



# Agenda Item

## Planning Commission

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**Item #:** 5.4.

12/7/2020

**File #:** 20-271

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**TO:** Chair and Members of the Planning Commission

**THRU:** Anna Pehoushek, Assistant Community Development Director

**FROM:** Kelly Ribuffo, Associate Planner

### 1. SUBJECT

**Public Hearing:** Conditional Use Permit No. 3121-20, Shannon Family Mortuary, 1005 E. Chapman Avenue

### 2. SUMMARY

The applicant proposes to add a chapel within an existing professional office building to provide memorial services for Shannon Family Mortuary.

### 3. RECOMMENDED ACTION

Staff recommends that the Planning Commission review the proposal and take the appropriate action. The Planning Commission can take one of the following actions:

- Adopt Planning Commission Resolution No. PC 34-20 entitled:

A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3121-20 for a 25-seat chapel and shared parking in conjunction with a mortuary office at 1005 E. Chapman Avenue

- Adopt Planning Commission Resolution No. PC 34-20 entitled:

A Resolution of the Planning Commission of the City of Orange denying Conditional Use Permit No. 3121-20 for a 25-seat chapel and shared parking in conjunction with a mortuary office at 1005 E. Chapman Avenue

### 4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Table 17.08.020 and Sections 17.10.030.C and 17.30.030 authorize the Planning Commission to review and take action on Conditional Use Permits. A Conditional Use Permit is required for a Mortuary in the Office Professional (O-P) zone.

## 5. PROJECT BACKGROUND

<i>Applicant:</i>	Shannon Family Mortuary, Charles Link
<i>Property Owner</i>	Elizabeth Khorey
<i>Property Location</i>	1005 E. Chapman Avenue
<i>Existing General Plan Land Use Element Designation</i>	Neighborhood Office Professional (NOP)
<i>Existing Zoning Classification</i>	Office Professional (O-P)
<i>Old Towne</i>	Yes
<i>Specific Plan/PC</i>	None
<i>Site Size</i>	0.17 acres
<i>Circulation</i>	Located at the northeast intersection of E. Chapman Avenue and Waverly Street, with vehicular access of N. Waverly Street.
<i>Existing Conditions</i>	The property is developed with a 1,320 square foot professional office building and a nine-space parking lot.
<i>Surrounding Land Uses and Zoning</i>	Single-family residential (R-1-6) to the north on N. Waverly Street, offices and institutional uses (O-P and OTMU-15S) along E. Chapman Avenue to the south, east, and west.
<i>Previous Applications/Entitlements</i>	None

## 6. PROJECT DESCRIPTION

The applicant, Shannon Family Mortuary, proposes to covert a portion of an existing 1,320 square foot profession office building into a 25-seat chapel for memorial services in conjunction with a mortuary office. A floor plan is provided as Attachment 4.

Memorial services will be held one to three times per week between 9:00 AM and 7:00 PM. Services last between one to three hours each, including set-up and breakdown of the chapel space. One to two staff members will be present to facilitate the service. Transport of the decedent to and from an off-site mortuary is provided by the business using a company vehicle. Decedents are not stored on the property before or after the service.

Parking for visitors will be provided in the existing nine-space parking lot on-site and across N. Waverly Street at 911 E. Chapman Avenue, where the applicant has leased five parking spaces from Pacific Bell Telephone Company for overflow parking.

More information on the business operations is provided in Attachment 3.

## 7. ANALYSIS AND STATEMENT OF THE ISSUES

### Issue 1: Categorization as a Mortuary

OMC Table 17.13.030 specifies that a Conditional Use Permit (CUP) is required for a mortuary in the Office Professional (O-P) zone. The OMC does not have a definition for “mortuary”. A mortuary, also known as a funeral home or funeral parlor, is a business that provides interment and funeral services for the dead and their families. These services may include a prepared memorial service and funeral,

and the provision of a chapel for the funeral. A mortuary may or may not also include storage and preparation of the dead prior to the funeral.

Shannon Family Mortuary has operated at its current location since March 2020. A CUP was not required for the relocation of the business from E. Maple Avenue to E. Chapman Avenue because the scope of services provided was limited to administrative office activities only. No preparations or memorial services currently take place at this location. Therefore, the potential parking demands for the business are less than a full-service mortuary.

However, with the addition of a chapel for on-site memorials the business will function more like a full-service mortuary. The addition of this service triggers the requirement for a CUP.

#### Issue 2: Vehicular Parking Requirements

Shannon Family Mortuary currently operates as an administrative office. The property has an existing nine-space parking lot, which provides adequate parking to meet code requirement per OMC Section 17.34.060.

<u>Use</u>	<u>Parking Rate</u>	<u>Parking Required</u>
Professional or administrative office	4 spaces/1,000 SF gross floor area	6 spaces (1,320 SF)
Company vehicle	1 space/1 vehicle	2 spaces (2 vehicles)
<b>Total Required Spaces: 8</b>		

Addition of the chapel within the existing building will increase the parking demand of the business, as the additional service will bring more visitors to the site above what is typical for an administrative office. Based on the proposed floor plan and seating number, the adjusted parking requirements are:

<u>Use</u>	<u>Parking Rate</u>	<u>Parking Required</u>
Professional or administrative office	4 spaces/1,000 SF gross floor area	4 spaces (991 SF)
Company vehicle	1 space/1 vehicle	2 spaces (2 vehicles)
Church, chapel, religious facility, cemetery, mortuary	1 space/4 seats	6 spaces (25 seats)
<b>Total Required Spaces: 12</b>		

The applicant has contracted with Pacific Bell Telephone Company to lease five parking spaces at 911 E. Chapman Avenue (a.k.a. the AT&T site) to provide additional parking for memorial services. The AT&T site has eighteen parking spaces available, with only three to four spaces utilized by employees at the property. The leased spaces are available at all times for use by Shannon Family Mortuary clients and visitors. With the parking spaces available at the AT&T site, there are fourteen parking spaces available for clients of Shannon family Mortuary, more than the minimum twelve spaces required by the parking code for the mix of uses proposed at the property.

