

April 5, 2021

Planning Commission Meeting
Public Comments

Public Comments

Item 2.2

Major Site Plan Review No. 10017-20,
Tentative Parcel Map No. 0019-20,
Design Review No. 5014-20, and
Mitigated Negative Declaration No. 1872-20
St. Joseph Medical Office Building

Jessica Wang

From: Michelle Pase <mpase@palmierilawgroup.com>
Sent: Monday, April 5, 2021 2:45 PM
To: Planning Commission Public Comment
Cc: Michael Leifer; Erin Naderi; Michelle Pase
Subject: Public Comment Item #2.2 - St. Joseph Medical Office Building located at 331, 353 and 393 S. Main Street
Attachments: Letter to Planning Commission 2021 04 05.pdf

Good afternoon.

At the request of Mr. Leifer, please see attached correspondence for inclusion in the record for tonight's Planning Commission meeting – Item 2.2.

PALMIERI
HENNESSEY &
LEIFER, LLP

Michelle Pase, Secretary to Michael H. Leifer and Erin B. Naderi
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April 4, 2021

VIA E-MAIL

Planning Commission
City of Orange
via email: PCpubliccomment@cityoforange.org

Re: Public Comment Item #2.2
St. Joseph Medical Office Building located at 331, 353 and 393 S. Main
Street
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

Dear Planning Commissioners:

This office represents Dr. Josefina Robles and Maria Josefina Lansangan Robles, D.M.D., Inc. Dr Robles is the owner of the real property and the dental practice that operates from the property at 1307 W Stewart Drive, Orange, California. As the applicant and City staff are aware, Dr. Robles is very concerned about the impact of the proposed new building and deep subterranean structure that will be constructed within a few feet of Dr. Robles' practice and property. This letter is submitted in opposition to the proposed actions considered by the Planning Commission related to the proposed St. Joseph project ("Project") and the environmental review of same.

At the outset, we note that Staff Report asserts that the Planning Commission can make a final determination on environmental review issues. That assertion is inconsistent with the Orange Municipal Code. Section 17.08.020(B)(2)(a) of the Orange Municipal Code provides that the Planning Commission can hear and decide applications for negative declarations and mitigated negative declarations. However, Orange Municipal Code Section 17.08.020(B)(2)(b) provides that the Planning Commission makes a recommendation to the City Council for environmental review documents, including negative declarations and mitigated negative declarations. As such, according the City's Municipal code, the final determination relating to the environmental review must be made by the City Council.

Further, as the Staff Report points out, footnote (b) of Table 17.08.020 of the Orange Municipal Code provides that when more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications. Thus, as environmental review must be decided by the City

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Council, all four of the items related to the Project must be reviewed and finally decided by the City Council, not the Planning Commission.

In addition to the fundamental procedural violations, Dr. Robles objects to the proposed approvals. The City appears to be giving a “pass” to this Project on a number of issues.

The City and the applicant appear to be studiously ignoring the impact to Dr. Robles’ property and practice. Despite the fact that the Robles property is within feet of the massive project, the Staff Report makes zero mention of Dr. Robles’ property and use. The strategic disregard is obvious in the “Project Background” section regarding surrounding land uses—this area of the report fails to even mention the Robles property. The Staff Report identifies the “surrounding land uses” as vacant lots, unoccupied commercial structures, a St. Joseph’s parking structure and streets. The lack of the credibility of the report is demonstrated by the fact that Dr. Robles’ property and dental practice shares a property boundary with the project site, yet is omitted from the Staff Report.

The applicant has long sought to use Dr. Robles’ property for construction purposes! Dr. Robles’ property is the only private, non-St. Joseph land use.

The applicant has frequently pressured Dr. Robles regarding her property and practice and her attempts to protect her patients, her practice and her property. To seek information from the applicant during this process, Dr. Robles has had to reach out to City planning staff as PMB refused to provide material information. In fact, the author of the City’s staff report provided some information to Dr. Robles when PMB would not and did not. Dr. Robles also requested special notice from the City concerning actions related to the PMB project. However, the City staff’s bias is ultimately borne out by the complete omission of reference to the most negatively impacted property and business--Dr. Robles.

How about the credibility of the Mitigated Negative Declaration? There is little to none. It fails to mention or discuss Dr. Robles’ property or dental practice—even though it is a sensitive receptor just feet from the proposed project construction and proposed use. Moreover, the applicant has sought to use the Robles property for construction and retention of its project; the applicant has at various times sought to use the Robles property for emergency assemblage purposes; it has proposed to direct blown exhaust gases and loud mechanical noise toward the Robles property; the project affects the Robles property’s subjacent and lateral support; the project will likely use the Robles property for quick parking convenience and as a walk-way and walk-through.

