



# Agenda Item

## Planning Commission

Item #: 4.1.

6/16/2025

File #: 25-0344

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

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

**FROM:** Angelo Huang, Assistant Planner

### 1. SUBJECT

Public Hearing to consider a request to amend an existing Conditional Use Permit to allow live music as accessory use for a restaurant with ancillary brewing operations located at 114 N. Glassell Street and finding of CEQA Exemption (Conditional Use Permit No. 25-0005).

### 2. SUMMARY

1886 Brewing Co. is requesting a modification of its existing Conditional Use Permit to allow live music as accessory use for a restaurant with accessory brewing operations.

### 3. RECOMMENDED ACTION

1. Conduct and close the Public Hearing.
2. Adopt Planning Commission Resolution No. 07-25, a Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 25-0005, amending Conditional Use Permit No. 3076-18, to allow live music as an accessory use for a restaurant with a Type 75 State of California Department of Alcoholic Beverage Control License, located at 114 N. Glassell Street.
3. 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 (CUP) to allow restaurants with alcoholic beverage sales. The request for live entertainment conflicts with Condition 31 of the business' existing CUP; therefore, an amendment to the existing CUP is required.

### 5. PROJECT BACKGROUND

<i>Applicant:</i>	1886 Brewing Co. - Mike Hernandez
<i>Property Owner</i>	Mike Hernandez
<i>Property Location</i>	114 N. Glassell Street

<i>Existing General Plan Land Use Element Designation</i>	Old Towne Mixed Use 15, 6-15 du/ac; 0.5 - 1.0 FAR (OTMIX15)
<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>	5,280 square feet
<i>Circulation</i>	The site currently has no vehicular access other than street frontage on North Glassell Street. The property is located within the downtown Plaza core of the Old Towne Historic District.
<i>Existing Conditions</i>	The subject site is developed as a restaurant with ancillary brewing operations.
<i>Surrounding Land Uses and Zoning</i>	North - A restaurant zoned OTMU-15 South - A ground floor café and 2 <sup>nd</sup> story fraternal lodge zoned OTMU-15 East -Ground floor retail and uses with 2 <sup>nd</sup> story apartments zoned OTMU-15 West - An office and restaurant zoned OTMU-15
<i>Previous Applications/Entitlements</i>	Conditional Use Permit No. 3076-18 - A permit to authorize the sale of alcoholic beverages at a restaurant with ancillary brewing operations.

## 6. PROJECT DESCRIPTION

The applicant proposes to amend the existing restaurant's CUP to allow live music as an accessory use within the existing restaurant with alcoholic beverage sales. The applicant requests a revision of Condition 31 of the current CUP that restricts live entertainment. All other existing conditions remain unchanged.

The live music will occur no more than two times a week to enhance the dining experience. There will be no more than four musicians at a time and amplified music will be limited to vocals, acoustic guitar, and electric piano. The musicians will be stationed away from the front entrance and in a corner of the interior dining area, and the proposal does not include any live entertainment featuring musicians within the existing outdoor dining patio (See Attachment 5). Advertising for the musicians will be provided through social media and posters within the establishment.

## 7. PROJECT ANALYSIS

### Police Department Vice Unit Standard Conditions:

The Police Department's Vice Unit typically recommends standard conditions for restaurants with alcoholic beverage sales that restrict live entertainment (see Attachment 2, Condition 31). Staff has forwarded the applicant's request to the Police Department for their input on lifting the standard condition for the existing CUP. The Police Department's recommendation is to remain consistent with the standard conditions provided and not allow live entertainment.

Staff has determined that allowing live music in the limited format proposed, as an accessory use that would not be audible when the doors are open, will not undermine the intent of the original standard condition recommended by the Police Department.

#### Impact on Residential Neighbors

Staff has considered potential impacts of live music on the residential apartments across the street on Glassell Street. The existing establishment is permitted to have amplified background music under the existing conditions. Staff has determined that live musicians under a controlled amplified sound system will not result in noise levels different from those that are already permitted and have not resulted in impacts to residences.

Overall, staff recommends revising the existing Condition 31 by removing the “live entertainment” restriction in the existing CUP.

## **8. PUBLIC NOTICE**

On June 5, 2025, the City sent a Public Hearing Notice to a total of 175 property owners and occupants within a 300-foot radius of the project site and persons specifically requesting notice. The project site has been posted in two locations with the notification 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 request is to amend an existing conditional use permit to allow entertainment at an existing restaurant. The request does not include any physical expansions.

## **10. ADVISORY BOARD ACTION**

None required.

## **11. ATTACHMENTS**

- Attachment 1 - Planning Commission Resolution No. PC 07-25
- Attachment 2 - Existing Planning Commission Resolution No. PC 1-19 (CUP-3076)
- Attachment 3 - Vicinity Map
- Attachment 4 - Applicant Narrative Letter
- Attachment 5 - Project Plans