

**CONDITIONAL USE PERMIT NO. 3235**

**RESOLUTION NO. PC 02-25**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3235, AMENDING CONDITIONAL USE PERMIT NO. 255 TO ALLOW AN INCREASE IN MAXIMUM ALLOWED DAY CARE CENTER ENROLLMENT FROM 26 TO 79 STUDENTS IN CONJUNCTION WITH A CHURCH, LOCATED AT 250 S. PROSPECT STREET**

**APPLICANT: BUMBLE BEE PRESCHOOL**

**WHEREAS**, the Planning Commission has authority pursuant to 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. 3235, to allow an increase in day care center enrollment from 26 to 79 students in conjunction with a church, located at 250 S. Prospect Street and

**WHEREAS**, the application for Conditional Use Permit No. 3235 was filed by Bumble Bee Preschool, a state licensed day care center, in accordance with the provisions of the OMC; and

**WHEREAS**, the application for Conditional Use Permit No. 3235 was processed in the time and manner prescribed by State and local law; and

**WHEREAS**, the day care center in conjunction with the church will occupy a 4,464-square-foot school building on the church campus at 250 S. Prospect Street for its operations; and

**WHEREAS**, the day care center will operate at different times from the main church it shares a site with, enabling the staggered use of parking that can be accommodated without negatively impacting available parking; and

**WHEREAS**, the Planning Commission previously approved Conditional Use Permit No. 255, a day care nursery with a maximum enrollment of 26 students in conjunction with the church, in 1964; and

**WHEREAS**, the church day care center has operated, sharing parking facilities with the church without creating parking impacts to surrounding uses for over 60 years; and

**WHEREAS**, the pick-up/drop-off plan prepared for the day care center's expanded enrollment ensures an orderly and staggered arrangement for on-site circulation during drop-off and pick-up hours that will contain activity on the church property and avoid adverse impacts on surrounding uses; and

**WHEREAS**, Conditional Use Permit No. 3235 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 is using an existing facility with no physical expansion and only revising the previous operations of the previous conditional use permit; and

**WHEREAS**, the Planning Commission conducted one duly advertised public hearing on March 17, 2025, at which time interested persons had an opportunity to testify either in support of, or opposition to, the proposed Conditional Use Permit No. 3235.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Orange hereby approves Conditional Use Permit No. 3235, allowing an increase in day care center enrollment from 26 to 79 students in conjunction with a church 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 a new day care center aligns with the goal to meet the present and future needs of all residential and business sectors with a diverse and balanced mix of land uses. This day care center will be replacing a previous business that will serve the local residential community by providing families with a daycare service. Expanding the enrollment will also support the economic viability of the operation.

### *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 daycare provides a service to the local residential community that provides childcare for working families. It will occur on a site with zoning that accommodates churches and schools that are compatible with residential neighborhoods.

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 community. Consideration was given to the impact on parking and local traffic, and conditions have been placed on the hours and days of operation as well as the management of drop-off and pick-up times.

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 have a day care center in conjunction with a church at the proposed location is not anticipated to have any adverse effects to bordering land uses or create special problems, because the site is located within the Residential Single Family (R-1-7) zoning district, which is intended to have residential properties and compatible supportive uses such as a day care center in conjunction with a church.

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 day care center has been a component of the church since 1964. The proposal to expand the number of children enrolled in the day care center is not anticipated to affect the land uses in the immediate area. In addition, the operation of the day care center is subject to the regulations set forth in the Conditions of Approval, which are crafted to mitigate potential negative effects that could occur as a result of the approval of this Conditional Use Permit.

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.*

Conditions have been put in place to ensure that the general welfare of the community is preserved. Conditions No. 5 and No. 6 limit the hours of operation of the day care center and address the potential conflicts with traffic congestion during drop-off and pick-up times.

## **SECTION 2 – ENVIRONMENTAL REVIEW**

The proposed Project is categorically exempt from the provisions of CEQA per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project consists of a non-physical expansion of a day care center in conjunction with a church, consistent with the property's zoning and General Plan designation.