The City’s and applicant’s complete disregard for Dr. Robles’ property and practice is improper and infects all proposed approvals for this Project.

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Dr. Robles has communicated with the applicant to obtain information concerning this proposed Project. As mentioned, at various times, however, the applicant has not been forthcoming with information or has provided piecemeal information concerning the Project.

Based on the information Dr. Robles has been able to obtain to date, Dr. Robles objects to the proposed Project approvals on each of the following grounds:

The Mitigated Negative Declaration lacks credibility and what is there is inadequate. The Mitigated Negative Declaration did not adequately analyze or consider the Project impacts to Dr. Robles' property and practice. This has been admitted by the applicant. In correspondence, the applicant has acknowledged numerous issues that were not addressed. The applicant has also acknowledged numerous "changes" to the project—yet those "changes" have not been discussed in the Staff Report or otherwise addressed here. At minimum, each supposed "change" must be confirmed by an enforceable condition or mitigation monitoring obligation.

For example, noise impacts both during construction and after construction were not adequately addressed. During construction, the Robles dental practice is essentially in the construction site. The clanging, vibrations and generally loud to very loud construction activity is not appropriately situated under, over and just adjacent to a dental practice/medical building. The proposed Project places a large ventilation fan or fans nearby Dr. Robles' property and practice. The ventilation system, whether intake or exhaust, will generate significant noise above acceptable levels. **The applicant has admitted these facts.** Yet, no mitigation measures or proposed conditions have been included in the project approvals to address such significant impacts.

There are also geotechnical impacts that have not been adequately analyzed or addressed. There are significant issues and impacts with the subterranean parking means of excavation and temporary shoring. Sufficient analysis has not been conducted as to the impacts to Dr. Robles' property and practice. Instead, the "analysis," such as it is, leaves wide open how the issues would be mitigated or addressed. Instead, it is left to the shoring contractor to evaluate and decide later. Allowing decisions to be made later is not analysis, it is deferral of analysis. That is improper and violates CEQA.

Dr. Robles objects to the use of driven and/or vibrated soldier piles. The proposed Project should be conditioned to prohibit such use.

The geotechnical "investigation" did not sufficiently evaluate the potential for liquefaction. A thorough and detailed evaluation is required particularly considering the relative relationship of large project size and close distance to the Robles property.

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There has not been adequate analysis of the dust and traffic hazards anticipated during the construction activities and the use of heavy equipment. Traffic after the project has not been adequately addressed. Access to the Robles property has not been adequately addressed.

There has not been adequate analysis of the aesthetic effects on Dr. Robles' property and the surrounding environs. The proposed Project provides significant massing and will create shade and shadows on Dr. Robles' property.

There has not been adequate analysis of traffic and parking impacts after construction. This includes a failure to adequately consider fire ingress and egress. Again, this is an issue that the applicant has recognized was not properly analyzed or considered previously and the applicant has proposed "changes" to address such impacts. Yet, those "changes" have not been incorporated into these approvals as conditions or otherwise.

A proper and sufficient environmental review is the cornerstone for each of the related approvals. As such, the inadequacies of the mitigated negative declaration mean that each of the related Project approvals—the Major Site Plan Review, the Design Review, the Tentative Parcel Map--must fail.

In addition, the required findings for the Major Site Plan Review cannot be established—particularly considering the Robles property has been ignored by the City's staff report. For example, the Staff Report and proposed Planning Commission Resolution assert that the proposed Project is "compatible" with surrounding development and uses. However, as discussed above, the Staff Report and related submittals completely ignore Dr. Robles' property and use. Such omission of the property and use that is immediately adjacent to the proposed Project is an admission that the proposed Project is incompatible with Dr. Robles' property and use. The report could not and did not determine compatibility, so the Robles property and dental practice was ignored.

Further, the City is playing fast and loose with the rules in order to pretend that the proposed Project complies with the City's development standards. Plainly, the proposed Project does not comply with the FAR and parking requirements. The Staff Report's attempt to rely on the overall St. Joseph's Master Plan is without legal or factual support. Thus, the City cannot make the required findings for the Major Site Plan Review or the Design Review. Moreover, the fact that parking requirements have not been met or cannot be met underscore the likelihood that the convenient parking on the Robles property will be abused.

