



# AGENDA ITEM

## PLANNING COMMISSION

March 2, 2020

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**TO:** CHAIR GLASGOW AND MEMBERS OF PLANNING COMMISSION

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

**FROM:** Chad Ortlieb, Senior Planner *C.O.*

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### 1. SUBJECT

Public Hearing: Revocation of Conditional Use Permit No. 2948-14, JR Motel, 428 E. Lincoln Avenue

### 2. SUMMARY

The Planning Commission directed staff to hold a revocation hearing for Conditional Use Permit No. 2948-14 for the JR Motel.

### 3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 06-20 entitled:

A Resolution of the Planning Commission of the City of Orange recommending to the City Council of the City of Orange, that Conditional Use Permit No. 2948-14, which permitted a motel upon property located at 428 E. Lincoln Avenue, be revoked and repealed in its entirety.

### 4. AUTHORIZATION GUIDELINES

Orange Municipal Code (OMC) Section 17.10.030.H authorizes the Planning Commission to hold a public hearing to review and determine if (1) the conditional use permit has been used in accordance with the terms of approval; (2) if any of the conditions or terms have been violated; (3) if any other ordinance or provision of law has been violated in connection with the conditional use permit; and/or (4) if the conditional use permit was obtained under fraud or misinformation. The Planning Commission shall make a recommendation to the City Council.

## 5. PROJECT BACKGROUND

<i>Applicant:</i>	Chih Chun Huang; JR Investment Limited Partnership
<i>Property Owner</i>	Chih Chun Huang; JR Investment Limited Partnership
<i>Property Location</i>	428 E. Lincoln Avenue
<i>Existing General Plan Land Use Element Designation</i>	General Commercial; Max 1.0 FAR (GC)
<i>Existing Zoning Classification</i>	General Business (C-2)
<i>Old Towne</i>	No
<i>Specific Plan/PC</i>	None
<i>Site Size</i>	.61 acre (26,508 sq. ft.)
<i>Circulation</i>	The subject property is located mid-block on the south side of Lincoln Avenue. The City's Master Plan of Arterial Highways classifies Lincoln Avenue as a Major Arterial with a 120 foot right-of-way.
<i>Existing Conditions</i>	The site is constructed with an approximately 23,000 square foot building, approved as a motel with conditions of approval..
<i>Surrounding Land Uses and Zoning</i>	North: Multi-Family Residential (Townhomes) in County territory across Lincoln Avenue East: Single-Family Residential; General Business (C-2) South: Single-Family Residential; Duplex 6,000 sq. ft. single story overlay (R-2-6 (A)) West: Commercial - Restaurant; General Business (C-2)
<i>Previous Applications/Entitlements</i>	CUP No. 2948-14, MJSP No. 0782-14, and DRC No. 4752-14

## 6. PROJECT DESCRIPTION

On July 6, 2015, Planning Commission Resolution No. PC 19-15 approved a Conditional Use Permit (CUP) for the operation of a 23,128 square foot, two story with basement 28-room motel on two existing vacant parcels located at 428 E. Lincoln Avenue. The name of the use is JR Motel. Development Standards for the site are as listed on pages 4-7 of the July 6, 2015 staff report (Attachment 2).

On October 7, 2019, staff reported violations, including repeat violations of building and fire codes at the JR Motel to the Planning Commission. Staff also reported that the use of building may not be operating in the manner of the approved motel use. Staff sought direction for further action (Attachments 6 and 7). The Planning Commission directed staff to return with a resolution modifying existing conditions of approval to prevent future violations and ensure the use operated as a motel.

At the November 4, 2019 Planning Commission meeting, the Commission voted to continue the meeting to December 16, 2019 based on the request of the owner's new attorney who requested more time to familiarize himself with the issues (Attachment 8).

At the December 16, 2019 Planning Commission meeting, the Commission considered additional conditions for the CUP and statements made by the JR Motel attorney and business/property owner (Attachment 12). The motel representatives indicated their inability to operate under the proposed conditions. The Planning Commission therefore directed staff to return the issue to the Planning Commission as a revocation hearing with a resolution recommending that the City Council revoke the CUP. A resolution recommending revocation is provided in Attachment 15.

## **7. ANALYSIS AND STATEMENT OF THE ISSUES**

The issues identified by City staff at JR Motel relate to building and fire code violations, violations of the approved entitlement and building plans, and operational characteristics which do not comply with the intent of the CUP or the approved use as a motel. A summary of city actions, observations and, violations is in the October 7, 2019 staff report (Attachment 4). The building and fire code violations identified in the staff report have been resolved.

## **8. PUBLIC NOTICE**

On January 23, 2020, the City sent a Public Hearing Notice to a total of 130 property owners/tenants within a 300-foot radius of the project site plus 7 persons outside the mailing radius who specifically requested notice, or spoke at a prior Planning Commission meeting, including the original 2015 meeting. The project site was also posted with the notification on that same date.

## **9. ENVIRONMENTAL REVIEW**

**Categorical Exemption:** The proposed action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15321 (Class 21 – Enforcement Actions by Regulatory Agencies) because enforcement of project conditions and Orange Municipal Code Section 17.10.030.H is being undertaken. No public review is required.

## **10. ADVISORY BOARD RECOMMENDATION**

No advisory board action was required or necessary for this action.

## **11. ATTACHMENTS**

1. Vicinity Map
2. Planning Commission Staff Report Dated July 6, 2015
3. Planning Commission Resolution No. PC 19-15 (Original Approval)
4. Approved Plans date stamped July 6, 2015

5. Planning Commission Minutes Dated July 6, 2015
6. Planning Commission Staff Report Dated October 7, 2019, including a Summary Table of City and Outside Agency Contact and Violations
7. Planning Commission Minutes Dated October 7, 2019
8. Continuance Request Memo to the Planning Commission Dated October 31, 2019
9. Planning Commission Staff Report Dated November 4, 2019, including Draft Planning Commission Resolution No. PC 21-19 and Argument from Liu Law, Inc.
10. Planning Commission Minutes Dated November 4, 2019
11. Public Speaker Photographs Memo to the Planning Commission Dated December 6, 2019
12. Planning Commission Minutes Dated December, 16, 2019
13. Site Photos
14. Business License Excerpts
15. Planning Commission Resolution No. PC 06-20

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