## **SECTION 3 – RESCISSION AND REVOCATION**

The Planning Commission hereby rescinds Planning Commission Resolution No. PC-79-64, which shall be of no further force and effect, and, accordingly, revokes Conditional Use Permit No. 255, at the request of the applicant based on their request for a new Conditional Use Permit.

## **SECTION 4 – APPROVAL AND CONDITIONS OF APPROVAL**

The Planning Commission hereby approves Conditional Use Permit No. 3235, with the following conditions:

### *General Conditions:*

1. Any future change in the nature and operation of the use approved by Conditional Use Permit (CUP)-3235 shall require an application for a new or amended CUP.

2. The applicant agrees, as a condition of City's approval of CUP-3235, 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.

*Operational Conditions:*

3. 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 a cause for revocation of this permit.
4. 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.
5. The day care center will have the hours of operation between the hours of 7:00 a.m. to 6:00 p.m. on weekdays.
6. The day care center will have a drop-off time frame between 7:00 a.m. to 10:00 a.m. and a pick-up timeframe between 1:00 p.m. to 6:00 p.m. Specific drop-off/pick-up times will be determined by the parents during enrollment and the specific drop-off/pick-up procedures are shown on the approved project plans in accordance with the Pick-up/Drop-off Plan for the facility. The day care center be limited to only using the south parking lot.
7. The maximum number of students enrolled at a time shall be 79 with the age range between two to six years.

8. The applicant shall re-stripe the north and south parking lots per required City standards to ensure visibility of the spaces prior to operating the business.

**ADOPTED** this 17<sup>th</sup> day of March 2025.

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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 17<sup>th</sup> day of March 2025, by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

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Anna Pehoushek, FAICP  
Assistant Community Development Director

## **Exhibit A**

### **Legal Description**

**THAT PORTION OF THE LAND ALLOTTED TO NIEVES LOPEZ DE PERALTA IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS DESCRIBED IN THE FINAL DECREE OF PARTITION OF THE RANCHO SANTIAGO DE SANTA ANA, WHICH WAS ENTERED SEPTEMBER 12, 1868 IN BOOK "B" PAGE 410 OF JUDGMENTS OF THE DISTRICT COURT OF THE 17<sup>TH</sup> JUDICIAL DISTRICT IN AND FOR LOS ANGELES COUNTY, CALIFORNIA TOGETHER WITH THAT PORTION OF LOT 1 IN BLOCK C OF THE CHAPMAN TRACT, IN THE CITY OF ORANGE COUNTY OF ORANGE, STATE OF CALIFORNIA, SURVEYED BY FRANK LECOUVREUR IN 1870, AS SHOWN ON A MAP RECORDED IN BOOK 102 PAGE 15 OF MISCELLANEOUS MAPS, IN THE OFFICE F THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT 660.00 FEET SOUTH OF THE SOUTHWEST CORNER OF A LOT FORMERLY OWNED BY H. H. MESSENGER, SAID POINT OF BEGINNING ALSO BEING 660.00 FEET EAST AND 660.00 FEET SOUTH OF THE NORTHEAST CORNER OF THE LOT SOLD BY A. B. CHAPMAN TO HENRY WEST; THENCE SOUTH 660.00 FEET TO A STAKE; THENCE WEST 330.00 FEET; THENCE NORTH 660.00 FEET; THENCE EAST 330.00 FEET TO THE POINT OF BEGINNING;**

**EXCEPT THE FOLLOWING:**

**BEGINNING AT A POINT IN THE EASTERLY PROLONGATION OF THE CENTER LINE OF PALMYRA STREET DISTANT NORTH 89° 43' 20" EAST 330.00 FEET FROM THE SOUTHEAST CORNER OF TRACT 4160, AS SHOWN ON A MAP IN BOOK 151, PAGES 11 AND 12, MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY; THENCE NORTH 89° 43' 20" EAST 329.52 FEET TO THE CENTER LINE OF PROSPECT AVENUE, AS SHOWN ON SAID MAP OF TRACT 4160; THENCE ALONG LAST MENTIONED CENTER LINE NORTH 0° 11' 54" EAST 140.00 FEET TO THE POINT OF BEGINNING.**

**ALSO EXCEPT THE EASTERLY 44 FEET.**

**CODE 08-004**

**APN: 194-581-56**