



Agenda Item

Planning Commission

Item #: 5.1.

2/20/2025

File #: 25-0088

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Arlen Beck, Associate Planner

1. SUBJECT

Public Hearing to consider a request by CDO Orange, LLC, dba Culinary Dropout for a Type 47 ABC License (On-Sale General) at a proposed restaurant located at 191 N. Orange Street and finding of CEQA Exemption (Conditional Use Permit No. 3225).

2. SUMMARY

The applicant, CDO Orange, LLC (Culinary Dropout), is requesting to serve a full range of alcoholic beverages with food at a proposed restaurant with a State of California Department of Alcoholic Beverage Control Type 47 license (On-Sale General - Eating Place).

3. RECOMMENDED ACTION

1. Adopt Planning Commission Resolution No. PC 33-24. A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3225, allowing the sale of alcoholic beverages for onsite consumption in conjunction with a State of California Department of Alcoholic Beverage Control Type 47 license (On-Sale General - Eating Place) at a proposed restaurant located at 191 N. Orange Street.
2. 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 to allow the sale of alcoholic beverages for on-site consumption in conjunction with a restaurant.

5. PROJECT BACKGROUND

In 2020, First Presbyterian Church of Orange filed an application for a Tentative Parcel Map to create two new parcels totaling 9,358 sq ft and 40,451 sq ft at the existing church campus. The project site is the smaller parcel and contains the building currently under construction.

<i>Applicant:</i>	CDO Orange, LLC dba Culinary Dropout
<i>Property Owner</i>	191 Orange, LLC
<i>Property Location</i>	191 N. Orange Street

Existing General Plan Land Use Element Designation	Old Towne Mixed Use 15, 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	Parcel: 9,358 sq ft Tenant space: 7,425 sq ft, including outdoor patio
Circulation	Primary access to the property is from N. Orange Street and E. Maple Avenue
Existing Conditions	The site is located on the south side Maple Avenue, between N. Orange Street to the west and N. Grand Street to the east. The proposed tenant space for the restaurant is currently under construction.
Surrounding Land Uses and Zoning	<u>North:</u> Single family residences (R-1-6) <u>South:</u> Existing church (First Presbyterian Church of Orange) (OTMU-15) <u>East:</u> Single family residences (R-1-6), church sanctuary, and a surface parking lot (OTMU-15) <u>West:</u> Office building (Architects Orange) and a surface parking lot (OTMU-15)
Previous Applications/Entitlements	MNSP No. 1066-22, DRC No. 5056-22, and APP No. 0557-22 for a remodel and addition to the existing administration building, parking lot upgrades, new landscaping, new patios/outdoor dining areas, and paving the interior courtyard. TPM 0015 for the creation of two new parcels totaling 0.51 acres and 0.93 acres at an existing church campus

6. PROJECT DESCRIPTION

The applicant proposes a 7,425 sq ft restaurant, Culinary Dropout, with a State of California Department of Alcoholic Beverage Control (ABC) Type 47 License (On-Sale General - Eating Place). The restaurant includes a total of 255 seats, with 201 seats indoors and 54 seats on the outdoor patio (Attachment 2). Attachment 1 includes conditions of approval that permit the following operating hours:

Proposed Permitted Operating Hours for Indoor Seating	
Sunday - Thursday	7:00 a.m. - 10:00 p.m.
Friday - Saturday	7:00 a.m. - 12:00 a.m. (midnight)

Proposed Permitted Operating Hours for Outdoor Patio Seating		
Days	Hours	Last Customer Seated Time

Sunday - Thursday	7:00 a.m. - 10:00 p.m.	9:00 p.m.
Saturday - Sunday	7:00 a.m. - 11:00 p.m.	10:00 p.m.

7. PROJECT ANALYSIS

Adaptive Re-use of the Structure

The adaptive re-use of an existing building from administrative office to restaurant is allowed in the Old Towne downtown core and a logical use of the site given its close proximity to an event center, offices, restaurants, residences, and public parking lot.

Outdoor Dining Area Use:

Of the 54 seats on the proposed outdoor dining area, 24 are proposed along the E. Maple Avenue frontage. As shown in the sound location exhibit (Attachment 4), the applicant proposed two speakers for amplified sound along the portion of the dining area fronting E. Maple Avenue and six speakers along the N. Orange Street frontage.

