



Agenda Item

Planning Commission

Item #: 5.2.

2/20/2025

File #: 25-0001

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Ryan Agbayani, Associate Planner

1. SUBJECT

Public Hearing to consider a request to allow the sale of beer and wine for on-site consumption at a restaurant located at 765 The City Drive South #130 and finding of CEQA Exemption (Conditional Use Permit No. 3232).

2. SUMMARY

The applicant, HiroNori Orange, LLC, is requesting to serve beer and wine under a California Department of Alcoholic Beverage Control (ABC) Type 41 License (On-Sale Beer and Wine - Eating Place) at an existing restaurant located at 765 The City Drive South #130.

3. RECOMMENDED ACTION

1. Adopt Planning Commission Resolution No. PC 01-25. A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3232, allowing the sale of beer and wine for on-site consumption in conjunction with a State of California Department of Alcoholic Beverage Control Type 41 License (On-Sale Beer and Wine - Eating Place) at a restaurant located at 765 The City Drive South #130.
2. Find the proposed project exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 - Existing Facilities).

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 (CUP) to allow the sale of beer and wine for on-site consumption at a restaurant.

5. PROJECT BACKGROUND

Applicant:	HiroNori Orange, LLC (Hiromichi Igarashi)
Property Owner	Astiva Health, Inc. c/o Lincoln Property Company
Property Location	765 The City Drive South #130
Existing General Plan Land Use Element Designation	Urban Mixed Use 1.5 - 3.0 FAR (UMIX)

Existing Zoning Classification	Urban Mixed Use (UMU)
Old Towne	No
Specific Plan/PC	N/A
Site Size	153,748 sq. ft. (site); 99,835 sq. ft. (building); 1,818 sq. ft. (tenant space)
Circulation	Primary access to the property is from an existing two-way driveway on The City Drive South (to the west) and an existing two-way driveway on W. Memory Lane (to the south). The property also has reciprocal access to the parking lot of the property to the north.
Existing Conditions	The site is located on the east side of The City Drive South with W. Memory Lane to the south. It is developed with a multi-story multi-tenant commercial office building and a surface off-street parking lot.
Surrounding Land Uses and Zoning	<u>North:</u> Existing multi-level office building and surface parking lot (UMU). <u>South:</u> Memory Lane Park (City of Santa Ana) <u>East:</u> Santa Ana River Trail (R-O) <u>West:</u> Existing commercial center and Best Western Plus Hotel (UMU)
Previous Applications/Entitlements	None

6. PROJECT DESCRIPTION

The applicant proposes to sell beer and wine at an existing restaurant, HiroNori (Craft Ramen), with a State of California Department of Alcoholic Beverage Control (ABC) Type 41 License (On-Sale Beer and Wine - Eating Place). The restaurant has a total of 24 seats within the interior dining area. The proposed hours of operation are 11:00 a.m. to 3:00 p.m. for lunch, and from 5:00 p.m. to 10:00 p.m. for dinner, daily.

The restaurant occupies an individual tenant suite on the first floor of the existing multi-level building with primary access from the interior open-air courtyard. The overall building is occupied by multiple office-type uses. No changes are proposed to the lot size, building square footage, or tenant space as part of this request. The applicant's business narrative letter is included as Attachment 3.

Staff acknowledges the applicant's specifically defined hours of operation; however, staff's recommendation is to allow for expanded hours of operation in Condition #15 of the Resolution to allow for greater flexibility if the operator chooses to expand their hours of operation in the future (Sunday through Thursday, from 7:00 a.m. to 10:00 p.m., and Friday and Saturday, from 7:00 a.m. to 12:00 a.m. (midnight)). Similarly, any subsequent business tenant operator at this site will also have greater flexibility to expand their hours of operation, without having to modify the CUP at a future Planning Commission public hearing.

7. PROJECT ANALYSIS

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

There are no other establishments selling alcoholic beverages within the vicinity (600-foot radius) of the subject property. Other sensitive receptors within the vicinity include single-family and multi-family residences and an assisted living and memory care facility.

Sensitive Receptors

Establishment Name	Address	Distance to Project Site
Public Park (Memory Lane Park)	1560 W. Memory Lane (City of Santa Ana)	114 feet
Multi-Family Residential Apartments (Vista Del Rio Apartments)	1600 W. Memory Lane (City of Santa Ana)	122 feet
Assisted Living and Memory Care Facility (Oakmont of Orange)	630 The City Drive South	165 feet
Single-Family Residential Dwellings	(City of Santa Ana)	240 feet
Duplex Residential Dwellings	3433-3445 W. Park Balboa Avenue	376 feet

While there are sensitive land uses in the vicinity of the site, they do not have direct access to the business tenant space, and the sale of alcohol would be accessory to the sale of food within the restaurant. Approval of the CUP for alcohol sales, with the proposed conditions of approval, is unlikely to directly impact the sensitive receptors identified above.

Census Tract Concentration:

The business is located within Census Tract 761.02. This Census Tract is considered over-concentrated with On-Sale Licenses and at the limit for allowed Off-Sale Licenses.

Alcohol Licenses

License Type	Existing	Allowed
On-Sale Licenses	16	10

Off-Sale Licenses	4	4
-------------------	---	---

Crime Statistics for Reporting District 31:

Orange Police Department (OPD) crime statistics show the subject site is located within a high crime area, because reported crimes are more than 20% above the average reported crimes citywide. The table below shows the OPD crime statistics for Reporting District 31 compared to the citywide average.

Crime Statistics

Reporting District	Reported Crimes and Arrests	Citywide Average Crimes and Arrests	Percent Difference
31	112	85	32%

The sale of alcohol at a restaurant at this location is not expected to contribute to crime in the area or create an undue burden on public safety resources with the recommended conditions of approval. Staff does not anticipate that the use will create a negative impact on neighboring land uses, because the restaurant (as conditioned) is compatible with the mix of uses within the surrounding area, has defined hours of operation, will be adequately staffed, and the primary use will be a full-service restaurant. Should the Planning Commission approve the CUP, the standard conditions of approval for the safe operation of the restaurant with alcohol service will be included.

Project Conditions:

The applicant's request for a Type 41 ABC License provides the City with an opportunity to impose standards and conditions of approvals for restaurants serving alcoholic beverages in conjunction with food to protect the health, safety, and general welfare of the nearby neighborhood and overall 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. 6).
- Gross sales of alcohol shall not exceed non-alcohol sales (Condition No. 8).
- Alcohol shall only be consumed within the defined dining areas (Condition No. 13).
- Alcoholic beverages are only to be served in conjunction with food (Condition No. 18).
- Food service must be made available until closing time on each day of operation (Condition No. 19).
- Live entertainment on the premises is prohibited (Condition No. 31).

8. PUBLIC NOTICE

On February 6, 2025, the City sent a Public Hearing Notice to a total of 162 property owners and occupants within a 400-foot radius of the project site and persons specifically requesting notice. The project site was posted in two locations with notification on that same date.

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 beer and wine for on-site consumption at an existing restaurant within a mixed-use area and results in no physical expansion of the restaurant tenant space 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 01-25
- Attachment 2 - Vicinity Map
- Attachment 3 - Applicant Business Narrative Letter
- Attachment 4 - Site Plan
- Attachment 5 - Floor Plan
- Attachment 6 - Restaurant Menu
- Attachment 7 - Site Photos
- Attachment 8 - Orange Police Department Memorandum
- Attachment 9 - Planning Commission Evaluation Map