



PLANNING COMMISSION AGENDA REPORT

VIII.3

MEETING DATE: SEPTEMBER 14, 2009

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-09-12
SPECIALTY STORE WITH BEER AND WINE (THE MEAT HOUSE)
103 EAST 17TH STREET, SUITES 10 AND 11**

DATE: SEPTEMBER 3, 2009

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611 (mlee@ci.costa-mesa.ca.us)**

DESCRIPTION

Planning Application PA-09-12 is for a conditional use permit to establish a specialty retail store (meat market) with a State Alcoholic Beverage Control (ABC) License Type "20" to allow the sale of beer and wine for off-site consumption.

APPLICANT

Robert Hagopian is the authorized agent for Wohl Investment Company, the property owner.

RECOMMENDATION

By adoption of Planning Commission resolution, subject to conditions:

1. Approve CUP for specialty retail store without any sale of alcoholic beverages.
2. Deny request for a Public Convenience and Necessity Finding for a Type "20" ABC license for sale of beer and wine for off-site consumption.

MEL LEE, AICP
Senior Planner

KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

Project Site/Environs

The site is zoned C1 (Local Business) and contains a retail shopping center bounded by Superior Avenue to the west, East 17th Street to the north, Newport Boulevard to the east, and a motel to the south. Other tenants within the center include Denny's restaurant, Grower's Direct market, and LA Boxing.

The proposed specialty retail store will occupy a 4,677 square foot vacant tenant space located at the driveway entry from Newport Boulevard. Under the City's Zoning Code, convenience stores, mini-markets, and similar retail stores less than 10,000 square feet in floor area in the C1 zone are subject to the approval of a conditional use permit.

ANALYSIS

Proposed Specialty Retail Store

According to the applicant, the Meat House is a specialty retail store that, unlike a convenience store or mini-market such as 7-11 or Circle K, primarily sells meat products including poultry, veal, and pork, as well as artisan cheeses. The applicant believes the store's focus on meat products will compliment other stores in the immediate area, such as Grower's Direct, which sells produce, and Santa Monica Seafood. On this basis, staff supports this part of the applicant's request.

Type "20" ABC License Request

In conjunction with the proposed specialty retail store, the applicant is requesting retail sale of beer and wine for off-site consumption, which is allowed with a Type "20" ABC license. The applicant plans to apply to the Department of Alcoholic Beverage Control (ABC) for the license if the request is approved by the Planning Commission.

After reviewing the applicant's request, staff does not support the request for the off-sale beer and wine license for the following reasons.

- ABC identifies this census tract as an area of "undue concentration" of off-sale licenses. The ABC regulations allow the City to deny a request for an off-sale retail license if the area has an "undue concentration" of off-sale retail licenses. ABC defines "undue concentration" as the following:
 - ◆ The area is located in a crime reporting district that has a 20 percent or greater number of reported crimes than the City average; or
 - ◆ The ratio of off-sale retail licenses to population within the census tract exceeds the ratio of licenses to population in the county as a whole.

Based on the ratio of off-sale retail licenses to population in the census tract in which the proposed store is located, four off-sale retail licenses are allowed and five off-sale retail licenses currently exist. If the applicant's request is approved, the number of off-sale licenses within the census tract would increase to six.

Below are the current establishments with off-sale retail licenses in the census tract the proposed store is located, which are also shown on a map in Attachment 4:

| Establishments with Off-Sale Retail Licenses Census Tract 0636.05 | | |
|--|--|------------------------------------|
| Business Name | Address | License Type |
| Powers Liquor | 1888 Placentia Avenue | 21 (Off-Sale General) |
| Norval's Liquor | 1746 Placentia Avenue | 21 (Off-Sale General) |
| El Toro Bravo Market | 739 W. 19 th Street | 20 (Off-Sale Beer and Wine) |
| Smart & Final | 707 W. 19 th Street | 21 (Off-Sale General) |
| Trader Joe's | 640 W. 17 th Street | 21 (Off-Sale General) |
| The Meat House (Proposed Use) | 103 E. 17th Street, Suites 10 and 11 | 20 (Off-Sale Beer and Wine) |

Source: ABC, August 2009.

- Costa Mesa Police Department recommends denial of the off-sale ABC license. The Police Department has recommended denial of the request for a beer and wine license due to various crime-related problems with the number of intoxicated transients (i.e., homeless) in the surrounding area. Many transients may be habitually intoxicated and are attracted to the ease of access to alcohol. An additional location that sells alcoholic beverages may further the prevalence of transients in the area. Furthermore, the Police Department analyzed the crime incident reports for this area and indicated that there were a significant number of calls for service for various criminal activities.
- The majority of new businesses in areas of "undue concentration" obtain a premise-to-premise transfer of an existing ABC license. The following are examples of businesses established in the past five years with ancillary off-sale ABC licenses that were transferred from another location in the City. In some cases, license transfers may still contribute to an undue concentration of ABC licenses in the census tract area; however, the total number of city-wide licenses did not increase.

| Name | Address | Year ABC License Was Issued |
|-----------------------|----------------------|-----------------------------|
| El Campeon Carniceria | 517 W. Wilson St. | 2004 |
| Globe European Deli | 1928 Harbor Blvd. | 2005 |
| Moscow Deli | 3015 Harbor Blvd. | 2008 |
| Midnight Muncheez | 1125 Victoria Street | 2009 |

- If the requested ABC license is approved, it may be difficult to require the business to remain a specialty retail store. Although the store as proposed by the applicant is considered a specialty retail store, and has been conditioned accordingly, it is staff's opinion that there is no assurance if this business were to close, that a new business would be a specialty retail store.

Public Convenience or Necessity Finding

If the Commission were to approve the request, a finding of "Public Convenience or Necessity" (PCN) would be required. PCN findings have been made for Type "20" and Type "21" ABC licenses based on the "specialty retail" nature of a proposed business. Some recent examples include the following:

- Beverages and More (BevMo) in the Costa Mesa Courtyards Center located at 1835 Newport Boulevard, Suite B-129 (PA-05-10).
- Jons Liquor at 2790 Harbor (PA-05-37).
- Bristol Deli and Market at 3033 Bristol (PA-91-82 and PA-05-40).

The meeting minutes for each of these applications are attached as Attachment 5.

If the Commission were to approve the request and make the PCN finding, the following additional conditions of approval are recommended, which are standard for retail stores that sell alcoholic beverages for consumption off-site:

- Wine shall not be sold in bottles or containers smaller than 750 milliliters.
- No sale of beer in single cans or bottles (any size) shall be permitted. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of 2 or more gallons, which are clearly designed to dispense multiple servings.
- Beer, malt beverages, wine coolers or pre-mixed distilled spirit cocktails (if allowed by the license) packed in 16-ounce containers or smaller, may not be sold as single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- Beer or wine shall not be displayed or sold from an ice tub or any other type of portable refrigerated unit.
- The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business operator shall institute whatever security and operational measures are necessary to comply with this requirement.
- The business operator shall post signs inside and outside the premises prohibiting the on-site consumption of alcoholic beverages and loitering.
- 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 alcohol beverages.
- The business operator shall patrol the area over which the applicant has control in an effort to prevent the loitering of persons about the premises during hours the business is open.

- Alcoholic beverage sales are further prohibited between 6:00AM and 9:00AM. (Type "20" licenses currently prohibit sales from 2:00AM to 6:00AM).

GENERAL PLAN CONFORMITY

The property is zoned C1 (Local Business) and has a General Plan Designation of General Commercial. The specialty retail store is consistent with the land use designation for the property. However, in order to ensure the use is not disruptive to the surrounding neighborhood (Objective LU-1F), staff does not recommend approval of the off-sale beer and wine license.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the CUP without a PCN finding, subject to conditions. As recommended by staff, this action will allow the Meat House to be established without allowing off-site sales of beer and wine. (See Draft Resolution A, Attachment 1).
2. Approve the CUP with a PCN finding, subject to conditions. This action will require a finding of Public Convenience and Necessity due to the undue concentration of off-sale ABC licenses in this census tract. (See Draft Resolution B, Attachment 2).
3. Deny the entire use. If the use is denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

It is staff's opinion that the operation of a retail store specializing in meat products will not create any adverse impacts on the surrounding neighborhood and therefore recommends approval of the use. However, based on the undue concentration of existing off-sale ABC licenses within the area, and consistent with the Police Department's evaluation, staff recommends denial of a request for a Public Convenience and Necessity Finding for sale of beer and wine for off-site consumption.

- Attachments:
1. Draft Planning Commission Resolution A
Exhibit "A" – Draft Findings
Exhibit "B" – Conditions of Approval
 2. Draft Planning Commission Resolution B
Exhibit "A" – Draft Findings
Exhibit "B" – Conditions of Approval
 3. Applicant Letter and Exhibit

4. Location Maps
5. Meeting Minutes from Previously-Approved Applications
6. Plans

cc: Acting Development Services Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Robert Hagopian
31658 Pacific Coast Highway
Laguna Beach, CA 92651

Whol Investment Company
14 Corporate Plaza Suite 110
Newport Beach, CA 92660

| | | |
|--------------------|--------------|-----------------|
| File: 091409PA0912 | Date: 090209 | Time: 1:15 p.m. |
|--------------------|--------------|-----------------|

**ATTACHMENT 1
DRAFT RESOLUTION A**

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REGARDING PLANNING APPLICATION PA-09-12 FOR THE APPROVAL OF A CONDITIONAL USE PERMIT TO ESTABLISH A SPECIALTY RETAIL STORE WITHOUT A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A TYPE "20" ALCOHOLIC BEVERAGE CONTROL LICENSE.

