals that will be stored/utilized.

- 3. Site Plan.** Prepare a site plan depicting the entire property. The plan shall be drawn at a scale of ¼ inch equals one foot and shall be fully dimensioned. You may wish to hire a design professional to prepare this site plan. The site plan shall depict all buildings and improvements on the site, including signs, walkways, curbs, planters and trash areas. The site plan shall depict all existing parking spaces and landscaping. The plan shall clearly identify the proposed space to be used for the retail cannabis business. This site plan will allow city staff to determine if the proposed storefront business will meet the city's parking standards, and if the landscaping on the site will need to be brought into conformance with current Zoning Code landscaping standards and requirements.

In addition, note and/or include the following on the provided site plan:

- Identify all of the existing uses/businesses on the site.
 - Identify the existing or most recent prior use of the space you propose to occupy.
- 4. No Unpermitted Cannabis Activity Statement.** Prepare a statement that must be signed by the applicant and the property owner affirming that no unpermitted and/or illegal cannabis activity has existed anywhere on the property at any time in the 365 days preceding submittal of this pre-application. If such an activity did exist, your statement shall indicate the date the use was discontinued or vacated. Refer to Section 13-200.93(e)(4) of [Ordinance 2021-08](#) for additional information.

Pre-application Fee. The pre-application fee is \$1,500. Payment for the pre-application must be made by a certified check, cashier's check, or money order made payable to the City of Costa Mesa.

File Organization. The pre-application submittal must be organized into files exactly in the order as follow:

- File 1: Pre-Application Form
- File 2: Separation Map(s)
- File 3: Site Plan
- File 4: Illegal Activities letter

Project Case Number. Once your CBP application is deemed complete for processing and the City has received your application payment in full, a project case number will be assigned to your application.

Application Submittal: All cannabis applications, including the pre-application, **will only be accepted online** through the [City's cannabis application submission portal](#). Applications will **NOT** be accepted in-person at City Hall or via regular or electronic mail.

The City will review the pre-application submittal within two business days of receipt and determine if the pre-application submittal is complete and acceptable for processing.

If the pre-application submittal is deemed complete and acceptable for processing, the City will notify the applicant and schedule a date and time for the applicant to present payment for the application fee to the City.

If the pre-application submittal is NOT deemed complete and acceptable for processing, the City will return the pre-application submittal to the applicant with a written determination identifying what information is missing.

STEP 6: Pre-Application Review and Determination

Processing Time. City staff will review your pre-application within approximately 30 days from the date it is accepted for processing or promoted from the Cannabis Wait List to the Active Land Use Applications Under Review list and payment is provided. During the review period, staff may contact you with questions or requests for additional information.

Pre-application Determination. The Pre-Application determination shall be based on information available at the time the application is submitted. A final determination of compliance with all requirements of the CMMC will be made when the applicable permit is reviewed and decided. Final determinations regarding separation of storefront cannabis businesses from sensitive uses will be based on the uses operating at the time the CBP Notice to Proceed is issued. Final determinations regarding Fire and Building Codes will be made when building permit application(s) are reviewed.

Issuance of a Pre-Application Determination. The pre-application determination does not constitute written evidence of permission given by the City to operate a cannabis business, nor does it establish a “permit” within the meaning of the Permit Streamlining Act. It does not create an entitlement under the Zoning or Building Codes or any other law. The Pre-Application determination is based on current details known to the City at the time the determination is issued. The cannabis business must comply with all applicable provisions of the CMMC and state law at the time building permits are issued.

Allow to Next Step (CBP Application). At the conclusion of the pre-application review, the City will provide you with a written determination of the City’s findings. If your pre-application conforms with all applicable criteria, you will be allowed to move to the next step in the process: Submittal of a Cannabis Business Permit application.

QUESTIONS?

Email us at cannabis@costamesaca.gov or call the City’s cannabis hotline at (714) 754-4902.