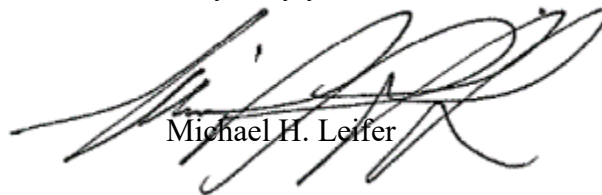
Lest the claim be made that Dr. Robles' comments are somehow untimely, the following quote from *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1201, amply rebuts this claim:

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City appears to have thought that the public's role in the environmental review process ends when the public comment period expires. Apparently, it did not realize that if a public hearing is conducted on project approval, then new environmental objections could be made until close of this hearing (§ 21177, *subd. (b)*; *Guidelines*, § 15202, *subd. (b)*; *Hillside*, *supra*, 83Cal.App.4th at p. 1263.) If the decisionmaking body elects to certify the EIR without considering comments made at this public hearing, it does so at its own risk. If a CEQA action is subsequently brought, the EIR may be found to be deficient on grounds that were raised at any point prior to close of the hearing on project approval.

Based on the foregoing, and incorporating any and all objections and comments to this Project made by others during the environmental review process and at or prior to the Planning Commission hearing, Dr. Robles requests that the Planning Commission reject and/or deny the various Project approvals before it and instead direct Staff and the Applicant to conduct a further analysis and full EIR concerning the impacts from the Project and to properly condition the Project to mitigate any impacts identified.

Very truly yours,



Michael H. Leifer


MHL:ebn

Public Comments

Item 4.1

Conditional Use Permit No. 3121-20
Shannon Family Mortuary

Jessica Wang

From: wja845 Bryan <aletalb@sbcglobal.net>
Sent: Sunday, April 4, 2021 8:10 PM
To: Planning Commission Public Comment
Cc: Kelly Ribuffo; Anna Pehoushek
Subject: April 5, 2021 Agenda Item 4.1 - CUP No. 3120-20 - Shannon Family Mortuary, 1005 E. Chapman Avenue
Attachments:  Video.MOV

Dear Members of the Planning Commission,

I am writing to you to document my concerns regarding the revised proposal by Shannon Mortuary to conduct services on their property located at 1005 E. Chapman Ave. I am a nearby resident to the mortuary, and have submitted statements in opposition to Shannon Mortuary's previous proposals on the two prior occasions they were calendared as items on the Agenda of this Commission. Most of my previously-stated concerns made in those prior e-mail submissions remain in regard to the current requested conditional use permit (CUP).

Initially, I would like to state that I have had the occasion to have a couple of in-person conversations with Charles Link, the owner of the business, over the past couple of weeks, when he came to my home and knocked on my door. We discussed his revised plans for the in-person viewings at the mortuary, and his plans for assuring minimal disruptions to the adjoining residential neighborhood on North Waverly Street. My discussions with Charles were very cordial, and I believe that he and his wife, Julie, are committed to the goals and success of their business, to serving their community and clientele, and have good intentions regarding wanting to be good neighbors. However, many of my concerns remain unaddressed; and I believe probably can never be adequately addressed, notwithstanding the Links' good intentions. Shannon Mortuary is simply a business model that does not fit well in this part of the Old Towne Orange neighborhood, given that the Links have expanded what the neighborhood anticipated being merely administrative offices for Shannon Mortuary, into a location for family and friends of a deceased to gather.

Notwithstanding that Shannon Mortuary's revised CUP proposal appears to reduce and promise to limit the number of visitors and attendees at the viewing events planned at the funeral home, the larger issues of concern remain, namely: the likely potential for unplanned and unanticipated disruptions to the adjoining residential neighborhood regardless of the mortuary's intentions; the failure of guests of the business to follow the rules and guidelines; the inability to enforce the breached guidelines in any meaningful way given that, once the breach occurs, the damage to the surrounding neighborhood is already done notwithstanding efforts to remedy it once it is discovered; and, perhaps most significant, the permanent change to the use and nature of any business that may replace Shannon Mortuary in the future as a result of the granting of the CUP, given that the CUP attaches to the property for good once it is granted.

I would like you to know that I have had the opportunity to read the statements of my neighbors, the Arkins and the Elys, in opposition to Shannon Mortuary's CUP application for this hearing. Rather than re-state in my letter all that they have included in their letters, I represent to you that I wholeheartedly agree with and share their concerns, and ask that you consider them to be likewise set forth herein on my behalf, in opposition. I would also like to add a couple of things. First, with regard to the events of Saturday morning, February 27, 2021, described by Doug Ely, wherein a large group of funeral goers in cars utilized North Waverly Street as a gathering and staging ground for their procession to the cemetery, I am attaching a video that was taken of the incident. I was drawn outside of my house by the loud music being played and the revving of vintage muscle car engines that was happening. When I discussed this incident with Charles, he stated that it may sometimes happen that people will gather at Shannon Mortuary to stage the funeral procession to the cemetery; but he noted that the event on February 27 did not last very long. I do beg to differ with Charles in regard to the disruption caused by such gathering of vehicles from both the noise and the manner of the

staging; and feel that the length of the event was significant enough if you are a resident of North Waverly Street. Please refer to the attached video.