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

WHEREAS, an application was filed by Robert Hagopian, authorized agent for Wohl Investment Company, owner of real property located at 103 East 17th Street, Suites 10 and 11, in a Local Business (C1) zone;

WHEREAS, the request is for a conditional use permit to establish a specialty retail store (meat market) with a State Alcoholic Beverage Control (ABC) License "Type 20" to allow the sale of beer and wine for off-site consumption;

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 14, 2009 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, 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 PA-09-12 with regard to the Conditional Use Permit for a specialty retail store, **WITHOUT** a Finding of Public Convenience or Necessity for a State Alcoholic Beverage Control (ABC) License Type "20" to allow the sale of beer and wine for off-site consumption;

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 PA-09-12 and upon applicant's compliance with each and all of the conditions 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 14th day of September, 2009.

James Righeimer, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS (APPROVAL – SPECIALTY RETAIL STORE ONLY)**

- A. The use complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, as conditioned, is compatible and harmonious with uses that exist in the general neighborhood.
 - The use, as conditioned, complies with applicable performance standards as prescribed in the Zoning Code, specifically, compliance with the City's noise ordinance provisions.
 - The use is consistent with the General Plan, specifically General Plan Goal LU-1F.1, because the recommended conditions of approval will ensure the protection of existing residential neighborhoods from incompatible or disruptive land uses and/or activities.
 - The zoning application is for a project-specific case and does not establish a precedent for future development.
 - The cumulative effects of all planning applications have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed specialty retail store use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the use is unlike a convenience store such as 7-11 or Circle K because it primarily sells meat products including poultry, veal, and pork, as well as artisan cheeses. The store's focus on meat products will compliment other stores in the immediate area.
- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed off-sale beer and wine license is not compatible with uses in the same general area and will be detrimental to the health, safety and general welfare of the public and other properties or improvements within the immediate vicinity. Specifically, the surrounding area has an undue concentration of existing off-sale retail licenses (four off-sale retail licenses are allowed and five off-sale retail licenses currently exist).
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL - SPECIALTY RETAIL STORE ONLY

- Plng.
1. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 2. The use shall be limited to the type of operation described in this staff report. i.e., a specialty retail store that primarily sells meat products. Any change in the operational characteristics, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 3. Hours of operation shall be limited to 9:00 a.m. to 8:00 p.m., seven days a week.
 4. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.

**ATTACHMENT 2
DRAFT RESOLUTION B**

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REGARDING PLANNING APPLICATION PA-09-12 FOR THE APPROVAL OF A CONDITIONAL USE PERMIT TO ESTABLISH A SPECIALTY RETAIL STORE WITH A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A TYPE "20" ALCOHOLIC BEVERAGE CONTROL LICENSE.

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

WHEREAS, an application was filed by Robert Hagopian, authorized agent for Wohl Investment Company, owner of real property located at 103 East 17th Street, Suites 10 and 11, in a Local Business (C1) zone;

WHEREAS, the request is for a conditional use permit to establish a specialty retail store (meat market) with a State Alcoholic Beverage Control (ABC) License "Type 20" to allow the sale of beer and wine for off-site consumption;

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 14, 2009 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, 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 PA-09-12 with regard to the Conditional Use Permit for a specialty retail store, **WITH** a Finding of Public Convenience or Necessity for a State Alcoholic Beverage Control (ABC) License Type "20" to allow the sale of beer and wine for off-site consumption;

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 PA-09-12 and upon applicant's compliance with each and all of the conditions 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 14th day of September, 2009.

James Righeimer, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL – SPECIALTY RETAIL STORE AND ABC LICENSE)

- A. The use complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, as conditioned, is compatible and harmonious with uses that exist in the general neighborhood.
 - The use, as conditioned, complies with applicable performance standards as prescribed in the Zoning Code, specifically, compliance with the City's noise ordinance provisions.
 - The use is consistent with the General Plan, specifically General Plan Goal LU-1F.1, because the recommended conditions of approval will ensure the protection of existing residential neighborhoods from incompatible or disruptive land uses and/or activities.
 - The zoning application is for a project-specific case and does not establish a precedent for future development.
 - The cumulative effects of all planning applications have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed specialty retail store use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the use is unlike a convenience store such as 7-11 or Circle K because it primarily sells meat products including poultry, veal, and pork, as well as artisan cheeses. The store's focus on meat products will compliment other stores in the immediate area. Although the surrounding area has an undue concentration of existing off-sale retail licenses (four off-sale retail licenses are allowed and five off-sale retail licenses currently exist) the proposed off-sale beer and wine license is compatible with uses in the same general area and will not be detrimental to the health, safety and general welfare of the public and other properties or improvements within the immediate vicinity.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL - SPECIALTY RETAIL STORE AND ABC LICENSE**

- Plng.
1. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 2. The use shall be limited to the type of operation described in this staff report. i.e., a specialty retail store that primarily sells meat products. Any change in the operational characteristics, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 3. Hours of operation shall be limited to 9:00 a.m. to 8:00 p.m., seven days a week.
 4. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.
 5. Wine shall not be sold in bottles or containers smaller than 750 milliliters.
 6. No sale of beer in single cans or bottles (any size) shall be permitted. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of 2 or more gallons, which are clearly designed to dispense multiple servings.
 7. Beer, malt beverages, wine coolers or pre-mixed distilled spirit cocktails (if allowed by the license) packed in 16-ounce containers or smaller, may not be sold as single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
 8. Beer or wine shall not be displayed or sold from an ice tub or any other type of portable refrigerated unit.
 9. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business operator shall institute whatever security and operational measures are necessary to comply with this requirement.
 10. The business operator shall post signs inside and outside the premises prohibiting the on-site consumption of alcoholic beverages and loitering.
 11. 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 alcohol beverages.
 12. The business operator shall patrol the area over which the applicant has control in an effort to prevent the loitering of persons about the premises during hours the business is open.
 13. Alcoholic beverage sales are further prohibited between 6:00AM and 9:00AM. (Type "20" licenses currently prohibit sales from 2:00AM to 6:00AM).

**ATTACHMENT 3
APPLICANT LETTER**

Received
City of Costa Mesa
Development Services Department

August 25th, 2009

AUG 25 2009

Planning Commission
City Hall
77 Fair Drive
Costa Mesa, CA 92626

RE: Approval of Type 20 ABC License:

Honorable Chairman and Members of the Planning Commission:

We are Mr. Robert Hagopian and Mr. Brian Smith, the Southern California area owners for The Meat House - a specialty butcher shop. We are requesting a Conditional Use Permit for 103 E 17th Street, Suite 10 & 11. In our 4,690 square feet of retail space we will offer quality premium meats, poultry, veal, pork, exotic meats, varieties of wines and beer, and artisan cheeses. The vast majority of our sales are our high-end meats and special cheeses.

Purpose:

We are committed to establishing a premium neighborhood butcher shop that is not only integral to the community but integral to this very location. We will bring people closer to knowing where their food comes from by them knowing the people who bring it to them. Whenever possible we will offer regional, sustainably produced products – and we will always deliver them with the highest level of service.

We will help to bring back the more traditional way of creating a meal; offering a unique choice for quality local meats, artisan cheeses and a unique wine selection specifically selected by our "Wine Educator" to be paired with our foods.

As a specialty butcher shop we will complement the local businesses immediately around us who offer fresh produce (Grower's Direct), fresh seafood (Santa Monica Seafood Co.), and other groceries (Trader Joe's). Together we can help to establish this area as a "food-destination," not unlike a farmers market, where people will travel from neighboring communities so they can go from one market to the next (truly unique to this area) to get each part of their meal.

The Meat House hours of operation are typical for our industry 9am to 8 pm. We will be introducing between 12 – 16 new jobs to Costa Mesa.

History:

Established in New Hampshire in 2003, The Meat House was founded by Justin Rosberg and Jason Parent, childhood friends who are dedicated to operating a butcher shop that focuses on quality, consistency and customer service.

Within the first year of business, The Meat House became a well recognized and highly regarded member of the New Hampshire Community because of our company's principles and commitment to supporting the neighborhoods they serve.

As a result of our continued efforts, The Meat House has received numerous community and critics choice awards including "Best Butcher Shop" and "The Best of New Hampshire" by *New Hampshire Magazine*. Also referred to as "...the future of butcher shops" by the *Boston Globe*.

In addition to offering our customers a wide selection of premium meats, poultry, veal, pork, exotic meats and Deli products, all of our butcher shop locations carry varieties of wine and beer from around the world, fine cheeses, fresh produce, breads, side dishes, desserts, pastries, and other gourmet grocery items to make every meal memorable and delicious. At our Costa Mesa location there will be no need to carry produce due to the outstanding selection provided by our neighbor Growers Direct.

Our Mission Statement is:

1. **Offer our customers with premium cuts of meat at competitive prices**
2. **Provide unparalleled customer service that leaves a lasting impression**
3. **Be excellent, consistent and customer focused in everything we do**

Since opening our first store in 2003, the response to our dedication and commitment has been gratifying. So, from our house to yours, we look forward to being identified in Costa Mesa as the butcher you count on for choice product and service.

Type 20 Liquor License:

The Department of Alcoholic Beverage Control requires a letter from the Governing body of the city of Costa Mesa stating Public Convenience or Necessity will be met, along with a recommendation for endorsement of a type 20 off-site Beer and Wine liquor license. Please consider this letter a request for that approval:

The sale of specialty wines and beer is not only essential to our business model but we believe it to be of true convenience and necessity to our customers. Though there are a few other specialty grocers in the area, no one in this census tract focuses on premium meats and artisan cheeses, and on pairing them with high-end wines and exotic beers. **The Meat House** specializes in this three-way pairing. On staff we have one of only 270 "Wine Educators" in the world; Mr. Tom Brock. Tom hand selects our wines to complement our core product and offers in-store classes on pairing our meats, cheeses and wines. The combination of our hard to find wine & beer, artisan cheeses and

premium choice meats creates a very unique shopping experience compatible with our neighboring businesses.

