

# **AGENDA**

ALISON VEJAR Chair

ISAIAH LESLIE Vice Chair

**RICK MARTINEZ** Commissioner

DAVID VAZQUEZ Commissioner

Commissioner

Commissioner

SHANNON TUCKER

**RUBY MALDONADO** 

TIM McCORMACK

Commissioner

**Planning Commission** June 16, 2025

Planning Manager 5:30 PM Regular Session Nathalie Adourian

Jennifer Scudellari

**Executive Assistant** 

Senior Assistant City Attorney

Hayden Beckman

City Council Chamber 300 E. Chapman Avenue Orange, CA 92866

Welcome to the Planning Commission meeting. Regular meetings of the City of Orange Planning Commission are held the first and third Monday of each month at 5:30 p.m.

#### **Agenda Information**

The agenda contains a brief general description of each item to be considered. Written materials relating to an item on the agenda that are provided to the Planning Commission after agenda packet distribution and within 72 hours before it is to consider the item will be made available for public inspection in the City Clerk's Office located at 300 E. Chapman Avenue, Orange, during normal business hours; at the Planning Commission meeting; and made available on the City's website.

#### **Public Participation**

Planning Commission meetings may be viewed on Spectrum Cable Channel 3 and AT&T U-verse Channel 99 or streamed live and on-demand on the City's website at www.cityoforange.org.

Pursuant to Government Code Section 54954.3, members of the public may address the Planning Commission on any agenda items or matters within the jurisdiction of the governing body by using any of the following methods:

#### 1) In-person

To speak on an item on the agenda, complete a speaker card indicating your name, address, and identify the agenda item number or subject matter you wish to address. The card should be given to City staff prior to the start of the meeting. General comments are made during the "Public Comments" section at the beginning of the meeting. Public Comments are limited to three (3) minutes per speaker unless a different time limit is announced. It is requested that you state your name for the record, then proceed to address the Commission. All speakers shall observe civility, decorum, and good behavior.

(Continued on page 2)

#### 2) Written Public Comments via eComment

Members of the public can submit their written comments electronically for Planning Commission consideration by using the eComment feature on the Agenda page of the City's website at www.cityoforange.org. To ensure distribution to the Planning Commission prior to consideration of the agenda, we encourage the public to submit written comments by 3:00 p.m. the day of the meeting. All written comments will be provided to the Commissioners for consideration and posted on the City's website after the meeting.

#### 3) Public Comments via recorded voicemail message

Finally, the public can record their comments by calling (714) 744-7271 no later than 4:00 p.m. the day of the meeting. Recorded messages will not be played at the meeting, but will be provided to the Planning Commission and the caller's position will be summarized in the minutes.

Please contact the City Clerk's Office at (714) 744-5500 with any questions.

ADA Requirements: In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, contact the Clerk's office at (714) 744-5500. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

REMINDER: Please silence all electronic devices while Planning Commission is in session.

#### APPEAL PROCEDURE

Any final determination by the Planning Commission may be appealed, and such appeal must be filed within 7 business days after the Planning Commission action. This appeal shall be made in written form to the Community Development Department, accompanied by an initial appeal deposit of \$1,000.00.

The City Clerk, upon filing of said appeal, will set petition for public hearing before the City Council at the earliest date. All owners of property located within 300 feet of the project site will be notified by the City Clerk of said hearing. For additional information, please call (714) 744-7220.

If you challenge any City of Orange decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on this agenda or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

# 1. OPENING/CALL TO ORDER

#### 1.1 PLEDGE OF ALLEGIANCE

Commissioner Rick Martinez

#### 1.2 ROLL CALL

#### 2. PUBLIC COMMENTS

At this time, members of the public may address the Commission on matters not listed on the Agenda which are within the subject matter jurisdiction of the Commission, provided that NO action may be taken on off-agenda items unless authorized by law. Public Comments are limited to three (3) minutes per speaker.

#### 3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of said items unless members of the Planning Commission, staff or the public request specific items removed from the Consent Calendar for separate action.

3.1. Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on June 2, 2025.

#### **Recommended Action:**

Approve minutes as presented.

Attachments: Staff Report

June 2, 2025 Regular Meeting Minutes

#### 4. PUBLIC HEARINGS

4.1. 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).

