



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: FEBRUARY 10, 2013

ITEM NUMBER: PH-4

SUBJECT: PLANNING APPLICATION PA-13-38 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR BOTH ON-SITE AND OFF-SITE CONSUMPTION AND CONSIDERATION OF A MINOR CONDITIONAL USE PERMIT TO ESTABLISH A TRADE/VOCATIONAL SCHOOL FOR WINE EDUCATION (NEPTUNE SCHOOL OF WINE); AND MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY IN CONJUNCTION WITH A PREMISE-TO-PREMISE TRANSFER OF LICENSE(S) FROM OUTSIDE THE CITY TO ALLOW WINE TASTING AND SALE OF ALCOHOLIC BEVERAGES, AT 3315 HYLAND AVENUE, SUITE #H

DATE: JANUARY 31, 2013

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: ANTONIO GARDEA, SENIOR PLANNER

**FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692
antonio.gardea@costamesaca.gov**

PROJECT DESCRIPTION

The applicant is requesting the following:

1. A Conditional Use Permit for the sale of alcoholic beverages (wine only) under a State Alcoholic Beverage Control (ABC) License Type 20 (Off-Sale beer and wine) in conjunction with a proposed wine boutique and Type 42 (On-Sale beer and wine) in conjunction with proposed wine tasting.
2. A Finding of Public Convenience or Necessity (PC or N) in conjunction with a premise-to-premise transfer of an existing ABC Type 42 License (On-Sale beer and wine) to allow wine tasting at the proposed location.
3. A Minor Conditional Use Permit to establish a trade/vocational school for wine tasting/education (Neptune School of Wine).

APPLICANT

The applicant is Juanita Fotheringham (Spectrum Space Design), on behalf of Burnham USA, the property owner.

RECOMMENDATION

The following actions are recommended:

1. Adopt a Resolution approving the Conditional Use Permit to allow sales of wine for on-site as well as off-site consumption associated with a Type 42 License and Type 20 License respectively and a Minor Conditional Use Permit to establish a trade/vocational school for wine tasting/education; and
2. Make a finding of Public Convenience or Necessity (PC or N) in conjunction with the premise-to-premise transfer from outside the City of an existing Type 42 ABC License to allow on-site consumption of beer and wine.

BACKGROUND

Project Site

The property is located on the southwest corner of Hyland Avenue and Sunflower Avenue (South Coast Collection, a.k.a SOCO). The site is developed with approximately 300,000 square feet of commercial uses, including furniture stores, showrooms, offices, restaurants, and the Paul Mitchell vocational school. The property is within the Planned Development Industrial District (PDI zone) and has a general plan land use designation of Industrial Park.

Prior land use approvals

The South Coast Collection includes a mix of furniture stores, general retail, and restaurant uses approved as part of a master plan to redevelop the property (PA-04-05). Two prior minor conditional use permits have been approved to allow uses that would otherwise require provision of additional on site parking or methods to reduce parking demand. Because the classes would only take place during the evening, the applicant has listed the space using the ratio applied to retail uses. The property owner indicates that four parking spaces would be allocated for the classroom. If classes were to take place during regular business hours the number of required parking spaces increases by six, for a minimum of ten spaces required. However, an adequate number of parking spaces are provided on site as demonstrated by the updated shared parking analysis, which indicates that a total of 940 parking spaces are required for the uses operating in SOCO and 989 spaces are provided on site, resulting in an excess of 49 parking spaces available (Attachment 2).

ANALYSIS

Conditional Use Permits

The applicant is proposing to use a 2,198-square foot tenant space as a wine boutique for wine sales and wine tasting that includes a classroom. The retailer portion will be devoted to the sale of wines made with predominately sustainable and organic vineyard practices. The classes are intended for individuals seeking an accreditation in wine for

both the restaurant and hospitality industry. Neptune School of Wine will be the only location in Orange and San Diego Counties to offer Wine and Spirit Education Trust (WSET) and French Wine Scholar courses conducted by a WSET Diploma Holder and Master Sommelier, Peter Neptune. As part of the wine boutique, the floor plan shows a 188-square foot wine tasting area. Because the boutique involves on premise consumption, both a Type 20 license and a Type 42 license are necessary. Since the applicant is also proposing to hold classes, a Minor Conditional Use Permit is required for the 906-square foot classroom space.

Zoning Code Section 13-200.71 requires approval of a Conditional Use Permit because the wine boutique is applying for a new Type 20 license for the sale of wine for off site consumption. The City of Costa Mesa is listed as a moratorium city by the ABC and a specific number of on-sale and off-sale licenses are allowed. According to the ABC, only four off-sale licenses are allowed. A Type 21, off-sale license, for the Mixing Glass, is also pending. Because the issuance of this license would be in excess of the allowable number, ABC requires the City to make a Finding of Public Convenience and Necessity for this application. In addition, the Census Tract currently has an overconcentration of 'on-sale' licenses. ABC requires issuance of a Type 42 license for wine tasting. Because of this, the applicant will have to request a premise to premise transfer for the Type 42 license and will likely have to obtain a premise to premise transfer for the Type 20 license as well.

Finding of Public Convenience or Necessity (PC or N Finding)

A Finding of Public Convenience or Necessity (PC or N) would be required for the on-premise consumption of alcohol. According to the ABC, the ratio of on-sale alcoholic beverage licenses to population within Census Tract 639.07 exceeds the countywide ratio: eight (8) on-sale licenses are allowed; 56 active on-sale licenses exist (Attachment 3). The ABC requires adoption of a PC or N Finding in cases where the number of licenses exceeds the allowable ratio in the Census Tract. In accordance with City Council Policy 500-8, the Planning Commission may make a PC or N Finding for the requested license(s). Because the intention is to sell boutique wines and include an accredited educational component, staff supports making a PC or N Finding. As a condition of approval for making the PC or N Finding, the business owner is required to obtain and transfer existing licenses from ABC. The premise to premise transfer is also included in the Findings.

Minor Conditional Use Permit for the Neptune School of Wine

A Minor Conditional Use Permit is required to establish a trade/vocational school in the PDI zone. South Coast Collection was originally approved as a home furnishing retail center with ancillary retail and restaurant uses. A portion of the tenant space would be used as a classroom which intensifies the use. The main concern with this type of use is the impact on parking resulting from the change in use.

Because the furniture stores were over 5,000 square feet in area, a parking ratio of two spaces per 1,000 square feet of area was applied. The tenant space is located in the retail portion of the site where a total of four parking spaces are allocated for this space. The minimum parking required for trade schools, business colleges and academies is ten parking spaces per 1,000 square feet of building area. Using the retail and classroom ratios, a total of 14 parking spaces are required for this use. Because the wine classes are intended to take place only two nights a week and from 6:00 p.m. to 9:00 p.m. after several other retailers in the center have closed, the applicant is requesting a reduced overall parking ratio of four spaces per 1,000 square feet of area be applied. A parking ratio analysis is included with the applicant's description of the proposed use (Attachment 2). Using this ratio, a minimum of nine parking spaces is required for this use. As noted above, excess parking is provided for the entire site and sufficient parking is available for the proposed use.