Though Wine and beer is essential to our business model, the majority of our sales in our existing stores are our meats and cheeses. This is our core product; it's why we are coming to Costa Mesa. Each and every other product in our store complements our core products -- it is there for our customer's convenience -- marinades, sauces, rubs, prepared produce ready for grilling, desserts, beer and wine etc.. Our customers can come in and pick up the ingredients for an entire premium home cooked meal, a unique BBQ, if they wish -- or simply some artisan cheeses, a baguette and a bottle of wine paired with the cheeses they chose.

The Meat House prides itself on being a positive asset to the community. Hosting and sponsoring an array of local charity events from our "Operation Thank You" annual fundraiser for the Chaplin Emergency Relief fund, to sponsoring the local little league and high school level teams -- something we do in every community we are in. The Meat House is always looking to be part of the solution.

The Meat House is not a liquor store or a convenience store. We are a high end specialty food provider. We complement our neighboring businesses well. Our business hours are 9am to 8pm. Staff uniforms require a Meat House button up collared shirt and tie. Company Policy prohibits the selling of cigarettes and products of abuse such as 40oz malt liquor, wine coolers, lottery tickets, and pornographic materials.

At the risk of being redundant, I can't emphasize enough that we are a high end specialty food provider bringing a well needed upscale market to Newport 17th Plaza.

Conclusion:

Our concept is the perfect fit for the location at 103 E 17 Street Suite 10 & 11. Currently within the Newport 17th Plaza is the best produce store in Orange County -- Growers Direct. Just down street; Santa Monica Seafood Co. is displaying one of, if not the best Seafood selections in all of Orange County. We look forward to rounding out this destination shopping experience by adding the finest Butcher Shop in Orange County.

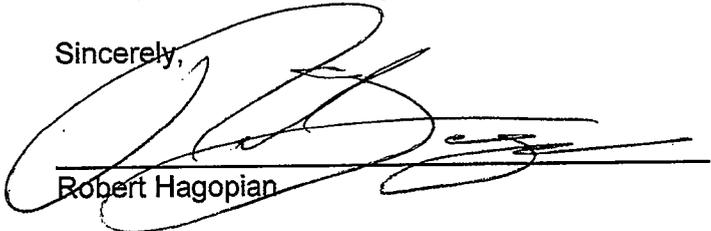
Please reference our website www.TheMeatHouse.com for additional information.

Should you have any questions please do not hesitate to call.

We respectfully request approval of our Certificate of Convenience and Necessity for our Type 20 ABC license.

We look forward to seeing you in our store!

Sincerely,



Robert Hagopian

Brian Smith

Visit Us Online

FOR STORE LOCATIONS

With locations throughout New England and plans to expand across the country, we'd like you to visit us at www.TheMeatHouse.com to find your neighborhood Meat House.

RECIPE IDEAS

Someone had to do it, so our staff has spent years in the kitchen and behind the grill preparing (and eating) delicious meals. Through our online recipe book, we invite you to enjoy some of our favorites at home. So, the next time you plan to mix it up in the kitchen or behind the grill, click on www.TheMeatHouse.com

SHOP ONLINE

Shipped FRESH, never frozen, we are pleased to offer the same quality products, prices and services to our online customers that you would find in any of our neighborhood butcher shops. Whether you're looking for a delicious roast for your next holiday meal, or some of our legendary steak tips for your next cookout, you can now have the great taste of The Meat House delivered right to your door. To place your next order, visit us online at www.TheMeatHouse.com or give us a call at 1-866-479-6328.

FRANCHISE OPPORTUNITIES

Are you as passionate about fine foods as we are? The Meat House offers area development agreements to committed and dedicated entrepreneurs. For more information visit us at www.TheMeatHouse.com



Your Neighborhood Butcher

"There is nothing quite like your store. Your exceptional customer service and quality products are always worth the drive!"

Mike - Natick, MA



Your Neighborhood Butcher

554 Turnpike Street, North Andover, MA 01845
(978) 688-3007 Open Daily: 9am to 7pm

Don't Forget

The Butcher's Blog, our monthly newsletter, is designed to keep you up to date on upcoming store events, cooking tips and featured recipes. Don't forget to sign up online at www.TheMeatHouse.com

For store locations, recipe ideas or to shop online visit:

www.TheMeatHouse.com

The Modern Revival

Your Neighborhood Butcher *and More!*

As a modern revival of the your neighborhood butcher, Justin Rosberg and Jason Parent developed a concept that reinvents the bygone community meat market with a modern flair of quality meats at competitive prices and friendly service in the founding of The Meat House.

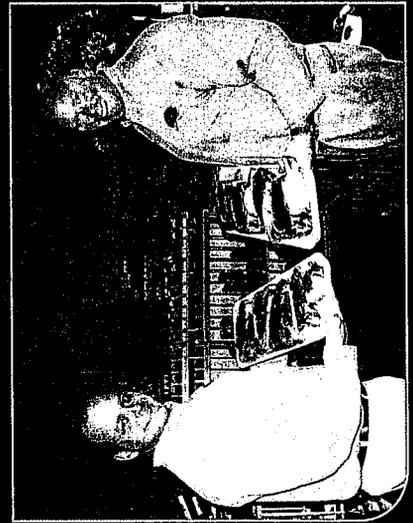
Since opening our first store in Portsmouth, New Hampshire, our staff has worked tirelessly to honor our mission to be "excellent, consistent and customer-focused" in everything we do.

We pride ourselves in offering everything one would need to prepare a memorable and delicious meal at home. From our legendary marinated products to premium hand-cut steaks and roasts, accompanied by our signature side dishes and deli, our goal is to offer our neighbors an extensive selection of premium products and brands at reasonable prices.

As a result of our mission, we have received numerous awards from food critics and community leaders alike for the work we do in our stores and on behalf of the neighborhoods we serve.

Whether hosting an elegant dinner party, or gathering to enjoy a cookout with the companionship of family and friends, The Meat House has what you desire. Experience why we truly are Your Neighborhood Butcher!

Jason Parent & Justin Rosberg



Neighborhood Offerings

OUR BUTCHER COUNTER

We offer the finest selection of beef, poultry, pork and wild game meats* you will find anywhere. Whether you are craving our legendary marinated steak tips, or a premium selection of steaks and roasts hand-cut to order, you will find what you want. For steak connoisseurs, we are proud to offer prime and dry-aged steaks and roasts. We also carry natural beef and poultry that will delight the health enthusiast.

**Wild game based on availability. It is recommended that you call ahead to place your order.*



GRAPES, HOPS & MALT

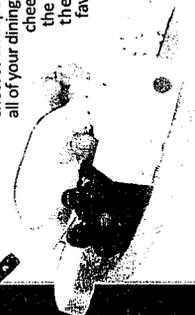
What better way to complement your meal than with one of our hand-selected wine or beer offerings. Personally picked by our Director of Wine & Cheese, one of only 270 Certified Wine Educators in the world, our wine and beer portfolio features an amazing variety of blends and brews from around the corner, to around the world. With an emphasis on taste and value, you are sure to find the perfect bottle to complement your next meal*.

**Wine and beer not available at all store locations. Please call your neighborhood Meat House for participation.*



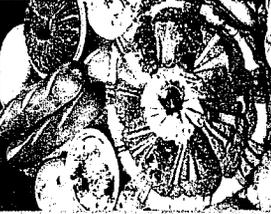
FINE CHEESES & SPECIALTY FOODS

We offer a large selection of artisanal cheeses and specialty foods that are ideal for all of your dining and entertaining needs. Our cheese counter boasts some of the finest cheeses from around the world, like domestic favorites such as Vermont Cheddar, imported delicacies, like Dutch Gouda and Italian Mozzarella. Our specialty items include cured meats, flavored oils and tapenades that are an exciting addition to any meal.



...continued

OUR DELI SELECTION



When it comes to offering our customers delicious deli options, we deliver with Boars Head Provisions. Using only the finest ingredients, Boars Head Provisions has been making premium deli products for over a century.

To complement these outstanding selections, we encourage you to add any of our signature side dishes and salads.

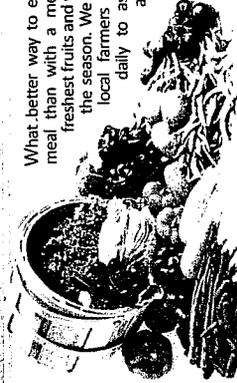
OUR BAKERY

No meal would be complete without our freshly-baked artisanal bread and some of our scrumptious baked goods. With an array of breads, cookies and pies to choose from, we work closely with local chefs to bring you the freshest choice items on the market.



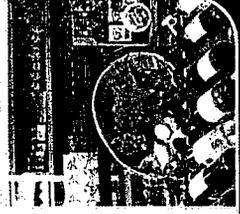
FRESH PRODUCE

What better way to enhance your meal than with a medley of the freshest fruits and vegetables of the season. We partner with local farmers who deliver daily to assure quality and taste.



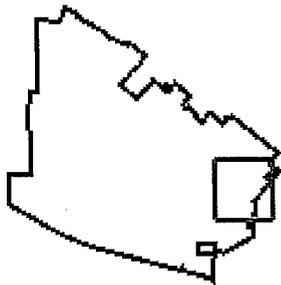
QUALITY STAPLES

Our grocery selection is a cornucopia of all the ingredients you need. We stock everything from traditional items such as pasta, chips and coffee, to hard-to-find specialty items, like locally produced prepared meals and homemade sauces.

