

**CONDITIONAL USE PERMIT NO. 2741-08
CONDITIONAL USE PERMIT NO. 2753-09
MINOR SITE PLAN REVIEW NO. 0502-07
DESIGN REVIEW COMMITTEE NO. 4205-07**

RESOLUTION NO. PC 23-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 2741-08 FOR A 1,950 SQUARE FOOT EXPANSION OF A SANCTUARY, AND 3,951 SQUARE FOOT ADDITION TO THE SECOND FLOOR, AND CONDITIONAL USE PERMIT NO. 2753-09 PERMITTING THE ON-SITE SHARED PARKING FOR THE VARIOUS CHURCH ACTIVITIES, AND MINOR SITE PLAN REVIEW NO. 0502-07 FOR THE NEW PARKING LOT AND ASSOCIATED SITE IMPROVEMENTS, AND DESIGN REVIEW COMMITTEE NO. 4205-07 APPROVING A NEW 3,800 SQUARE FOOT UNCOVERED, OUTDOOR PATIO AREA AND THE EXTERIOR REMODEL OF THE CHURCH BUILDING UPON PROPERTY ZONED R-1-6 AND LOCATED AT 941 NORTH HEWES STREET

APPLICANT: ST. VERENA COPTIC ORTHODOX CHURCH

Moved by Commissioner Cunningham and seconded by Commissioner Imboden that the following resolution be adopted:

WHEREAS, the Planning Commission has authority per Orange Municipal Code Sections 17.14.030 and 17.08.020 to review and take action on Conditional Use Permit Nos. 2741-08 and 2753-09, Minor Site Plan Review No 0502-07, and Design Review Committee No. 4205-07;and

WHEREAS, Conditional Use Permit No. 2741-08, Conditional Use Permit No. 2753-09, Minor Site Plan Review No. 0502-07, and Design Review Committee No. 4205-07 were filed by the applicant in accordance with the provisions of the City of Orange Municipal Code; and

WHEREAS, Minor Site Plan Review No. 0502-07 is for the new parking lot and driveway approach on the western portion of the site, along with the new lighting for the entire site; and

WHEREAS, Design Review Committee No. 4205-07 is for the exterior remodel of the church building, the new outdoor patio area, and the new site landscaping; and

WHEREAS, the uncovered outdoor patio area is approximately 3,800 square feet; and

WHEREAS, the Staff Review Committee reviewed the project proposal on April 18, 2007, September 24, 2008, and January 20, 2009 and recommended approval to the Planning Commission; and

WHEREAS, the Design Review Committee reviewed the project proposal on March 18, 2009 and April 15, 2009 and recommended approval to the Planning Commission; and

WHEREAS, Conditional Use Permit No. 2741-08, Conditional Use Permit No. 2753-09, Minor Site Plan Review No. 0502-7, and Design Review Committee No. 4205-07 were processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 2741-08, Conditional Use Permit No. 2753-09, Minor Site Plan Review No. 0502-7, and Design Review Committee No. 4205-07 are categorically exempt from the provisions of the California Environmental Quality Act per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures); and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on June 1, 2009, at which time interested persons had an opportunity to testify either in support of, or opposition to, the proposal and for the purpose of considering Conditional Use Permit No. 2741-08, Conditional Use Permit No. 2741-08, Minor Site Plan Review 0502-07 and Design Review Committee No. 4205-07 upon property described as follows:

SEE ATTACHED LEGAL DESCRIPTION (ATTACHMENT A)

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 2741-08, Conditional Use Permit No. 2753-09, Minor Site Plan Review 0502-07, and Design Review Committee No. 4205-07 for the 1,950 square foot expansion of a church sanctuary and 3,951 square foot second floor addition, the exterior remodel of the church, new parking lot with shared parking, landscaping, and lighting, based on the following findings:

SECTION 1 – FINDINGS

Conditional Use Permit

1. *The project must be consistent with the goals and policies stated within the City's General Plan.*

The property is located on property that is zoned R-1-6 for Single Family Residential, and has a General Plan Designation of Low Density Residential (LDR). The granting of this Conditional Use Permit for the expansion of the church's square footage and the shared use parking condition is consistent with the goals and policies of the Land Use Element of the General Plan, by preserving and maintaining the existing character of the City's neighborhoods. Additionally good urban design is being promoted with the project proposal's exterior building design and installation of new landscape and lighting in the new parking lot.

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

Churches are a permitted land use in the R-1-6 zone. CUP approval of the church expansion will provide the parishioners with the additional room required for their congregation's worship. CUP approval of the shared parking would also be based upon sound principles of land use, 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 84 spaces. The new parking lot will accommodate 136 parking spaces. If all of the church activities (classrooms, liturgy, choir practice, etc.) were to occur simultaneously, the OMC would require that 167 parking spaces be provided. However, the applicant has submitted a parking analysis and schedule of activities showing that no other activities would occur at the same time as any liturgy/mass. The deficiency of 31 parking spaces will not negatively impact the surrounding community, as conditions have been imposed in the Resolution that limit when the liturgy, tutoring, bible study, fellowship, church activities can occur.

3. *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 church expansion and shared use of the parking lot 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. Per the parking analysis, scheduling 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 their existing CUP. 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 8). Staff does not anticipate that the proposed project will result in deteriorating or creating special problems for the community.

4. *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 church expansion and new parking lot with shared parking conditions for the various activities on site will provide the parishioners with the needed room for their worship 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.

5. *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 attached to the CUP 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 6), prohibit any other church activities from occurring simultaneously with the liturgy/worship which generates the highest parking demand (Condition 10), and condition the orientation and foot-candles of the new light standards (Condition 8), and limit the hours of any outdoor activities (Condition 7).

