Agenda Item

Planning Commission

Item #: 4.1. 4/5/2021 **File #:** 21-0159

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

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

FROM: **Kelly Ribuffo, Associate Planner - Historic Preservation**

1. SUBJECT

Public Hearing: Conditional Use Permit No. 3121-20, Shannon Family Mortuary, 1005 E. Chapman Avenue

2. SUMMARY

The applicant proposes to add a chapel within an existing professional office building to provide memorial services for Shannon Family Mortuary. The project was continued from the December 7, 2020 and February 1, 2021 Planning Commission meetings.

3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 34-20 entitled:

A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3121-20 for a twelve seat chapel in conjunction with a mortuary office at 1005 E. Chapman Avenue.

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Table 17.08.020 and Sections 17.10.030.C and 17.30.030 authorizes the Planning Commission to review and take action on Conditional Use Permits. A Conditional Use Permit is required for a mortuary in the Office Professional (O-P) zone.

5. PROJECT BACKGROUND

Applicant:	Shannon Family Mortuary, Charles Link
Property Owner	Elizabeth Khorey
Property Location	1005 E. Chapman Avenue
Existing General Plan Land Use Element Designation	Neighborhood Office Professional (NOP)
Existing Zoning Classification	Office Professional (O-P)
Old Towne	Yes
Specific Plan/PC	None
Site Size	0.17 acres

Circulation	Located at the northeast intersection of E. Chapman Avenue and Waverly Street, with vehicular access from N. Waverly Street.
Existing Conditions	The property is developed with a 1,320 square foot professional office building and a nine-space parking lot.
Surrounding Land Uses and Zoning	Single-family residential (R-1-6) to the north on N. Waverly Street, offices and institutional uses (O-P and OTMU-15S) along E. Chapman Avenue
Previous Applications/Entitlements	None

6. PROJECT DESCRIPTION

The applicant, Shannon Family Mortuary, proposes to convert a portion of an existing 1,320 square foot professional office building into a twelve-seat chapel for private memorial services in conjunction with a mortuary office. A floor plan is provided as Attachment 4.

Memorial services will be held one to two times per week between 8 a.m. and 5 p.m. Services last a maximum of two hours each. One to two staff members will be present to facilitate the service. Transport of the decedent to and from an off-site mortuary is provided by the business using a company vehicle. Decedents are not stored on the property before or after the service.

Parking for visitors will be provided in the existing nine-space parking lot on-site and across N. Waverly Street at 911 E. Chapman Avenue, where the applicant has leased five parking spaces from Pacific Bell Telephone Company for overflow parking.

More information on the business operations is provided in Attachment 3.

7. ANALYSIS AND STATEMENT OF THE ISSUES

Issue 1: Response to Planning Commission Comments

At the December 7, 2020 meeting, the Planning Commission stated concerns that the frequency and size of the proposed memorial service use would have negative impacts to the residents living along N. Waverly Street. In the past, staff has received concerns from neighborhood residents about the potential for business parking encroaching into the residential areas adjacent to E. Chapman Avenue. The Planning Commission continued the application to the February 1, 2021 meeting and directed the applicant to revisit its proposed operation plan and perform additional outreach to the nearby residents to address neighbor concerns regarding on-street parking that were brought up during the public hearing.

The applicant requested a continuance to the April 5, 2021 meeting to allow additional time to revise its application.

The applicant has provided a revised request for memorial services, included as Attachment 3. The original request was for use of the chapel from 9 a.m. to 7 p.m., seven days a week, up to three services per week. The hours of operation for the chapel have been reduced to 8 a.m. to 5 p.m. Monday through Friday, with a maximum of two services or viewings allowed per week. In addition, the number of attendants allowed at memorial services will be capped at twelve individuals, versus the original request for 25 individuals, to be managed by employees of the business.

Because the public hearing for the application was continued to a date certain, no additional mailed or posted public notice was required for this hearing by the City. However, the applicant has stated

that prior to the public hearing on April 5, 2021 it will provide the revised letter of explanation to all property owners within 300 feet of the property and answer any questions that they may have regarding the business operations.

Based on the proposed floor plan and seating number, the adjusted parking requirements are:

Use	Parking Rate	Parking Required
Professional or administrative office	4 spaces/1,000 SF gross floor area	4 spaces (991 SF)
Company vehicle	1 space/1 vehicle	2 spaces (2 vehicles)
Church, chapel, religious facility, cemetery, mortuary	1 space/4 seats	3 spaces (12 seats)
Total Required Spaces:		9

As proposed, the property meets the code required parking demand for the proposed mix of services, with nine parking spaces existing on the property. However, the applicant has contracted with Pacific Bell Telephone Company to lease five parking spaces at 911 E. Chapman Avenue (a.k.a. the AT&T site) to provide overflow parking for memorial services. The leased spaces are available at all times for use by Shannon Family Mortuary clients and visitors. This makes fourteen parking spaces available to fulfill the parking demands for the business, in excess of the code-required parking.

It is the opinion of staff that with the proposed operational changes the use has a low chance of creating chronic parking issues for residents on N. Waverly Street. The chapel is less than 400 square feet in size, the applicant has provided for more parking spaces than required by the OMC, and the hours of operation for the chapel are regular business hours. In the future, should parking spaces no longer be available at the AT&T site, staff has proposed Condition No. 9. This condition requires that alternative parking equal or greater to the number of parking spaces must be provided to allow memorial services to continue on the property at a location approved by and at the discretion of the Community Development Director.

8. PUBLIC NOTICE

On November 25, 2020, the City sent a Public Hearing Notice to a total of 76 property owners/tenants 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. Two comment letters were received prior to the public hearing in opposition to the project.