Staff Justifications for Approval

Staff supports the above requests based on the following:

The proposed use, as conditioned, is compatible with the uses in the surrounding area. The South Coast Collection is located in an industrial area of the City, surrounded by industrial parks. The site is bound by Sunflower Avenue to the north, Hyland Avenue to the east and the San Diego (405) Freeway to the south. The abutting property to the west is a warehouse/distribution center. The site is approximately 250 feet away from the nearest residentially-zoned properties across the 405 Freeway to the south. The proposed use, as conditioned, will not generate adverse noise, traffic, or parking impacts that are unusual for industrially-zoned properties. The proposed wine boutique and school is a complimentary use to the gourmet restaurants/cafes located at the South Coast Collection.

No adverse parking impacts are anticipated. The proposed retail use will operate during regular business hours and classes will take place twice a week during the evening hours after several other retailers are closed. The shared parking demand analysis for all the uses in SOCO indicates there are 49 excess parking spaces in the center and the evening hours for the school will insure that no adverse parking impacts will occur as a result of the project.

The Police Department does not have any objections to the proposed use. The Police Department has reviewed the proposed use and has no objections to the proposal. The Police Department does not anticipate elevated rates of alcohol-related crime (i.e., disturbing the peace, public intoxication, vandalism, graffiti, etc.).

A PC or N finding can be made for a Type 42 (for on site consumption) license because the project location and recommended conditions of approval are adequate to ensure that the project will not create adverse impacts in the community or to surrounding business. The use would be subject to applicable requirements to ensure that no

adverse impact to adjacent uses and properties is created. Standard conditions for sales of alcoholic beverages for consumption off premises are included. The proposed use, with the recommended conditions of approval, will be consistent with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses. Staff is not anticipating any negative impacts from the alcoholic beverages sales at this location.

ENVIRONMENTAL DETERMINATION

If approved, the project would be exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is denied, they would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

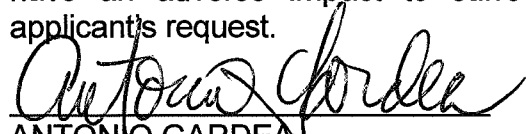
ALTERNATIVES

The Commission has the following alternatives:

1. Approval of the attached resolution approving Conditional Use Permit PA-13-38 for the sale of alcoholic beverages (wine only) and making a finding of Public Convenience or Necessity for a premise-to-premise transfer of type 20 and 42 ABC licenses, to allow wine tasting, sale of wine for off site consumption for a wine boutique, and establishing a trade/vocational school (Neptune School of Wine), subject to the recommended conditions of approval; or
2. Deny the use.

CONCLUSION

The proposed use, with the recommended conditions of approval, will be consistent with the City's Zoning Code and General Plan. The proposed project, as conditioned, will not have an adverse impact to surrounding properties. Therefore, staff supports the applicant's request.



ANTONIO GARDEA
Senior Planner



GARY ARMSTRONG, AICP
Economic & Development Services Director /
Deputy CEO

- Attachments:
1. Draft Planning Commission Resolutions
 2. Applicant's Description of the Use and Parking Analysis
 3. List of ABC Licensed Establishments within Census Tract 639.07
 4. Site Plan and Floor Plans

cc: Director of Economic & Development / Deputy CEO
Sr. Deputy City Attorney
Public Services Director
City Engineer

Transportation Services Manager
Fire Protection Analyst
Lt. Bryan Glass, Police Department
Staff (6)
File (2)

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Spectrum Space Design
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RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-13-38 FOR THE SALE OF ALCOHOLIC BEVERAGES (WINE ONLY) AND MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A PREMISE-TO-PREMISE TRANSFER OF TYPE 20 AND 42 ABC LICENSES TO ALLOW WINE TASTING, SALE OF WINE FOR OFF SITE CONSUMPTION, AND ESTABLISHING A TRADE/VOCATIONAL SCHOOL (NEPTUNE SCHOOL OF WINE) AND FOR A WINE BOUTIQUE LOCATED AT 3315 HYLAND AVENUE #H.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Juanita Fotheringham, representing Burnham USA., owner of property located at 3315 Hyland Avenue, Unit H, requesting Conditional Use Permit PA-13-38 to allow the sales of wine, wine tasting, and use of a portion of the tenant space as a classroom.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 2014 and, with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **APPROVES** PA-13-38 **AND MAKES A FINDING OF PUBLIC CONVENIENCE OR NECESSITY** for a premise-to-premise transfer of a Type 20 and Type 42 ABC License(s) 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 PA-13-38 and upon the applicant's compliance with each and all of the conditions contained in Exhibit B as well as with 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.

PASSED AND ADOPTED this 10th day of February, 2014

Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses on surrounding properties. The retailer will focus on sale of wines made with predominately sustainable and organic vineyard practices. The proposed wine boutique and school is a complimentary use to the gourmet restaurants/cafes located at the South Coast Collection.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation. The proposed use will occupy an existing tenant space and improvements are limited to the interior of the suite and signage on the exterior of the building. Drought tolerant and native landscaping is provided on site and an adequate lighting has been provided as part of the overall redevelopment of the site. No other changes to the site are proposed. The applicant has indicated that tasting will be closely monitored and access restricted to persons over the age of 21. The Police Department does not anticipate an increase in alcohol related crimes at the site. An adequate amount of parking is provided for the wine boutique and the school will operate in the evening hours when other retailers are closed. The proposed use will not cause parking shortages.
 3. The proposed use will comply with the performance standards as prescribed in the Zoning Code. The proposed use complies with the performance standards of the zoning code including providing the minimum number of required parking spaces. A total of 989 parking spaces are provided on site and a minimum of 940 are required for the proposed use resulting in an excess of 49 spaces.
 4. The proposed use is consistent with the General Plan. The retailer will focus on sale of wines made with predominately sustainable and organic vineyard practices. The Neptune School of Wine will add a unique educational opportunity for the community. The proposed wine boutique and school serves to provide a mix of commercial goods and services to the community as called for in the General Plan (LU-1A.1).
 5. The planning application is for a project-specific case and does not establish a precedent for future development. The wine boutique and school are considered a unique use in that specialty wines will be offered for sale and an education component is offered to patrons.
 6. The cumulative effect of all the planning applications have been considered. The proposed use involves consideration of a Conditional Use Permit for issuance of a new license for sales of alcoholic beverages and a Minor Conditional Use Permit to use a portion of the tenant space as a classroom and establish a trade/vocational school. Parking in excess of the minimum number of spaces required will continue to be provided on site. Staff considered the concurrent entitlement application for a boutique barware and cocktail supply retailer that intends to sell specialty, i.e. rare and small batch spirits (PA-13-39). The uses are located in different buildings and will both offer distinct specialty products and services. These high-end boutique uses are considered complimentary to one another. In addition, staff considered previously granted

entitlement for a vocational school at the same site. The proposed uses are not anticipated to have adverse effects on the community, surroundings, or other tenants within the industrial park.

- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit because:

Required 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.

