



Agenda Item

Planning Commission

Item #: 7.1.

9/20/2021

File #: 21-0359

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Marissa Moshier, Historic Preservation Planner

1. SUBJECT

Public Hearing: Conditional Use Permit No. 3140-21, Finney's Crafthouse & Kitchen, 204 W. Chapman Avenue

2. SUMMARY

The applicant proposes to serve beer, wine, and spirits with a State of California Department of Alcoholic Beverage Control Type 47 License (On-Sale General - Eating Place) at a new restaurant in the Old Towne Historic District.

3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 22-21 entitled:

A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3140-21 for a State of California Department of Alcoholic Beverage Control Type 47 License (On-Sale General - Eating Place) for a restaurant located at 204 W. Chapman Avenue.

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 Conditional Use Permits. A Conditional Use Permit (CUP) is required for the sale of alcoholic beverages within the Santa Fe Depot Specific Plan Old Towne Mixed Use-24 zone.

5. PROJECT BACKGROUND

<i>Applicant:</i>	Finney's Crafthouse & Kitchen
<i>Property Owner</i>	The Ricci Family Revocable Trust dated 2/11/06
<i>Property Location</i>	204 W. Chapman Avenue
<i>Existing General Plan Land Use Element Designation</i>	Old Towne Mixed Use 24 (OTMIX24)
<i>Existing Zoning Classification</i>	Old Towne Mixed Use 24 (OTMU-24)(SP)
<i>Old Towne</i>	Yes
<i>Specific Plan/PC</i>	Santa Fe Depot Specific Plan
<i>Site Size</i>	11,761 square foot
<i>Circulation</i>	Pedestrian access from W. Chapman Avenue and S. Olive Street. W. Chapman Avenue is a collector street in the City Master Plan of Streets and Highways.
<i>Existing Conditions</i>	Historic one-story 6,600 square foot commercial building
<i>Surrounding Land Uses and Zoning</i>	Surrounding properties contain a mix of commercial uses on the ground floor with offices or residential units above. Surrounding zoning is Old Towne Mixed Use-15 or -24. Properties on the west side of Olive Street, to the north, south, and west, are located in the Santa Fe Depot Specific Plan. Properties to the east are outside of the Specific Plan area. A City-owned surface parking lot and the Orange Senior Center are located to the south.
<i>Previous Applications/Entitlements</i>	Design Review No. 5022-21 and Minor Site Plan Review No. 1034-21 for rehabilitation of the historic building and conversion to a restaurant approved by the Design Review Committee on September 1, 2021.

6. PROJECT DESCRIPTION

The applicant proposes to serve beer, wine, and spirits at a new restaurant, Finney's Crafthouse & Kitchen, with a State of California Department of Alcoholic Beverage Control (ABC) Type 47 License (On-Sale General - Eating Place). The restaurant has 167 seats inside the building and an outdoor patio with 78 seats.

The restaurant hours of operation are Monday through Thursday, 11:00 a.m. to midnight, Friday through Saturday, 11:00 a.m. to 1:00 a.m., and Sunday, 9:00 a.m. to midnight. The restaurant will have between 20 to 35 employees per shift.

Restaurants are permitted by right in the OTMU-24 zone. Changes to the historic building and site have been proposed under a separate application reviewed by the Design Review Committee.

7. ANALYSIS AND STATEMENT OF THE ISSUES

Issue 1: Existing Licenses within 600 feet of the Site

For information purposes, staff identified the following facilities selling alcoholic beverages that are

located within a 600-foot proximity to the restaurant's entrance (See Attachment 6, Planning Commission Evaluation Map).

Existing Licenses

Establishment Name	License Type		Address
<i>Urth Caffé</i>	41		100 W. Chapman Avenue
<i>BossCat Kitchen & Libations</i>	47		118 W. Chapman Avenue
<i>Byblos Café</i>	41		129 W. Chapman Avenue
<i>Paul's Cocktails</i>	48		207 W. Chapman Avenue
<i>The District Lounge</i>	48		223 W. Chapman Avenue
<i>Wahoo's Fish Taco</i>	47		234 W. Chapman Avenue
<i>Buttermilk Fried Chicken</i>	41		238 W. Chapman Avenue
<i>The Taco Stand</i>	41		240 W. Chapman Avenue, Suite 100
<i>Snooze</i>	47		240 W. Chapman Avenue, Suite 101
<i>Wazabi Sushi</i>	41		240 W. Chapman Avenue, Suite 102
<i>Taco Adobe</i>	40		121 N. Lemon Street
<i>American Legion Post 132</i>	52, 58		143 N. Lemon Street
<i>Chapman Crafted Beer Co.</i>	23		123-129 N. Cypress Street
<i>Butaton</i>	41		10 Plaza Square, Suite 101
<i>Felix Continental Café</i>	41		36 Plaza Square
<i>The Wall</i>	41		80 Plaza Square
<i>Francoli's</i>	21, 47, 58		100 S. Glassell Street
<i>Blaze Pizza</i>	41		101 S. Glassell Street
<i>O'Sea</i>	41		109 S. Glassell Street
<i>Tabu Shabu</i>	41		111 S. Glassell Street
<i>Café Zocalo</i>	41		136 S. Glassell Street
<i>Haven Gastropub</i>	47, 58		190 S. Glassell Street
<i>Gabbi's Mexican Kitchen</i>	47, 58		141 S. Glassell Street
<i>Pandor</i>	41		106 N. Glassell Street
<i>Brewery 1886</i>	75		114 N. Glassell Street
<i>Citrus City Grille</i>	47		122 N. Glassell Street
<i>Smoqued BBQ</i>	41		128 N. Glassell Street
<i>O'Hara's Pub</i>	48		150 N. Glassell Street
<i>Thai Towne Eatery</i>	41		152 N. Glassell Street
<i>Jalapenos Grill</i>	41		154 N. Glassell Street
<i>Zito's Pizza</i>	41		156 N. Glassell Street