#### **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.

Attachments: Staff Report

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

#### 5. ADJOURNMENT

The next Regular Planning Commission Meeting will be held on Monday, July 7, 2025, at 5:30 p.m., in the Council Chamber.

I, Jennifer Scudellari, Executive Assistant for the City of Orange, hereby declare, under penalty of perjury, that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at the following locations: Orange Civic Center kiosk and Orange City Clerk's Office at 300 E. Chapman Avenue, Police facility at 1107 N. Batavia, Orange Main Public Library at 407 E. Chapman Avenue, and uploaded to the City's website www.cityoforange.org.

Date posted: June 12, 2025



# Agenda Item

# **Planning Commission**

Item #: 3.1. 6/16/2025 File #: 25-0354

TO: Chair and Members of the Planning Commission

THRU: Hayden Beckman, Planning Manager

FROM: Jennifer Scudellari, Executive Assistant

# 1. SUBJECT

Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on June 2, 2025.

# 2. SUMMARY

Submitted for your consideration and approval are the minutes of the above meeting(s).

# 3. RECOMMENDED ACTION

Approve minutes as presented.

# 4. ATTACHMENTS

• June 2, 2025 Regular Meeting minutes



# Agenda Item

# **Planning Commission**

Item #: 3.1. 6/16/2025 File #: 25-0354

TO: Chair and Members of the Planning Commission

THRU: Hayden Beckman, Planning Manager

FROM: Jennifer Scudellari, Executive Assistant

# 1. SUBJECT

Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on June 2, 2025.

# 2. SUMMARY

Submitted for your consideration and approval are the minutes of the above meeting(s).

# 3. RECOMMENDED ACTION

Approve minutes as presented.

# 4. ATTACHMENTS

• June 2, 2025 Regular Meeting minutes

#### **MINUTES - DRAFT**

## **City of Orange**

## **Planning Commission**

June 02, 2025

The Planning Commission of the City of Orange, California convened on June 2, 2025, at 7:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

#### 1. OPENING/CALL TO ORDER

Chair Vejar called the meeting to order at 5:31 p.m.

#### 1.1 PLEDGE OF ALLEGIANCE

Commissioner Leslie led the flag salute.

#### 1.2 ROLL CALL

Present: Leslie, Martinez, Vazquez, Maldonado, Tucker, McCormack, and Vejar

Absent: None

#### 2. PUBLIC COMMENTS

None.

#### 3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of said items unless members of the Planning Commission, staff or the public request specific items removed from the Consent Calendar for separate action.

A motion was made that this be Approved. The motion carried by the following vote:

# 3.1. Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on May 5, 2025.

ACTION: Approved minutes as presented.

## **Approval of the Consent Calendar**

A motion was made by Commissioner Vazquez, seconded by Commissioner Martinez to approve the Consent Calendar. The motion carried by the following vote:

Aves: Leslie, Martinez, Vazquez, Maldonado, Tucker, McCormack, and Vejar

Noes: None Absent: None

#### 4. PUBLIC HEARINGS

4.1. A public hearing to consider a request to construct a new bank building with a drive-through automated teller machine (ATM) at 2355 N. Tustin Street and finding of CEQA Exemption (Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174).

Chair Vejar opened the public hearing at 5:39 p.m. There being no public speakers, she closed the Public Hearing at 5:40 p.m.

A motion was made by Commissioner Martinez, seconded by Commissioner Maldoado to:

- 1. Adopt Planning Commission Resolution No. 06-25 approving Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174 to construct a new 5,372 square-foot bank building with a drive-through ATM and related site improvements, located at 2355 N. Tustin Street.
- 2. Find the request categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15303 of the State CEQA Guidelines (Class 3 New Construction or Conversion of Small Structures).

Ayes: Leslie, Martinez, Vazquez, Maldonado, Tucker, McCormack, and Vejar

Noes: None Absent: None

4.2. Public Hearing to consider an Ordinance amending provisions in Title 17 of the Orange Municipal Code relating to the sale and service of alcoholic beverages in conjunction with the operation of a bona fide restaurant and finding of CEQA exemption.

Chair Vejar opened the public hearing at 6:22 p.m. There being no public speakers, she closed the Public Hearing.

The Commissioners discussed administration and enforcement of the proposed ordinance and requested additional information from staff.

