

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2024-12 AS CONDITIONED TO ALLOW FOR CONSTRUCTION AND OPERATION OF A NEW CHURCH AT THE PROPERTY LOCATED AT 5321 WEST MCFADDEN AVENUE (APN: 108-073-14)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. Bao Pham with BPDO Architects (Applicant), on behalf of Bao Xuan Nguyen with Saigon Presbyterian Church (Property Owner) is requesting approval of Conditional Use Permit (CUP) No. 2024-12 to allow for construction and operation of a church at a property located within the Single-Family Residence (R1) zoning district at 5321 West McFadden Avenue.
- B. The site was originally developed with a single-family residence and garage built in the early 1950s, which remained temporarily throughout the redevelopment by Calvary Church. Calvary Church was conditionally approved in March of 1961, allowing for the construction of a sanctuary with 175 permanent seats in the first phase, and a new, larger sanctuary with 400 seats in the second phase, during which the residence was to be demolished. The site was approved with 132 parking spaces.
- C. In July of 1961, CUP No. 61-55 was granted, approving a revised site plan on a smaller portion of the land, as certain properties included in the original plan had not been secured. This approval was otherwise consistent with the improvements granted under CUP No. 61-33, and was subsequently constructed in early 1962. The church remained in operation up until 2005 during which a fire severely damaged the sanctuary, which was demolished as of June 2005.
- D. In 2010, CUP No. 2010-24 and Variance No. 2008-34 were conditionally approved to allow for reconstruction of the church destroyed by the fire and would allow for a 216 people sanctuary, 1,050 square foot multi-purpose room, three offices, and kitchen. The variance allowed for a deviation in maximum height requirements in the Single-Family Residence (R1) zoning district to construct a 62-foot bell tower. However, the entitlements were not executed and the approvals ultimately expired.

- E. Santa Ana Municipal Code (SAMC) Section 41-232.5(a) requires approval of a CUP to construct and operate a church.
- F. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the CUP for this project as set forth by the Santa Ana Municipal Code.
- G. On October 14, 2024, the Planning Commission held a duly noticed public hearing for CUP No. 2024-12.
- H. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant CUP No. 2024-12, for a church, have been established as required by SAMC Section 41-638.
 - 1. That the proposed use will provide a service or facility, which will contribute to the general well-being of the neighborhood or community.

The proposed project would revitalize an underutilized site that has been vacant for years and has attracted illicit activity. By transforming the site into a new place of worship, the project will not only enhance the safety and appearance of the area but also create a positive community gathering space. The worship building's modern design, coupled with thoughtfully planned landscaping, will significantly improve the site's street presence, replacing a neglected lot with an inviting and aesthetically appealing environment. In addition to its architectural and community benefits, the church would provide services to the culturally diverse community in the City as services would be provided in English, as well as in Vietnamese and Spanish, ensuring thereby contributing to the well-being of the community.

- 2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed use would not be detrimental to the health, safety, or general welfare of individuals residing or working in the vicinity. Rather, the use would serve as a valuable addition to the community by providing a place of worship, along with bible study programs for women and youth in the community. Additionally, the thoughtful design of the project also ensures compliance with all applicable development standards and addresses potential concerns related to traffic, parking, and noise. The site plan ensures safe on-site circulation for vehicles and pedestrians, allowing visitors to easily access the facility. Lastly, large gatherings, such as weddings, funerals or other religious events

that may result in additional impacts to the community are not included as part of this CUP. Overall, the project has been carefully designed to be a positive and harmonious addition to the community, without introducing any adverse impacts.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed church will not negatively impact the economic stability or future development of nearby properties, as the site is currently vacant and underutilized. Approval of the request would allow the Property Owner to develop a new church, reactivating the site and bringing positive activity to the area, which would, in turn, benefit neighboring properties. Additionally, church patrons would be encouraged to support local businesses, further contributing to the economic vitality of the surrounding community.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The use complies with the regulations and conditions in Chapter 41 including building heights, yards, parking and landscaping. A condition of approval has been added to the conditional use permit for a property maintenance agreement to be recorded against the property, which will ensure that the property and all improvements are properly maintained. Moreover, a separate condition of approval has been added to ensure that all landscaping is maintained evergreen, throughout the lifetime of the CUP.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

Finally, the CUP will be consistent with several goals and policies of the General Plan. Notably, the project supports Urban Design Element (UD) Goal UD-1, which aims to enhance the physical character, livability, and community identity of the City. The worship building's high-quality design, along with improved landscaping, will enhance the lot's appearance and create an inviting pedestrian experience along McFadden Avenue. The project also meets Policy UD-1.1, which requires that all developments feature high-quality design, materials, finish, and construction. This is demonstrated by the use of smooth stucco finishes, split-face blocks for contrasting texture, and stained glass windows. Furthermore, the project aligns with Policy UD-2.2, which promotes the use of buffers and other urban design

strategies to ensure that new development is compatible with the scale, bulk, and pattern of surrounding structures. The site plan achieves this by placing the worship building near the east property line, adjacent to a structure of similar scale, while positioning the office building closer to the western property line, where it better matches the scale of nearby residential dwellings. The inclusion of a landscape buffer and driveway further enhances the separation and compatibility with the surrounding environment.