Secondly, just last week Charles came by my house to see if I had noticed the six police cars that had just responded to Shannon Mortuary to deal with an intra-family physical fight that had broken out in the street. Not only were some of his clients physically fighting in the street; but he mentioned that at least one family member had gone up the driveway of the adjoining house, taken one of the lawn chairs off the property and carried it down to the sidewalk, where he sat in it smoking, surrounded by other smoking families members. Charles also described the unruly and threatening nature of the clients which they had exhibited to his staff and which had caused him to call the police; and also mentioned that even the 6 police officers who responded to the scene seemed threatened by the situation. Charles described the chaos and trash that those clients had scattered around his property, and, while standing on my front porch, showed me a "loaded" baby's diaper he was holding that he saw on my front lawn parkway, and which he suspected had been left there by those unruly clients.

Although I appreciated the fact that Charles came over to tell me about the incident and to pick up the diaper, this incident created additional concerns for me about the ability of Shannon Mortuary to control its clientele BEFORE a disruption to the adjoining neighborhood occurs. I know that Charles and his staff were apparently equally rattled by this violent and threatening incident, and he was not happy about it. But, once again, it demonstrates the potential disconnect between what the Links may envision for the way their business is run and their desire to limit disruptions to North Waverly Street, and their ability actually to control and achieve this. I am reminded of the earlier out-of-control Memorial Day weekend event at Shannon's, when a large crowd of mourners descended upon North Waverly Street with coolers of beer, the remnants of which they left scattered all along the block. Although Charles insists this will not happen because he is reducing the number of people who can gather, I reiterate the reality of the limitations of his actual ability to prevent even unintended (by Shannon) disruptions and breaches in behavior by his clientele from happening before the disruptions and breaches of conduct have already occurred and impacted the residents of North Waverly Street.

I closing, I want to again acknowledge that the Links seem very nice, and have expressed the best of intentions. This opposition to their proposed CUP, however, is not about whether they are engaged in a worthy and important enterprise. It is, rather, about the fact that they have chosen to engage in it in an unsuitable location.

Thank you very much for the opportunity to address my concerns to this Commission.

Aleta Bryant

Sent from my iPad

From: Doug Ely <dely@dseainc.com>
Sent: Sunday, April 4, 2021 6:14 PM
To: Planning Commission Public Comment
Cc: Kelly Ribuffo; Anna Pehoushek; Laura Ely
Subject: Public Comment 4.1: Shannon Mortuary (April 5, 2021 Planning Commission)

Dear Members of the Planning Commission,

I am writing to you to document our concerns regarding the revised proposal by Shannon Mortuary to conduct services on their property. On the surface it appears they have tried to limit the size of their services by reducing viewings to a maximum of 12 people to minimize the impact on the 100 block of North Waverly Street. While these efforts are appreciated, the fact of the matter is that a mortuary conducting services should not be located in this area adjacent to a residential neighborhood in the first place. It is not a right provided by the current zoning regulations and only by the granting of a conditional use permit is it permitted. This conditional use should not be granted as it opens the door for a variety of services that Shannon Mortuary has demonstrated a willingness to conduct in the past without proper legal approvals. Mr. Charles Link has proven by his previous actions that what he says and what they do are often in conflict.

Here are some of the issues why we take little comfort in the promises Shannon Mortuary is making in their revised proposal:

- Charles told us when he moved in that they were not going to hold services in their location and it was only going to be for administrative purposes. I know this is what the city told them. As you are likely aware, they have been conducting services in their location without legal approval and these have been disruptive to our neighborhood. They have fortunately not been very frequent but they have been disruptive.
- Charles and his wife Julie represented at the last Planning Commission meeting that they always intended on having services but again this is in conflict to what we were told by Charles when he originally introduced himself into the neighborhood.
- Charles and Julie also informed the Planning Commission at the last public meeting that they had met with the neighbors of our street and informed them of their expansion plans when in fact they had not. Charles did attend a Memorial Day function on the street speaking with a few neighbors but the neighbors were not informed of these plans. Shannon has still not had a neighborhood meeting and I believe all residents of our street should be invited to participate not just the few adjacent to their location who were given a letter.
- We observed a service on February 27 where a number of hot rods lined up causing noise and circulation problems on our street. When the funeral procession began with a hearse pulling out of Shannon Mortuary, the lead car behind it went out into Chapman Avenue and blocked traffic so the vehicle procession could leave and continue with everyone following behind. I am sure the Orange PD would not have been happy about this. By approving this use, the city is inviting this activity to continue by supporting this proposal.
- We are disappointed that now when we turn on our street that the first thing we see is a hearse and often two. This is not the vibe we prefer on the street, and it is disappointing as it diminishes the appeal of our neighborhood and our property. We recognize they do have a right to conduct an administrative business in their building, but does this mean they have to store hearses there? Could they be required to build a garage for their hearses if those vehicles have to be there?
- Their current proposal is to limit the attendees to 12, and that they will be informing their attendees they cannot park in front of residences. They will only have services between 8am-5pm and a maximum of a couple of times a week. This all sounds better than the last proposal but how is this going to be controlled? 12 members from a family could potentially all come in individual cars which is an observed likelihood and still park throughout the neighborhood. How are additional attendees going to be turned away at a viewing when the excess limits are realized?

