

CONDITIONAL USE PERMIT NO. 25-0005

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. 3076-18 TO 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 16th 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 16th day of June 2025, by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Anna Pehoushek, FAICP
Assistant Community Development Director