The project also supports Land Use Element (LU) Goal LU-1, which seeks to implement a land use plan that enhances quality of life while respecting the existing community. The proposed development is of a smaller scale than the previously approved project and will improve current conditions by activating a long-vacant site, thereby enhancing the quality of life for neighboring residents. Goal LU-2 aims to provide a balanced mix of land uses to meet the diverse needs of Santa Ana. In line with this goal, the project will offer services in Spanish, Vietnamese, and English, addressing the linguistic diversity of the community. Additionally, the project aligns with Policy LU-2.6, which promotes the rehabilitation of properties and encourages increased capital investment to create a safe and attractive environment. By reactivating a site that has been vacant since 2006 and ensuring appropriate lighting and safety measures, the project is consistent with this policy and represents a significant reinvestment in the area. Lastly, the project aligns with Policy LU-3.4, which ensures that the scale and massing of developments are compatible and harmonious with the surrounding built environment. As previously mentioned, the site plan strategically places the worship building near the eastern property line, adjacent to a structure of similar scale, while positioning the office and assembly buildings closer to the existing residential dwellings to maintain compatibility with the neighborhood.

The project aligns with Community Element (CM) Policy CM-3.5, which promotes positive community interactions and neighborhood pride to foster secure communities and safe public spaces. In line with this policy, the proposed site improvements will create an inviting and secure environment for the new place of worship, providing a positive gathering space for the community.

The project is also consistent with Noise Element (N) Goal N-1, which ensures that land uses are compatible with current and future local and regional noise conditions. The proposed use aligns with this by complying with SAMC's exterior noise limit of

55 decibels [dB(A)] between 7:00 a.m. and 10:00 p.m. Furthermore, all services would be held inside the worship building, with the final service ending by 8:00 p.m. The project also aligns with Policy N-1.1, which promotes the use of established Citywide Noise Standards and guidelines to inform land use decisions and guide noise management strategies. Additionally, the project adheres to Policy N-1.4 by protecting noise-sensitive land uses from excessive, unsafe, or disruptive noise levels. As previously described, the project conforms to applicable exterior noise standards and includes a block wall and landscaping along the western property line, where adjacent single-family homes are located.

Section 2. Pursuant to the California Environmental Quality Act (CEQA) and its Guidelines, the project is exempt from further review under Section 15332 (Class 32 – Infill Development). The project qualifies for this exemption as it involves infill development consistent with the applicable general plan and zoning designations, is located within city limits on a site of less than five acres, is substantially surrounded by urban uses, has no habitat value for endangered species, and would not result in significant impacts related to traffic, noise, air quality, or water quality. Additionally, the site can be adequately served by all necessary utilities and public services. The applicant engaged an environmental consultant to conduct an analysis of biological resources, traffic, and air quality, which was peer-reviewed by a CEQA consultant retained by the City. As such, a Notice of Exemption, Environmental Review No. 2023-06 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City’s defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana, after conducting the

public hearing, hereby approves Conditional Use Permit No. 2024-12, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 5321 West McFadden Avenue. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated October 14, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 14th day of October 2024 by the following vote.

AYES: Commissioners:

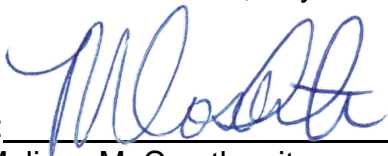
NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS Commissioners:
:

Jennifer Oliva
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 
Melissa M. Crosthwaite
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-XX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on October 14, 2024.

Date: _____

Nuvia Ocampo
Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2024-12

Conditional Use Permit (“CUP”) No. 2024-12 for construction and operation of a church is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, they shall meet the following conditions of approval:

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. The Applicant must comply with all conditions and requirements of the Development Review Committee for the Development Project (DP) No. 2022-46.
2. Any amendment to this CUP must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
3. Prior to the issuance of a Building Permit, the Applicant shall submit a landscape and irrigation plan for the entire site to the Planning Division for review and approval. The landscape and irrigation shall comply with the zoning district's landscape standards, the Water Efficient Landscape Ordinance (WELO), and the Citywide Design Guidelines.
4. All landscaping shall be installed per the approved landscape and irrigation plan. In addition, all landscaping shall be evergreen, be required to be maintained throughout the lifetime of the CUP, and shall be required to be maintained in a healthy manner. Moreover, any unhealthy or dead landscaping shall be required to be removed and replaced in-kind.
5. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit suspension and/or revocation as described in Section 41-651 of the Santa Ana Municipal Code.
6. The business shall post in a conspicuous location at the entry to the building the contact information for the responsible onsite manager, including full name, phone number, and emergency or backup phone number, in case of noise and related operational complaints.
7. Site illumination levels must remain in compliance with Section 8-211 (Special Commercial Building Provisions) of the Santa Ana Municipal Code at all times.
8. Site exterior noise levels must remain in compliance with Section 18-312 (Exterior Noise Standards) of the Santa Ana Municipal Code at all times.

9. Prior to conducting any temporary outdoor activities consistent with Section 41-195.5 of the Santa Ana Municipal Code the owner/operator shall first obtain Planning approval.
10. This approval does not include allowance for use of the site as a banquet facility for weddings, funerals, or other community assembly events.
11. Prior to issuance of a Building Permit, the Applicant shall finalize the location of any solid waste bin (trash) enclosures in coordination with the Planning Division and Public Works Agency. The final approved location shall, to the extent feasible, minimize impacts onto surrounding residential land uses, minimize opportunities for illegal dumping, and be landscaped and treated with decorative elements.
12. At any time that vehicle stacking extends beyond the entrance to the site, the owner/operator shall provide field staff as reasonably required to expedite/facilitate site circulation, assist with onsite parking, and prevent vehicles from blocking onsite parking spaces, drive aisles, sidewalks and bicycle lanes, and/or queuing onto public roadways. A stacking plan illustrating vehicle stacking management in parking areas shall be reviewed and approved by Planning Staff and shall be posted and maintained onsite.
13. Prior to the issuance of a Building Permit, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
 - b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
 - c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
 - d. Ongoing maintenance, repair and upkeep of the property and all

improvements located thereupon (including but not limited to controls on the proliferation of trash and debris on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);

- e. If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g. The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and
- h. The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.