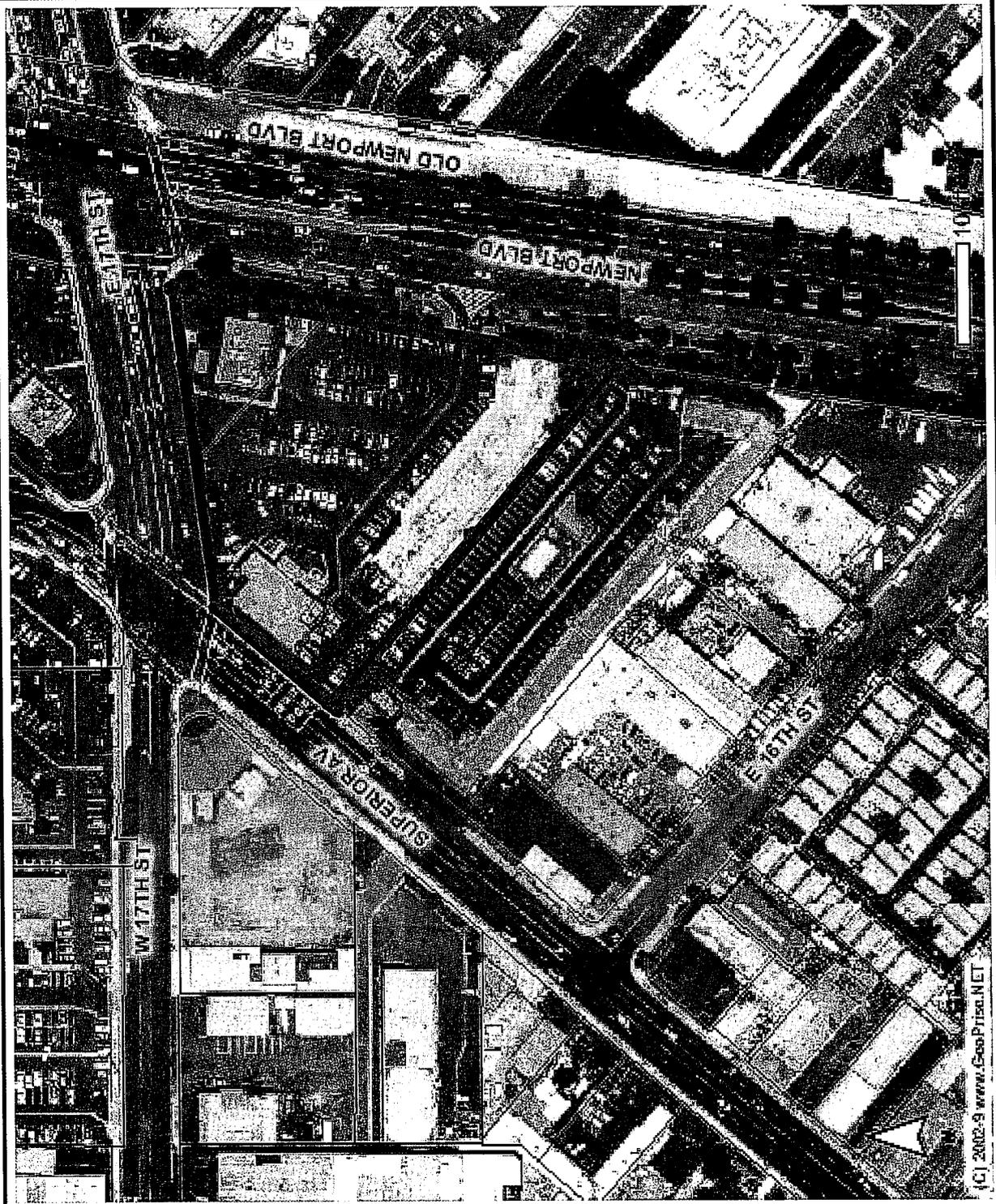


**ATTACHMENT 4
LOCATION MAPS**

Overview Map



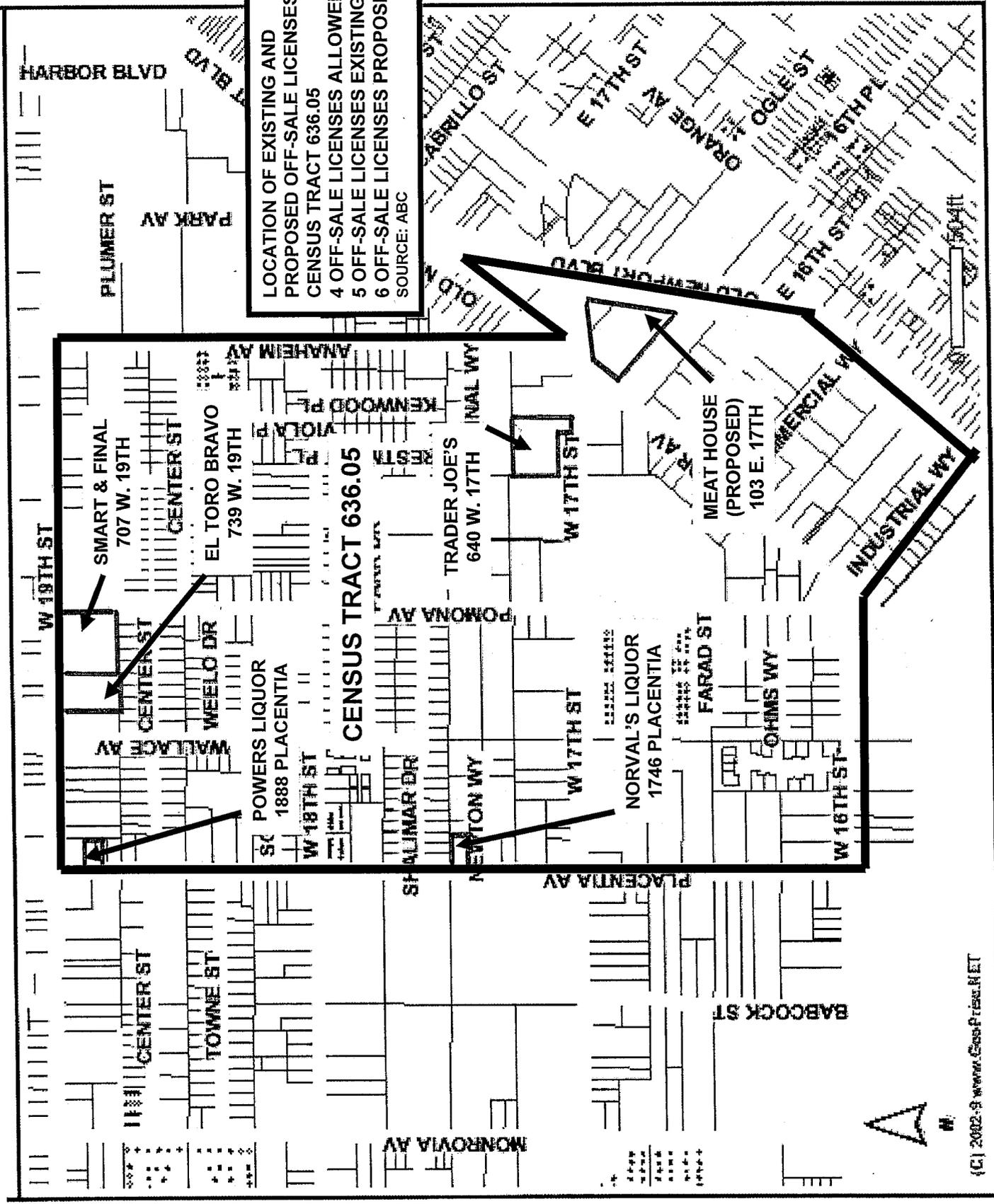
Map Display



Legend

- Street Names
- Parcel Lines
- Ortho 2008 Level2
- Ortho 2006 Level2
- Parcels
- ROW
- Polygon-s

LOCATION OF EXISTING AND
 PROPOSED OFF-SALE LICENSES
 CENSUS TRACT 636.05
 4 OFF-SALE LICENSES ALLOWED
 5 OFF-SALE LICENSES EXISTING
 6 OFF-SALE LICENSES PROPOSED
 SOURCE: ABC



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**ATTACHMENT 5
MEETING MINUTES**

- 1. BEVMO**
- 2. JONS LIQUOR**
- 3. BRISTOL DELI**

1. BEVMO

a.m. for those who want to exercise before they go to work.

In response to the Chair about the change of hours in operation at this site, Ms. Shih said this additional time would not affect parking or staff's analysis because the nighttime sessions will not occur prior to 6 p.m.

In response to Commissioner Egan's previous inquiry regarding the use as being "complementary", Mr. St. Clair noted that he has a definite symbiotic relationship with other businesses in the complex. He said "Tint Masters" is next to his business and his students get their cars attended by this business; Quality Automotive, 2 doors down from his business, also fixes his students' cars; he is also doing some things with Max Muscle Nutrition that is next door to Quality Automotive. He said he has become a contributing member to the business community there and he will continue to do so.

Commissioner Garlich asked Mr. St. Clair if he had objection to increasing the number of students and instructors in condition of approval #4 from 2 to 3. He had no objections.

No one else wished to speak and the Chair closed the public hearing.

MOTION
PA-05-09
Approved

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0, to approve by adoption of Planning Commission Resolution PC-05-30, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modification:

Condition of Approval

- 4. ...one-on-one sessions prior to 6:00 p.m. and no more than 2 3 students and 2 3 instructors at any given time until after 6:00 p.m. Any change in the operational....

The Chair explained the appeal process.

PLANNING APPLICATION
PA-05-10

Skillman/McLaren

The Chair opened the public hearing for consideration of Planning Application PA-05-10 for Steve McLaren, authorized agent for the Teachers Retirement System of Illinois/John W. Skillman, for a specialty retailer (Beverages & More), selling alcoholic beverages, gourmet food items, and related accessories, and for Planning Commission to make the required public convenience or necessity finding for the proposed ABC licenses, located at 1835 Newport Blvd, Suite B129 in a PDC zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a visual presentation. He stated that staff was recommending approval by adoption of Planning Commission resolution, subject to conditions, and further recommended that the Planning Commission make a finding for public necessity and convenience. Mr. Lee further stated that if the Planning Commission should approve this application, staff has already made the finding and included it in the resolution this evening.

