

RESOLUTION NO. 5445

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-142-04 FOR A PARCEL OF LAND LOCATED ON THE SOUTHEAST CORNER OF KATELLA AVENUE AND GILBERT STREET AT 9510 KATELLA AVENUE, PARCEL NO. 132-101-01.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled August 5, 2004, does hereby approve Conditional Use Permit No. CUP-142-04.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-142-04, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jim K. Seong of Melodia's Liquor.
2. The applicant is requesting Conditional Use Permit approval to allow the transfer of ownership of an Alcoholic Beverage Control (ABC) Type "21" (Off-Sale General) License for an existing liquor store.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). The property is improved with a 4,800 square foot commercial building. The liquor store occupies a 2,700 square foot tenant space on the north side of the property.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on August 5, 2004, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of August 5, 2004; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, are as follows:

FACTS:

The site is located on the southeast corner of Katella Avenue and Gilbert Street in the C-1 (Neighborhood Commercial) zone.

The site is a parcel that is approximately 19,200 square feet in size, and is improved with a 4,800 square foot commercial building. The liquor store occupies a 2,700 square foot tenant space located on the north side of the property.

Building records indicate that a liquor store has been at this location since 1977. The current owner has operated the liquor store since 1988.

The applicant is requesting Conditional Use Permit approval to transfer ownership of an existing ABC Type "21" (Off-Sale General) License to continue the sale of alcohol at the liquor store. The City of Garden Grove has never approved a Conditional Use Permit for the sale of alcohol at this location. Municipal Code, Title 9, Section 9.08.080.B.9, requires a Conditional Use Permit for any ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986, when there is an ownership change.

The Community Development and Police Departments have reviewed the request and support the proposal. All standard conditions of approval for a Type "21" license will apply.

The liquor store is located in a high crime district, and in an area with an over-concentration of Alcoholic Beverage Control licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 91.
- The crime count for the District is 183.
- Average crime count per district in the City is 119.
- A District is considered a high crime area when it exceeds the Citywide average by 20%.
- The subject District is 54% above the Citywide average; therefore, it is considered a high crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 882.01.
- ABC Census Reporting District No. 882.01 allows three (3) off-sale licenses within the District. Currently, there are five (5) off-sales licenses in the District. Approval of this Conditional Use Permit will not increase the number of ABC Licenses in the district.

FINDINGS AND REASONS:

1. The site has a General Plan Land Use Designation of Light Commercial and is zoned C-1 (Neighborhood Commercial). Liquor stores selling alcoholic beverages are conditionally permitted in the C-1 zone. Provided that the conditions of approval are complied with, the use is consistent with the General Plan.
2. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.
3. The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.
4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval will ensure the public health, safety, and welfare.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Conditional Use Permits) and 9.08.080 (Alcoholic Beverages Sales).
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit A, shall apply to Conditional Use Permit No. CUP-142-04.