

# REQUEST FOR Planning Commission Action



**PLANNING COMMISSION MEETING DATE:**

**JANUARY 27, 2020**

**TITLE:**

**PUBLIC HEARING – CONDITIONAL USE  
PERMIT NO. 2019-38 TO FACILITATE THE  
CONSTRUCTION OF A RECTORY AT 542  
EAST CENTRAL AVENUE – KARL HUY,  
APPLICANT {STRATEGIC PLAN NO. 3, 2}**

Prepared by Jerry C. Guevara

  
Executive Director

**PLANNING COMMISSION SECRETARY**


**APPROVED**

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For \_\_\_\_\_

**DENIED**

- ☐ Applicant's Request
- ☐ Staff Recommendation

**CONTINUED TO** \_\_\_\_\_

  
Planning Manager

## RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2019-38 as conditioned.

### Executive Summary

Karl Huy with Travis Companies, Inc., representing the Roman Catholic Diocese of Orange, is requesting approval of Conditional Use Permit (CUP) No. 2019-38 to facilitate the construction of a two-story 6,372-square foot rectory building at 542 East Central Avenue. Staff is recommending approval of the project to facilitate development of a vacant site and to accommodate the expansion of Our Lady of Guadalupe Delhi Church located at 541 East Central Avenue and its growing congregation. The project will be supportive to the existing Church and will not negatively impact the surrounding community, as the project has been designed to minimize impacts to any nearby sensitive land uses and is compatible with the surrounding community.

**Table 1: Project and Location Information**

Item	Information	
Project Address	542 East Central Avenue	
Nearest Intersection	Central Avenue and Halladay Street	
General Plan Designation	Low Density Residential (LR-7)	
Zoning Designation	Single-Family Residence (R1)	
Surrounding Land Uses	North	Our Lady of Guadalupe Delhi Church
	East	Single-Family Residence
	South	Two-Family Residences
	West	Two-Family Residences
Property Size	0.24 acres	
Existing Site Development	The site is currently vacant.	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Use	SAMC Section 41-232.5(a)
	Development & Operational Standards	SAMC Sections 41-233 to 41-240

## **Project Description**

The applicant is requesting approval of CUP No. 2019-38 to facilitate the construction of a two-story 6,372-square foot rectory building with an attached two-car garage. The first floor will contain primarily offices and conference rooms to be used by the rectors and employees of Our Lady of Guadalupe Delhi Church. The second floor will contain the living and sleeping quarters of the rectors and two balconies. The project also includes surface parking with eight parking spaces, a trash enclosure, and landscaping. Site access will be provided via a driveway from Halladay Street. The architecture of the rectory has been designed as a traditional Spanish mission revival style building and features smooth stucco, tile roof and ornamental wrought iron work consistent with the Church and architectural characteristics of other homes in the area. Table 2 below provides a detailed comparison of the project's compliance with the applicable development standards.

**Table 2: Development Standards**

<b>Standard</b>	<b>Allowed per SAMC</b>	<b>Proposed</b>
Front Yard	20 feet minimum	Complies; 20 feet
Side Street Yard	10 feet minimum	Complies; 10 feet
Side Interior Yard	5 feet minimum	Complies; 5 feet
Rear Yard	20 feet minimum	Complies; 55 feet
Lot Size	6,000 square feet minimum	Complies; 10,377 square feet
Lot Street Frontage	50 feet minimum	Complies; 210 feet
Building Height	27 feet maximum	Complies; 27 feet
Lot Coverage	35 percent maximum	Complies; 35 percent
Off-Street Parking	Rectory: 1 garage space per bedroom	Complies; 2 garage spaces
	Office Area: 3 spaces per 1,000 SF of office area	Complies; 8 surface parking spaces

## **Project Background and Chronology**

In 2015, Our Lady of Guadalupe Delhi Church approached the City with a proposal to purchase the subject property, which was owned by the Housing Authority, in order to facilitate the expansion of their current facility across the street and to accommodate their growing congregation. The Church purchased the property in 2016 with a deed condition requiring that the site be developed as a rectory, office, or related accessory church facility and that the property not remain vacant or be used as a parking lot. The site was previously developed with a city-owned community facility (former Delhi Community Center) that was demolished in 2004.

