

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2	<b>SITE LOCATION:</b> 9510 Katella Avenue, southeast corner of Katella Avenue and Gilbert Street.
<b>HEARING DATE:</b> August 5, 2004	
<b>CASE NO.:</b> Conditional Use Permit No. CUP-142-04	<b>GENERAL PLAN:</b> Light Commercial
<b>APPLICANT:</b> Jim K. Seong	<b>ZONE:</b> C-1 (Neighborhood Commercial)
<b>PROPERTY OWNER:</b> In Kyeong Seong	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

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, Melodia's Liquor.

## **BACKGROUND:**

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, improved with a 4,800 square foot commercial building. The liquor store occupies the northern half of the building, 2,700 square feet, while a restaurant occupies the southern tenant space.

Building records indicate that a liquor store has been at this location since 1977, and 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. Since 1996, 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.

## **DISCUSSION:**

The liquor store consists of a cashier counter, display shelves, walk-in cooler, freezers, beverage refrigerators, storage area, and a restroom. The hard liquor and wine display shelves are located behind the cashier counter. The liquor store also provides customers with an assortment of general household merchandise, such as toiletries, perishable can and bottled goods, household cleaning supplies, etc.

The liquor store will continue to operate from 7:00 a.m. to 2:00 a.m., seven days a week. The applicant does not propose to change the hours of operation, nor modify the store's floor plan.

Sufficient on-site parking is provided to accommodate the existing uses. The property provides a trash enclosure on the south side of the property.

Upon inspection of the premises, staff finds that the request is in compliance with Title 9 zoning regulation, with minor on-site maintenance requirements. Conditions have been included to address proper maintenance of existing landscaped areas, removal of excessive window signage, and daily removal of trash and debris from the parking lot. The applicant is also conditioned to replace the missing letter on the existing pole sign. No building permits were found for the existing "Melodia's" wall sign. The applicant is conditioned to submit a sign application to legalize the existing wall sign. Staff has also informed the applicant, and has conditioned, that all cardboard boxes located at the rear of the property, by the trash enclosure, should be disposed of properly.

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 has a crime count of 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 for three (3) off-sale licenses within the District. Currently, there are five (5) off-sale licenses in the District. Approval of this Conditional Use Permit will not increase the number of ABC licenses in the district.

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.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. CUP-142-04, subject to the recommended conditions of approval.

SUSAN EMERY  
Community Development Director

By: Maria Parra  
Acting Assistant Planner