Minor Site Plan Review

6. *The project is compatible with surrounding development and neighborhoods.*

The site is currently developed with a church and preschool. The proposed expansion is compatible with the surrounding neighborhood in regards to the building and site design.

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

The project conforms to the residential and parking development standards, and was reviewed and conditioned by the City's Staff Review Committee and Design Review Committees.

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

The circulation on and off the site was reviewed and conditioned by the City's Fire Department and Traffic Division during the Staff Review Committee meetings. Thus this project conforms to this finding.

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

The various City departments reviewed and conditioned the project during the Staff Review Committee meetings and have confirmed that these services are available to serve the project.

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

The project has been designed such that on and off-site circulation, lighting orientation, noise, and building design and massing is such that the surrounding neighborhoods are not negatively impacted. In addition the project is categorically exempt from the provisions of the California Environmental Quality Act per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures).

Design Review

11. *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 church is consistent with the surrounding community and is similar to the style of La Purisma Church, located south of the subject property. At the September 17, 2008 meeting, the Design Review Committee reviewed and found the design of building's exterior remodel.

SECTION 2– CONDITIONS OF APPROVAL

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

1. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permits, save and except that caused by the City's active negligence.
2. 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.
3. The business/project shall remain in substantial conformance with plans and exhibits date stamped on June 1, 2009, including modifications required by the conditions of approval, and as approved by the Planning Commission. Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 2741-08,

Conditional Use Permit No. 2753-09, Minor Site Plan Review No 0502-07, and Design Review Committee No. 4205-07 shall require an application for a new or amended Conditional Use Permit.

4. Prior to the issuance of any building permits, the applicant shall remove the red shed from the parking lot and locate it elsewhere on the property, such that it is not located in the parking lot, any landscape area, and maintains a minimum six (6) separation from any building. The applicant shall get approval of the new location of the shed from Planning Staff.
5. The four modular units located the southeast corner of the property area unpermitted and must be completely removed from the site, prior to the issuance of any building permits.
6. The use of any amplifying system, sound system, or speakers shall not be permitted outdoors.
7. Fellowship or any similar group activities shall not occur in the outdoor patio area (or outdoors) after 11:00 pm, so as not to disturb the proximate residents.
8. 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.
9. Should the applicant wish to change the timings of the scheduled church activities, a revised schedule of activities shall be submitted to the City's Planning Division for review and approval, a minimum of two weeks prior to the desired changes to commence. The Planning Division shall review the schedule to ensure that the activities are staggered such that sufficient parking is still provided.
10. In accordance with the parking analysis dated August 14, 2008, the greatest demand for parking occurs during the Sunday morning liturgy service, therefore the usage of the sanctuary space for the noted Sunday morning service will be the only activity that can occur during this period of time. Other special events, such as weddings or funerals shall use the greatest usage demand number of 336 people as a guide to avoid overuse of available on-site parking spaces. Parking for the estimated number of people (336) will be provided by the 136 available on-site parking spaces and the church will encourage

parishioners to utilize on-site parking and avoid parking from spilling over into the surrounding residential neighborhoods.

11. 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.
12. Prior to the signoff of the building permit, the applicant shall demonstrate the following to the Public Works Department (to obtain approval of the Final WQMP):
 - a. All structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with the approved plans and specifications.
 - b. The applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - c. An adequate number of copies of the project's approved final Project WQMP are available for the future occupiers
13. The existing driveways on East Walnut and Hewes shall also be per City Standard and ADA compliant.
14. The applicant/developer shall submit improvement plans to the Water Division for new fire hydrants, domestic water services, fire services, landscape services, and any other proposed installations or relocations affecting the public water facilities for review and approval prior to the issuance of building permits.
15. The applicant/developer shall be responsible for the installation/relocation proposed/existing public water facilities as necessitated by the proposal, to a location and of a design as the approved by the Water Division prior to the issuance of building permits.
16. The applicant/developer shall satisfy all water main connection, plan check, and inspection charges as determined by the Water Division prior to approval of the water plan.
17. The applicant/developer shall provide material submittals for all proposed public water facilities to the Water Division inspector for approval a minimum of fourteen-calendar days prior construction.
18. The main entry of the church shall have truncated domes and zero curbs.
19. The handicapped/accessible parking area shall have a zero curb and wheel stops.
20. The Queen Palm trees shall have a minimum brown trunk height of eight feet.

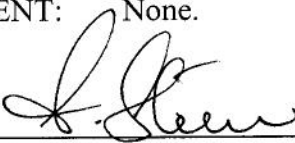
21. Building permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for the revocation of the design review permit.
22. All structures shall comply with the requirements of the Orange Municipal Code – Chapter 15.52 (Building Security Standards).
23. These conditions shall be reprinted on the first page of the construction documents when submitting to the Planning and Building Departments for the plan check process.

SECTION 3 – ENVIRONMENTAL REVIEW

This project is categorically exempt from the provisions of the California Environmental Quality Act per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures) because the project involves the addition of 5,989 square feet to an existing church building, and associated site improvements in the form of new landscaping, lighting, and a new parking area.

I hereby certify that the foregoing resolution was adopted on June 1, 2009 by the Planning Commission of the City of Orange by the following vote:

AYES: Commissioners Cunningham, Imboden, Merino, and Steiner
NOES: None.
RECUSED: Commissioner Whitaker
ABSENT: None.



Scott A. Steiner, Planning Commission Chair

6.15.09

Date