

RESOLUTION NO. PC-2026-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PCUP-26-0005 TO ALLOW THE SALE OF ALCOHOL FOR ON-SITE CONSUMPTION UNTIL 12:00 A.M. WITHIN 200 FEET OF A RESIDENTIAL ZONE FOR A RESTAURANT (THREE EYED TIGER) AT 2930 BRISTOL STREET, UNIT B60

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

WHEREAS, Planning Application PCUP-26-0005 was filed by Zachary Scherer requesting approval of a Conditional Use Permit to allow the sale of alcohol for onsite consumption after 11:00 P.M. within 200 feet of a residential zone for a proposed restaurant (with an outdoor dining patio), Three Eyed Tiger, requesting to operate from 11:00 A.M. to 12:00 A.M., Tuesday through Saturday, and from 11:00 A.M. to 4:00 P.M. on Sundays;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 22, 2026, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from the provisions of CEQA pursuant to Section 15301 (Class 1, Existing Facilities); and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PCUP-26-0005 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PCUP-26-0005 and upon applicant's compliance with each and all of the conditions in Exhibit B, and

compliance of all applicable federal, state, and local laws. Any approval granted by this Resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

PASSED AND ADOPTED this 22nd day of June, 2026.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

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

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2026-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on June 22, 2026 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Carrie Tai, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2026-__

EXHIBIT A

FINDINGS

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

- a. **Finding:** The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings: The proposed hours of operation are substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area as the use is a proposed restaurant to be located within a commercial shopping center. The proposed restaurant will be located within an existing commercial space and proposes an outdoor dining patio that will be located outside all setback and vehicular circulation areas. This application seeks to allow late night hours of operation for a restaurant that serves alcoholic beverages, like other existing restaurants within the same subject property. The use is permitted by right and the extended hours of operation are conditionally permitted, subject to conditions of approval as included in this application.

- b. **Finding:** Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding: Granting the conditional use permit to extend the hours of operation 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 as the restaurant will be located within an existing commercial space and proposes an outdoor dining patio that is outside of any setback or vehicular circulation area. Additionally, the proposed use is located closer to Bristol Street than the residences located to the east of the subject property which reduces potential impacts to the sensitive uses in the immediate vicinity. No live entertainment, dancing, or other outdoor events are proposed as part of this project.

- c. **Finding:** Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The General Plan land use designation of the subject property is General Commercial, which is intended to permit a wide range of commercial uses that serve both local and regional needs. Pursuant to the Land Use Element of the city's General Plan, appropriate uses include those found in the Neighborhood Commercial designation, plus smaller retail stores, theaters, restaurants, hotels and motels, and automobile sales and service establishments. The subject property is also located within the SoBECA Urban Plan area, which allows for a mix of housing and retail/service commercial businesses, light industrial uses, creative studios, retail campuses, and entertainment and restaurant uses. The use is consistent with both the General Plan and the SoBECA Urban Plan for the area and would not propose a density or intensity not in accordance with the land use designation as the location is not proposing an increase in the gross floor area of the site since the new outdoor dining patio does not meet the definition for gross floor area as established in CMMC Section 13-6.

B. Pursuant to CMMC Section 13-29(e), all planning applications shall be reviewed for consistency with the following review criteria. Below is a summary of the project's conformity with each criterion

1) *Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.*

The proposed project is compatible and harmonious with the development and uses of the surrounding properties as the proposed restaurant use is permitted in the C2 zone and would provide a service that is consistent with the underlying zone and land use policies of the SoBECA urban plan. The subject property currently includes similar restaurant uses, and the proposed project would add to the mix of restaurant businesses available at the LAB.

2) *Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.*

Safety and compatibility are maintained through the proposed project design as the proposed outdoor dining area shall be located within a courtyard area on the interior of the subject property. There will be no increase to the gross floor area of the existing building, as the proposed tenant improvements will be made to the interior of the existing tenant space and the proposed outdoor dining area will not be fully enclosed. No parking spaces will be impacted through this project, and as such, automobile circulation will not be impacted. Pedestrian circulation will still be maintained as the outdoor dining patio will be separated and enclosed with a low wall and shade structure.

3) *Compliance with any performance standards as prescribed in the Zoning Code.*

All performance standards have been deemed to be met as described in the analysis section of this report.

4) *Consistency with the General Plan and any applicable specific plan.*

The property has a General Plan designation of General Commercial and is also located within the SoBECA urban plan area. Under the General Plan designation, the proposed use is permissible. The proposed project conforms to the City's General Plan including Policy LU-1.1 and Policy LU-6.1 as described later in this report.

5) *The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.*

The zoning application is for a unique project-specific case at a unique site with special circumstance and will not be precedent setting for future development.

6) *When more than one planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.*

The proposed project includes only one application, of which the cumulative effect has been considered through this report.

- C. **Environmental Determination.** The project is categorically exempt from the provisions of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) for the permitting and/or minor alteration of existing facilities. The project involves a negligible expansion of the use as it proposes a new 500-square-foot outdoor dining area. The proposed outdoor dining area falls well below the established limit of 2,500 square feet as specified in CEQA Section 15301. As conditioned and proposed, the project will have little or no impact on the surrounding area. There will be no resulting increase in the existing floor area of the tenant space. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 apply. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use of this tenant space for shall comply with the approved plans and these conditions of approval. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit. Modifications are subject to the final review authority determined by the Economic and Development Services Director or his/her designee.
 2. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approval granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
 3. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business shall institute whatever security measures are necessary to comply with this requirement.
 4. The applicant shall maintain areas that are under the applicant's control and ensure areas are well maintained and free of litter.
 5. There shall be no sales of alcoholic beverages for off-site consumption.
 6. For establishments with a State Alcoholic Beverage Control (ABC) License, all sales and service staff (within 90 days of hire) shall complete Responsible Beverage Service (RBS) training with a provider approved by the California Department of Alcoholic Beverage Control. A copy of the training certificates shall be kept on premises and presented to any authorized City official upon request.

7. A copy of the conditions of approval for the conditional use permit shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
8. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
9. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
10. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or it, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
11. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances; 3) one or more of the findings upon which the approval was based are no longer applicable; 4) the approval was obtained through fraudulent, erroneous, or misleading information; 5) the use is being operated in an illegal or disorderly manner; 6) the terms or conditions of approval of the conditional use permit have been violated; 7) the use creates an adverse impact on the health, safety, or welfare of surrounding properties and uses; or 8) the use is operated in violation of ABC rules and regulations.
12. Any music in the outdoor areas shall be limited to background-level only. The sound level shall not exceed 60 decibels, as measured at the center of the patio.
13. 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.

14. The sale, service, and consumption of alcoholic beverages shall be limited to the approved hours of operation and shall cease no later than 12:00 A.M., Tuesday through Saturday, and 4:00 P.M. on Sundays.

CODE REQUIREMENTS

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

- PIng.
1. Permits shall be obtained for all signs and window signs according to the provisions of the Costa Mesa Sign Ordinance.
 2. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
 3. All noise-generating construction activities shall be limited to 7AM to 7PM Monday through Friday and 9AM to 6PM. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
 4. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
 5. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
 6. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to Building Division's final inspection. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.