Response: South Coast Collection is surrounded by industrial properties. The site is developed with approximately 300,000 square feet of commercial uses, including furniture stores, showrooms, offices, restaurants, and a vocational school. A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses on surrounding properties. The proposed wine boutique and school is a complimentary use to the gourmet restaurants/cafes located at the South Coast Collection. The proposed wine retailer, which would include wine tasting, and use of a portion of the tenant space as a classroom will not have a detrimental effect on the surrounding properties nor the existing tenants within the center.

Required 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.

Response: Granting the permit to allow issuance of the licenses to allow the sale of wines and wine tasting is not anticipate to negatively affect surrounding properties as the Police Department does not anticipate an increase in alcohol related crimes at the site. Granting the permit for the use of a portion of the tenant space as a classroom will not affect the immediate neighborhood because the classes are restricted to the evening when other retailers and uses are closed. In addition, the applicant is required to institute operational changes if parking problems arise.

Required 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.

Response: Granting the conditional use permits to allow the issuance of on-sale and off-sale alcohol licenses is considered ancillary to the retail use and would not increase the allowable intensity of use for the site. Because the wine education classes would occur during the evening hours, the use of the site is not being intensified.

Zoning Code Section 13-200.71 requires approval of a conditional use permit for issuance of a new off-sale ABC license and; any type of premise-to-premise transfer of an existing off-sale ABC license. Because the census tract is in an area of undue concentration additional findings below are required. The applicant is required to

obtain a premise-to-premise transfer of a Type 42 (on-sale beer & wine) ABC license. The application can be supported based on the following:

- 1) There is an undue concentration of ABC licenses for on-site sales of alcoholic beverages within the subject property's census tract; however, the transfer of the license will not result in an increase in the number of off-sale licenses countywide. Per ABC regulations, an "undue concentration" of alcohol licenses exists if the ratio of on- or off-sale alcohol licenses allowed in a census tract based on population exceeds the ratio of on- or off-sale alcohol licenses based on population countywide. In this case, the subject property is located within Census Tract 639.07. According to ABC, eight off-sale licenses are allowed within the census tract and 56 are active. Because there is a moratorium on issuance of new alcohol sales licenses in the City of Costa Mesa, the applicant will not be issued a new type 42 license and shall be required to obtain a license via a premise to premise transfer of an existing type 42 license from within the County.
- 2) The Police Department has reviewed the request and supports the premise-to-premise transfer of the ABC license to this location. The Police Department has reviewed the proposed use and has no objections to the proposal.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- E. Pursuant to California Business and Professions Code Section 23958.4, issuance of a Type 42 license at wine boutique located at 3315 Hyland Avenue #H, Costa Mesa, 92626 will serve the Public Convenience or Necessity based on the following:
 - The Police Department has reviewed the proposed use and has no objections to the proposal.
 - The project is located in SOCO, which is emerging as an upscale eating and dining destination. The proposed use will complement the experience of patrons to the center by offering a unique retail experience, wine tasting and wine education all in one venue. This combination of uses provides a shopping and educational experience that is not readily found at other venues in the City and there for serves the public's convenience.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division 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. The applicant is reminded that Code allows the Planning Commission to 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. 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 if, 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.
 3. Prior to the sale of wine at this location, the applicant shall purchase and transfer an existing Alcoholic Beverage Control type 42 license (wine only) from a location within the County.
 4. All sales and service staff shall complete Responsible Beverage Service (RBS) training, within 90 days of hire.
 5. The hours of operation shall be from 10:00 a.m. to 10:00 p.m. and classes shall be conducted Monday-Thursday nights only from 6:00 p.m. to 9:00 p.m.
 6. Customer and employee parking shall occur on-site and not within surrounding streets. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, adjusting the schedule for wine classes.
 7. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "dinner wines" which have been aged two years or more and maintained in corked bottles.
 8. Wine shall be sold in the factory manufactured packages for retail sales. Factory multiple-packed bottles 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.
 9. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
 10. The outdoor storage of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.
 11. No alcoholic beverage shall be displayed or offered for sale outside the building.
 12. 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., Neptune School of Wine. Interior signage/advertisements promoting or indicating the availability of alcoholic beverages which are visible from the exterior of the building shall be prohibited.

13. Temporary window signage shall not exceed 10% of the contiguous window area. Window panes separated by mullions shall be considered contiguous window area.
14. Exposed neon signage is strictly prohibited. This excludes the "open/close" sign for business.
15. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
16. A copy of the conditions of approval for the conditional use permit must 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.
17. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, 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 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 City.



December 6, 2013

City of Costa Mesa
 Development Services Department
 77 Fair Drive – 2nd Floor
 Costa Mesa, California 92628

RE: Minor Conditional Use Permit
 Laguna Culinary Arts – Neptune School of Wine
 3315 Hyland Ave #H, Costa Mesa

Laguna Culinary Arts is applying to establish a 906 square foot “School of Wine” with a 188 square foot wine tasting area and 815 square foot retail area. Including their storage area, the total suite will be 2,198 square feet, located on the north-west corner of the 3315 Hyland building at South Coast Collection.

This location will be known as the Neptune School of Wine, devoted to the sale and education of wines made with predominately sustainable or organic vineyard practices, representing all the major growing regions in the world, for both the retail and wholesale restaurant industry. The operation will include a small educational component, dedicated to teaching classes for individuals seeking an accreditation in wine for both restaurant and hospitality industry. These classes will be limited to a maximum of approximately 33 persons and be conducted two nights per week starting at 6:00 pm in the evening. As such, parking requirements for the educational component, as well as the use of the public restrooms, will be offset with hours of operation for the surrounding retail showroom uses which are 10:00 am to 6:00 pm. Both wine tasting and the wine classes will be closely monitored and signed appropriately denying access to persons under the age of 21.

We are providing a site plan, a floor plan and exterior elevation showing the location of the suite and the proposed layout.

Neptune School of Wine is Southern California's premier source for Wine Education, offering the Wine and Spirits Education Trust Courses, or WSET, through The Neptune School of Wine as well as the French Wine Scholar Program. They offer the only WSET and French Wine Scholar courses in Orange and San Diego Counties, taught by or overseen by a Master Sommelier and WSET Diploma Holder. Peter Neptune, who is one of only 134 individuals in North America to hold the wine industry's most prestigious title: Master Sommelier. This will be a celebrated addition to the South Coast Collection and its reputation as a major culinary destination for Orange County.

We appreciate your time and consideration and ask that you grant approval for Neptune School of Wine to occupy this building without increasing the required number of parking stalls or restroom stalls.