A motion was made by Chair Vejar, seconded by Commissioner McCormack, to continue the Public Hearing to the July 7, 2025 Regular meeting. The motion carried by the following vote:

Ayes: Leslie, Martinez, Vazquez, Maldonado, Tucker, McCormack, and Vejar

Noes: None Absent: None

#### 5. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:57 p.m.

The next Regular Planning Commission meeting will be held on Monday June 16, 2025 at 5:30 p.m., in the Council Chamber, 300 E. Chapman Avenue, Orange California 92866.

Anna Pehoushek, AICP

Assistant Community Development Director



# 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 exisiting CUP is required.

# 5. PROJECT BACKGROUND

Applicant:	1886 Brewing Co Mike Hernandez
Property Owner	Mike Hernandez
Property Location	114 N. Glassell Street

Existing General Plan Land Use Element Designation	Old Towne Mixed Use 15, 6-15 du/ac; 0.5 - 1.0 FAR (OTMIX15)
	Old Towne Mixed Use - 15 (OTMU-15)
Old Towne	Yes
Specific Plan/PC	N/A
Site Size	5,280 square feet
	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.
	The subject site is developed as a restaurant with ancillary brewing operations.
Zoning	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
' '	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



# 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

- 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 exisiting CUP is required.

# 5. PROJECT BACKGROUND

Applicant:	1886 Brewing Co Mike Hernandez
Property Owner	Mike Hernandez
Property Location	114 N. Glassell Street

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l -	Old Towne Mixed Use 15, 6-15 du/ac; 0.5 - 1.0 FAR (OTMIX15)
Existing Zoning Classification	Old Towne Mixed Use - 15 (OTMU-15)
Old Towne	Yes
Specific Plan/PC	N/A
Site Size	5,280 square feet
Circulation	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.
Existing Conditions	The subject site is developed as a restaurant with ancillary brewing operations.
Zoning	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
' '	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

#### **RESOLUTION NO. PC 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. 3076-18TO ALLOW LIVE MUSIC AS AN ACCESSORY USE TO A RESTAURANT WITH A TYPE 75 STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL LICENSE, LOCATED AT 114 N. GLASSELL STREET

#### APPLICANT: 1886 BREWING CO.

WHEREAS, the Planning Commission has authority pursuant to Orange Municipal Code (OMC) Table 17.08.020 and Sections 17.10.030.C and 17.30.030 to take action on Conditional Use Permit No. 25-0005, amending the existing Conditional Use Permit to allow live entertainment as an accessory use to a restaurant with a Type 75 State of California Department of Alcoholic Beverage Control (ABC) license; and

**WHEREAS**, the application for Conditional Use Permit No. 25-0005 was filed by 1886 Brewing Co. in accordance with the provisions of the OMC; and

**WHEREAS**, the application for Conditional Use Permit No. 25-0005 was processed in the time and manner prescribed by State and local law; and

**WHEREAS,** the Planning Commission previously approved Conditional Use Permit No. 3076-18, to allow a restaurant with a Type 75 ABC license located at 114 N. Glassell Street that included a condition of approval prohibiting live entertainment; and

WHEREAS, the applicant has demonstrated responsible operation of the subject restaurant and proposes a live music format with consideration given to amplification and instruments to avoid noise impacts on surrounding land uses, similar in volume to its established interior amplified ambient music; and

WHEREAS, Conditional Use Permit No. 25-0005 is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities), as the project is using an existing facility with no physical expansion and only revising the live entertainment limitation on the established Conditional Use Permit; and

**WHEREAS,** the Planning Commission conducted one duly advertised public hearing on June 16, 2025, at which time interested persons had an opportunity to testify either in support of, or opposition to Conditional Use Permit No. 25-0005.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Orange hereby approves Conditional Use Permit No. 25-0005, amending Conditional Use Permit No. 3076-18, allowing live entertainment as an accessory use to a restaurant with a Type 75 ABC license, located at 114 N. Glassell Street based on the following findings:

#### **SECTION 1 – FINDINGS**

#### General Plan Finding:

1. The project must be consistent with the goals and policies stated within the City's General Plan.

The proposed Project is consistent with the goals and policies stated in the City's General Plan Land Use and Economic Development Elements in that adding complementary live entertainment to the existing restaurant will enhance the customer experience and encouraging longer periods of patronage in support of the sustained economic success of the restaurant. Management of the live music in conjunction with restaurant activity as described in the applicant's narrative and operational plan will prevent noise-related impacts on surrounding commercial, residential, and fraternal land uses.