## **Project Analysis**

### **Conditional Use Permit for Accessory Church Buildings**

The applicant is requesting approval of CUP No. 2019-38 to facilitate the construction of a rectory building with offices. Pursuant to Santa Ana Municipal Code (SAMC) Section 41-235.5(a), accessory church buildings within the Single-Family Residence (R1) zoning district require review and approval of a CUP by the Planning Commission. CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial.

Staff has reviewed the applicant's request to construct a rectory building and has found that the proposed rectory is in compliance with all applicable development standards established by the SAMC. In addition, the project as designed will not be detrimental to the health, safety, and welfare of the surrounding community and will not adversely affect the General Plan. The site has a LR-7 land use designation which primarily consists of single-family residences but also allows for neighborhood serving uses such as churches, schools and community centers. Lastly, approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Furthermore Goal 1 of the Public Facilities Element promotes the need for sufficient public, cultural, recreational, educational, social service and related facilities to meet the community's needs. The rectory will expand the services of the existing Church to Santa Ana residents and will allow the Church to address their growing congregation.

**Table 3: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach**

<b>CEQA, Strategic Plan Alignment, Public Notification &amp; Community Outreach</b>	
<b>CEQA</b>	
CEQA Type	Categorically Exempt per Section 15301 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines
Document Type	Notice of Exemption, Environmental Review No. 2018-24
Reason(s) Exempt or Analysis	This exemption applies to the construction of small structures, which in an urbanized area is defined as a building not exceeding 10,000 square feet in floor area, on sites zoned for such use, not using significant amounts of hazardous substances, where public services are available and the surrounding area is not environmentally sensitive. The proposed building contains 6,372 square feet and complies with the development standards of the R1 zoning district which allows for accessory church structures subject to approval by the Planning Commission.
<b>Strategic Plan Alignment</b>	
Goal(s) and Policy(s)	Approval of this item supports Goal No. 3 (Economic Development) Objective No. 2 (Create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies) of the City's Strategic Plan.
<b>Public Notification &amp; Community Outreach</b>	
Required Measures	A public notice was posted on the project site on January 17, 2020.
	Notification by mail was sent to all property owners and occupants within 500 feet of the project site on January 17, 2020.
	Newspaper posting was published in the Orange County Reporter on January 17, 2020.
Additional Measures	The representatives of the Delhi Neighborhood Associations were contacted to identify any areas of concern due to the proposed project. At the time this report was printed, no issues of concerned were raised regarding the proposed project.

### **Economic Development**

The project will generate permit fees, temporary jobs, permanent jobs and services for the community. The improvements for the project will require permit fees ranging from \$5,000 to \$10,000 paid to the City and will result in temporary construction jobs. Furthermore, the money received through the transaction of the property will be used by the City's Community Development Agency for the construction of affordable housing.

### **Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2019-38 as conditioned.



\_\_\_\_\_  
Jerry C. Guevara  
Assistant Planner I

JG:S:\Planning Commission\2020\1-27-20\CUP No. 2019-38 Our Lady of Guadalupe Delhi Church at 542 E. Central Ave\CUP No. 2019-38 for Our Lady of Guadalupe Delhi Church.PC.doc

- Exhibits:
1. CUP No. 2019-38 Resolution
  2. Vicinity Zoning & Aerial View
  3. Site Photo
  4. Site Plan
  5. Floor Plan
  6. Elevations
  7. Conceptual Landscape Plans

# **EXHIBIT 1**

**2 - 5**

This page left blank intentionally.