Respectfully submitted,

Juanita Fotheringham, CCIDC

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SOUTH COAST COLLECTION
PARKING RATIO CALCULATION - AS OF December 5, 2013

Ratio
 1,000

Furniture/Showroom/Appliance Stores w/ floor area greater than 5,000sf				
	Tenant	SF	Parking Stalls per 1,000sf	Total Spaces
3303-A	Stark	20,267	2	40.5
3303-C1,C-2	Design Within Reach	20,400	2	40.8
3303-D	Fixtures Living	20,095	2	40.2
3303-E	LAZBOY	17,827	2	35.7
3305	TPT Home	42,162	2	84.3
3309-A	Easylife	20,000	2	40.0
3311	CS WO & Sons	18,000	2	36.0
3323-L1 & J-K	Brown Jordan	11,778	2	23.6
3323-L2	Deco Home	6,300	2	12.6
3321-A	Chuck Jones Gallery	8,356	2	16.7
	Subtotal	185,185		370.4

Furniture/Showroom/Office, etc w/ floor area less than 5,000sf				
	Tenant	SF	Parking Stalls per 1,000sf	Total Spaces
3323-A	Organic Modernism	4,413	4	17.7
3323-B	Vintage Wood Floor	2,794	4	11.2
3323-C	Lee Stanton	2,300	4	9.2
3323-D	Roberty Westley	2,414	4	9.7
3323-E1	Vacant	2,246	4	9.0
3323-E2	Annie Sloan Paints	2,246	4	9.0
3323-F	Outdoor 365	2,700	4	10.8
3323-G1	Kitchen En-Counter	2,035	4	8.1
3323-G2	Sliding Door Co	2,000	4	8.0
3323-H	Famosa	4,408	4	17.6
3323-I	Visions	4,392	4	17.6
3321-G1	Wildflower Linens	1,391	4	5.6
3321-G2	B Bride	1,236	4	4.9
3321-H	Christopher Garrons	2,712	4	10.8
3315-A	Uni Designs	4,000	4	16.0
3315-B	Granola Babies	1,743	4	7.0
3315-C,D,E	Gear Co-Op	3,501	4	14.0
3315-F,G	Environment	3,138	4	12.6
	Subtotal	49,669		198.7

Laguna Culinary Wine and Neptune School of Wine				
		SF	Parking Stalls per 1,000sf	Total Spaces
3315-H	Retail	815	4	3.3
	Wine Tasting	188	4	0.8
	Classroom	906	4	3.6
	Storage	289	3	0.9
	Subtotal	2,198		8.5

OC Mart MIX

3313	Use	SF	Parking Stall per 1,000sf	Total Spaces
	Showrooms	7,423	4	29.7
	Hallways	9,440	0	0.0
	Restrooms & Storage	825	0	0.0
	6 small restaurants:	<u>SF</u>		
	We Olive	716		
	Portola Coffee	1,200		
	Shuck	992		
	Portola Tea	819		
	Birdie Juice Bar	621		
	Taco Maria	746		
	N'Ice Cream	470	10	55.6
	Subtotal	23,252		85.3

Paul Mitchell

3309-J	Use	SF	Parking Stall per 1,000sf	Total Spaces
	Reception	345	4	1.38
	Clinic	3,350	10	33.5
	Retail	775	4	3.1
	Classroom	4,000	10	40
	Skin Area	2,240	10	22.4
	Offices	1,465	4	5.86
	Storage	645	0	0
	Breakroom	670	10	6.7
	Restroom	545	0	0
	Walk-Way	665	0	0
	Subtotal	14,700		112.94

Surfas

3309-B	Use	SF	Parking Stall per 1,000sf	Total Spaces
	Retail/Showroom	12,575	4	50.3
	Warehouse	2,653	3	8.0
	Café	2,139	10	21.4
	Patio Seating	888	10	8.9
	Subtotal	18,255		88.5

Food and Beverages are Served w/ more than 300sf of Public Area

	Tenant	SF	Parking Stalls per 1,000sf	Total Spaces
3321-C	Greenleaf	2,320	10	23.2
3321-D	Waiiha - Loop 8 Dining	1,432	10	14.32
3321-E	Iron Press	1,918	10	19.18
3321-F	ARC	1,869	10	18.69
	Subtotal	7,539		75.4

TOTAL

Square Footage	300,798	Total Parking Stalls Required	939.7
		Total Parking Stalls Available	989.0
		Total Stalls Surplus (Shortall)	49.3

ATTACHMENT 3



**California Department of Alcoholic Beverage Control
For the County of ORANGE - (On-Sale Licenses)
and Census Tract = 639.07**

Report as of 1/28/2014

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	205811	ACTIVE	41	10/1/1987	1/31/2014	RUBYS DINER SOUTH COAST PLAZA L-PSHIP 3333 BEAR ST, STE 120 COSTA MESA, CA 92626 Census Tract: 0639.07	RUBYS SOUTH COAST PLAZA LTD	PO BOX 780571 WICHITA, KS 67278	3004
2)	209689	ACTIVE	47	3/16/1988	9/30/2014	AL DENTE INC 3333 BEAR ST, STE 118 COSTA MESA, CA 92626 Census Tract: 0639.07	NELLO CUCINA		3004
3)	225258	ACTIVE	41	11/14/1988	12/31/2014	NORDSTROM INC 3333 BRISTOL ST COSTA MESA, CA 92626 Census Tract: 0639.07	CAFE NORDSTROM	1600 7TH AVE, STE 2500, ATTN: LICENSING UNIT SEATTLE, WA 98101-2288	3004
4)	241594	ACTIVE	47	1/5/1990	12/31/2014	RED ROBIN BURGER & SPIRITS EMPORIUMS 1307 W SUNFLOWER AVE SANTA ANA, CA 92704 Census Tract: 0639.07	RED ROBIN BURGER & SPORTS EMPORIUM	6312 SOUTH FIDDLERS GREEN CIR, STE 200 NORTH GREENWOOD VILLAGE, CO 80111-4916	3017
5)	268388	ACTIVE	47	2/25/1992	8/31/2014	AL DENTE INC 3333 BEAR ST, STE 118B COSTA MESA, CA 92626 Census Tract: 0639.07	NELLO CUCINA		3004
6)	325239	ACTIVE	41	2/11/1997	1/31/2014	ARRIBA FRESH BAJA GRILLS INC 901-C SOUTH COAST DR, STE 160 COSTA MESA, CA 92626	ARRIBA FRESH BAJA GRILL		3004

						Census Tract: 0639.07			
7)	<u>338138</u>	ACTIVE	60	5/28/1998	10/31/2013	CRUTCHFIELD, STEPHEN LAYNE 88 FAIR DR 1 MOONSHINE MEADOW COSTA MESA, CA 92626 Census Tract: 0639.07	CRUTCHFIELDS FISH & CHIPS	102 ACACIA AVE LARKSPUR, CA 94939	3004
8)	<u>342038</u>	ACTIVE	47	6/11/1998	7/31/2014	MAGGIANOS INC 3333 BRISTOL ST, STE 1236 COSTA MESA, CA 92626 Census Tract: 0639.07	MAGGIANOS CORNER BAKERY 81	6820 LBJ FWY, ATTN LEGAL DEPT DALLAS, TX 75240-6511	3004
9)	<u>345160</u>	ACTIVE	47	12/9/1998	12/31/2014	MARRIOTT INTERNATIONAL INC 500 ANTON BLVD COSTA MESA, CA 92626 Census Tract: 0639.07	MARRIOTT	610 SMITHFIELD ST, STE 300 PITTSBURGH, PA 15222-2512	3004
10)	<u>34752</u>	ACTIVE	64	1/2/1980	2/28/2014	SOUTH COAST REPERTORY INC 655 TOWN CENTER DR COSTA MESA, CA 92626 Census Tract: 0639.07		PO BOX 2197 COSTA MESA, CA 92628	3004
11)	<u>355497</u>	ACTIVE	47	9/29/1999	8/31/2014	FINBARS ITALIAN KITCHEN AT METRO POINT INC 901 S COAST DR, UNIT 120 COSTA MESA, CA 92626 Census Tract: 0639.07	FINBARS ITALIAN KITCHEN AT METRO POINT		3004
12)	<u>366005</u>	ACTIVE	47	7/12/2000	6/30/2014	NEOTRINITY ENTERPRISES INC 580 ANTON BLVD, STE 201 COSTA MESA, CA 92626 Census Tract: 0639.07	CORNER OFFICE		3004
13)	<u>374236</u>	ACTIVE	41	7/16/2001	6/30/2014	JACQUES GOURMET INC 3333 BEAR ST, STE 151	CHAMPAGNE FRENCH BAKERY	1709 LA MEADOWS DR,	3004