### Conditional Use Permit Findings:

1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.

The granting of this Conditional Use Permit is based upon sound principles of land use and in response to services required by the community. Consideration has been given as to whether the proposed use will detrimentally affect adjacent land uses. The proposed use provides an existing restaurant with more complementary services increasing the enjoyment of the local community.

2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.

The request to have live entertainment is not anticipated to have an adverse impact on surrounding land uses or create a special problem, because the site is located in an area that is intended to function as a commercial sector. Surrounding properties are mixed use in nature, with a mix of retail, residential, and food establishments. The live entertainment and music serve as an accessory use to the establishment and function as background music. The music will be maintained at a volume that is comparable to the restaurant's ambient music and shall be regulated to be audible from within the establishment.

3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.

The location of the premises is located within Old Towne Historic District, immediately north of the Plaza. The area around the Plaza is a mixed-use historic district where shopping and dining establishments are expected to be concentrated. The introduction of live music

at the restaurant is not anticipated to have an adverse impact on neighboring land uses and the community because consideration has been given to the amplification level and performance area within the restaurant, and application of Conditions of Approval designed to address potential negative effects on sensitive land uses in the immediate area.

4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

The existing and proposed conditions are placed to preserve the general welfare, with particular attention to those activities that may result in impacts to noise and criminal activity.

#### **SECTION 2 – ENVIRONMENTAL REVIEW**

The proposed Project is categorically exempt from the provisions of CEQA per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project is using an existing facility with no physical expansion and only removing the original limitation of live entertainment from restaurant operations under the established Conditional Use Permit

#### SECTION 3 – APPROVAL AND CONDITIONS OF APPROVAL

The Planning Commission hereby approves Conditional Use Permit No. 25-0005, with the following conditions:

- 1. There shall be no karaoke, disc jockey, or dancing permitted on the premises at any time. Amplified music over a built-in system shall be permitted, provided that the music is not audible outside when doors are open.
- 2. All existing conditions within Planning Commission Resolution No. PC 1-19 for Conditional Use Permit No. 3076-18 shall be considered active and enforceable, with the exception of condition number 31 which shall be revised to allow live music.
- 3. The live entertainment shall be accessory to the principal use of the business as a restaurant with alcoholic beverage sales.
- 4. Live entertainment shall consist of a maximum of four musicians including vocalists.
- 5. The live entertainment shall only occur in the area marked on the approved plans date stamped June 16, 2025. There shall be no dance floor.
- 6. The operator shall ensure that the volume control on the amplified instruments/equipment is maintained at a level that does not disrupt surrounding businesses.
- 7. Repeated or serious violations of these regulations or conditions of approval shall constitute grounds for revocation of the Conditional Use Permit.

**ADOPTED** this 16<sup>th</sup> day of June 2025.

Alison Vejar Planning Commission Chair

I hereby certify that the foregoing Resolution was adopted by the Planning Commission of the City of Orange at a regular meeting thereof held on the 16<sup>th</sup> day of June 2025, by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Anna Pehoushek, FAICP
Assistant Community Development Director

#### **RESOLUTION NO. PC 1-19**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3076-18 AUTHORIZING AN ALCOHOLIC BEVERAGE CONTROL LICENSE (TYPE 75- ON-SALE EATING PLACE - BREW PUB) TO OPERATE A RESTAURANT WITH ANCILLARY BREWING OPERATIONS WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 114 N. GLASSELL STREET

#### **APPLICANT: BREWERY 1886**

Moved by Commissioner Willits and seconded by Commissioner Simpson that the following resolution be adopted:

WHEREAS, the Planning Commission has authority per Orange Municipal Code Section 17.30.030 to take action on Conditional Use Permit No. 3076-18 for an Alcoholic Beverage Control Type 75 License (On-Sale Eating Place – Brew Pub) to operate a restaurant with ancillary brewing operations within an existing commercial building located at 114 N. Glassell Street; and

WHEREAS, the application for Conditional Use Permit No. 3076-18 was filed by the applicant in accordance with the provisions of the City of Orange Municipal Code; and

WHEREAS, the application for Conditional Use Permit No. 3076-18 was processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 3076-18 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities), as the project consists of licensing for the sale and production of alcoholic beverages in an existing commercial building, and results in negligible or no expansion of the commercial use beyond that existing at the time of the City's determination; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on February 20, 2019, at which time interested persons had an opportunity to testify either in support of, or opposition to, the proposed Conditional Use Permit No. 3076-18, upon property described as follows:

#### **SEE ATTACHMENT A**

Planning Commission Resolution No. PC 1-19 Page 2

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Orange hereby approves Conditional Use Permit No. 3076-18 to allow a restaurant, with ancillary brewing operations, at property located at 114 N. Glassell Street based on the following findings:

#### SECTION 1 – FINDINGS

### General Plan Finding:

1. The project must be consistent with the goals and policies stated within the City's General Plan.

The project consists of authorizing the sale of alcohol (beer, wine, and distilled spirits) and production of beer in an existing commercial building and is consistent with the goals and policies stated within the City's General Plan in that the Land Use Element supports a wide variety of commercial; uses that contributes to a healthy and diverse economic base. The sale of alcohol in a restaurant, with ancillary beer production, is an appropriate use in the commercial zone. The applicant is required to development a tenant improvement plan consistent with building code and municipal code development requirements, and is in communication with the Public Works Department to arrange for appropriate waste hauling services for the restaurant and brewery operations. Therefore, the proposed use should be not disruptive to surrounding businesses in the district. Although the project does not involve site redevelopment, authorizing the production and sale of beer within in existing commercial building helps to support diverse uses in the zone, thereby maintaining economic activity on the property and demonstrating economic vitality in the area.

The Orange Police Department review of the ABC request and their recommendation of conditions supports the General Plan Public Safety Element Goals related to Crime Prevention. The Public Safety Element requires that the City maintain an adequately manned and equipped police force, maintain crime prevention programs designed to protect residents and property from crime, and ensures the business' production and sale of beer does not create a nuisance to surrounding businesses.

#### Conditional Use Permit Findings:

1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.

The granting of this Conditional Use Permit is based upon sound principles of land use and in response to services required by the community. Consideration has been given as to whether the proposed use will detrimentally affect adjacent land uses. The proposed use provides an opportunity to allow the sale of alcohol (beer, wine, and distilled spirits) in a bonafide restaurant on a site zoned for a mix of commercial uses on a mixed-use property

within the city. The production of beer will be within an existing commercial building, for sale within the restaurant only, and will not have detrimentally affects to adjacent land uses.

Strong consideration was given to the manner that the business will operate and will continue to operate under the provisions of this Conditional Use Permit. As conditioned, its operation should not create a nuisance to the community or a burden on police services during its time of operation. Consideration was given to the high crime levels in the Reporting District, and conditions have been placed on the project to compensate for potential detrimental effects that could be caused by the sale of alcohol and the operation of the brewery. As conditioned, neither the restaurant nor associated brewery operations should not increase or contribute to the crime rate in the Reporting District.

2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.

The proposal for the sale of alcohol and production of beer in a brewpub is not anticipated to have an adverse impact on surrounding land uses or create a special problem, because the site is located in an area that is intended to function as a commercial sector. Surrounding properties are commercial in nature, with a mix of restaurants and food establishments that also sell alcohol. Furthermore, the applicant is required to development a tenant improvement plan consistent with building code and municipal code development requirements, and is in communication with the Public Works Department to arrange for appropriate waste hauling services for the restaurant and brewery operations.

While there are sensitive land uses within 600 feet of the site, these properties do not have direct access to the subject property and the sales of alcohol would be accessory to the primary function of the restaurant. Although the property is in an area with a higher than average crime rate, there are specific project features combined with project conditions that compensate for detrimental effects that could be caused by alcohol service. The conditions of approval should compensate for the higher than average crime rate and overconcentration of alcohol licenses within the Reporting District and census tract as follows:

- Project conditions require food service with alcohol service at all times, restrict areas of consumption, establish a food to alcoholic beverage sales ratio, prohibit alcoholic beverage promotions, restrain certain methods of dispensing alcoholic beverages, address graffiti and litter removal, and require employee training.
- Potential undesired side effects of overconsumption of alcohol are not anticipated to occur at the casual dining restaurant where food service is the primary function.
- 3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.

