

RESOLUTION NO. PC-2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PCUP-25-0012 TO CHANGE THE TYPE OF OFF-SALE STATE ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FROM TYPE 20 (BEER AND WINE) TO TYPE 21 (GENERAL) FOR AN EXISTING CONVENIENCE STORE (7-ELEVEN) AT 2244 FAIRVIEW ROAD SUITE A

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

WHEREAS, Planning Application PCUP-25-0012 was filed by Sherrie Olson, authorized agent for the property owner, Cronin Properties Investments, Inc., requesting approval of a Conditional Use Permit to change the type of off-sale state alcoholic beverage control (ABC) license from type 20 (Beer and Wine) to Type 21 (General) in the General Business District (C2) zone for 7-Eleven;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 13, 2025 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); and

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 PCUP-25-0012 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 PCUP-25-0012 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 13th day of October, 2025.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

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

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2025-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on October 13, 2025 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Carrie Tai, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

- A. Pursuant to Title 13, Section 13-29(g), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Conditional Use Permit findings:

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 convenience store has been in operation since the mid-1980s. The proposed project is to change the State ABC license type from Type 20 to Type 21 to include the sale of distilled spirits in addition to wine and beer that is already offered. The proposed modification in operations would be compatible with commercial developments in the same general area and would not be materially detrimental to the nearby residential properties because conditions of approval have been included to avoid potential noise, trash and light disturbances. The existing center contains a food establishment and a hair salon which are compatible with the current and proposed use. The applicant would continue to occupy the existing tenant space and does not propose an expansion to the interior square footage, with only a marginal change to the existing use. There are also no proposed exterior modifications or site improvements. The convenience store will continue to serve the surrounding neighborhood as it has over the past 40 years with no anticipated operational issues.

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 use, as conditioned, would not generate adverse noise, traffic, or parking impacts that are unusual for commercially zoned properties. Furthermore, conditions of approval require the use to be conducted in a manner that would allow for the quiet enjoyment of the surrounding neighborhood. The Police Department has reviewed the proposed use and has no objections to the approval of the application.

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 existing convenience store is conditionally permitted in the C2 (General Business) zone. The General Plan land use designation of the property is General Commercial. The existing convenience

store use is an appropriate retail use for the General Commercial land use designation. The proposed project would allow for the sale of distilled spirits and does not change the primary use which is a convenience store. Furthermore, the proposed project is consistent with General Land Use Policy LU-6.7 in that the proposed project would retain the existing retail business and continue to provide retail opportunities for local businesses and residents.

- B. **Environmental Determination.** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities. The Class 1 exemptions apply to minor alterations to existing facilities or structures involving negligible or no expansion of the existing use. The project involves no exterior alterations or additions to an existing commercial building. As conditioned and proposed, the project will have little or no impact on the surrounding area. There will be no resulting increase in the existing floor area of the tenant space. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.

EXHIBIT B

CONDITIONS OF APPROVAL

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1. 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 or employees arising out of, or which are in any way related to, the applicant's project, or any approval 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.
 2. Sale of alcohol shall be prohibited between 2:00 a.m. and 6:00 a.m. daily.
 3. Alcoholic beverage sales from drive through or walk-up service windows shall be prohibited.
 4. Wine, beer and other distilled spirits shall be sold in 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.
 5. Beer or wine shall not be displayed or sold from an ice tub or any other type of portable refrigerated unit. Beer and wine shall only be available within the approved walk-in/reach-in cooler.
 6. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business shall institute whatever security measures are necessary to comply with this requirement.
 7. The applicant shall maintain areas that are under the applicant's control and ensure areas are well maintained and free of litter.
 8. No alcoholic beverage shall be displayed or offered for sale outside the building.
 9. No signage shall be installed until a sign permit is issued by the City's Development Services Department.
 10. Exterior signage/advertisements promoting or indicating the availability of alcoholic beverages shall be prohibited. Exterior signage indicating the availability of alcoholic beverages shall be limited to the name of the business, e.g., 7-Eleven. Interior signage/advertisements promoting or indicating the

availability of alcoholic beverages which are visible from the exterior of the building shall be prohibited.

11. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.
12. The business operator shall post signs inside and outside the premises in compliance with the City of Costa Mesa Municipal Code notifying the public with regard to the prohibition of open containers of alcoholic beverages.
13. The business operator shall post signs inside and outside the premises prohibiting the on-site consumption of alcoholic beverages and loitering.
14. Alcoholic consumption on premises is prohibited.
15. All work shall be conducted under-roof. Outdoor work or display is prohibited.
16. Any graffiti painted or marked upon the premises shall be removed or painted over within 48 hours of being applied.
17. The outdoor storage of boxes, equipment materials, merchandise, and other similar items shall be prohibited.
18. A copy of the conditions of approval for the conditional use permit shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
19. 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.
20. 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.
21. All exterior lighting shall be shielded and/or directed away from residential areas.
22. Prior to the commencement of the services and sales of alcohol, the applicant shall apply for and receive approval for the appropriate liquor license(s) from the California Department of Alcohol Beverage Control.
23. Applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which applicant has control, to prevent trash, graffiti and littering. Any lighting under the control of applicant shall be directed in such a manner so as not to unreasonably interfere with the quiet enjoyment of nearby residences. Applicant shall further provide adequate lighting above the entrance to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.

24. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or it, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
25. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if 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; 3) one or more of the findings upon which the approval was based are no longer applicable; 4) the approval was obtained through fraudulent, erroneous, or misleading information; 5) the use is being operated in an illegal or disorderly manner; 6) the terms or conditions of approval of the conditional use permit have been violated; 7) the use creates an adverse impact on the health, safety, or welfare of surrounding properties and uses; or 8) the use is operated in violation of ABC rules and regulations.
26. If determined necessary by the Director of Economic and Development Services, based on excessive calls for police service, loitering and/or an increase in crime attributed to the proposed use, the applicant shall contract with a security guard to monitor the business during all hours of operation.
27. The applicant shall relinquish their Type 20 ABC license upon receiving a Type 21 ABC license.

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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1. Permits shall be obtained for all signs and window signs according to the provisions of the Costa Mesa Sign Ordinance.
 2. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
 3. 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 prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

4. Street addresses shall be visible from the public street and may be displayed either on the front door, 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 six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
5. All requirements of the California Alcoholic Beverage Control Board (ABC) shall be complied with.
6. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.