						COSTA MESA, CA 92626 Census Tract: 0639.07		ACCOUNTING DEPT SAN MARCOS, CA 92078	
14)	<u>374287</u>	ACTIVE	47	7/25/2001	6/30/2014	ZTEJAS COSTA MESA LLC 3333 BRISTOL ST, STE 1876 COSTA MESA, CA 92626 Census Tract: 0639.07	Z TEJAS	1938 N WOODLAWN , #110 WICHITA, KS 67208	3004
15)	<u>375959</u>	ACTIVE	47	10/15/2001	4/30/2014	RAINFOREST CAFE INC 3333 BRISTOL ST, STE 1073 COSTA MESA, CA 92626 Census Tract: 0639.07	RAINFOREST CAFE	1510 WEST LOOP S ATTN LICENSING DEPT HOUSTON, TX 77027-9505	3004
16)	<u>380473</u>	ACTIVE	47	4/25/2002	3/31/2014	ANTONIO CAFE 3333 BRISTOL ST, STE 1201 COSTA MESA, CA 92626 Census Tract: 0639.07	QUATTRO CAFFE		3004
17)	<u>381957</u>	ACTIVE	41	12/20/2001	11/30/2014	LAMKONE RESTAURANTS INC 3333 BEAR ST, STE 211 COSTA MESA, CA 92626 Census Tract: 0639.07	WAHOOS FISH TACO	2855 PULLMAN ST SANTA ANA, CA 92705-5713	3004
18)	<u>388008</u>	ACTIVE	41	11/15/2002	10/31/2014	LAWRYS RESTAURANTS II INC 3333 BRISTOL ST, STE 2601 COSTA MESA, CA 92626 Census Tract: 0639.07	LAWRYS CARVERY	234 E COLORADO BLVD, STE 500 ATTN GAYLE CHICK PASADENA, CA 91101	3004
19)	<u>389003</u>	ACTIVE	75	10/15/2002	9/30/2014	ASSOCIATED MICROBWERIES LTD L-PSHIP 901 S COAST DR, # A COSTA MESA, CA 92626 Census Tract: 0639.07	KARL STRAUSS BREWRIES	5985 SANTA FE ST SAN DIEGO, CA 92109-1623	3004
20)	<u>397422</u>	ACTIVE	47	10/16/2003	9/30/2014	PATINA GROUP	PINOT	1150 S OLIVE	3004

						NEWCO LLC THE 686 ANTON BLVD COSTA MESA, CA 92626 Census Tract: 0639.07	PROVENCE	ST, STE TG25 LOS ANGELES, CA 90015-2223	
21)	<u>404036</u>	ACTIVE	47	12/19/2003	11/30/2014	SCOTTS RESTAURANTS LLC 3300 BRISTOL ST COSTA MESA, CA 92626 Census Tract: 0639.07	SCOTTS SEAFOOD GRILL & BAR	3 PIER , STE 103 SAN FRANCISCO, CA 94111-2036	3004
22)	<u>422664</u>	ACTIVE	47	10/20/2005	9/30/2014	COSTA MESA WINGS LLC 1507 S COAST DR COSTA MESA, CA 92626 Census Tract: 0639.07	HOOTERS	3186 VISTA WAY, STE 200 OCEANSIDE, CA 92056-3621	3004
23)	<u>424941</u>	ACTIVE	41	6/20/2005	5/31/2014	JACQUES GOURMET INC 3333 BRISTOL ST, STE 2505 COSTA MESA, CA 92626 Census Tract: 0639.07	CHAMPAGNE BAKERY		3004
24)	<u>437847</u>	ACTIVE	41	7/11/2006	12/31/2014	ANDRE BOUDIN BAKERIES INC 3333 BRISTOL ST, STE 1000 COSTA MESA, CA 92626 Census Tract: 0639.07	BOUDIN SF	221 MAIN ST, STE 1230 ATTN STEVE HOOKEY SAN FRANCISCO, CA 94105-1929	3004
25)	<u>438325</u>	ACTIVE	47	5/31/2006	4/30/2014	HST LESSEE SOUTH COAST L- PSHIP 686 ANTON BLVD COSTA MESA, CA 92626 Census Tract: 0639.07	WESTIN SOUTH COAST PLAZA	6903 ROCKLEDGE DR, STE 1500 BETHESDA, MD 20817	3004
26)	<u>441583</u>	ACTIVE	47	9/1/2006	8/31/2014	PATINA GROUP NEWCO LLC THE 600 TOWN CENTER DR COSTA MESA, CA 92626 Census Tract: 0639.07	ORANGE COUNTY PERFORMING ARTS CENTER	1150 S OLIVE ST, STE TG25 LOS ANGELES, CA 90015-2223	3004
27)	<u>441603</u>	ACTIVE	47	9/1/2006	8/31/2014	PATINA GROUP NEWCO LLC THE	RENEE & HENRY SEGERSTROM	1150 S OLIVE ST, STE TG25	3004

						615 TOWN CENTER DR COSTA MESA, CA 92626 Census Tract: 0639.07	CONCERT HALL	LOS ANGELES, CA 90015-2223	
28)	<u>446690</u>	ACTIVE	41	2/1/2007	1/31/2014	PACIFIC WHEY HOLDING LLC 3333 BEAR ST, SPC 119 COSTA MESA, CA 92626-1770 Census Tract: 0639.07	PACIFIC WHEY CAFE HOLDING LLC	9550 FIRESTONE BLVD, STE 105 DOWNEY, CA 90240-5560	3004
29)	<u>450595</u>	ACTIVE	47	4/3/2007	3/31/2014	MARCHE LLC 3333 BRISTOL ST, STE 3001 COSTA MESA, CA 92626 Census Tract: 0639.07	MARCHE MODERNE		3004
30)	<u>451250</u>	ACTIVE	41	5/9/2007	9/30/2014	VIE DE FRANCE YAMAZAKI INC 3333 BRISTOL ST, STE 1620 COSTA MESA, CA 92626-1802 Census Tract: 0639.07	VIE DE FRANCE YAMAZAKI	2070 CHAIN BRIDGE RD, STE 500 VIENNA, VA 22182	3004
31)	<u>452275</u>	ACTIVE	57	2/13/2008	1/31/2014	CLUBCORP CENTER CLUB INC 650 TOWN CENTER DR, GARDEN LEVEL COSTA MESA, CA 92626-1989 Census Tract: 0639.07	CENTER CLUB	3030 LBJ FWY, STE 600 DALLAS, TX 75234-7744	3004
32)	<u>453872</u>	ACTIVE	47	3/24/2008	2/28/2014	MASTROS RESTAURANTS LLC 633 ANTON BLVD COSTA MESA, CA 92626-1919 Census Tract: 0639.07	MASTROS STEAKHOUSE	1510 W LOOP S HOUSTON, TX 77027	3004
33)	<u>454719</u>	ACTIVE	47	1/22/2008	12/31/2014	BRIAD RESTAURANT GROUP LLC 601 ANTON BLVD COSTA MESA, CA 92626-1919 Census Tract: 0639.07	TGI FRIDAYS	78 OKNER PKWY LIVINGSTON, NJ 07039-1604	3004
34)	<u>463503</u>	ACTIVE	47	5/1/2008	4/30/2014	CP COSTA MESA	CHARLIE PALMER	420	3004