- The current parking lot cannot fit the quantity of cars into it that they claim without some creative maneuvering, as it does not have the required 26' backup space required for circulation between double loaded parking stalls. The Staff Report does not point this out. I do not believe they can legally claim the number of cars they are stating they can park as it does not meet development standards and it is not even close.
- Shannon plans to use parking spaces they are leasing from the AT&T Building. Where is the control to assure people park there? What happens when their year-to-year lease ends?

My wife and I recognize Shannon Mortuary is doing a great service to heartbroken families and helping them through personal loss. Even though we are compassionate to this cause, it seems inappropriate to force that type of use right at the entrance to our residential neighborhood. We have lived here for over 35 years and now our peaceful neighborhood is threatened by a use that should not be there. We encourage Shannon's long term plans to include finding a permanent location with ample parking and no disruption to neighborhoods. Conducting services no matter how small in that building is currently not permitted without the approval of a conditional use permit. Zoning controls are there for a reason and that is to protect residential neighborhoods like ours from development that may be deemed detrimental.

We cannot support this proposal and thank you for your care in protecting our neighborhoods.

Best regards,
Doug Ely

Douglas S. Ely, Principal
DSEA, Inc.



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www.dseainc.com

Jessica Wang

From: Laura Ely <laura.ely@ocsarts.net>
Sent: Sunday, April 4, 2021 5:49 PM
To: Planning Commission Public Comment
Cc: Doug Ely
Subject: Public Comment #4.1 - Shannon Mortuary Conditional Use Permit, Continuance of CUP Hearing #3121-20
Attachments: FW: Shannon Mortuary CUP No. 3121-20

Hello City of Orange Planning Commission Members,

In light of the fact that once again a review of the Shannon Mortuary Conditional Use Permit application is being considered I wish to go on record for the April 5th Hearing meeting and say that I am not in favor of providing Shannon Mortuary the CUP permit for reasons stated in my first comment letter as well as the reasons indicated below.

Our home at _____ has been our forever home. We are proud to be on the very last block to be included within the historic section of Old Towne Orange on the northside of Chapman Avenue. We have poured our hearts and money into expanding our home as our family grew, we have experienced our share of Design Review meetings, and we continue to value and appreciate where we live. We feel it is our responsibility to step forward when we see a disregard for the continuity and integrity of our street and neighborhood. We have lived on North Waverly Street for 35 years. Our home is celebrating its 100th birthday this year!

When we bought our home we conceded the fact that we would always have the AT&T building as our neighbor, that the work trucks would always be coming and going down North Waverly Street. We didn't have a say in the matter when in recent years AT&T decided to add several large, noisy generators to their parking lot, or when they added parking lights to their parking lot that hit directly into our bedroom window, and we have had no say in the maintenance and appearance of the grounds around this building that sits at the entrance of our otherwise lovely North Waverly St. The four or five homes that were torn down so that the AT&T building could be put up in their place was decided upon before we moved to Orange. We continue to be grateful that one of our early neighbors on the block had the foresight to insist that the large, now historic Pepper Tree, remain on AT&T property to partially cover the rather unsightly building. It is important that we have foresight. That we take care of what we have.

Our street matters to us and in the matter concerning Shannon Mortuary, unlike with the AT&T property, Waverly Street neighbors have at least a voice in what happens at the entrance of our street. No matter how many ways Mr. and Mrs. Link reframe their funeral service gathering numbers, the hours, the days, the frequency of these services, or the variety of promises to not inconvenience the neighbors, they have shown little evidence in the time that they have had their business on our street that they will actually follow through on these commitments with their neighbors or with the city. The fact that their recent letter addressed to Neighbors of Shannon Family Mortuary states that they have **already** "set up a small chapel space in our building....." before they have received any type of conditional use permission from the city and this Board to do so, does little to convince me or my husband of their stated commitment to our neighborhood, our street. Further proof comes from the funeral services that have been held so far with the cars parked in front of homes or parading down our street as they follow the Shannon Mortuary Hearse to a burial site. There actually seems to be a disregard for the neighbors as well as the Planning Commission, especially during the time period in which they have requested this special permit.