Mr. Lee referenced a memo letter prepared by the Los Angeles Police Department, which outlined the Department's proposed conditions for the "Beverages & More" located in Van Nuys, California.

Mr. Lee also discussed several alternatives the Planning Commission might wish to consider.

Lt. Dale Birney of the Costa Mesa Police Department said this establishment is located in an area that is traditionally and historically, one of the City's highest areas for "calls for service." Many of these calls are related to transient and homeless issues and also

deal with alcohol, fighting, sleeping on properties, etc. He said he understands that this is not a Type 20 license that is being requested, but he felt it was very similar. In addition, he said the City of Costa Mesa has ranked in the top 3 for the number of DUI offenders arrested per year; has ranked in the top 7 for the number of DUI related collisions compared to comparably populated cities of between 100,000 and 250,000. Based on the information the department has gathered, he said it is their position that the City of Costa Mesa is, if not at capacity, is certainly very near capacity to the number of ABC licenses that should be issued. Specific to the geographic location of this establishment (Beverages & More), he did not believe it would be a good fit at this time.

In response to a question from the Chair regarding using some of the proposed conditions in the previously mentioned letter from the LA Police Department to alleviate concerns of the City of Costa Mesa Police Department (particularly #7, #14, and #16), Lt. Birney said that in terms of this specific business, it would. However, he pointed out that their concern lies with not only the location of this establishment, but how it relates to the surrounding area and the problems experienced with that.

There was discussion between the Chair, staff, and Lt. Birney regarding a video security system for which the Chair expressed he felt very strongly about because of the location of the project.

Steve McLaren, authorized agent, 76 Lynwood Place, Moraga, California agreed to the conditions of approval with the exception of condition of approval #6 in "Exhibit B" of the staff report. Mr. McLaren explained this is because he is happy to tell the Planning Commission that they have been able to find a license within the City since the last study session. He said it is on Harbor Boulevard with a Type 21 license. He pointed out that this transaction would remove an over concentrated license from that census tract.

Mr. McLaren also wished to address the comments by the Commission and Lt. Dale Birney. He said he is the cofounder of Beverages & More (1994). He said there are currently 46 stores in the State of California with 8 under construction and they are the 2nd largest specialty retailer selling alcoholic beverages in the United States; they are first on the website and #3 in the world. He briefly described the stores' product lines. With respect to the Commission concerns and the Police Department, Mr. McLaren stated the following facts about his business: (1) The store hours are unique in the industry; they are 10 a.m. to 7 p.m. on Sunday, 10 a.m. to 9 p.m. Monday through Friday, and 9 a.m. to 9 p.m. on Saturday. On Holidays (approximately that last 8 weeks of the year), they open at 9 a.m. and close at 10 p.m., 7 days a week. He commented that licensees in this census tract are open to at least 10 p.m., but most are open until 2 a.m. (2) He said most of the abusive behavior in the communities that they operate in throughout the state comes between 10 p.m. and 2 a.m. at which time they are closed. (3) They do not carry pints and half pints as in liquor stores; they do not carry the screw-top, low-end fortified wines, and they do not carry 40 oz. malt liquor bottles. (4) They do not sell any pornographic material. (5) There are no newspaper stands inside or outside the store because it deters littering. (6) There are no pay phones to create loitering inside or outside the store. (7) No one under the age of 21 is allowed into the store, unless accompanied by an adult (clearly stated on the front door of all stores). He said they have a "Vi-age machine" at the check stand; an electronic small slider machine which when a license is swiped, it will immediately give the age of the person buying the liquor and will card people under the age of 35. (8) According to state law, alcohol can be sold at age 18, but no one is hired in his stores under the age of

21. He felt it removes a good deal of peer pressure from the high schools and colleges by preventing the sales to underage persons and minors. (9) They have a training program recognized across the state in lieu of the Star Program and the Lead Program through local police departments. (10) They have a simple dress code in all their stores; they have "green" shirts that are neat and tidy, lending credence to the image of their stores. (11) Fifty percent (50%) of their business are female shoppers. The regular liquor stores average 90% men and 10% women shoppers. The reason this is so is because their stores have wide aisles, they are clean, well lighted, and they are safe. (12) The wine tasting area requires a Type 42 license (purchased over the counter through ABC), and the scheduled times for tasting are Friday from 4 p.m. to 7 p.m. and on Saturday from noon until 6 p.m.; wine makers come in at those times and talk about their products; it is a "product knowledge session" normally held at those times. Mr. McLaren also described different events during the year such as festivals, and holidays that pop up over each calendar year and may necessitate other wine-tasting session, i.e., champagne and caviar for St. Valentine's Day. (13) He said in their "Kegs and Food" sections, they sell 5-gallon kegs of root beer that comes out of the state of Oregon (Thomas Kemper Root beer) and everyone smiles about it, but it is useful for the youth groups who like to purchase it for all kinds of special events. (14) The parking lot is well managed and there will be no shortage of parking because of the type of business this is. (15) There are video cameras in 2 stores in the company; the one in Van Nuys is at the check stands because the police asked for it to be there; the other is Jack London Square in downtown Oakland. There are security guards in 3 stores: Jack London Square; downtown Oakland; and Bayshore, just outside of San Francisco. There is also a security guard at the Van Nuys store that the landlord provides. (16) There have been 3 robberies in these stores over the years and no one has ever been hurt.

Chairman Perkins said he visited the Beverages & More store in Irvine and praised the store and employees, however, he felt it was a different community than the Westside of Costa Mesa. He asked Mr. McLaren if he would be willing to put up some "no loitering" signs; he said he wasn't so worried about having a security guard, but his primary concern was whether Mr. McLaren would be willing to put in a video security system into this store. The Chair also asked that he consider a condition for no cigarettes, no pornographic magazines or videos.

Mr. McLaren agreed to the conditions, however, he felt the video security system was a big expense and stated that he had a different opinion than the police did about this based on his 40 years of retailing experience. The biggest deterrent in these stores is that there is only one entrance and exit. He said he can accept the condition regarding the cigarettes and pornographic materials, but his growth pattern is to be literally one of the largest retailers in lifestyle stores and he does not foresee any problems with it. The Chair said his intention is to limit that now before it becomes a market desire.

In response to a question from Commissioner Fidler regarding expected new hires for the Costa Mesa store and the impact on the sales tax revenue for the City, Mr. McLaren explained that other than the exception of two management employees over the years, the entire Southern California 20 stores have opened with new hires locally and all are trained locally. In this community, the average hire is between 12 and 15 new hires.

Commissioner Garlich said he was stating for the record that he also visited the Irvine store and met with some of the management

and clerical personnel there. In response to a question he had regarding the enforceability of all the provisions of condition of approval #16, Deputy City Attorney Tom Duarte stated that yes, because there a reasonable nexus attached to this, any condition that relates to the use of the property, if the Commission sees it as having a detrimental affect on the welfare at large, absolutely.

Commissioner Egan thanked Mr. McLaren for volunteering these conditions from the Los Angeles Police Department. She said she believed they have been helpful for the Commission in analyzing the application. She said she was particularly interested in conditions 6, 7 and 16. She said she visited the Huntington Beach store and as far as she could tell, none of these conditions would change operations at all. She asked if he had any objection to the Commission's desire to add conditions 6, 7, and 16 from the Los Angeles Police Department, Beverages & More in Van Nuys. Mr. McLaren agreed to those conditions.

Vice Chair Hall and Mr. McLaren discussed condition of approval #6 in the Planning Division report under "Exhibit B" relating to the applicant transferring a license from inside the City so there is no increase in the number of citywide ABC licenses.

Beth Refakas, 320 Magnolia Street, Costa Mesa, listed several concerns previously discussed by staff and Lt. Birney of the Costa Mesa Police Department. She said that it shouldn't be approved because she felt it was being built in the wrong location.

Commissioner Garlich said he was sympathetic with the intent of Vice Chair Hall's suggestion on condition of approval # 6 in Exhibit "B" of the staff report, however, he felt the wording he used would be a disincentive to make any effort to get a license within the City and asked Deputy City Attorney Tom Duarte to address the intent of Vice Chair Hall's suggestion. Mr. Duarte stated that if it is stated as Vice Chair Hall suggested, you could add the language "in good faith", however, Mr. McLaren's commitment to the sale or the purchase of that license, isn't required other than the language stated in the original condition, and he would not have a requirement to purchase a license within the City.

Commissioner Garlich confirmed that if the Commission were to leave condition of approval #6 as it is, the entitlement would be good for a year and would be a burden on the applicant to shorten that time as much as possible with regard to his lease from his leaseholder. Mr. Duarte said if he should discover a lien and it falls through, and he can't comply with this condition, then he cannot receive the Conditional Use Permit. Mr. Duarte said he could not think of any other mandatory way to state this condition any differently than it already is.

Commissioner Egan stated that a previous speaker raised questions about the ounces of wine that would be served during wine tasting sessions and requested that the applicant address this point.

Mr. McLaren explained that the Type 42 license is actually governed by the ABC as the tasting area. Basically it is 1 to 2 oz. pours and you can limit that, so they don't usually do more than that. Each person pays a nominal fee to cover the costs of the wine and glass. For instance if you drank your wine in a ten-dollar glass, you may keep the glass. He said that in 11 years there has never been an instance of misconduct; there is always someone in charge and the Vi-age machine is also used. No children are allowed in that area. The size of this area is 10' X 9'2".

No one else wished to speak and the Chair closed the public hearing.

