

CONDITIONAL USE PERMIT NO. 3121-20

RESOLUTION NO. PC 34-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE DENYING CONDITIONAL USE PERMIT NO. 3121-20 FOR A 15-SEAT CHAPEL AND SHARED PARKING IN CONJUNCTION WITH A MORTUARY OFFICE AT 1005 E. CHAPMAN AVENUE

APPLICANT: SHANNON FAMILY MORTUARY

WHEREAS, the Planning Commission has authority per 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. 3121-20 for a mortuary with a chapel and shared parking in an existing professional office building in the Office Professional (O-P) zone, located at 1005 E. Chapman Avenue; and

WHEREAS, Conditional Use Permit No. 3121-20 was filed by the applicant in accordance with the provisions of the City of OMC; and

WHEREAS, Conditional Use Permit No. 3121-20 was processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 3121-20 is Categorically Exempt from the provisions of the California Environmental Quality Act per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities); and

WHEREAS, the Planning Commission conducted two duly advertised public hearings on December 7, 2020 and April 5, 2021 at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3121-20 upon property described in Exhibit A, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission denies Conditional Use Permit No. 3121-20 for a 15-seat chapel in conjunction with a mortuary office, located at 1005 E. Chapman Avenue, with shared parking at 911 E. Chapman Avenue, 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 City of Orange General Plan Land use Element requires the City make land use decisions that protect and maintain vibrancy and livability of the City's historic core. The subject property is located within the northeast quadrant of the Old Towne Historic District in downtown Orange. The E. Chapman Avenue corridor consists of small office buildings and residences converted to commercial uses directly adjacent to an established residential neighborhood. Intensification of the mortuary office use at this location has the potential to cause encroachment of a commercial use, especially parking, into an established single-family neighborhood, disrupting the balance of low intensity office uses and residential character in this quadrant of the historic district.

This finding cannot be made.

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 applicant proposes to provide services that are customary for city residents related to all aspects of end-of-life arrangements. However, the subject property is located within the northeast quadrant of the Old Towne Historic District in downtown Orange. The E. Chapman Avenue corridor consists of small office buildings and residences converted to commercial uses directly adjacent to an established residential neighborhood. Intensification of the mortuary office use at this location has the potential to cause encroachment of a commercial use, especially parking, into an established single-family neighborhood, disrupting the balance of low intensity office uses and residential character in this quadrant of the historic district.

This finding cannot be made.

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 subject property is located within the northeast quadrant of the Old Towne Historic District in downtown Orange. The E. Chapman Avenue corridor consists of small office buildings and residences converted to commercial uses directly adjacent to an established residential neighborhood. Intensification of the mortuary office use at this location has the potential to cause encroachment of commercial parking into the neighborhood, causing a deterioration of the residential character of this quadrant of the historic district due to increased noise, traffic, and parking demand on N. Waverly Street beyond that customary for a single-family neighborhood.

This finding cannot be made.

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 subject property is located within the northeast quadrant of the Old Towne Historic District in downtown Orange. The E. Chapman Avenue corridor consists of small office buildings and residences converted to commercial uses directly adjacent to an established

residential neighborhood. Intensification of the mortuary office use at this location has the potential to cause encroachment of commercial parking into the neighborhood, causing a deterioration of the residential character of this quadrant of the historic district through addition of commercial levels of traffic and parking demand to N Waverly Street.

This finding cannot be made.

4. *A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.*

The conditions for the Conditional Use Permit are put forth with the purpose of preserving the general welfare of the city and community. The proximity of the proposed use to single-family residential uses on N. Waverly Street has the potential to cause encroachment of commercial parking into the neighborhood, causing a deterioration of the residential character of this quadrant of the historic district. This would be detrimental to the welfare of the residents of the surrounding neighborhood, who would deal with increased traffic, noise, and parking issues on N. Waverly Street.

This finding cannot be made.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act per State CEQA Guidelines 15270(a), because CEQA does not apply to projects which a public agency rejects or disapproves.

I hereby certify that the foregoing Resolution was adopted on April 5, 2021 by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dave Simpson, Planning Commission Chair

Date