The location of the premises is located within Old Towne Historic District. The area around

the Plaza is a mixed-use historic district where shopping and dining establishments are expected to be concentrated. The use is not anticipated to have an adverse impact on neighboring land uses and the community because granting an additional on-sale license is subject to appropriate project conditions designed to address potential negative effects on sensitive land uses in the immediate area. In addition, the operation of the brewery is subject to the regulations contained in the Conditions of Approval, which are crafted to avoid potential effects that could occur as a result of the approval of this Conditional Use permit.

4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

Granting of the Conditional Use Permit for the subject property in conjunction with the conditions of approval would preserve the general welfare. The Orange Police Department conditions include a review of the operation and police records for excessive calls one year after the beginning of alcoholic beverages sales. If the Police Department finds that the restaurant and brewery operation is not operating as required, or if there is a history of criminal or nuisance behavior, the Department will recommend that the Planning Commission reconsider this application. Other conditions have been placed on the project to reduce crime-inducing activities by requiring exterior lighting and building security.

#### **SECTION 2 – ENVIRONMENTAL REVIEW**

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). The project consists of licensing for the sale and production of alcoholic beverages in an existing commercial building, and results in negligible or no expansion of the commercial use beyond that existing at the time of the City's determination.

#### **SECTION 3- CONDITIONS OF APPROVAL**

BE IT FURTHER RESOLVED that the following conditions are imposed with the approval of Resolution No. PC 1-19:

- 1. The project shall conform in substance and be maintained in general conformance with plans and exhibits date stamped October 20, 2018, including any modifications required by conditions of approval, and as approved by the Planning Commission.
- 2. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the

approved plan, the Community Development Director may approve the changed plan without requiring a new public hearing. Otherwise, a new public hearing will be required to accommodate any changes to the approved plan.

- 3. Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 3076-18 shall require an application for a new or amended Conditional Use Permit.
- 4. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
- 5. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the Conditional Use Permit or the conditions herein, may be cause for revocation of this permit.
- 6. Conditional Use Permit No. 3076-18 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
- 7. Prior to operation of the business, the applicant shall file for or, if applicable, amend a business license with the Business License Division. Failure to obtain the required business license may be cause for revocation of this permit.
- 8. Violations of the Conditions of Approval constitute a violation of the Orange Municipal Code, per Section 17.10.030.G., and may be cause for revocation of this permit.
- 9. If tenant improvements are needed, all structures shall comply with the requirements of Municipal Code Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. (Ord. 7-79). Approved structural drawings shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.
- 10. Prior to approval of a business license, the applicant shall contact the Public Works Department and the city's waste hauling contractor to coordinate appropriate waste hauling services for the restaurant and brewery operations. The approved service contract for waste hauling services may include, at the applicant's expense, improvements to the city's trash enclosure, purchase of a vertical trash compactor, and weekly hauling of trash, recycling, and organics at a frequency appropriate to the waste generation of the business.

# The following conditions are in accordance with the Police Department's Security Standards for alcohol sales:

- 1. In conjunction with the ongoing operation of the business, the premises shall comply with all requirements placed upon it by the State Alcoholic Beverage Control (ABC) Board.
- 2. This Conditional Use Permit shall be reviewed one year from the date of approval and may be reviewed each year thereafter. The review shall be conducted jointly by the Community Development Director and Police Chief or designee(s). The purpose of this review shall be to identify uniquely adverse issues such as curfew, loitering, vandalism, criminal activity, noise, or nuisance resulting from approval of the Conditional Use Permit. If such issues are identified, the Conditional Use Permit shall be presented to the Planning Commission for their consideration of conditions, modifications, or revocation.
- 3. The activity level of the business shall be monitored by the Police Department to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive or unnecessary activity resulting in high use of police services then this Conditional Use Permit shall be reviewed for consideration of further conditions, modifications or revocation.
- 4. The quarterly gross sales of alcoholic beverage shall not exceed the gross sales of food and meals during the same time period. The licensee shall at all times maintain records that reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available upon request.
- 5. The premises shall be maintained as an On-Sale General Brew Pub that allows for small beer manufacturing. The interior construction will remain consistent with plans submitted for review by the Planning Commission. No changes to the floor plans will occur unless a permit is issued by the Community Development Director.
- 6. The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- 7. The sale of beer, wine, and distilled spirits sfor consumption off premises shall be prohibited.
- 8. No alcohol beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- 9. All alcohol shall be consumed on the subject site, within the defined dining, bar and patio areas. Signs shall be posted on all exists of the premises, which prohibit alcoholic beverages from leaving the confines of the premises.

