

**CONDITIONAL USE PERMIT NO. 3208
MINOR SITE PLAN REVIEW NO. 1159**

RESOLUTION NO. PC 04-26

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ORANGE APPROVING CONDITIONAL USE
PERMIT NO. 3208 AND MINOR SITE PLAN REVIEW NO.
1159 TO ALLOW THE OPERATION OF A BED AND
BREAKFAST INN AT 616 W. CHAPMAN AVENUE**

APPLICANT: AHMED JOSEPH MAHMOUD

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Table 17.08.020 and Section 17.10.030.C to take action on Conditional Use Permit No. 3208 and Minor Site Plan Review No. 1159, for a proposal to operate a bed and breakfast inn within an existing historic one-story single-family residential dwelling at 616 W. Chapman Avenue; and

WHEREAS, the application for Conditional Use Permit No. 3208 and Minor Site Plan Review No. 1159 was filed by the applicant in accordance with the provisions of the OMC; and

WHEREAS, the application for Conditional Use Permit No. 3208 and Minor Site Plan Review No. 1159 was processed in the time and manner prescribed by state and local law; and

WHEREAS, the application for Conditional Use Permit No. 3208 and Minor Site Plan Review No. 1159 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 consists of operation of a bed and breakfast inn within an existing one-story single-family residential dwelling; and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on February 2, 2026, at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3208 and Minor Site Plan Review No. 1159 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. 3208 and Minor Site Plan Review No. 1159, for a request to operate a bed and breakfast inn within an existing historic residential dwelling 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 Land Use and Economic Development Elements of the City's General Plan in that the establishment and operation of a bed and breakfast inn promotes compatible commercial activity, supports local economic vitality, and enhances visitor-serving uses within appropriate mixed-use and historic areas. Bed and breakfast inns are specifically identified as conditionally permitted uses within the Old Towne Mixed Use-15S (Specific Plan) zoning district and the Santa Fe Depot Specific Plan area, subject to review to ensure compatibility with surrounding land uses.

The proposed bed and breakfast inn is designed to operate at a scale and intensity that is compatible with the surrounding neighborhood and consistent with the City's vision for mixed-use development that balances economic activity with neighborhood character. The use will provide short-term lodging opportunities that support tourism, local businesses, and pedestrian activity, while maintaining the architectural character and historic context of the area.

Additionally, the project supports General Plan objectives to strengthen the local economy by encouraging small-scale, locally operated businesses and diversifying lodging options within the City. By attracting visitors to the area, the project contributes to increased patronage of nearby restaurants, shops, and services, which is consistent with the City's economic development goals.

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.*

Consideration has been given as to whether the proposed use will detrimentally affect adjacent land uses. The proposed use provides an opportunity for patrons seeking specialized lodging and accommodations in close proximity to the Orange Transit Center and Old Towne Orange. It will occur on a site that has been zoned for a mix of restaurant, retail, service, and residential uses around a commercial destination that serves City residents as well as visitors. Per the OMC Chapter 17.04 Definitions, owner occupancy is required for a bed and breakfast inn. Additionally, per OMC Section 17.13.050 Conditional Use Regulations, no cooking facilities shall be permitted in any guest room, and guest meals shall only be served to persons registered as overnight guests. As conditioned, its operation is not anticipated to create a nuisance to the community or a burden on police services.

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 operate a bed and breakfast inn is not anticipated to have adverse impacts on surrounding land uses or create a special problem, because the site is located in the Old Towne Mixed Use-15S zoning district, which is intended to function as a mixed-use restaurant, retail, service, and residential district.

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 in close proximity to the Orange Transit Center and the Old Towne Orange Historic District, a popular commercial destination where shopping, dining, and lodging establishments are expected to be concentrated. The proposed bed and breakfast use is somewhat accessory to the existing historic residential dwelling, where the owner, manager, proprietor, or caretaker is required to reside on the subject premises at all times. The proposed small-scale operation is not anticipated to have an adverse impact on neighboring land uses and the community, because conditions of approval have been designed to minimize the potential for adverse 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 conditions of approval for the Conditional Use Permit are put forth with the purpose of preserving the general welfare of the community. If the City of Orange Community Development Department finds that the business is not operating as required, or if there is a history of criminal or nuisance behavior, the Department will recommend that the Planning Commission reconsider this application.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) because the project consists of operation of a bed and breakfast inn within an existing one-story single-family residential dwelling. No environmental public review is required for a CEQA categorically exempt project.

