



Agenda Item

Planning Commission

Item #: 3.1.

12/2/2024

File #: 24-0686

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Arlen Beck, Associate Planner

1. SUBJECT

Public Hearing to consider a request by 191 Retail, LLC, dba Fellows Hall for a Type 47 ABC License (On-Sale General - to allow the sale of alcoholic beverages for onsite consumption) at a proposed restaurant located at 180 N. Grand Street and finding of CEQA Exemption (Conditional Use Permit No. 3231).

2. SUMMARY

The applicant, 191 Retail, LLC (Fellows Hall), is requesting to serve a full range of alcoholic beverages with food at a proposed restaurant with a State of California Department of Alcoholic Beverage Control Type 47 license (On-Sale General - Eating Place).

3. RECOMMENDED ACTION

1. Adopt Planning Commission Resolution No. PC 34-24. A resolution of the Planning Commission approving Conditional Use Permit No. 3231, allowing the sale of alcoholic beverages for onsite consumption in conjunction with a State of California Department of Alcoholic Beverage Control Type 47 license (On-Sale General - Eating Place) at a proposed restaurant located at 180 N. Grand Street.
2. Find the request categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15301 of the State CEQA Guidelines.

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 the sale of alcoholic beverages for on-site consumption in conjunction with a restaurant.

5. PROJECT BACKGROUND

In 2020, First Presbyterian Church of Orange filed an application for a Tentative Parcel Map to create two new parcels totaling 9,358 sq ft and 40,451 sq ft at the existing church campus. The 40,451 sq ft parcel contains the project site (formerly the preschool), a chapel, and a sanctuary building (Attachment 2).

<i>Applicant:</i>	191 Retail, LLC dba Fellows Hall
<i>Property Owner</i>	First Presbyterian Church of Orange

<i>Property Location</i>	180 N. Grand Street
<i>Existing General Plan Land Use Element Designation</i>	Old Towne Mixed Use 15, 0.5 - 1.0 FAR (OTMIX-15)
<i>Existing Zoning Classification</i>	Old Towne Mixed Use-15 (OTMU-15)
<i>Old Towne</i>	Yes
<i>Specific Plan/PC</i>	N/A
<i>Site Size</i>	Parcel: 40,451 sq ft Tenant Space: 5,000 sq ft
<i>Circulation</i>	Primary access to the property is from N. Orange Street and E. Maple Avenue.
<i>Existing Conditions</i>	The site is located on the east side of N. Orange Street, immediately south of the former first Presbyterian Christian education center (currently under construction). The proposed tenant space for the restaurant is the former First Presbyterian pre-school facility.
<i>Surrounding Land Uses and Zoning</i>	<u>North</u> : Office/Restaurant (under construction) (OTMU-15) <u>South</u> : Event Center (Grand Gimeno) (OTMU-15) <u>East</u> : Existing Church (First Presbyterian Church of Orange (OTMU-15) <u>West</u> : Existing office building (Architects Orange) and a surface parking lot (OTMU-15)
<i>Previous Applications/Entitlements</i>	Tentative Parcel Map 0015 for the creation of two new parcels totaling 0.51 acres and 0.93 acres at an existing church campus.

6. PROJECT DESCRIPTION

The applicant proposes a 5,000 sq ft restaurant, Fellows Hall, with a State of California Department of Alcoholic Beverage Control (ABC) Type 47 License (On-Sale General - Eating Place). The restaurant includes a total of 210 seats with two outdoor seating areas (Attachment 3). The patio area along N. Orange Street, providing 72 seats, will be raised to the same elevation as the finished floor of the building, which is approximately two feet from the sidewalk elevation, and will be enclosed by an existing solid wall abutting the sidewalk (Attachment 4). The other outdoor seating area is located at the rear of the site (northeast corner) with 36 seats and enclosed by building walls and fixed railing. The applicant's letter of explanation is included with the following proposed hours of operation (Attachment 5):

Proposed Operating Hours	
Sunday - Thursday	7:00 am - 10:00 pm
Friday - Saturday	7:00 am - 12:00 am (midnight)
Proposed Outdoor Seating Hours	
Daily	7:00 am - 10:00 pm

7. PROJECT ANALYSIS

Adaptive Re-use of the Structure

The adaptive re-use of the vacant pre-school building to a restaurant use is logical and appropriate given the site's location in the Old Towne downtown core, and interface with an event center, offices, other restaurants, and a public parking lot. Consideration of the proposed alcohol sales in relation to

nearby sensitive receptors, existing alcohol licenses, and crime statistics is warranted.

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 affect 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.

There are 20 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 two churches (see Attachment 6). Below is a list of sensitive receptors identified within the vicinity of the subject property as outlined by Orange Municipal Code Section 17.30.040:

Sensitive Receptors

Establishment Name	Address	Distance to Project Site
<i>Single-Family Dwellings</i>	E. Maple Ave. & N. Grand St.	50 - 600 feet
<i>Multi-Family Dwellings (2nd story apartments)</i>	Plaza Square	300 feet
<i>First Presbyterian Church of Orange</i>	180 N. Grand St.	0 feet
<i>Son Light Church</i>	172 N. Glassell St.	600 feet

While there are sensitive land uses in the vicinity of the site, approval of the CUP for alcohol sales, with the proposed conditions of approval, is unlikely to impact the sensitive receptors identified above. The food and beverage service areas are provided in the building or patio areas that are surrounded by walls.

Census Tract Concentration:

The business is located within Census Tract 759.01. This Census Tract is considered overconcentrated with On-Sale and Off-Sale Licenses.

Alcohol Licenses in Census Tract 760.01		
License Type	Allowed	Existing
<i>On-Sale Licenses</i>	5	19
<i>Off-Sale Licenses</i>	2	4

Crime Statistics for Reporting District 23w:

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 of reported crimes citywide. The table below shows the OPD crime statistics for RD-23W compared to the citywide average.

Crime Statistics

Reporting District	Reported Crimes and Arrests	Citywide Average Crimes and Arrests	Percent Difference
61	115	85	35%

The sale of alcohol at a restaurant in 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, will be adequately staffed, and the primary use will be a 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 47 ABC License provides the City with an opportunity to impose standards and conditions of approval 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. 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. 31).

8. PUBLIC NOTICE

On November 21, 2024, a public notice was posted at the project site, and the City sent a Public Hearing Notice to a total of 231 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 alcoholic beverages at a proposed restaurant in an existing building that results in negligible or 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 34-24
- Attachment 2 - Vicinity Map
- Attachment 3 - Floor Plan
- Attachment 4 - Project Elevations
- Attachment 5 - Applicant Business Narrative Letter
- Attachment 6 - Planning Commission Evaluation Map
- Attachment 7 - Orange Police Department Memorandum