

CONDITIONAL USE PERMIT NO. 3121-20

RESOLUTION NO. PC 34-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3121-20 FOR A TWELVE-SEAT CHAPEL AND SHARED PARKING IN CONJUNCTION WITH A MORTUARY OFFICE AT 1005 E. CHAPMAN AVENUE

APPLICANT: SHANNON FAMILY MORTUARY

Moved by Commissioner _____ and seconded by Commissioner _____ that the following Resolution be adopted:

WHEREAS, the Planning Commission has authority per 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. 3121-20 for a mortuary with a chapel and shared parking in an existing professional office building in the Office Professional (O-P) zone, located at 1005 E. Chapman Avenue; and

WHEREAS, Conditional Use Permit No. 3121-20 was filed by the applicant in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3121-20 was processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 3121-20 is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities); and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on December 7, 2020, February 1, 2021, and April 5, 2021 at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3121-20 upon property described in Exhibit “A,” attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 3121-20 for a twelve-seat chapel in conjunction with a mortuary office, located at 1005 E. Chapman Avenue, with shared parking at 911 E. Chapman Avenue, 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 is consistent with the goals and policies stated in the City's General Plan Land Use and Economic Development Elements in that memorial services are a customer service offered by a mortuary, offers the public a wide variety of services, promotes commercial enterprise, supports a revenue-generating business, and encourages the creation of a successful commercial district. Permitting the existing mortuary office to provide memorial services allows the establishment to be competitive with other similar businesses in the area that provide a similar scope of services. Authorizing the chapel for the mortuary office may help to retain the business, thereby maintaining economic activity and demonstrating economic vitality along E. Chapman Avenue.

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 for residents to access a service locally in a single location that would otherwise require arrangements with multiple businesses. It will occur on a site that has been zoned for commercial uses that serve City residents as well as visitors. The use of the chapel for memorial services is only one component of the services offered by the business, which also provides administrative services for all aspects of end-of-life arrangements. Memorial services are a service typically expected by the public in association with a mortuary. Services will be provided a maximum of two times per week between the hours of 8:00 AM and 5:00 PM.

Strong consideration was given to the manner in which the business will operate under the provisions of this Conditional Use Permit. As conditioned, its operation should not create a nuisance to the adjacent residential neighborhood. Shared parking is provided through leased parking spaces at 911 E. Chapman Avenue for customers and visitors. Conditions have been placed on the project to compensate for potential detrimental effects that could be caused by having additional clients and visitors to the business. As conditioned, the chapel with memorial services should not increase or contribute to parking or noise issues in the adjacent neighborhood.

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 provide a chapel in conjunction with a mortuary office is not anticipated to have adverse impacts on surrounding land uses or create a special problem. The E. Chapman Avenue corridor is zoned for mixed use and professional offices, with a mix of offices and institutional uses, such as churches, directly adjacent to residential neighborhoods. The subject property is already developed with a professional office building of similar size to other offices on E. Chapman Avenue, and the proposed use does not require expansion of the building or

conversion of residential property to non-residential use. Specific project features combined with project conditions compensate for detrimental effects that could be caused by adding a chapel with memorial services to the existing business by limiting hours of operation to between 8:00 AM and 5:00 PM on weekdays, limiting the number of services to no more than two per week, and requiring additional parking be provided in order for memorial services to take place at the property. The applicant has provided this parking through leased parking spaces at 911 E. Chapman Avenue, directly across N. Waverly Street from the subject property.

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 project location is at the intersection of Waverly Street and E. Chapman Avenue, at the eastern edge of the Old Towne Historic District. The E. Chapman Avenue corridor is zoned for mixed use and professional offices, with a mix of offices and institutional uses, such as churches, directly adjacent to residential neighborhoods. The proposed addition of the chapel to provide memorial services is an accessory use to the existing mortuary office already in operation at the subject property. The use is not anticipated to have an adverse impact on neighboring land uses and the community, because Conditions of Approval are included to limit the operation of the business to hours similar to other established uses along the commercial corridor and provide for shared parking at 911 E. Chapman Avenue to reduce the potential for customer parking on residential streets.

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 conditions for the Conditional Use Permit are put forth with the purpose of preserving the general welfare of the city and community. Conditions of Approval have been included in this Resolution to ensure that the addition of memorial services to the scope of the mortuary business will not have a negative impact on the adjacent residential neighborhood to the north. Memorial services in the chapel will be limited to two times per week, Monday through Friday, 8:00 AM to 5:00 PM, during regular hours similar to other businesses along E. Chapman Avenue. The applicant is also required to maintain the code required parking spaces for operation of the chapel, to ensure that commercial parking does not affect street parking in the neighborhood. This is provided through a leased parking agreement with 911 E. Chapman Avenue for access to five parking spaces. Otherwise, the business must cease providing memorial services on-site until adequate replacement parking is found to the satisfaction of the Community Development Director.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA per State CEQA Guideline 15301 (Class 1 – Existing Facilities) because the project consists of the operation and licensing of an existing professional office building, consistent with the property’s zoning and General Plan designation. There is no public review required.

SECTION 3– CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that the following conditions are imposed with approval:

1. The proposal shall conform in substance and be maintained in general conformance with the plans submitted (dated June 6, 2020), and as recommended for approval by the Planning Commission.
2. Any future change in the nature and operation of the use approved by Conditional Use Permit No. 3121-20 shall require an application for a new or amended Conditional Use Permit.
3. The permittee 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.
4. The permittee shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use may be cause for revocation of this permit.
5. These conditions shall be reprinted on the first page of the construction documents, if submitting to the Building Department for the plan check process.
6. If not utilized, this project approval expires two years from the approval date. An extension of time may be permitted upon a written request, if received before the expiration deadline.
7. Hours of operation for chapel memorial services shall be Monday through Friday, 8:00 AM to 5:00 PM.
8. There shall be a maximum of two memorial services conducted per week.
9. A staff member of the business shall monitor parking during services to ensure that attendees park in designated parking lots only on the business site and the shared parking property. Temporary signs may also be utilized to direct attendees to designated parking areas.
10. The permittee shall maintain, either on-site or off-site through a parking agreement, a combined total of fifteen (15) parking. A copy of the parking agreement shall be provided to the Community Development Director prior to commencement of memorial services. Changes to the location of leased off-site parking spaces must be reviewed and approved by the Community Development Director. Failure to provide the required parking spaces shall result in the inability to operate the chapel or hold memorial services on-site until adequate parking has been secured for use.
11. 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 by the Community Development Director. The purpose of this review shall be to identify uniquely adverse issues such as parking, noise, or nuisance issues 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 its consideration of conditions, modifications, or revocation.

I hereby certify that the foregoing Resolution was adopted on April 5, 2021, by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dave Simpson, Planning Commission Chair