Issue 2: Sensitive Receptors

The OMC requires a Conditional Use Permit for the sale of alcoholic beverages to ensure there will be no adverse impact on surrounding land uses or availability of alcoholic beverages to minors. When reviewing alcohol permits, the Zoning Ordinance details specific land uses that are sensitive to alcohol activities, but does not establish any specific distances required for these uses. The ABC investigation requires applicants to identify sensitive land uses within 600 feet of the site. The following sensitive receptors are in the vicinity of the subject property:

Sensitive Receptors

Establishment Name	Address	Distance to Project Site
<i>Multi-Family Residences</i>	38 Plaza Square	200 feet
<i>Multi-Family Residences</i>	77 Plaza Square	300 feet
<i>Orange Senior Center</i>	170 S. Olive Street	300 feet
<i>Multi-Family Residences</i>	138-152 N. Olive Street	200 - 400 feet
<i>Multi-Family Residences</i>	122 S. Glassell Street	400 feet
<i>Single- and Multi-Family Residences</i>	146-186 S. Lemon Street	400 - 600 feet
<i>Multi-Family Residences</i>	149 - 193 N. Lemon Street	500 - 600 feet
<i>Single- and Multi-Family Residences</i>	125 - 193 S. Cypress Street	500 - 600 feet
<i>Multi-Family Residences</i>	210 W. Maple Avenue	600 feet
<i>Iglesia La Luz Del Mundo / Church of the Light of the World</i>	305 W. Almond Avenue	600 feet

While there are sensitive land uses within 600 feet of the site, they do not have direct access to the property and the sale of alcohol would be accessory to the sale of food within the full-service restaurant. Approval of the CUP is unlikely to directly impact these nearby receptors.

Issue 3: Census Tract Alcohol and Crime Statistics Information

The Orange Police Department's (OPD) Vice Unit reviewed the request and reports that the proposed restaurant is located in Census tract 759.02, which is considered over-concentrated with On-Sale Licenses.

Alcohol Licenses

	Existing	Allowed
<i>On-Sale Licenses</i>	18	8
<i>Off-Sale Licenses</i>	3	3

Census tracts are defined as small geographic areas established by local committees and approved by the Census Bureau, which contain a population segment with relatively uniform economic and social characteristics and clearly identifiable boundaries averaging approximately 1,200 households.

The ABC establishes an over-concentration of alcohol licenses based on the average number of licenses versus the population of a given census tract. However, the ABC and the City recognize that licenses should be reviewed on a case-by-case basis to ensure that alcohol sales will not adversely affect surrounding residents, businesses, and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. This site is located in a mixed-use historic district, intended to be a shopping and dining destination for residents and visitors where an over-concentration of on-sale licenses is expected.

OPD also reports that the property is within Reporting District 22E with the following reported crimes.

Crime Statistics

Reporting District Reported Crimes	Citywide Average Reported Crimes (2020)	Percent Difference
178	74	139% above average

High crime is considered 20 percent above average reported crime within all reporting districts in the city per Business and Professions Code Section 23958.4. Reporting District 22E is 139 percent above average for reported crimes and is ranked 8th out of 92 reporting districts in the City of Orange for reported crimes.

There were sixteen alcohol-related arrests in the Reporting District in 2020. Thirteen arrests were for Driving Under the Influence (CVC 23152) and three were for Public Intoxication (PC 647(f)).

OPD does not oppose issuance of a CUP for this Type 47 License. Strong consideration was given to the manner in which the restaurant will operate. Finney's is a restaurant where service of alcohol will be in conjunction with and accessory to the service of food.

The sale of alcohol is not expected to contribute to crime statistics in the area or create an undue burden on public safety resources, based on the low number of calls for service from the operator's four other restaurant locations. Staff supports the request and does not anticipate that the use will create a negative impact on neighboring land uses because a restaurant is compatible with the mix of uses in the Plaza. Should the Planning Commission approve the CUP, OPD recommends standard conditions for the safe operation of the restaurant with alcohol service.

Issue 4: Finding of Public Convenience and Necessity

The Planning Commission is asked by ABC to make a finding of public convenience or necessity (Attachment 7). The sale of alcoholic beverages at a restaurant is considered accessory to the sale of food and is a service typically expected by the public. The proposal is not anticipated to have adverse impacts on neighboring land uses within the area. With appropriate controls and conditions in place, the business is compatible with the mix of uses in the area and will not add to crime.

8. PUBLIC NOTICE

On September 9, 2021, the City sent a Public Hearing Notice to a total of 213 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. The notice was posted at the project site 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 of alcohol service for a restaurant in an existing commercial building, consistent with the property's zoning and General Plan designation. No public review is required.

10. ADVISORY BOARD ACTION

None required.

11. ATTACHMENTS

- Attachment 1 Planning Commission Resolution No. PC 22-21
- Attachment 2 Vicinity Map
- Attachment 3 Site Photographs
- Attachment 4 Applicant Letter of Justification and Menu
- Attachment 5 Orange Police Department Memorandum
- Attachment 6 Planning Commission Evaluation Map
- Attachment 7 Draft Letter on Finding of Public Convenience or Necessity
- Attachment 8 Restaurant Plans