- 10. The hours of the tasting operations are proposed to be Sunday to Thursday 11:30 A.M. until 11:00 P.M and Friday and Saturday 11:30 A.M. to 12:00 A.M. These hours do not restrict employees from being on the premises before opening for preparations and deliveries or after close for clean-up. Clean-up may not be conducted by patrons.
- 11. At no time shall there be a fee for entrance/admittance into the premises.
- 12. Employees and/or contract security personnel shall not consume any alcoholic beverages prior to or during their work shift. Any and all security officers provide shall comply with all state and local ordinances regulating their services, including without limitation, Ch.11.5 of Division 3 of the California Business and Professions Code.
- 13. At times when the premises is open for business, the sales and service of alcoholic beverages shall be made only in conjunction with the sale of food.
- 14. Food service, with an available menu, shall be available until closing time on each day of operation.
- 15. Alcoholic beverages shall be served by a waiter/waitress only, and only to seated patrons at permitted tables or bar areas.
- 16. Alcoholic Beverages shall be sold and served in containers, which are distinguishable from non-alcoholic beverages sold at the premise or other establishment sharing the patio.
- 17. Alcoholic 'samplers' served for on-site consumption will be served in the following quantities: samplers will consist of no more than 5 glasses containing either 2 or 4 ounces depending on alcohol content (ac). For a beer with more than 10% ac. the pour may be no more than 2 ounces, and for a beer with less than 10% ac. the pour may be no more than 4 ounces.
- 18. Beer served for on-site consumption will be served in the following quantities depending on alcohol content (ac): For a beer with more than 10% ac the pour would be 4 ounces. For a beer with 8%-10% ac. The pour would be 10 ounces. For a beer with less than 8% ac the pour would be 16 ounces.
- 19. There shall be no "Happy Hours" when alcoholic beverages are offered at a reduced rate.
- 20. There should be no time when alcoholic beverages are sold at a ratio of two for one; no "stacking" of beverages, which means the serving of two alcoholic beverages at one time to the same customer and no sales to an "empty chair", which means that each customer must be physically present at the time of the order of any alcoholic beverage.
- 21. There shall be no promotions encouraging intoxication or drinking contests.

- 22. There shall be no requirement for a minimum number of drinks.
- 23. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
- 24. The petitioner shall not employ or permit any persons to solicit or encourage others, directly or indirectly to buy them drinks in the licensed premises under any commission percentage salary or other profit.
- 25. The sale of beer or malt beverages in quantites of quarts, 22 ounces, 32 ounces, 40 ounces, or similar size containers is prohibited. Beer, malt beverages, and wine coolers in containers of 16 ounces or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 26. The patio shall be enclosed and any gates located on the patio shall remain closed during business hours and used as an emergency exit only. Sign(s) shall be posted on all patio gates(s) indicating "Emergency Exit Only".
- 27. Patrons in the patio shall be seated by a host/hostess only, no self-seating permitted.
- 28. Employees will always be present in the bar/tasting room and patio area. Also, employees will have constant view on the patio from inside the business. The patio area will be enclosed by a fence no less than 72 inches tall equipped with an alarmed exit.
- 29. No portion of the premises shall be deemed to be "private" for the purposes of dispensing alcoholic beverages to selected patrons, where the licensee recognizes any form of membership cards, keys or passes which would entitle the holder entry or preferential admittance or exclusive use of any portion of the mentioned premises.
- 30. The use of a promoter (such as a night-club operator) or sub-leasing premises to be used in conjunction with dancing and/or live entertainment is prohibited.
- 31. There shall be no live entertainment (including karaoke), disc jockey, or dancing permitted on the premises at any time. Amplified music over a built-in system designed for background music shall be permitted, provided that the music is not audible outside when doors are open.
- 32. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the Community Development Director and the Police Department's Vice Unit at least 30 days in advance of the event.
- 33. There shall be no pool tables or coin-operated games maintained upon the premises at any time.

