



Agenda Item

Planning Commission

Item #: 3.1.

11/4/2024

File #: 24-0647

TO: Chair and Members of the Planning Commission
THRU: Anna Pehoushek, Assistant Community Development Director
FROM: Arlen Beck, Associate Planner

1. SUBJECT

A Public Hearing to consider a request by Orange Wine Inc. for a Type 21 ABC License (Off-Sale General) at an existing convenience store located at 1095 N. Glassell Street and finding of CEQA Exemption (Conditional Use Permit No. 3217).

2. SUMMARY

The applicant, Orange Wine Inc. (Mark Alballatc), proposes to upgrade an existing State of California Department of Alcoholic Beverage Control Type 20 license (Off-Sale Beer and Wine) to a new ABC Type 21 license (Off-Sale General) to allow a full range of alcoholic beverage sales for off-site consumption at an existing convenience store located at 1095 N. Glassell Street. This request was continued at the April 15, 2024, Planning Commission hearing.

3. RECOMMENDED ACTION

1. Adopt Planning Commission Resolution No. PC 10-24 approving Conditional Use Permit No. 3217, allowing a full range of alcoholic beverage sales for off-site consumption in conjunction with a new State of California Department of Alcoholic Beverage Control (ABC) Type 21 license (Off-Sale General) at an existing convenience store located at 1095 N. Glassell Street.
2. Find the proposal exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Table 17.08.020 and Sections 17.10.030.C. and 17.30.030 authorize the Planning Commission to review and take action on a request for a Conditional Use Permit to allow a full range of alcoholic beverage sales for off-site consumption.

5. PROJECT BACKGROUND

In 1998, the Planning Commission approved CUP No. 2263-98 which permitted the sale of beer and wine for off-site consumption at an existing convenience store.

On August 1, 2022, the Planning Commission denied Conditional Use Permit (CUP) 3134 for the sale of a full range of alcoholic beverages for off-site consumption. As noted in the Resolution (Attachment 2), the Planning Commission found they could not make the findings based on the crime statistics for Reporting District (RD) 65W and the reporting district across N. Glassell Street RD-35E.

On April 15, 2024, the Planning Commission considered an identical request for full the sale of a full range of alcoholic beverages for off-site consumption and moved to continue the item to a date uncertain to allow staff and the applicant to provide additional information.

Prior to returning to the Planning Commission, staff met with the Police Department to obtain prior years of RD-65W, which is considered in staff's recommendation of the project and outlined in the Project Analysis section below.

| | |
|---|---|
| <i>Applicant:</i> | Orange Wine Inc. (Mark Alballatc) |
| <i>Property Owner</i> | SGB, LLC |
| <i>Property Location</i> | 1095 N. Glassell Street |
| <i>Existing General Plan Land Use Element Designation</i> | Low Density Residential (LDR) |
| <i>Existing Zoning Classification</i> | Limited Business (C-1) |
| <i>Old Towne</i> | N/A |
| <i>Specific Plan/PC</i> | N/A |
| <i>Site Size</i> | 12,400 sq ft |
| <i>Circulation</i> | North Glassell Street is a major arterial and East Quincy Avenue is a local street with pedestrian and vehicular access to both streets. |
| <i>Existing Conditions</i> | 2,400 sq ft tenant space within an existing 4,500 sq ft building with 13 on-site parking spaces. |
| <i>Surrounding Land Uses and Zoning</i> | Commercial Offices (C-1 to the North and South) Single-Family Residences (R-1-6 to the North and East), and Mobile Home Park (M-H to the west). |
| <i>Previous Applications/Entitlements</i> | Resolution No. PC 98-98 approving Conditional Use Permit 2263-98, to allow the sale of beer and wine for off-site consumption at an existing convenience store. |

6. PROJECT DESCRIPTION

The applicant proposes to upgrade an existing ABC Type 20 License (Off-Sale Beer and Wine) to an ABC Type 21 License (Off-Sale General) to allow the sale of a full range of alcoholic beverages for off-site consumption.

The market currently provides a variety of products including a deli counter, produce, pre-packaged food, beverages, as well as beer and wine (Attachment 3). Beer and wine are currently stored in refrigerated coolers. The proposed liquor items for sale would be stored in a secure storage room and displayed behind the cashier counter only accessible to employees.

There is one primary customer entrance/exit at the front of the building and secondary exit doors at the back. The hours of operation would remain, 7:00 a.m. to 10:00 p.m., daily. No changes to the exterior of the building or the site plan are proposed (Attachment 4).