The immediate interface between the northern outdoor seating area of the restaurant and single-family residences on the north side of E. Maple Avenue warrants attention in order to support the required conditional use permit findings established by the Orange Municipal Code; specifically, those pertaining to potential negative effects the proposed use may have on surrounding land uses. Outdoor dining activity has the potential to create noise issues that could be disruptive to adjacent residents, particularly in the evening. Therefore, staff has included conditions of approval to mitigate potential noise impacts to sensitive receptors:

- Prohibition of an outdoor sound system or amplifying system. (Condition No. 24)
- All outdoor patio seating to conclude by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday, with no seating of new customers on the outdoor patio one hour before patio seating closes. (Condition No. 25 and 26)
- Limit hours of operation to no later than midnight on Fridays and Saturdays, and 10:00 p.m. Sunday through Thursday to be generally consistent with hours of operation of other uses in the immediate vicinity operating with a Type 47 ABC License. (Condition No. 13)
- Prohibit live entertainment (including karaoke), disc jockey, or dancing, and limit amplified music so that it is not audible outside (Condition No. 32).

Sensitive Receptors and Alcohol Sales:

For the findings, the Planning Commission shall consider whether the proposed use will:

1. Adversely affect the welfare of the surrounding community
2. Result in an undue concentration of premises for the sale of alcoholic beverages
3. Detrimentially affect nearby residentially zoned districts after giving consideration to the proposed hours of operation

4. Detrimentially affect the proximity to the following:

A. Residential buildings.

B. Churches, schools, hospitals, public playgrounds, and other similar uses.

C. Other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

There are 20 other establishments selling alcoholic beverages within the vicinity (600-foot radius) of the subject property. Other sensitive receptors within the vicinity include single-family and multi-family residences, and two churches (see Attachment 5). Below is a list of sensitive receptors identified within the vicinity (600-foot radius) of the subject property as outlined by Orange Municipal Code Section 17.30.040:

Sensitive Receptors

Establishment Name	Address	Distance to Project Site
<i>Single-Family Dwellings</i>	E. Maple Ave. & N. Grand St.	50 - 600 feet
<i>Multi-Family Dwellings (2nd story apartments)</i>	Plaza Square	300 feet
<i>First Presbyterian Church of Orange</i>	180 N. Grand St.	0 feet
<i>Son Light Church</i>	172 N. Glassell St.	600 feet

While there are sensitive land uses in the vicinity of the site, approval of the CUP for alcohol sales, with the proposed conditions of approval, is unlikely to impact the sensitive receptors identified above given that the sale of alcohol is associated with a full-service restaurant with a majority of indoor seating, and limitations will be placed on outdoor dining activity.

Census Tract Concentration:

The business is located within Census Tract 759.01. This Census Tract is considered overconcentrated with On-Sale and Off-Sale Licenses.

Alcohol Licenses in Census Tract 760.01		
License Type	Allowed	Existing
<i>On-Sale Licenses</i>	5	19
<i>Off-Sale Licenses</i>	2	4

Crime Statistics for Reporting District 23w:

Orange Police Department (OPD) crime statistics show the subject site is located within a high crime area, because reported crimes are more than 20% above the average of reported crimes citywide.

The table below shows the OPD crime statistics for RD-23W compared to the citywide average.

Crime Statistics

Reporting District	Reported Crimes and Arrests	Citywide Average Crimes and Arrests	Percent Difference
61	115	85	35%

Staff does not anticipate that the use will create a negative impact on neighboring land uses because the restaurant, as conditioned, is compatible with the mix of uses within the surrounding area, has defined hours, will be adequately staffed, and the primary use will be food service. Should the Planning Commission approve the CUP, the standard conditions of approval for the safe operation of the restaurant with alcohol service are included in the Planning Commission Resolution (Attachment 1).

Project Conditions

The applicant's request for a Type 47 ABC License provides the City with an opportunity to impose standards and conditions of approval for restaurants serving alcoholic beverages in conjunction with food to protect the health, safety, and general welfare of the nearby neighborhood and overall community which include, but are not limited to:

- Gross sales of alcohol shall not exceed non-alcohol sales (Condition No. 7).
- Alcohol shall only be consumed within the defined dining areas (Condition No. 11).
- Food service must be made available until closing time on each day of operation (Condition No. 16).
- Live entertainment on the premises is prohibited (Condition No. 32).

8. PUBLIC NOTICE

On February 6, 2025, a public notice was posted at the project site, and the City sent a Public Hearing Notice to a total of 208 property owners/occupants within a 400-foot radius of the project site and persons specifically requesting notice.

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 project consists of licensing the sale of alcoholic beverages at a proposed restaurant in an existing building that results in negligible or no expansion of use beyond that existing at the time of the City's determination.

10. ADVISORY BOARD ACTION

None required.

11. ATTACHMENTS

- Attachment 1 - Planning Commission Resolution No. PC 33-24
- Attachment 2 - Site Plan and Floor Plan
- Attachment 3 - Applicant Business Narrative Letter
- Attachment 4 - Planning Commission Evaluation Map
- Attachment 5 - Orange Police Department Memorandum