						LLC 3333 BRISTOL ST, BLOOMINGDALES RESTAURANT SPC 2 COSTA MESA, CA 92626 Census Tract: 0639.07	AT BLOOMINGDALES SOUTH COAST PLAZA	LEXINGTON AVE, STE 850 NEW YORK, NY 10170	
35)	<u>468853</u>	ACTIVE	47	5/22/2009	4/30/2014	AN SCPB LLC 3333 BRISTOL ST, BLOOMINGDALES RESTAURANT SP AN COSTA MESA, CA 92626-1873 Census Tract: 0639.07	ANQI	9696 CULVER BLVD, # 302 CULVER CITY, CA 90232	3004
36)	<u>472875</u>	ACTIVE	41	12/4/2008	11/30/2014	MACYS WEST STORES INC 3333 BRISTOL ST, MACYS SECOND FLOOR CAFE STE 200 COSTA MESA, CA 92626-1806 Census Tract: 0639.07		7 W 7TH ST, 17TH FL DIV ACCT BUS LIC PROC CINCINNATI, OH 45202	3004
37)	<u>473030</u>	ACTIVE	41	12/12/2008	11/30/2014	MACYS WEST STORES INC 3333 BEAR ST, M100 1ST FL COSTA MESA, CA 92626-7706 Census Tract: 0639.07		7 W 7TH ST, 17TH FL CINCINNATI, OH 45202	3004
38)	<u>474222</u>	ACTIVE	47	1/12/2009	10/31/2014	PIZZERIA ORTICA, LLC 650 ANTON BLVD, STE J COSTA MESA, CA 92626-7009 Census Tract: 0639.07	PIZZERIA ORTICA	8033 SUNSET BLVD, #877 LOS ANGELES, CA 90046-2401	3004
39)	<u>477009</u>	ACTIVE	41	5/28/2009	4/30/2014	TOFER INTERNATIONAL INC 901 S COAST DR, STE 170C COSTA MESA, CA 92626-7853 Census Tract: 0639.07	BOARDWALK FRESH BURGERS & FRIES	PO BOX 1273 SAN JUAN CAPISTRANO, CA 92693-1273	3004
40)	<u>481147</u>	ACTIVE	47	7/20/2010 3:31:41 PM	6/30/2014	N AND D RESTAURANTS INC 3333 BRISTOL ST,	SEASONS 52 4513	PO BOX 695016 ORLANDO, FL 32869-5016	3004

						STE 2802 COSTA MESA, CA 92626-1820 Census Tract: 0639.07			
41)	483126	ACTIVE	47	9/13/2010 3:25:04 PM	8/31/2014	RARE HOSPITALITY MANAGEMENT INC 3333 BRISTOL ST, STE 3802 COSTA MESA, CA 92626-1873 Census Tract: 0639.07	CAPITAL GRILLE 8044 THE	PO BOX 695016, ATTN: LICENSING ORLANDO, FL 32869-5016	3004
42)	485896	ACTIVE	47	3/17/2010	2/28/2014	ROSANNA INC 3350 AVENUE OF THE ARTS COSTA MESA, CA 92626 Census Tract: 0639.07	AVENUE OF THE ARTS WYNDHAM HOTEL		3004
43)	501217	ACTIVE	47	11/9/2010 2:17:01 PM	10/31/2014	SHERBANEE ENTERPRISES INC 1570 SCENIC AVE COSTA MESA, CA 92626-1408 Census Tract: 0639.07	TURNIP ROSE	1565 SCENIC AVE STE F COSTA MESA, CA 92626	3004
44)	503630	ACTIVE	42	4/27/2011 10:21:03 AM	3/31/2014	ALL THINGS OLIVE 3313 HYLAND AVE, # C COSTA MESA, CA 92626-1535 Census Tract: 0639.07	WE OLIVE & WINE BAR		3004
45)	513036	ACTIVE	47	9/26/2011 1:53:50 PM	8/31/2014	58 ENTERPRISE INC 3333 BEAR ST, STE 320 COSTA MESA, CA 92626-1791 Census Tract: 0639.07	HAMAMORI RESTAURANT & SUSHI BAR		3004
46)	513705	ACTIVE	47	12/19/2011 1:33:59 PM	11/30/2013	NOISE GROUP LLC 3503 S HARBOR BLVD SANTA ANA, CA 92704-6914 Census Tract: 0639.07	GALAXY THEATRE		3017
47)	513739	ACTIVE	41	3/6/2012 2:12:07 PM	2/28/2014	IRON PRESS INCORPORATED THE 3321 HYLAND AVE, STE E	IRON PRESS THE	3100 BRISTOL ST, STE 125 COSTA MESA, CA 92626-3096	3004