7. PROJECT ANALYSIS

Potential New Conditions

The existing CUP has only seven conditions of approval. The applicant's request for an upgraded license provides the City with an opportunity to impose the City's current standards for conditions of approval for alcohol outlets to help protect the health, safety, and general welfare of the community which include, but are not limited to:

- A one-year review of the subject site and operations to identify uniquely adverse issues such as curfew, loitering, vandalism, criminal activity, noise, or nuisance (Condition No. 3).
- Gross sales of alcohol shall not exceed non-alcohol sales (Condition No. 4).
- Limits to the size and quantity of beer, malt beverage, and wine cooler containers (Condition No. 21 & 23).
- Limits floor area dedicated to alcohol sales and display to 15% (Condition No. 24).
- No exterior advertising for alcoholic beverages, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages (Condition 37).

Sensitive Receptors

For the findings, the Planning Commission shall consider whether the proposed use will:

1. Adversely affect the welfare of the surrounding community
2. Result in an undue concentration of premises for the sale of alcoholic beverages
3. Detrimentially affect nearby residentially zoned districts after giving consideration to the proposed hours of operation
4. Detrimentially affect the proximity to the following:
 - A. Residential buildings.
 - B. Churches, schools, hospitals, public playgrounds, and other similar uses.
 - C. Other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

Below is a list of sensitive receptors identified within the vicinity (600-foot radius) of the subject property as outlined by Orange Municipal Code Section 17.30.040:

| Sensitive Receptors | | |
|---|-------------------|--|
| Receptor | Address | Distance to Project Site |
| <i>Carriage Mobile Estates</i> | 201 W Collins Ave | 85 feet west of the project site |
| <i>Multi-Family Residential Dwellings</i> | W Wilson Ave | 90 feet north-west of the project site |

| | | |
|--|---|---|
| <i>Single-Family Residential Dwellings</i> | E Quincy Ave, E Adams Ave, and E Wilson Ave | 0-600 feet north and east of project site |
|--|---|---|

There are no other active, pending, or proposed ABC licenses, churches, schools, hospitals, public playgrounds, and other similar uses, within a 600-foot radius of the site (see Attachment 5). While there are sensitive land uses in the vicinity of the site, there is no direct access to the site from these properties. Approval of the CUP for alcohol sales, with the new conditions of approval, is unlikely to impact the sensitive receptors identified above.

Census Tract Concentration of ABC Licenses

According to the State Department of Alcoholic Beverage Control data, Census Tract 762.05 is considered over-concentrated, see the table below. Approval of the Type 21 license from a Type 20 license would not result in an additional license in the Census Tract.

| Alcohol Licenses | | |
|-------------------------|----------------|-----------------|
| License Type | Allowed | Existing |
| <i>On-Sale Licenses</i> | 9 | 18 |
| <i>Off-Sale</i> | 4 | 10 |

Crime Statistics for Reporting District 65w

As shown in the table below, Orange Police Department crime statistics show a downward trend of crimes and arrests in RD-65W

RD-65W is not considered a high crime area because reported crimes are less than 20% above the average of reported crimes citywide. For 2024, up to early October, there are 46 reported crimes/arrests for RD-65W, showing a similar trend in crime (Attachment 6).

| Crime Statistics for Reporting District 65w | | | |
|--|---|---|---------------------------|
| Reporting Year | Reported Crimes/Arrests for Reporting District 65w | Average of Reported Crimes for all Reporting Districts | Percent Difference |
| 2020 | 66 | 74 | -11% |
| 2021 | 82 | 71 | -15% |
| 2023 | 63 | 85 | -26% |

Given the downward trend in crime in RD-65W and the proposed conditions of approval, the sale of a full range of alcoholic beverages for off-site consumption at this location is not expected to contribute to crime statistics in the area or create an undue burden on public safety resources.

8. PUBLIC NOTICE

On October 24, 2024, a public notice was posted at the project site, and the City sent a Public Hearing Notice to a total of 357 property owners/occupants within a 400-foot radius of the project site

and persons specifically requesting notice.

9. ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 - Existing Facilities) because the project consists of licensing the sale of a full range of alcoholic beverages for off-site consumption at an existing convenience store, and results in no expansion of use beyond that existing at the time of the City's determination.

10. ADVISORY BOARD ACTION

None required.

11. ATTACHMENTS

- Attachment 1 - Planning Commission Resolution No. PC 10-24
- Attachment 2 - Planning Commission Resolution No. PC 09-22
- Attachment 3 - Applicant Business Narrative Letter
- Attachment 4 - Site Plan and Floor Plan
- Attachment 5 - Planning Commission Evaluation Map
- Attachment 6 - Crime Statistics provided by the Orange Police Department
- Attachment 7 - Vicinity Map
- Attachment 8 - Site Photos