

RESOLUTION NO. PC-2022-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION 22-22 FOR A CONDITIONAL USE PERMIT AMENDMENT TO DEVIATE FROM SHARED PARKING REQUIREMENTS AND ALLOW AN ACCESSORY TASTING AREA IN AN EXISTING HOME-BREWING SUPPLY AND SPECIALTY BEER AND WINE STORE IN THE C1 ZONE FOR PROPERTY AT 743 BAKER STREET, SUITES D AND E**

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

WHEREAS, Zoning Application ZA-22-22 was filed by Scott Windsor of Windsor Homebrew Supply Company, authorized agent for the property owner, Jacob Logar, requesting approval of the following: Planning Application ZA-22-22 is an amendment to an existing conditional use permit (PA-17-07). The proposed amendment would add a 476-square-foot accessory tasting area within an existing retail establishment that specializes in beer, wine, and home brewing. The accessory tasting area is designed to provide customers with a special tasting and educational experience. If approved, the Applicant intends to acquire a Type 42 (On-Sale Beer and Wine – Public Premises) license through the California Department of Alcoholic Beverage Control (ABC). Proposed hours of operation are 10 a.m. to 7 p.m. daily.

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 26, 2022 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (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** Zoning Application 22-22 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Application 22-22 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

**PASSED AND ADOPTED this 26th day of September, 2022.**

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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 September 26, 2022 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-2022-\_\_

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

- PIng.     1.     The use shall be limited to the type of operation described in this staff report, which includes a retail establishment selling equipment and ingredients to make beer, and the sales of specialty beer and wine, with a Type 20 (Off-Sale Beer & Wine) ABC license, located 743 Baker Street, Suite D & E. Hours of operation are Monday through Sunday, 10 AM - 7 PM. No customer shall be in the store past 7 p.m. Any change in the operational characteristics including, but not limited to, increased hours of operation, will require approval of an amendment to the conditional use permit.
2.     Class shall be limited to no more than twice a month with up to 15 people maximum. Classes shall only occur Monday to Thursday during regular hours of operation. Retail operations (including tasting) shall not occur during classes. Classes, or any other class related event, in excess of 15 persons shall be prohibited unless reviewed and approved by the Planning Division prior to the event. Alcohol service ("last pour") shall end at 6:30 p.m.
3.     All uses, including classes, shall be conducted within the tenant space with the doors closed.
4.     There shall be no dancing and/or live entertainment allowed on the premises.
5.     The tasting area shall not operate as a bona fide eating establishment. No kitchen or food preparation area shall be provided on the premises.
6.     During operations, if parking shortages or other parking related problems develop, the applicant/operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the number of clients, reduce class sizes, reduce the amount of classes, securing additional offsite parking, and/or other measures deemed appropriate by the Development Services Director.
7.     Wine and beer shall be sold in the factory manufactured packages for retail sales. Factory multiple-packed bottles or cans shall not be unpackaged to be sold individually. This restriction is not intended to prohibit the sale of beverages in a single container packaged by the manufacturer for individual sale.
8.     Alcoholic beverage sales from drive through or walk-up service windows is prohibited.
9.     Beer or wine shall not be displayed or sold from an ice tub or any other type of portable refrigerated unit.
10.    The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.

11. Approval of the planning/zoning application is valid for two (2) 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 a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (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.
12. The applicant shall defend, 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 and/or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by the City.
13. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the Building Division's final inspections. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
- Trans 14. Prior to issuance building permit issuance, the applicant shall pay the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the net daily trips generated by the proposed project. At the current rate the Traffic Impact Fee is estimated at \$5,581.25. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

## **CODE REQUIREMENTS**

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

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| Plng. | <ol style="list-style-type: none"><li>1. Development shall comply with all requirements of Article 1, Chapter 5, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.</li><li>2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be <u>prohibited</u> on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.</li><li>3. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to neighbors.</li><li>4. Once the use is legally established, the planning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the planning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable..</li></ol> |
| Bldg. | <ol style="list-style-type: none"><li>5. Prior to building permit issuance, the conditions of approval shall be on the approved Architectural plans.</li><li>6. Comply with the requirements of the following adopted codes Code, 2019 California Building Code, 2019 California Electrical code, 2019 California Mechanical code , 2019 California Plumbing code , 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Building code California Electrical code, California Mechanical code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance ) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites ,facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.</li><li>7. Prior to building permit issuance, the Applicant shall submit a plan to the County of Orange Health Dept. for review and approval.</li></ol>  |
| Fire  | <ol style="list-style-type: none"><li>8. Comply with the requirements of the 2019 California Fire Code and referenced standards as amended by the City of Costa Mesa.</li></ol>  |

- Bus.      9.      All contractors and subcontractors must have valid business licenses to  
Lic.      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.

### **SPECIAL DISTRICT REQUIREMENTS**

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

- AQMD      1.      Applicant shall contact the Air Quality Management District (800) 288-7664  
for potential additional conditions of development or for additional permits  
required by AQMD.
2.      Prior to the Building Division (AQMD) issuing a demolition permit, contact  
South Coast Air Quality Management District located at:  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178  
Tel: 909-396-2000

OR

Visit their web site:

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

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

- Sani.      3.      It is recommended that the applicant contact the Costa Mesa Sanitary  
District at (949) 645-8400 for current district requirements.