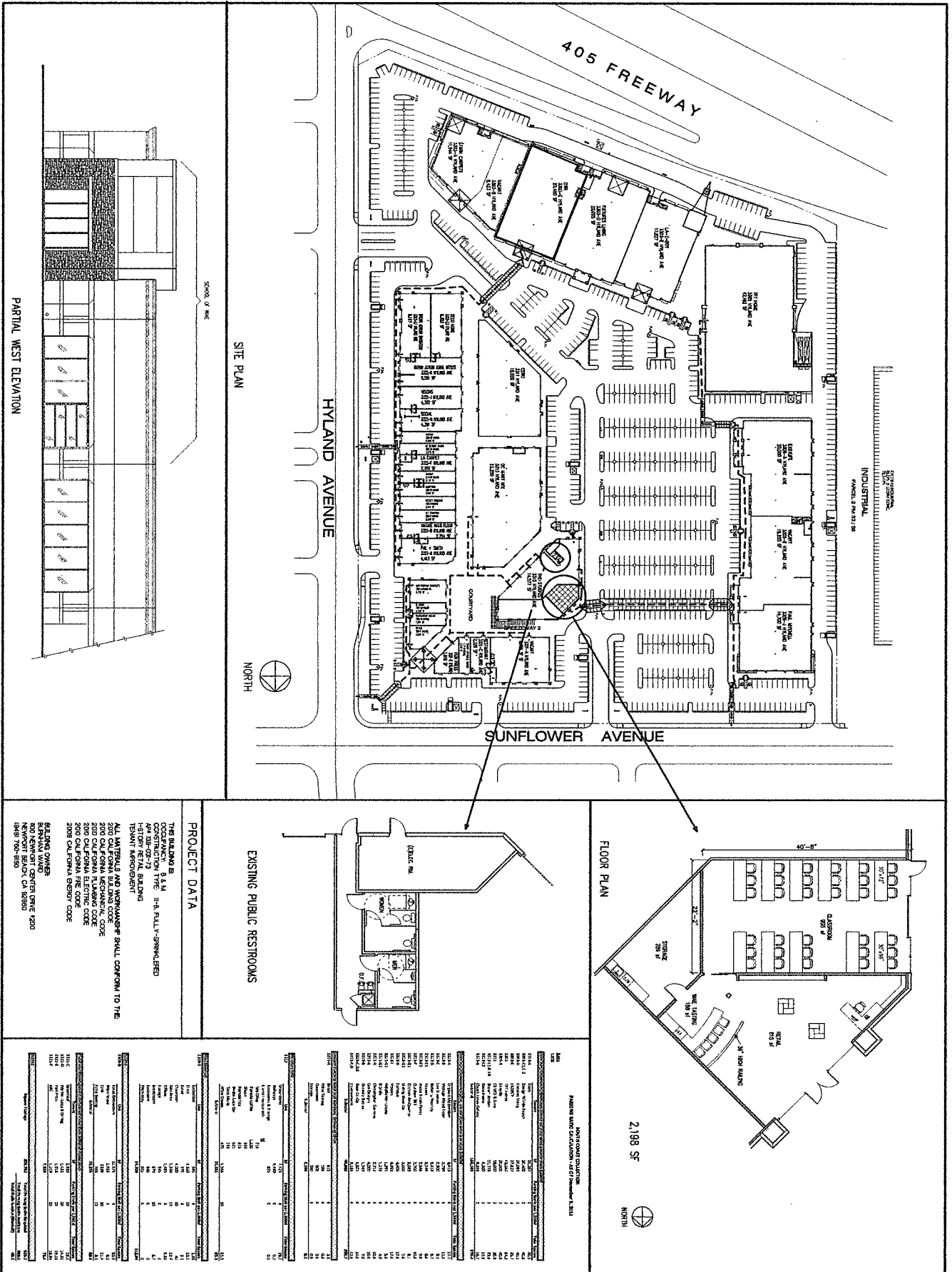
						COSTA MESA, CA 92626-1545 Census Tract: 0639.07			
48)	514534	ACTIVE	41	1/5/2012 8:07:55 AM	12/31/2014	CAFE Z SOUTH COAST, LLC. 3333 BEAR ST, STE 316 COSTA MESA, CA 92626-1793 Census Tract: 0639.07	Z CAFE		3004
49)	516102	ACTIVE	41	1/18/2012 2:17:39 PM	12/31/2014	LOOP 8 STAR, INC 3321 HYLAND AVE, STE D COSTA MESA, CA 92626-1545 Census Tract: 0639.07	JIZAKE SUSHI 2	1110 CHARLESTON ST COSTA MESA, CA 92626	3004
50)	517786	ACTIVE	47	10/15/2013 8:57:12 AM	6/30/2014	CLAIM JUMPER ACQUISITION COMPANY LLC 3333 BRISTOL ST, STE 2078 COSTA MESA, CA 92626 Census Tract: 0639.07	CLAIM JUMPER RESTAURANT	1510 WEST LOOP SOUTH , ATTN LICENSING DEPARTMENT HOUSTON, TX 77027	3004
51)	523410	ACTIVE	47	12/13/2012 4:22:42 PM	11/30/2014	ARC RESTAURANT LLC 3321 HYLAND AVE, STE F COSTA MESA, CA 92626-1545 Census Tract: 0639.07	ARC RESTAURANT		3004
52)	523425	ACTIVE	41	10/18/2012 10:07:07 AM	9/30/2014	SURFAS ORANGE COUNTY, INC. 3309 HYLAND AVE, STE E COSTA MESA, CA 92626-1539 Census Tract: 0639.07	SURFAS CULINARY DISTRICT	3975 LANDMARK ST, #100 CULVER CITY, CA 90232-2363	3004
53)	523575	ACTIVE	41	12/11/2012 10:11:28 AM	12/31/2014	ANDRE BOUDIN BAKERIES INC 901 S COAST DR, STE N100 COSTA MESA, CA 92626-1747 Census Tract: 0639.07	BOUDIN SF	221 MAIN ST, STE 1230 SAN FRANCISCO, CA 94105-1929	3004
54)	525067	ACTIVE	41	12/11/2012 2:23:47 PM	11/30/2014	SHUCK, LLC 3313 HYLAND AVE, STE A1	SHUCK		3004

						COSTA MESA, CA 92626-1550 Census Tract: 0639.07			
55)	<u>530889</u>	ACTIVE	41	7/22/2013 12:35:54 PM	6/30/2014	GREENLEAF 4 SOCO LLC 3321 HYLAND AVE, STE C COSTA MESA, CA 92626-1545 Census Tract: 0639.07	GREENLEAF CHOPSHOP	9671 WILSHIRE BLVD BEVERLY HILLS, CA 90212-2327	3004
56)	<u>532919</u>	ACTIVE	41	8/20/2013 8:58:02 AM	7/31/2014	TACO MARIA, LLC 3313 HYLAND AVE, STE C21 COSTA MESA, CA 92626-1550 Census Tract: 0639.07	TACO MARIA	1010 N BATAVIA ST, STE A ORANGE, CA 92867	3004

--- End of Report ---

For a definition of codes, view our [glossary](#).

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PLANNING COMMISSION

SUPPLEMENTAL MEMO

MEETING DATE: FEBRUARY 10, 2014

ITEM NUMBER PH-4

SUBJECT: PLANNING APPLICATION PA-13-38 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR BOTH ON-SITE AND OFF-SITE CONSUMPTION AND CONSIDERATION OF A MINOR CONDITIONAL USE PERMIT TO ESTABLISH A TRADE/VOCATIONAL SCHOOL FOR WINE EDUCATION (NEPTUNE SCHOOL OF WINE); AND MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY IN CONJUNCTION WITH A PREMISE-TO-PREMISE TRANSFER OF LICENSE(S) FROM OUTSIDE THE CITY TO ALLOW WINE TASTING AND SALE OF ALCOHOLIC BEVERAGES, AT 3315 HYLAND AVENUE, SUITE #H

DATE: FEBRUARY 6, 2014

FROM: ANTONIO GARDEA, SENIOR PLANNER

TG

**FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692
antonio.gardea@costamesaca.gov**

The purpose of this memo is as to provide clarification of the information presented in the original staff report and identify modifications requested by the applicant (Attachment 1) as discussed below.

The staff report project description states that the Type 42 (on-sale beer and wine) license will be a premise to premise transfer. However, the applicant will be requesting an original Type 42 license. Although the site is within a Census Tract with undue concentration, a new license may be issued by the ABC, subject to a finding of Public Convenience or Necessity made by the local jurisdiction. It should be noted that the type 42 (On-Sale) licenses are highly coveted and are rarely available for sale and premise to premise transfer.

