



# Agenda Item

## Planning Commission

Item #: 3.2

8/1/2022

File #: 22-0403

**TO:** Chair and Members of the Planning Commission

**THRU:** Anna Pehoushek, Assistant Community Development Director

**FROM:** Vidal F. Márquez, Assistant Planner

### 1. SUBJECT

Resolution of Denial for Conditional Use Permit No. 3134-21, Orange Wine, Inc., 1095 N. Glassell Street

### 2. SUMMARY

Adopt a resolution denying a request to upgrade an existing State of California Department of Alcoholic Beverage Control (ABC) Type 20 License (Off-Sale Beer and Wine) to a new ABC Type 21 License (Off-Sale General) within an existing market at 1095 North Glassell Street.

### 3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 09-22 entitled:

A Resolution of the Planning Commission of the City of Orange denying Conditional Use Permit No. 3134-21, a request to upgrade an existing State of California Department of Alcoholic Beverage Control (ABC) Type 20 License (Off-Sale Beer and Wine) to a new ABC Type 21 License (Off-Sale General) within an existing 2,400 square foot convenience store, located at 1095 North Glassell Street.

### 4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Table 17.08.020, Section 17.10.030.C. and Section 17.30.050.4. authorize the Planning Commission to review and take action on a change from an off-sale beer and wine license to an off-sale general license.

### 5. PROJECT BACKGROUND

<i>Applicant:</i>	Orange Wine Inc.
<i>Property Owner</i>	SBG, LLC
<i>Property Location</i>	1095 North 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 Square Feet
<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 square foot tenant space within an existing 4,500 square foot 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>	CUP No. 2263-98, PC Resolution No. 98-98 to allow the off-sale of beer and wine for an existing food market.

## 6. PROJECT DESCRIPTION

Orange Wine Inc., dba Orange Wine & Spirits Market proposed to upgrade an existing ABC Type 20 License (Off-Sale Beer and Wine) to a new ABC Type 21 License (Off-Sale General) within an existing market. The market provides a variety of products including a deli counter, produce, pre-packaged food, and beverages, including beer and wine. In 1998, the Planning Commission approved Conditional Use Permit No. 2263-98 that permitted the off-sale of beer and wine within an existing market.

At the August 2, 2021, Planning Commission meeting, the Commission considered the CUP application, continued the public hearing to a future date and requested additional crime data from the operator's establishments in Orange and one location in Fullerton.

At the June 20, 2022 Planning Commission public hearing, the Orange Police Department provided the requested additional data and also provided recent crime statistics for the 2021 year. Based on this additional information the Planning Commission determined it could not make the necessary findings to support the request. A motion was made to approve the request and the motion failed to carry by a 2-2 vote. A second motion was made to deny the request and the motion was carried by a 3-1 vote. The minutes of the August 2021 and June 2022 meetings are provided in Attachments 3 and 4.

## 7. ENVIRONMENTAL REVIEW

**Categorical Exemption:** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act per State CEQA Guidelines 15270(a), because CEQA does not apply to projects which a public agency rejects or disapproves.

## 8. ATTACHMENTS

- Attachment 1 Planning Commission Resolution No. PC 09-22
- Attachment 2 Planning Commission Staff Report June 20, 2022
- Attachment 3 Draft Planning Commission Meeting Minutes June 20, 2022
- Attachment 4 Planning Commission Meeting Minutes August 2, 2021