Commissioner Hall said he wished to make a comment regarding

whom we should thank for enticing this organization to come into our City. He said he meant it sincerely, because this operation is going to enhance the business climate of the Courtyards. There has been a problem of keeping stores occupied there and this is a high-end operation. He said as far as the wine tasting area, it should be compared to the Fair, their tasting area is huge, and it's busy all day long. Hi-Time Wine Cellars which was mentioned earlier, has a tasting area, and although he is not over there too often, he didn't believe he'd ever seen anyone tasting, and probably because it's not that big a deal; they know what they want. He said he believed this item is going to be a tremendous boost to our City.

MOTION
PA-05-10
Approved

A motion was made by Vice Chair Hall, seconded by Commissioner Egan, and carried 4-1 (Perkins voted no), based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following additions to the conditions of approval from the Los Angeles Police Department conditions:

Conditions of Approval

13. No price or product signs may be placed in store windows and along adjacent building walls. Signs such as 5% Rewards and Club Bev Membership are permitted.
14. "No Loitering" signs shall be posted.
15. There shall be no sales of pints/half pints of spirits, 40 oz. malt liquor beers, low-price screw-top fortified wines (i.e., Ripple, MD 20-20), cigarettes and/or pornographic magazines/videos.

During discussion on the motion, there was discussion between the Chair and other Commissioners regarding a video security system condition and it was agreed to add that condition. Mr. McLaren advised the Commission they have a security system, but it is not a video security system and it is in every store. The Chair said he wanted a "video" security system and that he wanted to see where this was going.

Commissioner Garlich said he agreed with most of the observations that Vice Chair Hall made about painting all these businesses with the same brush and it's tough for the Police Department to do otherwise, and they are doing their job when they give us the numbers they do. He agreed also that it's a good business for the City and a good business for that part of town and he believed it would do a lot to help revitalize that corridor. Commissioner Garlich said he would be happy to support the motion with all of the conditions suggested *without* any video security system or any kind of call back for a future report.

Vice Chair Hall confirmed his motion without the video security system.

Commissioner Fisler and Commissioner Egan both confirmed that the staff report "Exhibit B", condition of approval remains as is.

Commissioner Egan said she agrees that this particular operation is likely to be a valuable addition to the Courtyards development and she did not see any likelihood of it presenting problems. Commissioner Garlich added that he shared Commissioner Egan's feelings about condition of approval #6 (staff report, exhibit B, condition of approval #6). Commissioner Fisler said this condition is also the key for him.

Vice Chair Hall stated that Commissioner Egan worries about them moving out of their store at this location and he believed the only reason they would move out of this location, is to find a bigger one.

Chair Perkins said he was on the losing end of a 4 to 1 vote. He said was really very impressed with the Irvine store. He said his

concern was what the Police Department mentioned regarding a video security system. He said his concern also lies in the sense that we have no security and he said this is a bad area of town that we're trying to make it a little bit better. He said he's been in retail for 13 years and those security systems don't always work, but he could guarantee that having had security systems, he has found they are a deterrent even if they are not there. He said he thinks that the Commission was going in the wrong direction this evening. He said if we had the video security system he would have been much more happy.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT

Planning Commission Secretary R. Michael Robinson stated that as indicated in his memo of May 4th, the Commission will be having a study session next Monday evening and the two items of interest on the agenda would be an ordinance regarding medical marijuana dispensaries and revised Planning Commission study session and meeting procedures.

REPORT OF THE CITY ATTORNEY'S OFFICE:

None.

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 8:17 p.m. to the study session of Monday, May 16, 2005.

Submitted by:

R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION

2. JONS LIQUOR

PLANNING APPLICATION
PA-05-37

Tri Harmony Properties/Ghobry

Commissioner Egan said her opposition to that other matter was based in part on the fact that it was a storage container.

The Chair explained the appeal process.

Planning Application PA-05-37 for Fadia Ghobry, authorized agent for Tri Harmony Properties, LLC, DBA Harbor Plaza, for a conditional use permit to allow a 1,100 square-foot liquor store; and a finding of public convenience or necessity finding for an off-sale liquor license to allow the sale of alcoholic beverages, located at 2790 Harbor Boulevard, Suites 101-102, in a C1 zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff was recommending denial of this application, by adoption of Planning Commission resolution.

In response to Commissioner Garlich regarding any communication from the Police Department, Ms. Shih explained that the Police Department sent an informal communication to staff that there is no concern with this specific use. In response to another question from Commission Garlich regarding why the continuance was required, Ms. Shih said the applicant originally (in the description), described a "specialty retail store", but there are no specifics given, so the applicant requested a continuance to provide more information about the specific items they would be carrying to distinguish it from a traditional liquor store.

In response to a question from Commissioner Garlich regarding a supplemental memo from staff dated November 18, 2005 and how the petition was verified, Ms. Shih said she contacted Abby Samawi who provided the petition with her memo on page 40 of the staff report.

There was discussion between Commissioner Egan, Commissioner Garlich and Ms. Shih regarding the shifting of a license from one undue concentration of liquor licenses tract to another of the same.

Rod Jule, 2117 Elden Avenue, Costa Mesa, representing the applicant, agreed to the conditions of approval. Mr. Jule gave a two-part presentation. The first part of his presentation was the physical description of the project and the general make up of the merchandise. The second part was a technical discussion with regard to distances from schools and other uses; a discussion with regard to their petition, discussion of a letter from Orange Coast College, and letters of support.

Fadia Ghobry, 19631 Phoenix Lane, Huntington Beach, with Tri Harmony Properties, and authorized agent for the property owner said she had made some phone calls from the opposing petition and found that in some cases many people did not sign the petition nor did they have any idea about the subject matter.

Commissioner Egan asked the applicant (Mr. Aviz) if he would consider a beer and wine only license. Ms. Ghobry answered for him, saying that the applicant was going to buy a license for \$50,000 but they had a meeting with the City before they bought the license. Commissioner Egan said when the applicant moves on, that liquor license and the liquor store remain, and it can become a traditional liquor store. If it were a beer and wine license, it would be a different consideration for the Commission. Ms. Ghobry said the Type 21 license is better because there are certain other liquors they sell in the specialty store. The owner, Mr. John Aviz intervened to say the answer is no to a beer and wine license. He must sell expensive items and not just wine and beer. Commissioner Garlich felt that there is a measure of protection in this type of store in that it would be run as described in the staff report, and in that context, may keep it from becoming a traditional liquor store.

Commissioner Garlich made comments regarding the validity of petitions.

The Chair stated that this store is located not far from a high-crime area, Rod Jule said what's occurring on that property (Harbor Plaza), is that they have an onsite property manager who is there at the property, and the applicant would also work with staff.

In response to a question from Commissioner Garlich, Mr. Jule said one solution would be a semi-annual inspection by a certified planner to go through the interior of the store and certify that the business hasn't changed and will remain in tact as originally proposed. In response to Commissioner Garlich, Ms. Shih said typically, the project planner would review properties with CUP on an annual basis to assure the applicant is in compliance with the conditions.

John Parkyn, 20241 Aetna Street, Woodland Hills, representing the owners of the adjacent properties (2750 and 2730 Harbor Boulevard) stated concerns regarding public notice of the hearing and parking. He expressed concerns of customers parking in his lot and of signage.

Commissioner Garlich asked staff why property owners didn't get noticed because it is within the footage. Ms. Shih explained that all properties within a 500' radius (owners but not tenants) are mailed notices. The Chair asked staff to follow-up and find out what happened. Mr. Parkyn said he wanted to make it clear that the property has been under the same ownership for 37 years and the address is on record.

Commissioner Garlich said if we are talking about the sign ordinance, then it was possible this signage could be legal nonconforming and he encouraged Mr. Parkyn to visit the City and look into the code.

Mona Latif, 2700 Peterson Place said those letters were typed by her and others, and describe the different expressions of the people who support this store.

Ms. Latif said allowing more specialty stores is a convenient idea because she does not have to go stand in a long line to buy liquor and can find unique things to buy that are not easily found elsewhere.

Lena Ghobry, daughter of the authorized agent and applicant, and an OCC student said she and some of her friends took the petitions and made phone calls and they found that most of the people who signed thought they were signing for the specialty shop, rather than against it. She said she realizes this is a high-crime area, but any area next to a college is a high-crime area.

Mike Cashben, 52 Claremont, Newport Coast, said his family owned Harbor Beer and & Wine and later moved to liquor. He said he did not know what's wrong with traditional liquor stores, although that's not what Mr. Aviz is opening. He said it is not easy for a liquor store-owner to run his business in some respects because the ABC is continually monitoring the business.

Rod Jule stated that the gentlemen has a positive business.

No one else wished to speak and the Chair closed the public hearing.

Commissioner Egan, referring to the condition which says this business shall be operated in the manner described in the application, should the owner move away and someone comes in and wants to operate a "traditional" liquor store, she asked what would happen. Deputy City Attorney Christian Bettenhausen said his understanding is that ABC does govern the license itself, but of course the CUP, which runs with the land, is the jurisdiction of the City. If conditions are placed on the CUP that will limit the ability of the business at that particular location, it will limit their ability to sell in accordance with the license that has been granted.

The Chair made a motion to uphold staff's recommendation for denial; it was seconded by Commissioner Egan (later withdrawn-see below). The motion failed to carry for lack of a second.

MOTION 1:
PA-05-37
Failed for lack of a second

During discussion on the motion, the Chair said the crime zone bothers him. He reviewed the Census Tract numbers, which he said showed too many licenses. He said he had a concern about high-school students being so close to a liquor store.

Commissioner Fislser said that this business is much like Beverages & More and when they approved that, there was no worry about a "traditional" liquor store. If they have a variation to their operational characteristics, including the hours, nature and variety of products sold, they would need an amendment to the permit.