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF SANTA ANA APPROVING  
CONDITIONAL USE PERMIT NO. 2019-38 AS  
CONDITIONED TO ALLOW THE CONSTRUCTION  
OF A TWO-STORY 6,372-SQUARE FOOT  
RECTORY BUILDING AT THE PROPERTY  
LOCATED AT 542 EAST CENTRAL AVENUE

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. Karl Huy with Travis Companies, Inc., representing the Roman Catholic Diocese of Orange (Applicant), is requesting approval of Conditional Use Permit (CUP) No. 2019-38 to allow the construction of a two-story 6,372-square foot rectory building at 542 East Central Avenue.
- B. Santa Ana Municipal Code (SAMC) Section 41-232.5(a) requires approval of a CUP for accessory church buildings within the Single-Family Residence (R-1) zoning district.
- C. 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 SAMC.
- D. On January 27, 2020, the Planning Commission held a duly noticed public hearing for CUP No. 2019-38.
- E. 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. 2019-38, for an accessory church building, 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.

Our Lady of Guadalupe Delhi Church provides a place of worship, gathering and educational services to the community. The granting of this CUP will allow the church to expand its services and audience. The proposed rectory will support and directly benefit the public welfare physically, emotionally, and spiritually. The planned rectory will offer greater worship,

fellowship, counseling as well as community meeting facilities to meet this need. These types of uses become focal points and gathering places within a community, serving multiple community groups. Furthermore, the project will redevelop the site with a new building that is compatible with the surrounding architectural styles.

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 new rectory for Our Lady of Guadalupe Delhi Church will not create any detrimental impacts to persons residing or working in the area. All functions will be conducted within enclosed buildings. Furthermore, the proposed site plan was designed to minimize noise and visual impacts to the adjacent properties, if any. The utilities and infrastructure necessary to support this facility exist and are adequate; the project will not impact the existing utilities or infrastructure. As such, the project will not be detrimental to the public health, safety and welfare of persons residing or working in the vicinity.

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

The proposed project will not create any negative or detrimental impacts on the economic viability of the surrounding area. The use will result in a positive addition to the community and redevelop a vacant lot. The rectory will not remove any job-producing or economically significant elements. Churches and ancillary church buildings with their off-hour and weekend use patterns can positively affect surrounding businesses by generating off peak hour customers and activity.

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

The proposed use complies with the development standards and regulations contained in Chapter 41 of the SAMC. Furthermore, the project was designed in accordance with Chapter 10 (Special Use Guidelines) and Section 12 (Religious Institution) of the Citywide Design Guidelines adopted by City Council in 2006.



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.

The proposed rectory will not adversely affect the General Plan. The site has a LR-7 land use designation which primarily consists of single-family residences, but also allows for neighborhood serving uses such as churches, schools and community centers. Approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Furthermore, Goal 1 of the Public Facilities Element promotes the need for sufficient public, cultural, recreational, educational, social service and related facilities to meet the needs of the community. The rectory will provide services to Santa Ana residents and visitors and will allow the Church to expand to address its growing congregation

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15303 (Class 3 – New Construction or Conversion of Small Structures). This exemption applies to the construction of small structures, which in an urbanized area is defined as a building not exceeding 10,000 square feet in floor area, on sites zoned for such use, not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The proposed building contains 6,372 square feet and complies with the development standards of the R1 zoning district which allows for accessory church structures subject to approval by the Planning Commission. As a result, Categorical Exemption, Environmental Review No. 2018-24 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, which approval will not be unreasonably withheld, 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. 2019-38, as conditioned in Exhibit A, attached hereto and incorporated herein, for the project located at 542 East Central Avenue. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated January 27, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 27<sup>th</sup> day of January, 2020.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

---

Mark McLoughlin  
Chairperson

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

By: \_\_\_\_\_  
Lisa Storck  
Assistant City Attorney

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on January 27, 2020.

Date: \_\_\_\_\_

---

Recording Secretary  
City of Santa Ana

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2019-38**

Conditional Use Permit No. 2019-38 for a rectory building 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, the Applicant shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