- 34. The use of any music or amplified sound in the outdoor patio area shall not be audible beyond the premises, in such a manner as to disturb the peace, quiet, and comfort of neighboring occupants, or any reasonable person residing or working in the area.
- 35. The petitioner shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
- 36. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages that are clearly visible to the exterior shall constitute a violation of this condition.
- 37. Exterior doors and windows, as well as the interior of the business, shall be protected by an approved alarm system, which shall detect an attempted entry or presence of people within the business during closing hours.
- 38. Uniformed security will be provided by the applicant on days/nights when special event broadcast(s) are being promoted. One security guard per 100 customers shall be present during these broadcasts/events.
- 39. An interior night light shall be provided to illuminate the interior and maintain an unobstructed view through the storefront windows to provide police patrol officers the ability to observe potential unlawful activity within the business.
- 40. The owner or manager of the licensed premises shall maintain on the premises a written security policy and procedures manual addressing at a minimum the following items: Handling obviously intoxicated persons; establishing a reasonable ratio of employees to patrons, based upon activity level, in order to monitor beverage sales and patron behavior; handling patrons involved in fighting or arguing; handling loitering about the building and in the immediate adjacent area that is owned, leased, rented or used under agreement by the Licensee(s); verifying age/checking identification of patrons; warning patrons of reaching their drinking limit/potential intoxication and refusing to serve; calling the police regarding observed or reported criminal activity.
- 41. All employees of the applicant who sell or serve alcoholic beverage products shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence. For new employees of the applicant, such training program must be completed within 30 days of the date of hire. Upon request, the applicant must provide the City of Orange Police Department, Vice Unit, a copy of completed Alcohol Management Program (AMP) certificate.
- 42. Graffiti shall be removed from exterior walls and windows of the premises within 72 hours of discovery.

Planning Commission Resolution No. PC 1-19 Page 10

I hereby certify that the foregoing resolution was adopted on February 20, 2019 by the Planning Commission of the City of Orange by the following vote:

AYES: Commissioners Glasgow, Martinez, Simpson, Vazquez and Willits

NOES: None

ABSTAIN: None

ABSENT: None

Ernest Glasgow, Planning Commission Chair

3-18-2019

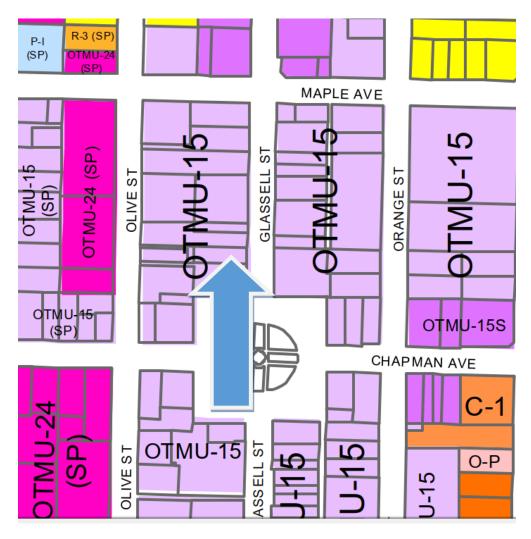
Date

# Vicinity Map

# Conditional Use Permit No. 25-0005

1886 Brewing Co.

# 114 N. Glassell Street





CITY OF ORANGE
COMMUNITY DEVELOPMENT DEPARTMENT

After four years of being a part of this community, we here at 1886, strongly feel that we have created a great spot for the people of Orange and the surrounding cities to come gather for delicious food and award winning craft beer.

We are continuously trying to strengthen our business, our food, and our atmosphere in order to maintain and increase our business. In doing so, we hope to continue to be a thriving business in the city.

We strongly believe that adding live music to our restaurant would enhance the total experience for our customers. We are not looking to become a music venue, but simply trying to add to the existing customer experience, while also being able to showcase local talent from the community. Our plan would be to have live music 1-2 days per week, for approximately two hour segments at a time, not to go past 9pm. We want to provide tasteful, family friendly, music that includes genres from country, folk, and reggae; all styles that we feel will add to the current atmosphere.

We plan to have the musicians bring in their equipment through the back entrance of the restaurant, located off of N. Olive Street. They will set up inside the restaurant on the floor (NO STAGE) underneath the large round wall logo sign in the back of the restaurant. (See attached floor plan). The musicians will be cordoned off from tables, using floor standing retractable crowd control posts. The musicians will always be performing at an audible, yet enjoyable volume, which will be monitored by a sound level monitor device by our management.

The goal isn't to have the band as a focal point but more as a nice background sound coming from a small group of individuals who will be providing wonderful music, as patrons enjoy great food and drinks while having an audible conversation.

Respectfully		
Mike Hernandez		