One additional point. Most of our older homes in Old Towne as well as on N. Waverly St. all have rear of the house, detached garages. In most cases the driveways are very narrow and the garages too small to house today's larger cars. Street parking is a necessity, a commodity in short supply in Old Towne, and while street parking is public parking, I think it is safe to say that none of us likes it when the spot in front of our home is taken by a visitor which then precludes us

from direct access to our home when we come home with bags of groceries, small children, or just want parking for our own guests.

The bottom line is we already deal with one business at the entrance of our historic block that detracts from our homes, our view, our otherwise quiet street and to now add another business that was initially presented as a professional office space only and is actually the site of funeral services and gatherings as well parking space for two hearses, is more than should be permitted in an otherwise residential neighborhood, let alone a historic one. The Planning Commission as well as the Design Review Board require those of us living in Old Towne to maintain the integrity of our historical homes, – we would expect the same from these entities when residents want the integrity of their streets maintained and protected from businesses encroaching on a residential neighborhood.

Thank you for the opportunity to share my concerns and for your consideration. I have attached my initial comment letter of February 1st to this email for review.

With kind regard,

Laura Ely

Jessica Wang

From: Laura Ely <lcely2@gmail.com>
Sent: Sunday, April 4, 2021 5:23 PM
To: Laura Ely
Subject: FW: Shannon Mortuary CUP No. 3121-20

Sent from [Mail](#) for Windows 10

From: [Laura Ely](#)
Sent: Monday, February 1, 2021 1:27 PM
To: PCpubliccomment@cityoforange.org
Cc: [Doug Ely](#)
Subject: FW: Shannon Mortuary CUP No. 3121-20

Attention Planning Commission:

Please see my comments regarding the Shannon Mortuary Conditional Use Permit below the email of Ms. Ribuffo's. She recommended that I use the city's Comment email address to contact you.

Thank you for the opportunity to share my concerns.

Laura Ely

Sent from [Mail](#) for Windows 10

From: [Kelly Ribuffo](#)
Sent: Monday, February 1, 2021 10:11 AM
To: [Laura Ely](#)
Subject: RE: Shannon Mortuary CUP No. 3121-20

Good morning, Laura,

Thank you for the additional comments regarding this project. If you would like to have your comments forwarded to the Planning Commission for their consideration at tonight's meeting, please forward them to our comment email at PCpubliccomment@cityoforange.org.

Regarding your questions, most of these items would be addressed as conditions of approval of the project should it be approved by the Planning Commission. Compliance with conditions of approval is handled through the Code Compliance Division. This is standard practice for all Conditional Use Permits. Additional information will be available in the staff report prepared for the April 5th Planning Commission meeting.

Regards,

Kelly Christensen Ribuffo

Associate Planner - Historic Preservation
City of Orange | Community Development
300 East Chapman Avenue, Orange, CA 92866
(714) 744-7223 phone

From: Laura Ely <lcfely2@gmail.com>
Sent: Monday, February 1, 2021 9:41 AM
To: Kelly Ribuffo <kribuffo@cityoforange.org>

Subject: Shannon Mortuary CUP No. 3121-20

Good morning Kelly,

I wanted to add on to my husband, Doug's, comments regarding the Conditional Use Permit for Shannon Mortuary and have them added to the information to be shared with the Planning Commission for tonight's meeting or, if the continuance is given, for the April Planning Commission Meeting.

These are my concerns regarding the CUP:

1. It is my understanding that once a CUP is given to a property that it is forever attached to that property. Whereas we (the neighbors) have an ability to voice our concerns now, we would not have that in the future with other occupants of that building. We would most likely as residents then have to come back to the city to ask that the street be for permit parking only.
2. There are no RSVPs for funeral/visitation ceremonies so while Shannon Mortuary is stating that these will be small groups - no more than 20, there is no way to guarantee this number. And if more come, they will most certainly park up and down Waverly Street.. If the occupant receives the CUP, what requires them to stay in compliance for the years to come? Is there city monitoring of compliance? What happens if after the one year contract with AT&T to allow Shannon Mortuary to use their parking lot, it is cancelled? Who will follow up on these temporary solutions to make sure that another solution is found?
3. Prior to the pandemic the employees of the medical building on Chapman and Cambridge as well as AT&T parked their cars/trucks along both sides of the street where the AT&T building sits. We expect that when the pandemic eases up and most employees are back to work in their offices, that this parking will once again start up. This is the same parking area that Shannon Mortuary is claiming that they want to use.
4. The applicant early on expressed interest in a potential purchase of the residential home adjacent to the mortuary office building. We have concerns about office buildings continuing to encroach on otherwise residential streets. The applicant has apparently made some kind of an agreement with this neighbor, who is only periodically there at the home, to occasionally park one of the two hearses that the mortuary has, in the resident's driveway.