As the proposed project was continued to a date certain, no additional public notice was required.

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 the licensing of an existing professional office building, consistent with the property's zoning and General Plan designation. No public review is required.

10. ADVISORY BOARD ACTION

None required.

11. ATTACHMENTS

- Attachment 1 Planning Commission Resolution No. PC 34-20 draft
- Attachment 2 Vicinity Map
- Attachment 3 Applicant Letter of Explanation date stamped March 22, 2021
- Attachment 4 Site Plan and Floor Plan
- Attachment 5 Site Photographs
- Attachment 6 Location of Leased Parking Spaces
- Attachment 7 Staff Report and Minutes from the December 7, 2020 Meeting

MINUTES - FINAL

City of Orange

Planning Commission

April 05, 2021

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1. OPENING

1.1 CALL TO ORDER

Chair Simpson called the meeting to order at 7:03 p.m.

1.2 PLEDGE OF ALLEGIANCE

Chair Simpson led the flag salute

1.3 ROLL CALL

Present: Simpson, Vazquez, Glasgow, Martinez, and Willits
Absent: None

1.4 PUBLIC COMMENTS

None

1.5 Continued or Withdrawn Items

Anna Pehoushek, Assistant Community Development Director, stated staff would like to continue Item 2.2, St. Joseph Medical Office Building, to a date uncertain in order to review correspondence that was received late in the day.

A motion was made by Commissioner Glasgow, seconded by Commissioner Martinez, to continue item 2.2 to a date uncertain.

The motion carried by the following vote:
Ayes: Simpson, Vazquez, Glasgow, Martinez, and Willits
Noes: None
Absent: None

1.6 Assistant Community Development Director Reports

None

1.7 Announcement of Appeal Procedures.

2. 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.

2.1. Approval of meeting minutes of the Planning Commission of the City of Orange for the March 15, 2021 Regular Meeting.

ACTION: Approve minutes as amended.

A motion was made by Commissioner Willits, seconded by Commissioner Martinez to approve the March 15, 2021 minutes as amended.

The motion carried by the following vote:
Ayes: Simpson, Vazquez, Glasgow, Martinez, and Willits
Noes: None
Absent: None

2.2. Major Site Plan Review No. 1017-20, Tentative Parcel Map No. 0019-20, Design Review No. 5014-20, and Mitigated Negative Declaration No. 1872-20 St. Joseph Medical Office Building located at 331, 353, and 393 S. Main Street.

ACTION: Item 2.2 was continued to a date uncertain under item 1.5.

3. COMMISSION BUSINESS

None

4. CONTINUED HEARINGS

4.1. Public Hearing: Conditional Use Permit No. 3121-20, Shannon Family Mortuary, 1005 E. Chapman Avenue (CONTINUED FROM THE FEBRUARY 1, 2021 PLANNING COMMISSION MEETING)

Commissioner Martinez disclosed he met with the applicant and toured the facility.

Commissioner Glasgow disclosed he met with some of the neighbors on Waverly Street.

Charles Link spoke on behalf of the project.

The Commissioners had questions about the following:

- Parking lease agreement with AT&T
- Seating capacity
- Neighborhood outreach
- Frequency of services

Chair Simpson opened the public hearing.

Nine letters were received in favor, and five emails were received in opposition of the application.

Chair Simpson closed the public hearing.

A motion was made by Chair Simpson, seconded by Commissioner Martinez to adopt Planning Commission Resolution No. 34-20 with the following modifications and additions to the Conditions of approval:

- Replace "memorial services" with "private ID viewing" throughout Resolution PC 13-21.
- Revise Condition 7 to read "The hours of operation shall be Monday through Friday 8:00 AM to 5:00 PM. No private ID viewings shall be conducted past 5:00 PM."
- Revise Condition 8 to read "A maximum of two small private ID viewings may be conducted per week, not to exceed two hours each."
- A new condition 9 stating "There shall be no more than 12 attendees allowed at any one private ID viewing."
- Revise Condition 10 to include "Staff member of the business shall direct parking during viewings."
- Revise Condition 11 to change the term "memorial services" to "private ID viewings."
- Revise Condition 12 to read "The Conditional Use Permit shall be reviewed six months from the date of approval and may be reviewed each year thereafter by the Community Development Director who will present his or her findings to the Planning Commission.

The motion failed by the following vote:
Ayes: Simpson, and Martinez
Noes: Vazquez, Glasgow, and Willits
Absent: None

4.1. Public Hearing: Conditional Use Permit No. 3121-20, Shannon Family Mortuary, 1005 E. Chapman Avenue (CONTINUED FROM THE FEBRUARY 1, 2021 PLANNING COMMISSION MEETING)

During the Commissioners discussion, the following concerns were considered in their decision:

- Potential neighborhood parking impacts
- Potential challenges limiting the number of guests
- Public comment on recent neighborhood conflicts associated with on-site gatherings

A Motion was made by Commissioner Glasgow and seconded by Chair Simpson, to deny Planning Commission Resolution No. 13-21 entitled:
A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3121-20 for a twelve seat chapel in conjunction with a mortuary office at 1005 E. Chapman Avenue.

The motion carried by the following vote:
Ayes: Simpson, Vazquez, Glasgow, Martinez, and Willits

Noes: None
Absent: None

5. NEW HEARINGS

None

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:33 p.m.

The next Regular Planning Commission Meeting will be held on Monday, April 19, 2021 at 7:00 p.m. in the City Council Chamber and various teleconference locations.

s/Anna Pehoushek
Community Development Assistant Director