PRE-APPLICATION: STOREFRONT BUSINESSES/ NON-RETAIL USES IN MULTI-TENANT BUILDINGS

All items described in the submittal instructions must be provided or this application **will not** be accepted for processing by the City

Pre-application review is **REQUIRED** for the following types of cannabis businesses:

- All retail cannabis storefronts; and
- Non-retail cannabis businesses located in multi-tenant buildings in the Green Zone

Pre-application is **NOT** required to add a delivery (non-storefront) component to an existing business.

Pre-application Fee: \$1,500

SECTION 1 – APPLICANT AND PROPERTY OWNER INFORMATION

Property Owner Name: _____

Property Owner Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Applicant Name: _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Business Structure (Please check appropriate one):

Sole Proprietor Limited Partnership (LP) Corporation
 General Partnership (GP) Limited Liability Company (LLC) Other

SECTION 2 – PERMIT TYPE (Please select type of permit(s) you are applying for):

Distributor (Type 11) Distributor (Type 13) Manufacturer (Type 6 and 7)
 Testing Laboratory (Type 8) Research and Development Laboratory
 Retail Storefront (Type 10) Retail Non-storefront (Type 9)

SECTION 3 – PROPOSED LOCATION

Property Address: _____

SECTION 4 – PERMIT EQUITY PROGRAM

Is the applicant a participant in the City's Permit Equity Program?

Yes No

If Yes: Qualification Form Attached

Equity Application Submitted

SECTION 5 – SIGNATURES

Property owner and Applicant must provide notarized signatures.

Applicant

Print Name: _____

Signature: _____ Date: _____

Signature of Notary Public

MY COMMISSION EXPIRES: _____

SECTION 6 – REQUIRED DOCUMENTS AND MATERIALS

The following information must be submitted with the pre-application form through the portal on the City’s website:

1. **Pre-application Form.** Signed and notarized by the property owner and the applicant.
2. **Applicant Letter.** Include a letter describing the proposed cannabis business. Include the square footage of the premises, how the space will be used, the types of products to be sold/manufactured, etc. If the business is located in the Green Zone, identify all uses to be conducted and list all chemicals and chemical quantities to be employed.
3. Applications for **Retail Storefront** businesses shall also include the following plans and information:
 - a. **Site Plan.** Include a site plan depicting all available on-site parking. The site plan shall be drawn to scale at a minimum dimension of ¼” = 1 foot, and fully dimensioned.
 - b. **Previous Uses/Tenants.** Include a list of past occupant(s) and uses on the property for the past three years.
 - c. **Assessor’s Parcel Map(s).** The map needs to depict the subject location and all parcels within 1,200 feet of the proposed storefront premise. This map shall identify the location of all uses currently operating from which a separation requirement is specified in the CMMC for a cannabis use:
 - K-12 schools (public and private): 1,000 feet
 - Child daycare facilities: 1,000 feet
 - Homeless shelters: 1,000 feet
 - Playground: 1,000
 - Youth Center: 600 feet

Note: The separation requirement is 1,000 feet and 600 feet as specified above. However, for the purpose of the pre-application review, the submitted map must show all parcels within 1,200 feet of the proposed storefront premise.

- d. **No Unpermitted Cannabis Activity Statement.** Include a statement signed by the applicant and property owner affirming that no unpermitted and/or illegal cannabis activity has existed on the property at any time in the 365 days preceding submittal of the Pre-Application request. If such an activity did exist,

indicate the date the use was discontinued. Refer to Section 13-200.93(e)(4) of Ordinance 2021-08 for additional information.

4. **Pre-application Fee.** If the application is deemed complete for processing, staff will contact the applicant to arrange a date and time to collect the required fee. The pre-application fee is \$1,500. Payment for the pre-application must be made by a certified check, cashier's check, or money order made payable to the City of Costa Mesa. Note that this fee is a one-time, non-refundable fee.

Processing Time. The pre-application review will not be completed over the counter to allow staff to conduct appropriate research and verify information submitted. The City will provide a determination in approximately 30 days.