Commissioner Garlich said he would not support the motion because the idea that this can become a traditional liquor store has now been twice refuted by the City Attorney's Office. He is also sensitive to the concern about the students on Peterson Place, however, he believes students will get beer some place else. He believed the City is protected by the CUP and the conditions that were discussed, and he would not support the motion to deny.

Commissioner Egan withdrew her second on the Chair's motion. She said she would feel differently if the Commission was either adding a new license to an area that already has over concentration, or if it came from an area that did not have over concentration to one that did; here, both are equally problem areas with over concentration and it shouldn't make a difference; a specialty retailer is an improvement, and therefore, despite the over concentration and the closeness of other purveyors of alcoholic beverages, she believed there is a public convenience involved.

MOTION:
PA-05-37
Approved

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 3-1 (Perkins vote no, Hall absent) to approve by adoption of Planning Commission Resolution PC-05-80, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modifications:

Findings

- A. The information presented ~~does not comply~~ complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is ~~not~~ compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements with the immediate vicinity. *Delete remainder of paragraph.*
- B. The proposed project ~~does not comply~~ complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed use is ~~not~~ compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. The project is ~~not~~ consistent with the General Plan.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- D. and E. should be corrected to read C. and D. *Dialogue remains the same for both.*

Conditions of Approval

3. The use shall be limited to the type of operation described in the staff report and applicant's project description and product presentation, i.e., a high-end specialty retailer selling beer, wine, spirits, gourmet food, and related items. No sales of items related to a convenience or liquor store such as milk, medicine, newspapers, magazines, lottery tickets, tobacco, etc., shall be permitted. Any change in the operational...

The Chair explained the appeal process.

3. BRISTOL DELI

PLANNING ACTION
PA-91-82

Bailey/Rowshan

The Chairman opened the public hearing for consideration of Planning Action PA-91-82 for Sohrab Rowshan, authorized agent for D. A. Bailey, for a delicatessen/market with seating for 12 or less and to allow alcoholic beverages (beer and wine) within 200 feet of residentially zoned property, located at 3033

South Bristol Street, #G, in a C1 zone.
Environmental Determination: Exempt.

Staff recommended approval, subject to conditions.

Sohrab Rowshan, 25112 Barclay Lane, Laguna Niguel, agreed to the Conditions of Approval.

No one else wished to speak and the public hearing was closed.

MOTION:
PA-91-82
Approved

A motion was made by Mr. Dunn, seconded by Mr. Davenport and carried 4-0 (Mr. Palme was absent), to approve, based on Planning Staff analysis and findings contained in the Planning Division Staff Report, subject to conditions.

the application is being amended, notification would have to be sent out again to include the offsite parking.

Beth Refakas, 320 Magnolia Street, Costa Mesa, felt the Commission should deny this application without prejudice to give the applicant time to come up with a modified plan and see if he can secure the necessary offsite parking he would need.

No one else wished to speak and the Chair closed the public hearing.

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0, to deny without prejudice by adoption of Planning Commission Resolution PC-05-71.

During discussion on the motion, Vice Chair Hall said he felt that a continuance or denial would take the same amount of time. He also commented that any landscaping the applicant does, would be an improvement for that area.

The Chair also commended the applicant for his efforts to make his property look better.

The Chair explained the appeal process.

The Chair opened the public hearing for consideration of Planning Application PA-05-40 for Donald Bailey, authorized agent for John B. Heffernan/Baco Ltd., to modify an existing conditional use permit (PA-91-82), to allow the retail sale of liquor in addition to the sale of beer and wine at a delicatessen/market (Alvand Market), and for Planning Commission to make a "public convenience or necessity finding", located at 3033 Bristol Street #G, in a C1 Zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and made a presentation. He said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions.

In response to a question from the Chair regarding why this process arrived at a recommendation for approval by staff, Mr. Lee explained that when staff received the request for the conditional use permit, the Police Department and ABC were contacted regarding the proposed request; staff also verified through the City records, whether or not there have been problems associated with this establishment operating with a beer and wine license. If there has been a history of noncompliance with the conditions of approval, problems like that would significantly affect staff's recommendation to go from a beer and wine license to a hard liquor license. In this instance, staff was not able to find any evidence of any violations of either their conditions of approval for their current CUP, or any police or code enforcement problems. He was not aware of any off sale licenses of liquor establishments within the immediate vicinity, which would also factor into staff's recommendation for the public convenience or necessity finding.

The Chair felt that with an internet café in the area, there is the opportunity to possibly purchase some hard liquor and take it over to the internet café and/or just behind the café into the residential area and asked if staff had considered this. Mr. Lee confirmed, and said as a matter of fact, as he indicated previously, they did check to see if there had been any problems related to this establishment since it is within that immediate center. If there had been any police or code enforcement activity, it would have surfaced and there is no evidence of that having happened. He said this gave staff confidence that the finding for public convenience and necessity could be made because there is no track record of any violations or problems.

MOTION:
PA-05-28
Denied

PLANNING APPLICATION
PA-05-40

Heffernan/Bailey

Commissioner Garlich said condition of approval #4. e., which says the "sales of alcoholic beverages shall remain ancillary to the primary market/delicatessen use," he confirmed his understanding as meaning that if the current business owner were to expand the use of his business and convert some of this floor space to selling more liquor and fewer groceries, that would be a basis for calling the application back. Mr. Lee confirmed. Commissioner Garlich also said with respect to condition of approval #5, if this business were sold and someone else wanted to come in and operate under this CUP, and wanted to operate a liquor store or something on those lines, that would also require call the application be brought back for a public hearing and conditional use permit. Mr. Lee confirmed.

Karim Kimiai, owner of Alvand MARKET, changed from Greek to Mexican and now his customers have expanded ethnically and he provides items to Argentineans, Israelis, Polish, Jewish, Persian, Mexican, Arabic and Russian people. He said his goal is to improve his business. Mr. Kimiai agreed to the conditions of approval.

Beth Refakas, 320 Magnolia Street, Costa Mesa, was concerned about the high-crime area and the undue concentration of ABC licenses and that a lot of the problems in the City are due to the consumption of alcohol.

No one else wished to speak and the Chair closed the public hearing.

MOTION:
PA-05-40
Approved

A motion was made by Commissioner Garlich, seconded by Chair Perkins, and carried by 3-2 (Egan and Fisler voted no) to approve by adoption of Planning Commission Resolution PC-07-72, based on information and analysis in the Planning Division staff report, and findings in exhibit "A", subject to conditions in exhibit "B."

During discussion on the motion, Commissioner Garlich pointed out that most of the concerns that have been raised are addressed in the conditions of approval. He said they protect the City's interest regarding changes in use either by the current owner or future owner. Having visited the site, and observed the nature of the business, he felt the City's interests were not at risk in this application and should they change, he said we have all we need to deal with it.

Chair Perkins said he knows this application is not going to cater to the crowds that cause problems and that's why he supports the motion.

Commissioner Egan asked if the applicant were to transfer a Type 21 license from either within this census tract, or from another census tract where there was already an existing over concentration, she would support the motion. She said she has been to the store and it is neat and well-kept, and obviously a well-run operation but she cannot get past the fact that there is suppose to be no more than 4 off sale liquor licenses in this census tract and there are 10, and, that it is also a high crime area. To add another hard liquor license, even though the beer and wine license is to be surrendered, she could not support it.

There was discussion between the Chair and Vice Chair regarding the Beverages & More store.

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:

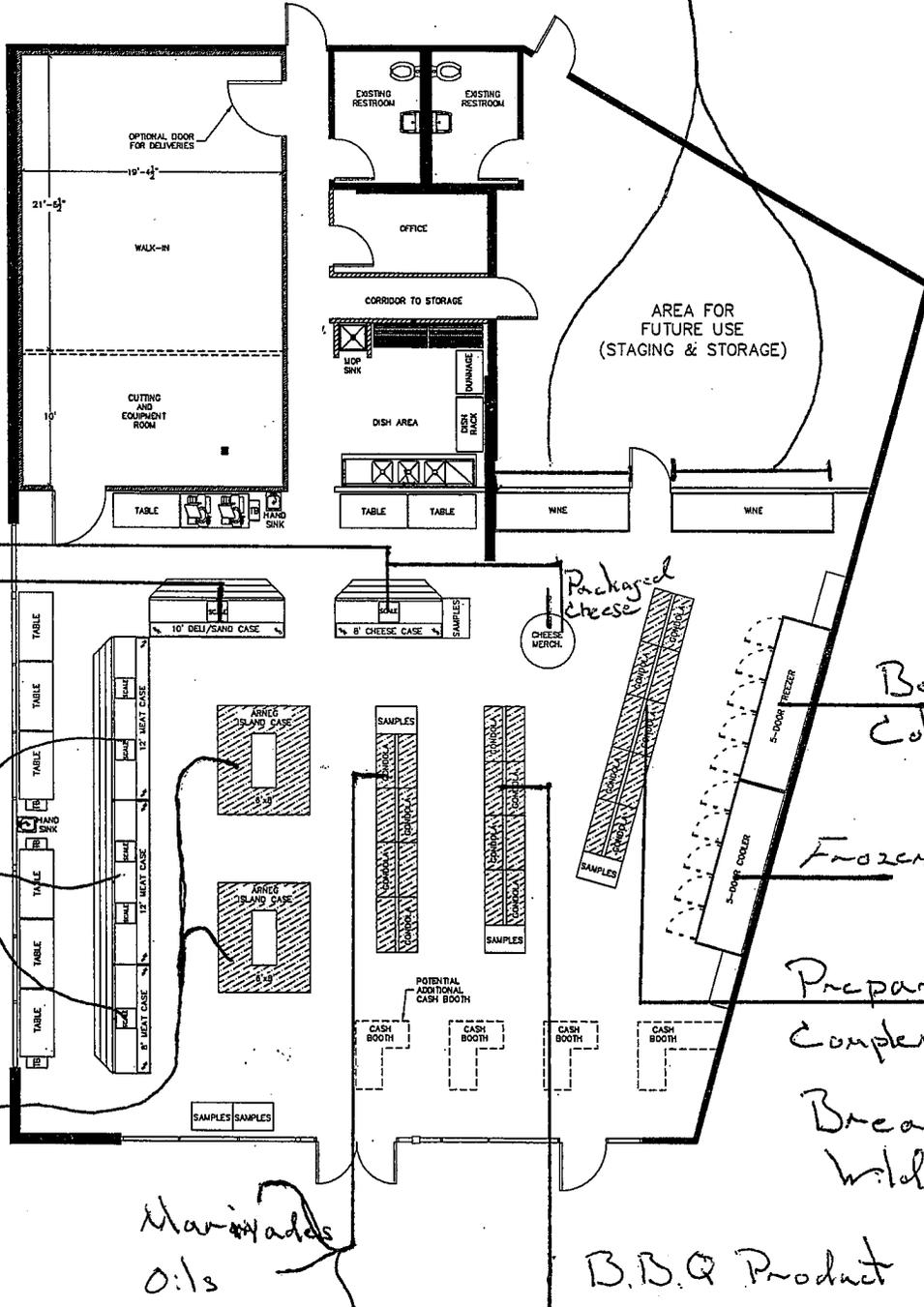
~~Lisa Sanchez, Communications Specialist with the Orange County Water District made a presentation on their Groundwater Replenishment System (GWR). Ms. Sanchez conveyed that the district is proud of its efforts to ensure a safe, reliable water supply for future generations. She said it is their job to educate the public on this project and because it has been in the works for a while and commis~~