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. All proposed site improvements must conform to Development Project Review (DP No. 2018-06) and the staff report exhibits.
2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the conditional use permit must be amended.
3. Prior to issuance of a Building permit, the applicant shall submit a stucco sample of the structure's exterior finishes to the Planning Division for review and approval. The building's exterior stucco finish shall match the existing smooth stucco finish of the Church located at 541 East Central Avenue.
4. Prior to the issuance of a Building permit, the applicant shall revise the architectural plans to include the construction of a full porch with posts along the proposed east entrance/exit or shall remove the proposed cover. In addition, the west-facing windows along the proposed second-floor dining area shall be modified to ensure privacy for the adjacent property.
5. Prior to the issuance of a Building permit, a full landscape and irrigation plan is to be submitted for review and approval by the Planning Division. The landscape plan shall conform to the R1 landscape standards, Citywide Design Guidelines, and the City's Water Efficient Landscape Ordinance. In addition, the applicant shall plant mature cypress trees along the west property line.
6. Prior to the issuance of a building permit, a Property Maintenance Agreement must 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 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; and,
- 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.

This page left blank intentionally.

# **EXHIBIT 2**

**2 - 13**

This page left blank intentionally.



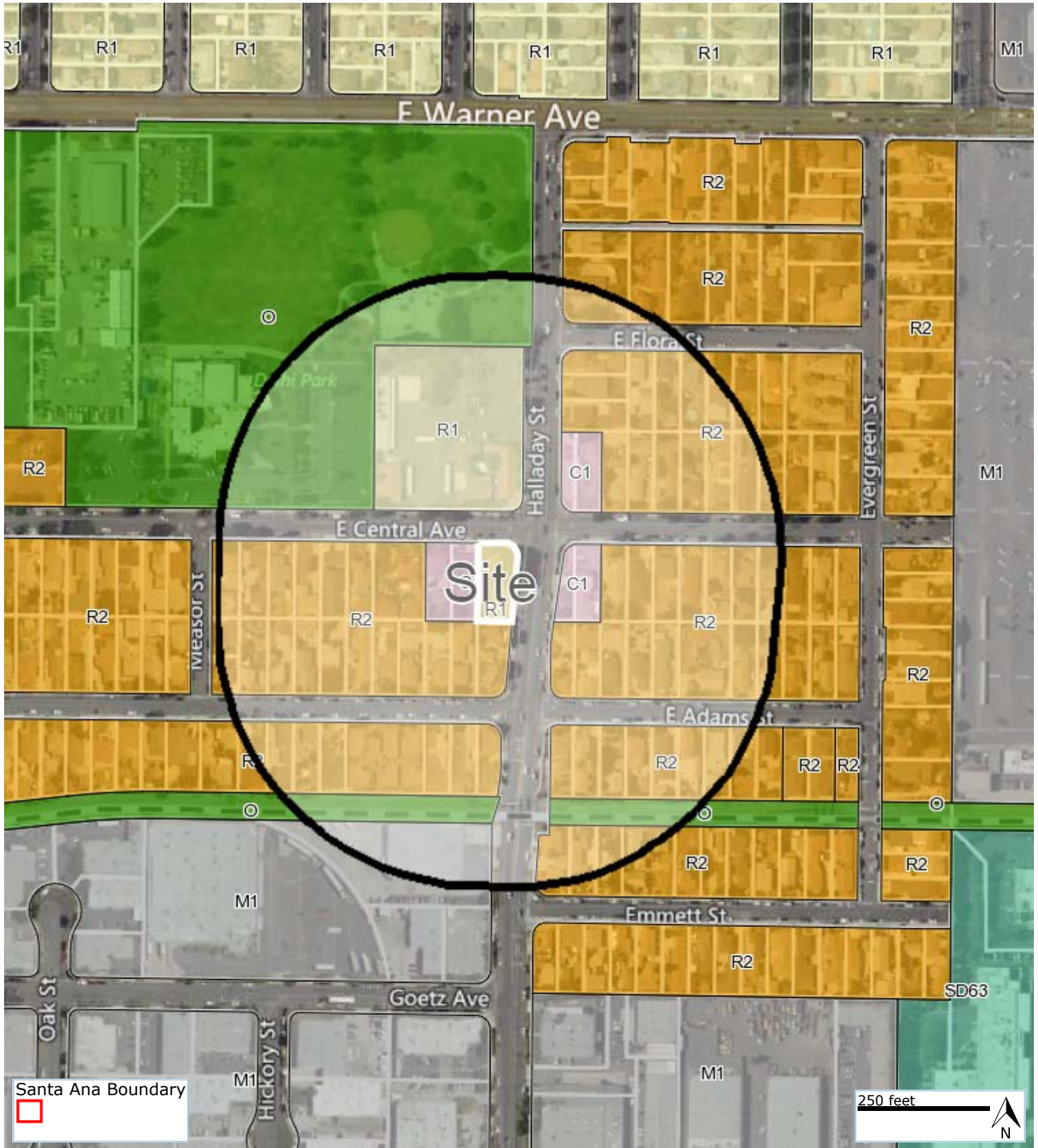


Exhibit 2 - Vicinity Zoning & Aerial View



This page left blank intentionally.

# **EXHIBIT 3**

**2 - 17**

This page left blank intentionally.



**CUP No. 2019-38  
Our Lady of Guadalupe Delhi Church  
542 E. Central Avenue**



**Exhibit 3 – Site Photo**

This page left blank intentionally.

