

**CONDITIONAL USE PERMIT NO. 3215-23  
MAJOR SITE PLAN NO. 1054-21  
DESIGN REVIEW NO. 4799-15**

**RESOLUTION NO. PC 01-24**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ORANGE APPROVING CONDITIONAL  
USE PERMIT NO. 3215-23, MAJOR SITE PLAN NO. 1054-  
21, AND DESIGN REVIEW NO. 4799-15 TO CONSTRUCT  
A MULTI-PURPOSE SERVICE BUILDING LOCATED AT  
491 N HEWES STREET**

**APPLICANT: GREGORY BISHAY REPRESENTING ST. VERENA COPTIC  
ORTHODOX CHURCH**

**WHEREAS**, the Planning Commission has authority per Orange Municipal Code (OMC) Section 17.08.020, Section 17.08.020B.2.a., Section 17.10.030C.1., Section 17.10.060E.2. and Section 17.10.080, to review and take action on all the subject applications; and

**WHEREAS**, Conditional Use Permit No. 3215-23, Major Site Plan No. 1054-21, and Design Review No. 4799-15 was filed by Gregory Bishay, representing St. Verena Coptic Orthodox Church in accordance with the provisions of the City of Orange Municipal Code; and

**WHEREAS**, on March 2, 2022, City departments reviewed the Project, determined that the project included all necessary application materials and met code requirements and recommended that the project proceed to Design Review Committee and Planning Commission review, subject to recommended conditions; and

**WHEREAS**, on October 4, 2023, the City's Design Review Committee reviewed the Project and recommended that the Planning Commission approve the project subject to conditions by a vote of five ayes; and

**WHEREAS**, the Planning Commission conducted a duly advertised public hearing on January 15, 2023, at which time interested persons had an opportunity to testify either in support of or opposition to the proposed project and for the purpose of considering Conditional Use Permit No. 3215-23, Major Site Plan No. 1054-21, and Design Review No. 4799-15 upon property located at 491 N Hewes Street (Assessor Parcel Number 383-051-44), and as legally described below; and

PARCEL 1 OF LOT LINE ADJUSTMENT NO. LL 89-9, RECORDED SEPTEMBER 6, 1989 AS INSTRUMENT NO. 89-477241 OF OFFICIAL RECORDS, BEING A PORTION OF LOT 12 IN BLOCK B OF THE LAND OF OGE AND BOND, IN THE CITY OF ORANGE, COUNTY OF ORANG, STATE OF CALIFORNIA, AS SHOWN

ON A MAP THEREOF RECORDED IN BOOK 3, PAGES 430 AND 431 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission adopts Conditional Use Permit No. 3215-23, Major Site Plan No. 1054-21, and Design Review No. 4799-15; and approves plans to construct a new multi-purpose service building at an existing church located at 491 N Hewes Street ("Project") based on the following findings:

**SECTION 1 – CONDITIONAL USE PERMIT NO. 3215-23**

1. *A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.*

Churches are conditionally permitted land use in the R-1-7 zone. CUP approval of the multi-purpose building represents Phase II of a long-term church master plan and will provide the parishioners with the additional room required for their congregation's recreational and religious educational activities. There is adequate parking on the site to accommodate the new multi-purpose building in that the scheduling of the various church activities are staggered such that parking will be contained on-site and will not spill over to the surrounding residential neighborhoods. The sanctuary generates the highest demand for parking spaces, requiring 100 spaces. The parking lot accommodates 134 parking spaces. If all of the church activities (classrooms, liturgy, choir practice, etc.) were to occur simultaneously, the OMC would require that 178 parking spaces be provided. However, the schedule of activities shows that no other activities would occur at the same time as any liturgy/mass. The deficiency of 44 parking spaces will not negatively impact the surrounding community, as conditions have been imposed in this Resolution that limit when the liturgy, tutoring, bible study, fellowship, church activities can occur.

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 uses already exists and has existed harmoniously with the area in which the church is located. Improvement to the area is anticipated with the new construction. All parking needed to support the use could be accommodated on the site, based on project conditions and associated staggered activity schedules.