The applicant, however, is in escrow for a premise to premise transfer of a Type 20 (Off-Sale Beer and Wine) license as indicated in the applicant's email. That email correctly stated that a premise to premise transfer is required by the ABC for issuance of this specific license due to Costa Mesa being an ABC Type 20 Moratorium City.

Condition of Approval No. 3 has been revised (Attachment 3) to read as follows:

3. Prior to the sale of wine for on site consumption at this location, the applicant shall purchase and transfer an existing Alcoholic Beverage Control Type 20 license (wine only) from a location within the County.

The applicant has requested, as discussed in the staff report that a finding of Public Convenience or Necessity also be made for the Type 20 (Off-Sale Beer & Wine) license. Although two licenses are required for this proposed use, it is considered one application by ABC and thereby only one PC or N finding is necessary. ABC staff indicates that the Resolution for approval should include mention of both licenses, which it does. However,

recommending revised language for the motion to clarify that the Type 42 license will be an original issue license.

Revised Alternative Motion

Approval of the attached resolution approving Conditional Use Permit PA-13-38 for the sale of alcoholic beverages (wine only) and making a finding of Public Convenience or Necessity for a premise to premise transfer of a Type 20 ABC license and an original issue Type 42 ABC license, to allow wine tasting, sale of wine for off site consumption for a wine boutique, and establishing a trade/vocational school (Neptune School of Wine), subject to the recommended conditions of approval.

Attachment: 1 - Applicant's Request
2 - Revised Resolution
3 - Revised Conditions of Approval

Distribution: Director of Economic & Development/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (6)
File (2)

Juanita Fotherinham
Spectrum Space Design
101 S. Kraemer Boulevard #100
Placentia, CA 92870

Michael Cho
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
2603 Main Street Suite 1300
Irvine, CA 92614

Stephen K. Thorp
Burnham Ward Properties
1100 Newport Center Drive Ste #200
Newport Beach, CA 92660

GARDEA, ANTONIO

From: Michael C. Cho <mcho@ptwww.com>
Sent: Wednesday, February 05, 2014 9:42 AM
To: GARDEA, ANTONIO
Cc: Juanita Fotheringham (juanita714@me.com); bward@burnham-ward.com; Nancy Milby (nancy@lagunaculinaryarts.com)
Subject: PA-13-38 (3315 Hyland Avenue, Suite #H, Costa Mesa)

Follow Up Flag: Follow up
Flag Status: Flagged

Anthony,

Thank you for taking the time to discuss the ABC licensing issues as related to the pending CUP and Public Convenience or Necessity ("PCN") request.

As such, I am requesting the following clarifications/modifications:

1. The applicant requests a finding of Public Convenience or Necessity for the Type 20 Off-Sale Beer & Wine license in anticipation that the census tract will be over-concentrated by the time the license is approved. As discussed the census tract has 3 active and one pending license and assuming the pending one is approved we would need the PCN finding.
2. The applicant is in escrow for a premise-to-premise transfer of the Type 20 Off-Sale Beer & Wine license due to Costa Mesa being an ABC Type 20 Moratorium City.
3. As for the Type 42 On-Sale Beer & Wine Public Premise license question regarding whether a premise-to-premise transfer is required, it is my understanding that an original Type 42 is permitted by the ABC. Therefore a premise-to-premise transfer is not required. I will await your confirmation with the ABC on that issue.

Please let me know if you have any questions or require further discussion.

Thank you for your assistance.

Best regards,
Michael

Michael Cho | Of Counsel
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
2603 Main Street, Suite 1300 | Irvine, CA 92614
Direct Dial (949) 851-7268 | Fax (949) 825-5425



[Email](#) | [Biography](#) | [Vcard](#) | [Website](#)

IRS Circular 230 Disclosure: Pursuant to Internal Revenue Service Circular 230, only formal opinions satisfying specific requirements may be relied on for the purpose of avoiding certain penalties under the Internal Revenue Code. Any tax advice contained in this communication (including attachments) does not constitute a formal opinion satisfying such requirements. Accordingly, we must advise you that any such tax advice was not intended or written to be used, and cannot be used, by you or any other person as such an opinion for the purpose of (i) avoiding penalties imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matters addressed herein.

This message and any attached documents contain information from the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP that may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient,

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-13-38 FOR THE SALE OF ALCOHOLIC BEVERAGES (WINE ONLY) AND MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A PREMISE-TO-PREMISE TRANSFER OF A TYPE 20 ABC LICENSE AND AN ORIGINAL ISSUE TYPE 42 ABC LICENSE TO ALLOW WINE TASTING, SALE OF WINE FOR OFF SITE CONSUMPTION, AND ESTABLISHING A TRADE/VOCATIONAL SCHOOL (NEPTUNE SCHOOL OF WINE) AND FOR A WINE BOUTIQUE LOCATED AT 3315 HYLAND AVENUE #H.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Juanita Fotheringham, representing Burnham Ward Properties, owner of property located at 3315 Hyland Avenue, Unit H, requesting Conditional Use Permit PA-13-38 to allow the sales of wine, wine tasting, and use of a portion of the tenant space as a classroom.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 2014 and, with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **APPROVES** PA-13-38 **AND** **MAKES A FINDING OF PUBLIC CONVENIENCE OR NECESSITY** for a premise-to-premise transfer of a Type 20 ABC License and an original issue Type 42 ABC License 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 PA-13-38 and upon the applicant's compliance with each and all of the conditions contained in Exhibit B as well as with 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.

PASSED AND ADOPTED this 10th day of February, 2014

Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division 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. The applicant is reminded that Code allows the Planning Commission to 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. 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 if, 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.
 3. Prior to the sale of wine for on site consumption at this location, the applicant shall purchase and transfer an existing Alcoholic Beverage Control Type 20 license (wine only) from a location within the County.
 4. All sales and service staff shall complete Responsible Beverage Service (RBS) training, within 90 days of hire.
 5. The hours of operation shall be from 10:00 a.m. to 10:00 p.m. and classes shall be conducted Monday-Thursday nights only from 6:00 p.m. to 9:00 p.m.
 6. Customer and employee parking shall occur on-site and not within surrounding streets. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, adjusting the schedule for wine classes.
 7. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "dinner wines" which have been aged two years or more and maintained in corked bottles.
 8. Wine shall be sold in the factory manufactured packages for retail sales. Factory multiple-packed bottles 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.
 9. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
 10. The outdoor storage of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.
 11. No alcoholic beverage shall be displayed or offered for sale outside the building.

12. 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., Neptune School of Wine. Interior signage/advertisements promoting or indicating the availability of alcoholic beverages which are visible from the exterior of the building shall be prohibited.
13. Temporary window signage shall not exceed 10% of the contiguous window area. Window panes separated by mullions shall be considered contiguous window area.
14. Exposed neon signage is strictly prohibited. This excludes the "open/close" sign for business.
15. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
16. A copy of the conditions of approval for the conditional use permit must 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.
17. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, 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 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 City.