Per the lease agreement provided to staff, the AT&T site parking spaces are only being leased on a year-to-year basis at this time. Since there is no recorded access agreement proposed between Pacific Bell and the applicant there is no guarantee the spaces will be available in perpetuity for the

chapel. Should the Planning Commission approve the proposed CUP, staff recommends a condition of approval to address the potential loss of the leased parking in the future (Attachment 1A, Condition #8). This condition requires that alternative parking equal or greater to the number of parking spaces must be provided at a location approved by the Community Development Director to allow memorial services to continue on the property.

### Issue 3: Potential Parking Impacts to Surrounding Properties

The subject property is directly adjacent to single-family residential properties on N. Waverly Street, located in the northeast quadrant of the Old Towne Historic District. In the past, staff has heard concerns from neighborhood residents about the potential for business parking encroaching into the residential areas adjacent to E. Chapman Avenue. Many buildings along this corridor are converted residences that now operate as professional offices, medical offices, and similar uses.

It could be concluded that so long as the leased parking agreement is in effect, the proposed use has a low chance of creating chronic parking issues for residents on N. Waverly Street for the following reasons:

- The chapel is less than 400 square feet in size, allowing for a minimal number of visitors at a time.
- The applicant has provided for more parking spaces than required by the OMC, and the hours of operation for the chapel are regular business hours.
- There is approximately 218 lineal feet, equivalent to nine parallel spaces, of on-street parking available on N. Waverly Street adjacent to the AT&T site, not directly in front of residential properties on the street.

At the time of publication of this staff report, no public comment has been received from residents of N. Waverly Street regarding this application.

## **8. PUBLIC NOTICE**

On November 25, 2020, the City sent a Public Hearing Notice to a total of 76 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. The project site has been posted in two locations with the notification on that same date.

## **9. ENVIRONMENTAL REVIEW**

**Categorical Exemption:** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guideline 15301 (Class 1 - Existing Facilities) because the project consists of the licensing of an existing professional office building, consistent with the property's zoning and General Plan designation. No public review is required.

## **10. ADVISORY BOARD ACTION**

None required.

## **11. ATTACHMENTS**

- Attachment 1A - Planning Commission Resolution No. PC 34-20 Approval Draft
- Attachment 1B - Planning Commission Resolution No. PC 34-20 Denial Draft

- Attachment 2 - Vicinity Map
- Attachment 3 - Applicant Letter of Explanation
- Attachment 4 - Site Plan and Floor Plan
- Attachment 5 - Site Photographs
- Attachment 6 - Location of Leased Parking Spaces

adopt Planning Commission Resolution No. 30-20 entitled:

A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3129-20 for an Alcoholic Beverage Control Type 47 License (On-Sale General - Eating Place) for an event center located at 146 N. Grand Street.

The motion carried by the following vote:

**Ayes:** Simpson, Glasgow, Martinez, Vazquez, and Willits

**Noes:** None

**Absent:** None

**5.3. Public Hearing: Conditional Use Permit No. 3124-20, Ramen Mura ABC Type 41 License, 130 S. Main Street Suite G**

Alex Woo, applicant, spoke on behalf of the project.

Chair Simpson opened the public hearing.

Anna Pehoushek, Assistant Community Development Director stated no comments were received for this item.

Chair Simpson closed public hearing.

During discussion, Investigator Jimmy Phan, Orange Police Department, answered the Commissioners' questions about crime statistics. He spoke about the transient population and alcohol related crimes in that area.

Mr. Woo agreed with a continuance to work with the Police Department to mitigate some of their concerns.

A motion was made by Vice Chair Glasgow, seconded by Chair Simpson to continue the item to the February 1, 2021, Regular Planning Commission meeting. The motion carried by the following vote:

**Ayes:** Simpson, Glasgow, Martinez, Vazquez, and Willits

**Noes:** None

**Absent:** None

**5.4. Public Hearing: Conditional Use Permit No. 3121-20, Shannon Family Mortuary, 1005 E. Chapman Avenue**

Julie and Charles Link, applicants, spoke on behalf of the project.

Chair Simpson opened the public hearing.

Jessica Wang, Administrative Specialist, stated staff received phone calls as well as an email that was submitted beyond the deadline, expressing opposition of the project.

Chair Simpson closed the public hearing.

Commissioners had questions and comments regarding parking and how the project would affect nearby neighborhoods; and requested that applicants reach out to nearby residents regarding the project before granting approval.

A motion was made by Vice Chair Glasgow, seconded by Commission Vazquez to

continue the item to the February 1, 2021, Regular Planning Commission meeting. The motion carried by the following vote:

**Ayes:** Simpson, Glasgow, Martinez, Vazquez, and Willits

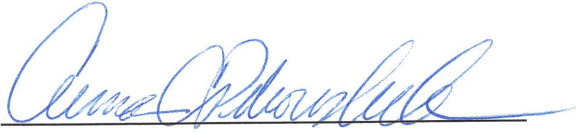
**Noes:** None

**Absent:** None

**6. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:34 p.m.

The next regular scheduled Planning Commission meeting will be held on December 21, 2020 at 7:00 p.m. via various teleconference locations.



Anna Pehoushek

Assistant Community Development Director