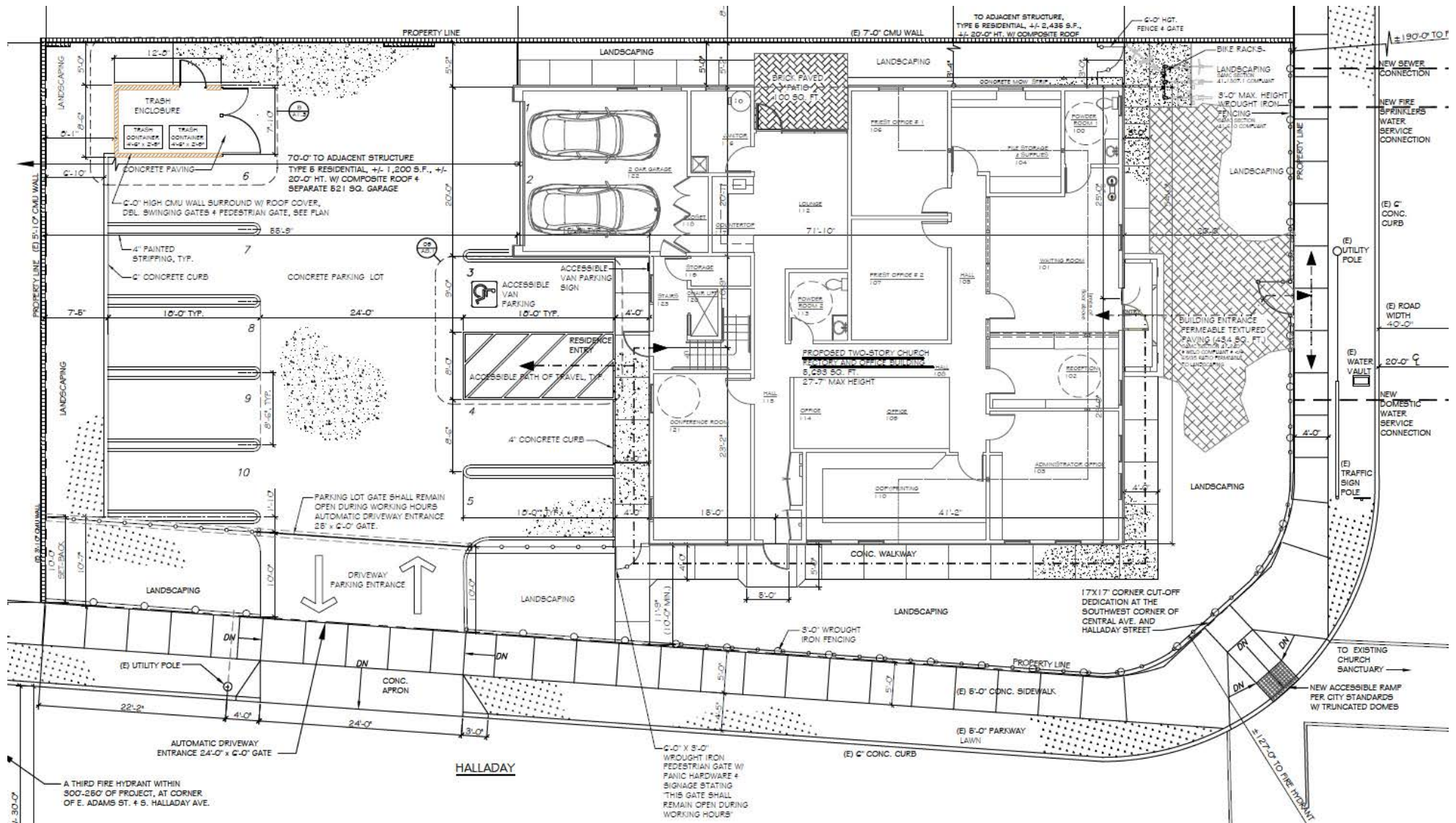
# **EXHIBIT 4**

**2 - 21**

This page left blank intentionally.



**Our Lady of Guadalupe Delhi