SECTION 3 – CONDITIONS OF APPROVAL

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

General:

1. The final conditions of approval shall be reprinted on a dedicated sheet of the construction documents when submitted to the Building Division for the plan check process.
2. The term “applicant” shall refer to the entity that requests approval of this action or any successor in interest to this approval.

3. Any future change in the nature and operation of the use approved by Conditional Use Permit (CUP) No. 3208 and Minor Site Plan Review No. 1159 shall require an application for a new or amended CUP.
4. The applicant agrees, as a condition of City's approval of, to indemnify, defend, and hold harmless, at applicant's expense, the City, its officers, agents, and employees (City) from and against any claim, action, or proceeding brought against the City, including, but not limited to, any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the City's approval, to challenge the determination made by the City under the California Environmental Quality Act (CEQA) or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify applicant of any such claim, action or proceeding to which the City receives notice and to cooperate fully with the applicant in the defense thereof. Applicant shall reimburse the City for any and all costs and expenses, including, but not limited to, court costs and attorney's fees that the City may be required to pay, including any expenses ordered by a court or expenses incurred through the Office of the City Attorney in connection with said claim, action or proceeding. City may, in its sole discretion, participate in the defense of any claim, action or proceeding but such participation shall not relieve applicant of the obligations of this condition. In the event the applicant is required to defend City in connection with such claim, action or proceeding, City shall have the right to approve counsel to so defend the City, approve all significant decisions concerning the manner in which the defense is conducted and approve any all settlements, which approval(s) shall not be unreasonably withheld. The obligations set forth herein remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgment rendered in the proceeding. Further, applicant agrees to indemnify, defend and hold harmless the City for all costs and expenses incurred in enforcing this provision.
5. The applicant shall comply with all federal, state, and local municipal laws, including local City ordinances and regulations. Any violations of these laws in conjunction with this use may be cause for revocation of this permit.
6. Prior to the operation of the business, the applicant shall file for, or if applicable, amend a business license with the Business License Division. Failure to obtain the required business license may be cause for revocation of this approval.

Planning Division:

7. This CUP shall apply only to the project parcel (APN: 390-673-27), with the address of 616 W. Chapman Avenue, regardless of any change in ownership.
8. Per OMC Section 17.13.050 Conditional Use Regulations, the property owner, manager, proprietor, or caretaker is required to reside the subject premises at all times.
9. Per OMC Section 17.13.050 Conditional Use Regulations, no cooking facilities shall be permitted in any guest room.

10. Per OMC Section 17.13.050 Conditional Use Regulations, guest meals shall be served only to persons registered as overnight guests.
11. The project site shall be developed and maintained in accordance with the approved plans and conditions of approval.
12. The activity level of the business shall be monitored by the Police Department to establish the level of police services used for the business. Should the of police services demonstrate that the applicant has not controlled excessive, or unnecessary activity resulting in high use of police services then the Conditional Use Permit shall be reviewed for consideration of further conditions, modifications or revocation.
13. All required parking spaces shall be clearly identified and maintained at all times. A minimum of three designated parking spaces is required. Parking shall meet the minimum required dimensions as outlined in OMC Section 17.34.110 Parking Area Dimensions, and shall be in double-stripe formation as outlined in OMC Section 17.34.130 Maintenance and Operation of Permanent Parking Areas.
14. In conjunction with the operation of the business, the property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development Director, or designee. This includes, but is not limited to, the building(s), on-site landscaping, trash areas, signed, utilities, property fences and gates, etc.

