

CONDITIONAL USE PERMIT NO. 3143-21

RESOLUTION NO. PC 30-21

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ORANGE APPROVING CONDITIONAL USE
PERMIT NO. 3143-21 ALLOWING LIVING STONE
METHODIST CHURCH TO OPERATE A CHURCH WITH
CLASSES AT 295 SOUTH FLOWER STREET**

APPLICANT: LIVING STONE METHODIST CHURCH

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

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Table 17.08.020, and Sections 17.10.030.C and 17.13.030 to take action to grant or deny Conditional Use Permit No. 3143-21, to allow the operation of a church with classes within an existing professional office building located at 295 South Flower Street; and

WHEREAS, Conditional Use Permit No. 3143-21 was filed by Living Stone Methodist Church in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3143-21 was processed in the time and manner prescribed by state and local law; and

WHEREAS, the church occupies 4,862 sq. ft. building at 295 South Flower Street, of which 1,270 sq. ft. is utilized for religious services; and

WHEREAS, the church has access to 46 parking spaces on-site at 295 South Flower Street and the required number of parking spaces for the church use would be met; and

WHEREAS, Conditional Use Permit No. 3143-21 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) because the project consists of permitting a church use within an existing commercial building, consistent with the property’s zoning and General Plan designation. There is no environmental public review or notice required for a categorical exemption; and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on November 15, 2021, at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3143-21 upon property described below:

THAT PORTION OF LOT 6 OF THE LOCKHART TRACT, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP THEREOF, RECORDED IN BOOK 4, PAGES 512 AND 513, MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT AN OLD IRON ROD IN THE WEST LINE OF SAID LOT 6 MARKING THE MOST SOUTHERLY SOUTHWEST CORNER OF THE LAND DESCRIBED IN THE DEED TO W.I. WILKIE LUMBER CO., INC. RECORDED DECEMBER 20, 1954, IN BOOK 2900, PAGE 268, OFFICIAL RECORDS OF SAID ORANGE COUNTY, CALIFORNIA THE LOCATION OF SAID IRON ROD BEING SHOWN AS NORTH 0° 19' 30" EAST 383.24 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 6 AS SHOWN ON A MAP OF SURVEY, RECORDED IN BOOK 58, PAGE 11, RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, AND RUNNING THENCE EASTERLY ALONG THE SOUTH LINE OF THE LAND DESCRIBED IN THE ABOVE MENTIONED DEED, 208.00 FEET; THENCE SOUTH 0° 19' 30" WEST 660.29 FEET TO THE SOUTHWEST CORNER OF SAID TRACT NO. 3322, THENCE SOUTH 0° 24' 26" WEST, PARALLEL WITH THE WEST LINE OF SAID LOT 6, 180 FEET; THENCE WESTERLY PARALLEL WITH THE SOUTH LINE OF THE LAND DESCRIBED IN THE ABOVE MENTIONED DEED, 208.00 FEET TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NUMBER: 390-222-21

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 3143-21 to allow the operation of a church with classes within an existing professional office building located at 295 South Flower Street, 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 project is consistent with the goals and policies stated in the City's General Plan Land Use Element which encourages "a well-balanced community" as "one which provides a broad range of housing and business opportunities as well as recreational, institutional and cultural activities that enhance the overall living environment." The project is consistent with the City's General Plan in that the operation of the church with classes helps to provide a service that contributes to a diversified mix of land uses in the surrounding community.

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 (OMC 17.10.030.F.1).*

The granting of this Conditional Use Permit is based upon sound principles of land use and in response to services required by the community in that consideration has been given to whether the proposed use will detrimentally affect adjacent land uses. The subject property is presently vacant. The site is developed with a professional office building on a neighborhood residential street with other similar religious and intuitional uses. The church

use is the primary use on the property and will not conflict with other uses or services. There is adequate parking on-site to accommodate the schedule of services and seating capacity of the church and ancillary classroom and office space.