We have lived on North Waverly St. for over 35 years and in all those years the previous occupant of the Shannon Mortuary building was a chiropractor who had a small clientele and rarely if ever did you see his patients use the street parking. This is what we expected from Shannon Mortuary when they moved in and told us that it would be used as their office and that no bodies would be managed/stored at their site. There was no mention of holding services. But over the period of time that Shannon Mortuary has occupied the premises we

have seen a variety of group activities, large and small, that have been held in their parking lot and in their building. Including the one held on January 15th.

There is no intent on our part to single out Shannon Mortuary, as we are sympathetic toward small growing businesses and want to see them promoted but our concern for our neighborhood and for this CUP would have happened regardless of who the occupant was if their intent was to increase both the traffic and the parking on our street. For myself, I do not think that a meeting between the applicant and the neighbors will change or alleviate concerns about this issue and I would ask that the Planning Commission deny the Conditional Use Permit at this location.

Thank you for your time and attention to this matter.

With kind regard,

Laura Ely

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Jessica Wang

From: Ken Arkin <kenidaelaine@yahoo.com>
Sent: Sunday, April 4, 2021 11:18 AM
To: Planning Commission Public Comment
Subject: Public Comment #4.1

April 4, 2021

Planning Commission
City of Orange, Ca

Below are some concerns we have regarding the Conditional Use Permit under consideration on April 5, 2021 by the City of Orange Planning Commission for Shannon Family Mortuary on the corner of North Waverly St and 1005 E Chapman Ave, Orange, Ca 92866. We live in the 100 block of North Waverly St. We oppose the granting of the Conditional Use Permit. We also agree with the opposition and concerns of our neighbor Douglas Ely who has submitted his concerns to the commission.

In the recent letter from Shannon Mortuary that was placed in our mailbox around the week of 3-22-21 and in the letter Mr. Link handed us when he talked to us in person on March 27, he states that they will be having viewings at their office "...at a maximum of 1-2 times per week between 8 am to 5 pm Monday through Friday, with a duration of 1-2 hours." I asked him if that means that they would be finished by 5 pm or whether the viewings could go 2 hours after 5pm meaning they might not be finished until 7 pm. He stated in these letters and in person to us that their last appointment would be 5 pm for up to 2 hours leaving open the possibility of viewings lasting until 7 pm. His description in these letters and his initial description to us in person is misleading because it makes it sound like they would be finished by 5 pm, not their actual intention of having viewings possibly last until 7 pm. This deception makes us distrustful of his promise about future activities at the office on 1005 E Chapman Ave. How can we be assured that there won't be other activities at this office that will further impact our neighborhood here on the 100 block of North Waverly Street.

Mr. Link also assured us that parking on our street would not be impacted because of their 5 parking spaces and the parking spaces at the AT&T building across the street from his business (which we understand is only an agreement for one year). We are concerned that he will not be able to hold to this promise. The parking on Waverly Street is public parking. Anyone is legally allowed to park here. While Mr. Link and his staff are busy with their customers for the viewing how will he be able to police where his customers park. In addition the street parking on our street are small. Unless someone parks very close to the driveways there is only room for one car to park between those driveways which could take away from the parking home owners use regularly.

Our last point is that we live in a historic district. There are very strict regulations in place to keep our neighborhood true to it's original development. Allowing viewings to be done at Shannon's Mortuary certainly changes the original flavor and developmental beginnings of North Waverly Street. When we wanted to add shutters to the windows on the front of our house several years ago we were not allowed to do so because they didn't fit the restrictions. We don't understand how a business can be allowed to conduct operations that could alter the nature of our street while we are not allowed to put shutters on our windows to improve the curb appeal of our house. We are also concerned about the possible impact on property values by having a mortuary on the street.

Thank you for your consideration of our concerns in this matter.

Ken & Ida Arkin

Jessica Wang

From: Frank Spurny <2fspurny@gmail.com>
Sent: Sunday, April 4, 2021 1:30 PM
To: Planning Commission Public Comment
Subject: "Public Comment #4.1"

My wife and I are concerned for our North Waverly block as a mortuary business does not integrate well with our residential block. The activity of a mortuary conducting services creates problems. I had an incident when I was traveling north onto North Waverly Street off of Chapman Avenue, when they were conducting an outdoor service that had smokers in the back. One of the smokers backed up right in front of my car as I was driving and there appeared to be little concern. Also, they have had their employees park in front of my neighbor's house and my house when holding services.

Our concern is that the use is not appropriate and they have shown by previous actions that they will take advantage of whatever they are permitted to do. They have doing this in the past so what is going to stop them in the future? What are we as residents to do when they (and they will) overstep their boundaries? How is their use going to be regulated? We strongly encourage the Planning Commission to discourage this use as it does not go with the neighborhood we invested in.