The construction of the multi-purpose building will not negatively impact the surrounding residential community. Church activities are scheduled such that no other church activities can occur simultaneously with liturgy/mass, which creates the greatest demand on parking. The schedule of the various church activities is staggered such that there is sufficient parking for the parishioners and users of the site. Parking will be contained on-site and will not spill over to the surrounding residential neighborhoods. The day care/preschool will continue to comply with the conditions of Conditional Use Permit No. 2370-01. Conditions have also been imposed regulating the hours and prohibiting the use of amplified speakers etc. in the outdoor patio area. Lighting for the site has also been analyzed and conditioned such

that all lighting on the site shall be directed, controlled, and screened in such a manner that it does not shine directly on surrounding properties. Shielding of the light boxes shall be used so that light spillage does not exceed 0.5 foot candles onto the exterior property boundaries and surrounding residential properties (Condition 18). Staff does not anticipate that the proposed project will result in deteriorating or creating special problems for the community.

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 has been analyzed in relationship to its effects on the community in which it is located. Approval of the multi-purpose building will provide the parishioners with the needed room for their recreational and religious education activities while containing all vehicles on the subject site. Additionally, conditions regarding such issues as the orientation of the lighting, hours of church activities, inability to use amplified speakers outdoors, have been imposed on the project, so as to assure that the quality of life of the surrounding residents is not negatively impacted.

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.*

To maintain the integrity of the establishment's operation, several conditions have been included in this Resolution so that the church will continue to operate in a manner that preserves the general welfare of the community. Conditions have been imposed that prohibit the use of an amplified sound system (Condition 16), prohibit any other church activities from occurring simultaneously with the liturgy/worship which generates the highest parking demand (Condition 19), and condition the orientation and foot-candles of the new light standards (Condition 18), and limit the hours of any outdoor activities (Condition 17).

## **SECTION 2 – MAJOR SITE PLAN REVIEW NO. 1054-21**

### *Required Findings:*

1. *The project design is compatible with surrounding development and neighborhoods.*

The project meets this finding. The proposed multi-purpose building ties into the colors, materials and design of the existing buildings on the site. A combination of green screens for vine planting and tall vertical trees will buffer the view of the proposed building as seen from the street. The Design Review Committee reviewed the project design and found that it was appropriate for the site in relation to its surroundings, with recommended conditions included in this Resolution.

2. *The project conforms to City development standards and any applicable special design guidelines or specific plan requirements.*

The Project meets this finding. The Project was reviewed by the City's development review team, consisting of members from every department. City staff determined that the project meets development standards of the Orange Municipal Code.

There are no other specific plans or special design guidelines for the site.

3. *The project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site.*

The Project meets this finding. Access to the site will continue to occur via two access points on N. Hewes Street and E. Walnut Avenue. The volume of traffic could expand as a result of increased services, however, the City's Traffic Division has determined that existing adjacent roadways will be able to continue to provide safe and adequate vehicular and pedestrian access. On-site circulation has been designed to accommodate emergency responder vehicles, access to the site, and parking and path of travel for disabled persons per building code requirements.

4. *City services are available and adequate to serve the project.*

The Project was reviewed by the City's inter-departmental Staff Review Committee and City services were found to be sufficient to serve the project. The Project is infill development located on a site that is already developed with a surface parking lot, and sanctuary building in an area of the City that is built out. As such, City services are already available in the area to serve the site. Therefore, the project meets this finding.

5. *The project has been designed to fully mitigate or substantially minimize adverse environmental effects.*

The proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15332 (Class 32: In-Fill Development Projects) because the Project is consistent with the City's General Plan and zoning regulations, is located on a site that is less than 5 acres, is not located in an area that is environmentally sensitive, will not result in any significant effects relating to traffic, noise, air quality or water quality, and the site can be adequately served by all required utilities and public services.

### **SECTION 3 – DESIGN REVIEW NO. 4799-15**

#### *Required Findings:*

1. *The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards and their required findings.*

The exterior design of the proposed multi-purpose building is compatible with the eclectic residential character of the surrounding community and is similar to the style to the nearby La Purisma Church, located south of the subject property. At the October 4, 2023 meeting, the Design Review Committee reviewed and recommended approval to the Planning Commission of the design of propose multi-purpose building, subject to recommended conditions of approval.

#### **SECTION 4 - CONDITIONS OF APPROVAL**

BE IT FURTHER RESOLVED that the following conditions shall be imposed with the recommendation of approval:

1. The Project shall conform in substance and be maintained in general conformance with plans and exhibits labeled as Attachment 5 (date stamped 12/11/23) in the Planning Commission staff report, including modifications required by the conditions of approval, as approved by the Planning Commission.
2. The applicant agrees, as a condition of City's approval Conditional Use Permit No. 3215-23, Major Site Plan No. 1054-21, and Design Review No. 4799-15, 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.
3. The applicant 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.