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 (OMC 17.10.030.F.2).*

The project is not expected to detrimentally affect adjacent land uses or create special problems in the area. The site is surrounded by residential development to the north, east, south and west by single-family and multiple-family residences. The proposed site layout will not be altered and the required number of parking spaces for the use would be met on-site. The church services will be conducted within the building and will not impact bordering properties.

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 (OMC 17.10.030.F.3).*

The church use will replace an existing vacant professional office and will better serve the community. The proposed remodel will occur within the existing building and not create construction impacts to adjacent properties. The building will remain in the existing location and will not change the existing character of the street frontage. Surrounding land uses are residential in nature with some religious institutions in the vicinity. The proposal is not anticipated to have adverse impacts on neighboring land uses within the area because the church use is compatible with the mixed uses that occupy the property and the surrounding neighborhood. The parking needs of the church can be met on-site. Music will be played inside the church sanctuary only. The staggered time of services distributes parking demand throughout the day on Sundays.

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 (OMC 17.10.030.F.4).*

All project conditions preserve the general welfare of the City and community. Conditions specifically serve to manage project construction impacts, provide for site maintenance, and accommodate disabled person site access. Condition No. 15 addresses noise control. With these conditions in place, the operation of the church will not negatively impact the general welfare of the surrounding neighborhood.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA per State CEQA Guideline 15301 (Class 1 – Existing Facilities) because the project consists of permitting a church use within an existing commercial building, consistent with the property's zoning and General

Plan designation. There is no environmental public review or notice required for a categorical exemption.

SECTION 3– CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that the following conditions are imposed:

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 permit, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
2. The applicant shall comply with all conditions of approval contained within Planning Commission Resolution No. PC 30-21 associated with Conditional Use Permit No. 3143-21.
3. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled as Attachment 5 in the staff report (date stamped received June 6, 2021), including modifications required by the conditions of approval, and as recommended for approval by the Planning Commission.
4. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, the Community Development Director may approve the changed plan administratively.
5. Any future expansion in area or in the nature and operation of the approved use by Conditional Use Permit No. 3143-21 shall require new or amended applications.
6. 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 will be cause for revocation of this permit.
7. If not utilized, project approval expires twenty-four months from the approval date. Extensions of time may be granted, if requested in writing in accordance with OMC Section 17.08.060. The planning entitlements expire unless building permits are pulled within two years of the original approval.
8. Prior to the operation of the business, the applicant shall file for, or if applicable, amend a business license with the Business License Division of the City of Orange Finance Department. Failure to maintain the required business license during operation of the use will be cause for revocation of this approval.

9. Building permits shall be obtained for all site and tenant improvements, as required by the City of Orange, Public Works Department's Building Division. Failure to obtain the required building permits may be cause for revocation of this permit.
10. All structures shall comply with the requirements of OMC Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. Approved structural drawings shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.
11. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
12. Prior to building permit issuance, the applicant shall pay any outstanding monies due to the City for Planning Division entitlement activities related to this project.
13. In conjunction with the operation of the church, the property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development Director. This includes, but is not limited to, the buildings, on-site landscaping, trash areas, signage, utilities, property walls, and gates (if applicable).
14. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.
15. The use shall comply with OMC Chapter 8.24 Noise Control at all times. Any noise/music shall not be audible at the exterior of the building, whether the doors/windows are open or closed.
16. The hours of operation of the church shall be Sunday, 9:00 a.m. to 2:00 p.m. and Monday to Friday, 9:00 a.m. to 6:00 p.m. These hours do not restrict employees from being on the premises before opening for preparations and deliveries or after closing for clean-up. Any modification to these operational hour limits shall be subject to review and approval by the Community Development Director and/or may be referred to the Planning Commission at his/her discretion.
17. In conjunction with the operation of the business, all loading and trash enclosure areas shall be maintained and kept clean and free of debris.
18. Should the staggering period between services cause impact to on-site circulation or interfere with vehicles entering the site, the applicant shall adjust their service schedule to allow additional time between services subject to review and approval by the Community Development Director and/or may be referred to the Planning Commission at his/her discretion.

I hereby certify that the foregoing Resolution was adopted on November 15, 2021 by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Dave Simpson, Planning Commission Chair

Date