Church**  
**542 E. Central Avenue**



## Exhibit 4 – Site Plan

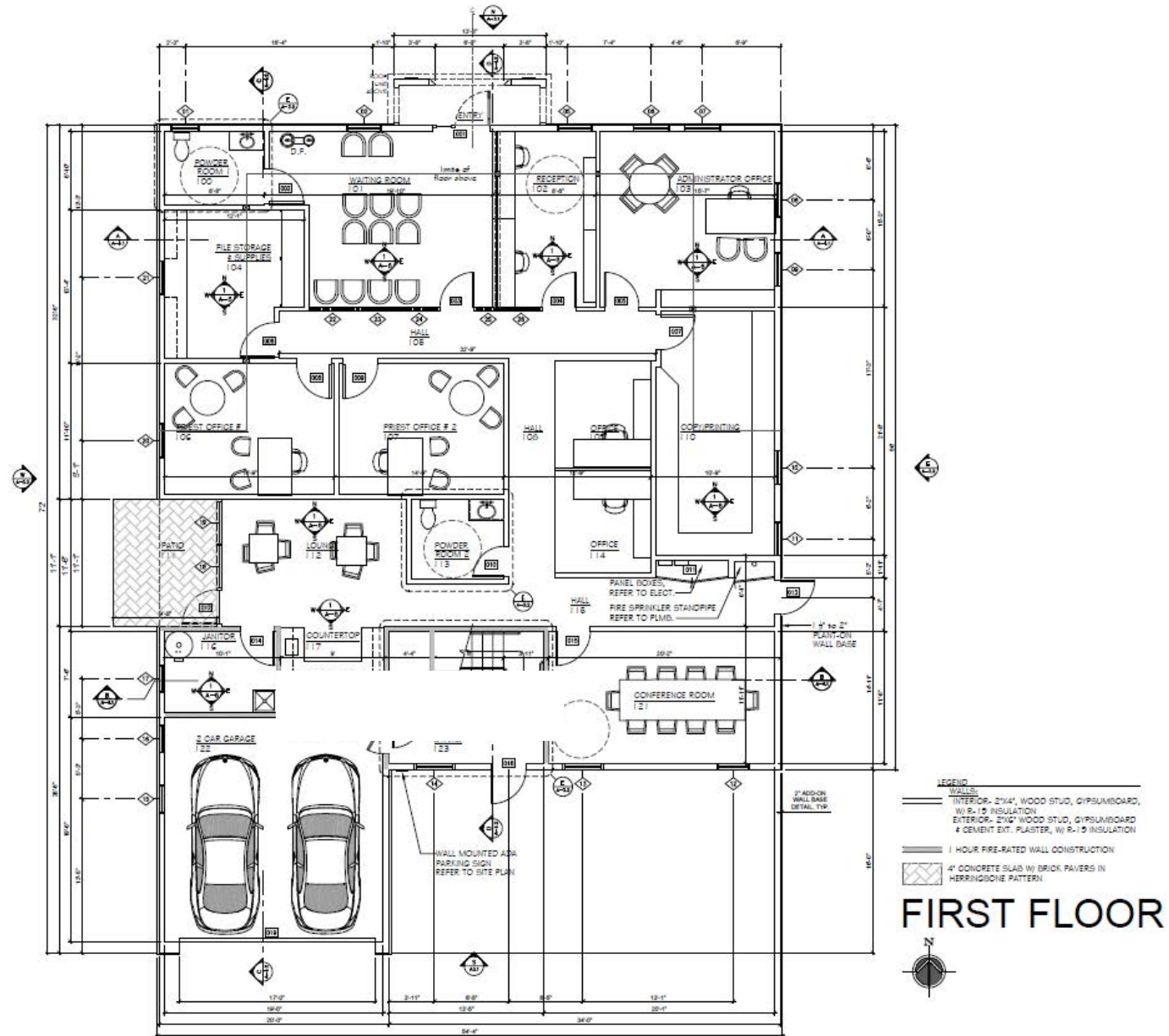
This page left blank intentionally.