4. The term “applicant” shall refer to the entity that requests approval of this action or any successor in interest to this approval.
5. Conditional Use Permit No. 3215-23, Major Site Plan No. 1054-21, and Design Review No. 4799-15 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
6. Except as otherwise provided herein, this Project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plan, the Community Development Director may approve the changed plan without requiring a new public hearing.
7. Any modifications to the plans including, but not limited to, the landscaping and parking as a result of other Department requirements such as Building Codes, water quality, Fire, or Police shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
8. Approved landscape areas shall be maintained in a neat and healthy condition. Should plant material die, the applicant shall replace at the earliest time with similar plant material.
9. The 34 Italian cypress trees which are a part of the Conditional Use Permit No. 2370-01, shall be installed as part of development of Phase II (multipurpose building) of the church Master Plan in order to mitigate the visual impacts of the proposed building to the adjacent single-family residences.
10. The applicant shall remove the proposed observation deck at the southeast corner of the proposed multipurpose building, replacing it with a hip roof finished with the same clay tile. This change shall be reflected on construction documents for confirmation by the Planning Division prior to the issuance of a building permit.
11. The Brisbane box trees adjacent to the new multipurpose building shall be replaced by a tree that accomplishes the same or similar purpose. City Planning staff shall coordinate with the project Landscape Architect in the selection of the replacement tree species.
12. Additional street trees shall be provided near the northeast and driveway into the property per the requirements of Public Works. Street trees shall be reflected on construction documents for confirmation by the Planning Division prior to the issuance of a building permit. The applicant shall coordinate with the City’s Street Tree Coordinator on the selection and installation of these trees prior to issuance of a Certificate of Occupancy.
13. The existing Camphor Trees located in front of the existing sanctuary shall remain in place until Phase III construction of the church Master Plan.
14. The proposed Crape Myrtle trees in association with the church’s sanctuary be replaced with groupings of California fan palms and that can occur during Phase III construction of the church Master Plan.

15. The use of any amplifying system, sound system, or speakers shall not be permitted outdoors.
16. Fellowship or any similar group activities shall not occur in the outdoor patio area (or outdoors) after 10:00 pm, so as not to disturb the proximate residents.
17. Prior to issuance of building permit, a plan showing compliance with the standard of a minimum of one foot candle shall be maintained on all surfaces of the parking lot, from dusk until the termination of business every operating day. The applicant shall ensure that lighting on the site shall be directed, controlled, and screened in such a manner so as to refrain from shining directly on surrounding properties. The applicant shall use shielding so as to ensure that the light standards meet the requirements of OMC Section 17.12.030 for the areas beyond the property's exterior boundaries; light spillage or pollution to surrounding residential areas shall not exceed a maintained minimum of 0.5 foot-candle. Prior to the issuance of a Certificate of Occupancy, the applicant shall schedule a light reading inspection with the Crime Prevention Bureau. The lighting shall be tested and confirmed to determine if the lighting meets or exceeds the exterior boundary standards.
18. Other church activities shall not be held simultaneously during Liturgy services. Church activities shall be held consecutively not simultaneously unless it can be seen with certainty that two simultaneous activities will not result in a need of off-street parking than what is provided at the site.
19. In conjunction with the operation of the complex the property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development Director. This includes, but is not limited to, the buildings, carports, landscape on-site, recreational facilities, trash areas, signage, utilities, property walls, and gates.
20. The applicant shall continue to comply with all conditions of approval of PC Resolution No. 23-09, unless otherwise specified herein.
21. The existing day care/preschool shall continue to operate in compliance with the conditions contained within CUP No. 2370-01. Any changes to the day care/preschool's building or operation shall require approval of a modification to the existing CUP.
22. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.

**ADOPTED** this 15<sup>th</sup> day of January 2024.

  
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David Vazquez, 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 15<sup>th</sup> day of January 2024, by the following vote:

Resolution No. PC 01-24

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AYES: Martinez, Simpson, Maldonado, Tucker, McCormack, Vazquez, Vejar

NOES: None

ABSENT: None



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Anna Pehoushek

Assistant Community Development Director