Building Division

15. The final approved plans shall include the “General Notes” as shown below:
 - a) On-premises food service shall be for residents and guests only. No public food service is permitted.
 - b) NFPA 13D automatic fire sprinkler system is required to be installed.
 - c) Per CBC Chapter 2, 202 Definitions: “A place of public accommodation includes a facility operated by a private entity whose operations affect commerce and fall within at least the category of a place of lodging, except for an establishment located within a facility that contains no more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor.
 - d) The operator shall be limited to a single room for lodging within the owner-occupied residential unit. As such, the operation is not considered a “Place of Public Accommodation” pursuant to the California Building Code (CBC) Chapter 2, 202 Definitions.
 - e) CBC 11B202.3. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Division 2, including 11B-202.4.
 - f) Exception #3. Residential dwelling units not required to be accessible in compliance with this code shall not be required to comply with Section 11B-202.3.

16. Should the business operation exceed the one room for lodging, or if the owner occupancy requirement is not met, the project shall be considered a “place of public accommodation” and will be subject to any and all California Building Code requirements related to Accessibility and the Americans with Disabilities Act (ADA).

Fire Department

17. Automatic Fire Sprinklers are required per NFPA13D. Deferred submittal for plan and permit by licensed C-16 contractor. Permit is required prior to water service approval.

Traffic Division

18. Prior to the issuance of building permits, the applicant will be responsible for paying Transportation Systems Improvement Program (TSIP) fees based on the proposed net change in land use (proposed project minus existing trips). Final TSIP fees will be calculated using the final approved building plans and current rates at the time of building permit issuance.

Water Division

19. Prior to issuance of any grading permit or building permit, the applicant must submit improvement plans to the Water Division for review and approval for any new fire hydrants, domestic water services, fire services, landscape services, backflow prevention devices, and any other proposed improvements or relocations affecting the public water system facilities.
20. Prior to issuance of any grading permit, the applicant must construct all public and/or private improvements to the satisfaction of the Water Division. The applicant may be required to enter into an agreement with the City of Orange, and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.
21. Prior to issuance of any grading permit or building permit, the applicant will be responsible for the installation and/or relocation of the proposed or existing public water system facilities to a location and of a design per the improvement plans approved by the Water Division.
22. Prior to issuance of building permit, the Water Division will approve the type and location of landscaping services, fire services, and backflow prevention devices for proposed City services.
23. Prior to issuance of building permit, for the first phase of work, the applicant will be responsible for obtaining approval of all necessary encroachment permits from affected agencies for all public water construction work.
24. Prior to approval of a water improvement plan, the applicant must satisfy all water main connection, plan check, and inspections charges as determined by the Water Division.

25. Plans submitted during plan check must show that the water improvement plans are consistent with the fire suppression plans and or fire master plan. The applicant's consultant preparing the water improvement plans must coordinate their plans with the consultant preparing the fire suppression plans and/or fire master plan so that their designs concur.

Surface Water Quality

26. Prior to approval of grading or building permits, the applicant shall submit a Non-Priority Project Water Quality Management Plan (WQMP) for review and approval to the Public Works Department that:

- a) Describes the project site.
- b) Describes the potential pollutants.
- c) Incorporates the applicable Site Design, Routine Source and Structural Control BMPs as defined in the Model Water Quality Management Plan (MWQMP) and Technical Guidance Document (TGD).
- d) Generally describes the long-term operation and maintenance requirements for structural Control BMPs
- e) Identifies the entity that will be responsible for long-term operation, maintenance, repair, and/or replacement of the BMPs,
- f) A copy of the forms to be used in conducting maintenance and inspection activities
- g) Includes record keeping requirements (forms to be kept for 5 years).

Miscellaneous:

27. Graffiti shall be removed from the exterior walls, doors, windows, and any additional part of the property (including signage, etc.) within 72 hours of the time the City of Orange Notice of Violation is received by the business operator.

ADOPTED this 2nd day of February 2026

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 2nd day of February 2026, by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Hayden Beckman

Planning Manager

Exhibit A

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Orange, City of Orange and described as follows:

Lot 2 in Block B of Kordes Tract, in the City of Orange, County of Orange, State of California, as per Map recorded in Book 18 Page 2 of Miscellaneous Records in the Office of the County Recorder of said County.

Except therefrom the North 5 feet as granted to the City of Orange in Deed recorded July 5, 1988 as Instrument No. 88-321764, Official Records.

FOR INFORMATIONAL PURPOSES ONLY: APN: 390-673-27

(End of Legal Description)