**ATTACHMENT 6
PLANS**

4677 S₂ St.

Wine approx 20 St

CONCEPT-8



Artisan Cheeses

Deli Meats

Packaged Cheese

Beers approx 12 St
Cold Drinks

Meat Cases

Frozen Prepared Food

Packaged Meat

Prepared Produce

Prepared Food

Complementary Hors d'oeuvres

Bread Wild Rice Selection

Marinades
oils
Vinegars
Rubs

B.B.Q Product

VIII.3
PA-09-12

From: Robert Hagopian [mailto:Robert.Hagopian@themeathouse.com]
Sent: Tuesday, September 08, 2009 9:28 AM
To: PLANNING COMMISSION
Cc: CHALMERS, SYLVIA
Subject: Planning Application PA-09-12, The Meat House
Importance: High

Planning Application PA-09-12
The Meat House, Specialty Store
103 East 17th Street, Suite 10 and 11

James M. Righeimer
Sam Clark
Colin McCarthy
Stephen Mensinger

We have received a copy of the planning commission agenda and report for "The Meat House" in which staff recommends approval of our CUP. However, the report also recommends denying the Type "20" ABC License.

As a specialty meat market, The Meat House offers high end meat products, Artisan Cheeses, and we specialize in pairing our foods to our wines - so the type 20 ABC license is critical for our business. We even offer in-store classes on the art of pairing food and wine taught by our own certified wine-educator; one of only 270 Wine Educators in the world.

City Staff have provided the Planning Commission with the option (Draft Resolution B) to approve our use with a PCN Finding, allowing us to acquire a license. We would like the opportunity to meet with you in person prior to the Sept 14th hearing to present our position for that approval and share why we believe we are a unique public convenience and necessity.

Attached is our letter from the report describing our business in detail. In short -- we are a specialty neighborhood butcher shop - we are in no way a convenience store. As City Staff has stated, we compliment the surrounding businesses very well and are in no way detrimental to health, safety and general welfare of the properties and improvements in the vicinity.

Please feel free to visit our website at www.themeathouse.com to take a closer look at our business.

We are available to meet at your convenience prior to the hearing, and will contact your office to set up an appointment.

Thank you for your time and consideration.

Robert Hagopian
Ph 949-290-3831
Fax 949-499-2595
www.TheMeatHouse.com

09/08/2009

August 25th, 2009

Planning Commission
City Hall
77 Fair Drive
Costa Mesa, CA 92626

RE: Approval of Type 20 ABC License:

Honorable Chairman and Members of the Planning Commission:

We are Mr. Robert Hagopian and Mr. Brian Smith, the Southern California area owners for The Meat House - a specialty butcher shop. We are requesting a Conditional Use Permit for 103 E 17th Street, Suite 10 & 11. In our 4,690 square feet of retail space we will offer quality premium meats, poultry, veal, pork, exotic meats, varieties of wines and beer, and artisan cheeses. The vast majority of our sales are our high-end meats and special cheeses.

Purpose:

We are committed to establishing a premium neighborhood butcher shop that is not only integral to the community but integral to this very location. We will bring people closer to knowing where their food comes from by them knowing the people who bring it to them. Whenever possible we will offer regional, sustainably produced products – and we will always deliver them with the highest level of service.

We will help to bring back the more traditional way of creating a meal; offering a unique choice for quality local meats, artisan cheeses and a unique wine selection specifically selected by our "Wine Educator" to be paired with our foods.

As a specialty butcher shop we will complement the local businesses immediately around us who offer fresh produce (Grower's Direct), fresh seafood (Santa Monica Seafood Co.), and other groceries (Trader Joe's). Together we can help to establish this area as a "food-destination," not unlike a farmers market, where people will travel from neighboring communities so they can go from one market to the next (truly unique to this area) to get each part of their meal.

The Meat House hours of operation are typical for our industry 9am to 8 pm. We will be introducing between 12 – 16 new jobs to Costa Mesa.

History:

Established in New Hampshire in 2003, The Meat House was founded by Justin Rosberg and Jason Parent, childhood friends who are dedicated to operating a butcher shop that focuses on quality, consistency and customer service.

Within the first year of business, The Meat House became a well recognized and highly regarded member of the New Hampshire Community because of our company's principles and commitment to supporting the neighborhoods they serve.

As a result of our continued efforts, The Meat House has received numerous community and critics choice awards including "Best Butcher Shop" and "The Best of New Hampshire" by *New Hampshire Magazine*. Also referred to as "...the future of butcher shops" by the *Boston Globe*.

In addition to offering our customers a wide selection of premium meats, poultry, veal, pork, exotic meats and Deli products, all of our butcher shop locations carry varieties of wine and beer from around the world, fine cheeses, fresh produce, breads, side dishes, desserts, pastries, and other gourmet grocery items to make every meal memorable and delicious. At our Costa Mesa location there will be no need to carry produce due to the outstanding selection provided by our neighbor Growers Direct.

Our Mission Statement is:

- 1. Offer our customers with premium cuts of meat at competitive prices**
- 2. Provide unparalleled customer service that leaves a lasting impression**
- 3. Be excellent, consistent and customer focused in everything we do**

Since opening our first store in 2003, the response to our dedication and commitment has been gratifying. So, from our house to yours, we look forward to being identified in Costa Mesa as the butcher you count on for choice product and service.

Type 20 Liquor License:

The Department of Alcoholic Beverage Control requires a letter from the Governing body of the city of Costa Mesa stating Public Convenience or Necessity will be met, along with a recommendation for endorsement of a type 20 off-site Beer and Wine liquor license. Please consider this letter a request for that approval.

The sale of specialty wines and beer is not only essential to our business model but we believe it to be of true convenience and necessity to our customers. Though there are a few other specialty grocers in the area, no one in this census tract focuses on premium meats and artisan cheeses, and on pairing them with high-end wines and exotic beers. **The Meat House** specializes in this three-way pairing. On staff we have one of only 270 "Wine Educators" in the world; Mr. Tom Brock. Tom hand selects our wines to complement our core product and offers in-store classes on pairing our meats, cheeses and wines. The combination of our hard to find wine & beer, artisan cheeses and

premium choice meats creates a very unique shopping experience compatible with our neighboring businesses.

Though Wine and beer is essential to our business model, the majority of our sales in our existing stores are our meats and cheeses. This is our core product; it's why we are coming to Costa Mesa. Each and every other product in our store complements our core products -- it is there for our customer's convenience -- marinades, sauces, rubs, prepared produce ready for grilling, desserts, beer and wine etc.. Our customers can come in and pick up the ingredients for an entire premium home cooked meal, a unique BBQ, if they wish -- or simply some artisan cheeses, a baguette and a bottle of wine paired with the cheeses they chose.

The Meat House prides itself on being a positive asset to the community. Hosting and sponsoring an array of local charity events from our "Operation Thank You" annual fundraiser for the Chaplin Emergency Relief fund, to sponsoring the local little league and high school level teams -- something we do in every community we are in. The Meat House is always looking to be part of the solution.

The Meat House is not a liquor store or a convenience store. We are a high end specialty food provider. We complement our neighboring businesses well. Our business hours are 9am to 8pm. Staff uniforms require a Meat House button up collared shirt and tie. Company Policy prohibits the selling of cigarettes and products of abuse such as 40oz malt liquor, wine coolers, lottery tickets, and pornographic materials.

At the risk of being redundant, I can't emphasize enough that we are a high end specialty food provider bringing a well needed upscale market to Newport 17th Plaza.

Conclusion:

Our concept is the perfect fit for the location at 103 E 17 Street Suite 10 & 11. Currently within the Newport 17th Plaza is the best produce store in Orange County -- Growers Direct. Just down street; Santa Monica Seafood Co. is displaying one of, if not the best Seafood selections in all of Orange County. We look forward to rounding out this destination shopping experience by adding the finest Butcher Shop in Orange County.

Please reference our website www.TheMeatHouse.com for additional information.

Should you have any questions please do not hesitate to call.

We respectfully request approval of our Certificate of Convenience and Necessity for our Type 20 ABC license.

We look forward to seeing you in our store!

Sincerely,



Robert Hagopian

Brian Smith