



# 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

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

<i>Circulation</i>	Located at the northeast intersection of E. Chapman Avenue and Waverly Street, with vehicular access from N. Waverly Street.
<i>Existing Conditions</i>	The property is developed with a 1,320 square foot professional office building and a nine-space parking lot.
<i>Surrounding Land Uses and Zoning</i>	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
<i>Previous Applications/Entitlements</i>	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)
<b>Total Required Spaces:</b>		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