# **EXHIBIT 5**

**2 - 25**

This page left blank intentionally.

**CUP No. 2019-38**  
**Our Lady of Guadalupe Delhi Church**  
**542 E. Central Avenue**



**Exhibit 5 – Floor Plans**



# **EXHIBIT 6**

This page left blank intentionally.



**CUP No. 2019-38**  
**Our Lady of Guadalupe Delhi Church**  
**542 E. Central Avenue**



**Exhibit 6 – Elevations**



Ⓔ EAST ELEVATION



Ⓔ WEST ELEVATION

for more information - refer  
to North/South Elevations

# **EXHIBIT 7**

**2 - 33**

This page left blank intentionally.



## Exhibit 7 – Conceptual Landscape Plan

APPROVED CONTAINER PLANT MATERIAL, REFER TO LEGEND

PLANT ROOTBALL, 12" ABOVE GRADE AT OUTSIDE OF WATER BASIN-TYP.

WATERING BASIN, 3" HIGH FINISH GRADE

PLANT TABLETS, AGRIFORM OR BETTER, REFER TO SCHEDULE.

APPROVED BACKFILL MIX, COMPACT TO 80% MIN.

DEPTH OF ROOTBALL

UNDISTURBED OR RECOMPACTED SUBGRADE PER STRUCTURAL SOPS REPORT.

24" ROOT BALL DIAM

**A. SHRUB PLANTING**

APPROVED CONTAINER TREE PER LEGEND

SHALL BE 12" AND SMALLER

LAG BOLT, 1/2" DIA. (2 REQ'D) BURY 6" IN AS REQ'D. BURY STAKE 18" MIN. INTO NATURAL SOIL.

V.I.T. BRACES AS SHOWN, 2 REQ'D.

PLANT ROOTBALL, 12" ABOVE GRADE AT OUTSIDE OF WATER BASIN-TYP.

WATERING BASIN, 3" HIGH FINISH GRADE

DEEP ROOT BARRIERS (UNLESS NOTED ON PLAN)

PLANT TABLETS, AGRIFORM OR BETTER, REFER TO SCHEDULE.

APPROVED BACKFILL MIX, COMPACT TO 80% MIN.

PLANT POT SHALL BE 2X WIDTH OF ROOTBALL.

UNDISTURBED OR RECOMPACTED SUBGRADE.

24" ROOT BALL DIAM

**B. TREE PLANTING**

FINISH GRADE OF D.G. PATH OR PLANTING AREA (P.A.)

SHOULDERS SHALL BE SET FIRM IN GROUND AT DEPTHS INDICATED ON SHOULDER FACE OF SHOULDER TO BE SET AT ANGLE TO GRADE

NATIVE SOIL

	12"	18"	24"
18" ±	10"	10"	8"
2.5' ±	14"	14"	10"
3.5' ±	20"	20"	22"

NOTES:  
BOULDERS SHALL BE LOCAL SOURCE BOULDERS; SMOOTH, WATERWASHED,  
WITH NO MAJOR FRACTURES. ALL BOULDERS SUBJECT TO APPROVAL.

#### D. BOULDER INSTALLATION

This page left blank intentionally.