Thank you very much.
Frank Spurny and Carol Mitchell

Sent from my iPhone
Frank Spurny

Please return this one

PLANNING DIVISION
RECEIVED
APR 01 2021
CITY OF ORANGE

SHANNON FAMILY MORTUARY

I, Nathan McGovney am a resident or business owner
here at address CA 92866 Orange,

I support Shannon Family Mortuary occasionally using their facility as a small chapel for private ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

Shannon Family Mortuary has introduced themselves to me and explained what they intend to do inside their building. They have told us of their pending application for a conditional use permit with the city of Orange and that it entails having 15 people or less inside of their building to hold private ID viewings. Up to 12 immediate family members can attend these ID viewing at most, with 3 full time staff members in the mortuary. Furthermore, it was explained to us that this will only take place at a maximum of 1-2 times per week between 8 a.m. to 5 p.m Monday thru Friday, with a duration of 1-2 hours.

The owners Charles and Julie Link have assured us that they will do their very best to ensure these small groups do not create any parking issues and that they intend to use the parking lot currently beside their business, as well as 5 parking spaces in the AT&T parking lot where they have secured a contractual agreement for. I understand what was explained to me by Shannon Family Mortuary and strongly believe they will continue to be an asset to our community and a good neighbor as well.

Print Nathan McGovney
Sign [Signature]
Date 3/22/21

1005 E Chapman Ave
Orange, CA 92866
FD 1772

PHONE 714-771-1000
FAX 714-771-1038
EMAIL info@shannonfamilymortuary.com
WEBSITE www.shannonfamilymortuary.com

PLANNING DIVISION
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MAR 01 2021

CITY OF ORANGE

SHANNON FAMILY MORTUARY

I Sylvia Sanchez am a resident or business owner
here at address _____
CA 92666 Orange,

I support Shannon Family Mortuary occasionally using their facility as a small chapel for private ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

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Print Sylvia Sanchez
Sign [Signature]
Date 3/22/21

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Orange, CA 92866
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WEBSITE www.shannonfamilymortuary.com

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APR 01 2021

CITY OF ORANGE

SHANNON FAMILY MORTUARY

I Tom Barnhop am a resident or business owner
here at address _____
CA 92866 Orange,

I support Shannon Family Mortuary occasionally using their facility as a small chapel for private ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

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Print Tom Barnhop
Sign [Signature]
Date 4/1/21

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Orange, CA 92866
FD 1772

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WEBSITE www.shannonfamilymortuary.com

PLANNING DIVISION
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APR 01 2021

CITY OF ORANGE

SHANNON FAMILY MORTUARY

I, Stephanie Morasco, am a resident or business owner
here at address _____ Orange,
CA 92866.

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ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

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strongly believe they will continue to be an asset to our community and a good neighbor as well.

Print Stephanie Morasco
Sign [Signature]
Date 3.25.21

1005 E Chapman Ave
Orange, CA 92866
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WEBSITE www.shannonfamilymortuary.com

PLANNING DIVISION
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FEB 01 2021
CITY OF ORANGE

SHANNON FAMILY MORTUARY

I, MARY LING / AT&T _____ am a resident or business owner
here at address _____
CA _____ Orange,

I support Shannon Family Mortuary occasionally using their facility as a small chapel for private ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

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Print MARY LING
Sign Mary Ling
Date 3/24/2021

1005 E Chapman Ave
Orange, CA 92866
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FAX 714-771-1038
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SHANNON FAMILY MORTUARY

PLANNING DIVISION
APPROVED
AUG 10 2021
CITY OF ORANGE

I, Kelly Borgen am a resident or business owner
here at address _____ Orange,
CA 92866

I support Shannon Family Mortuary occasionally using their facility as a small chapel for private ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

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Print Kelly Borgen
Sign Kelly Borgen
Date 3-25-21

1005 E Chapman Ave
Orange, CA 92866
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APR 01 2021
CITY OF ORANGE

SHANNON FAMILY MORTUARY

I Karen A. Proescholdt, D.C. am a resident or business owner
here at address _____ Orange,
CA 92866

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ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

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strongly believe they will continue to be an asset to our community and a good neighbor as well.

Print Karen A. Proescholdt, D.C.
Sign Karen A. Proescholdt
Date 03/29/2021

1005 E Chapman Ave
Orange, CA 92866
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WEBSITE www.shannonfamilymortuary.com

PLANNING DIVISION
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APR 01 2021

CITY OF ORANGE

SHANNON FAMILY MORTUARY

I, Peter Baisells _____ am a resident or business owner
here at address _____ Orange,
CA 92867 _____

I support Shannon Family Mortuary occasionally using their facility as a small chapel for private ID viewings at their location on 1005 East Chapman Avenue Orange, California 92866.

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Print

Sign

Date

Peter Baisells

[Signature]

3-24-21

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Orange, CA 92866
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