



Agenda Item

Planning Commission

Item #: 4.1.

5/5/2025

File #: 25-0188

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Ryan Agbayani, Senior 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 2202 N. Tustin Street, Suite C and finding of CEQA Exemption (Conditional Use Permit No. 3237).

2. SUMMARY

The applicant, Mr. Moto Pizza, 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 a restaurant located at 2202 N. Tustin Street, Suite C.

3. RECOMMENDED ACTION

1. Conduct and close Public Hearing; and
2. Adopt Planning Commission Resolution No. PC 04-25 approving Conditional Use Permit No. 3237, 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 new restaurant.
3. 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:	Orange Moto Corp (Gibran Fernandez)
Property Owner	THE VILLAGE AT ORANGE, LLC
Property Location	2202 N. Tustin Street, Suite C
Existing General Plan Land Use Element Designation	General Commercial (GC)

Existing Zoning Classification	Limited Business Tustin Redevelopment Project Area (CT-R)
Old Towne	No
Specific Plan/PC	N/A
Site Size	1,527,708 sq ft (lot); 1,500 sq ft (tenant space)
Circulation	Primary access to the location is from E. Village Way to the north and a secondary two-way driveway (to the south).
Existing Conditions	The pad site is located on the west side of N. Tustin Street with E. Village Way to the north. It is developed with a multi-tenant commercial building within The Village at Orange commercial center.
Surrounding Land Uses and Zoning	<u>North:</u> Existing drive-thru restaurant and inventory lot for Villa Ford of Orange car dealership (CT-R) <u>South:</u> Existing detached commercial buildings with associated surface parking lots (CT-R) <u>East:</u> Existing multi-tenant commercial centers (CT-R) <u>West:</u> Former JC Penny commercial building and surface parking lot (CT-R)
Previous Applications/Entitlements	None

6. PROJECT DESCRIPTION

The applicant proposes to sell beer and wine at a new restaurant, Mr. Moto Pizza, 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 22 seats within the interior dining area. The proposed hours of operation are 11:00 a.m. to 10:00 p.m., daily.

The restaurant occupies an individual tenant suite on the north side of the building. No changes are proposed to the lot size, building square footage, or tenant space square footage as part of this request. The applicant's business narrative letter is included in 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 #14 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

Staff believes that the proposed CUP is appropriate for the location given the character of The Village at Orange, a commercial shopping center where retail and dining establishments are expected to be concentrated.

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. Detrimentally effect nearby residentially zoned districts after giving consideration to the proposed hours of operation
4. Detrimentally 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

Existing Licenses Within a 600-Foot Radius

Establishment Name	Address	License Type
Buffalo Wild Wings	1500 E. Village Way, Suite 2203	Type 47 (On-Sale General - Eating Place)
Chipotle Mexican Grill	2202 N. Tustin Street, Suite A	Type 47 (On-Sale General - Eating Place)
Patagonia Empanadas	2279 N. Tustin Street	Type 41 (On-Sale Beer and Wine - Eating Place)
Red Robin Gourmet Burgers	1500 E. Village Way, Suite 2199	Type 47 (On-Sale General - Eating Place)

Other sensitive receptors within the vicinity include existing multi-family residences.

Sensitive Receptors Within a 600-Foot Radius

Establishment Name	Address	Distance to Project Site
Multi-Family Residential Dwellings (Coco Palms HOA)	2295 N. Tustin Street	360 feet east of the project site

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 762.08. This Census Tract is considered over-concentrated with both On-Sale Licenses and Off-Sale Licenses.

Alcohol Licenses

License Type	Existing	Allowed
On-Sale Licenses	17	7

Off-Sale Licenses	8	3
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Crime Statistics for Reporting District 77s:

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 77s compared to the citywide average.

Crime Statistics

Reporting District	Reported Crimes and Arrests	Citywide Average Crimes and Arrests	Percent Difference
77s	298	87	243%

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 includes, but are not limited to:

- Gross sales of alcohol shall not exceed non-alcohol sales (Condition No. 7).
- Alcohol shall only be consumed within the defined dining areas (Condition No. 12).
- Alcoholic beverages are only to be served in conjunction with food (Condition No. 17).
- Food service must be made available until closing time on each day of operation (Condition No. 18).
- Live entertainment on the premises is prohibited (Condition No. 30).

The recommended conditions of approval serve to mitigate potential negative impacts to the surrounding development and preserve the general welfare of the community.

8. PUBLIC NOTICE

Notice was provided to property owners and occupants within 300 feet of the project site on or before April 24, 2025, and the site was posted with a notice on or before that 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 a restaurant within a commercial 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 04-25
- Attachment 2 - Vicinity Map
- Attachment 3 - Applicant Business Narrative Letter
- Attachment 4 - Site Plan and Floor Plan
- Attachment 5 - Restaurant Menu
- Attachment 6 - Site Photos
- Attachment 7 - Orange Police Department Memorandum
- Attachment 8 - Planning Commission Evaluation Map