

RESOLUTION NO. 2022-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA DENYING WITHOUT PREJUDICE CONDITIONAL USE PERMIT NO. 2022-04 FOR A CHURCH PROPOSED AT 2909 SOUTH DAIMLER STREET

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. Shelley Thompson representing Compass Bible Church ("Applicant"), on behalf of Daimler Commerce Partners, LP (Property Owner) is requesting approval of Conditional Use Permit (CUP) No. 2022-04 to allow a church at 2909 South Daimler Street.
- B. Pursuant to Santa Ana Municipal Code ("SAMC") Section 41-313.5(n), a Conditional Use Permit is required for churches in the Professional (P) zoning district within the City of Santa Ana.
- C. On April 11, 2022, the Planning Commission held a duly noticed public hearing on Conditional Use Permit No. 2022-04. The Planning Commission voted 6-0 to deny the Conditional Use Permit and directed staff to draft a resolution denying the Applicant's request for the April 25, 2022 consent calendar.
- D. Staff prepared a resolution for denial of Conditional Use Permit No. 2022-04 for consideration by the Planning Commission on the consent calendar of the regularly scheduled April 25, 2022 meeting.
- E. The Planning Commission determines that the following findings cannot be made, as required for approval of a Conditional Use Permit pursuant to 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 the community.

The proposed request to establish a new church would not contribute to the general well-being of the community as the proposed project would not directly serve the Santa Ana community. The project site would be the new location for the Compass Bible Church currently located in the City of Tustin that is seeking to relocate to a segment of Santa Ana that is

largely office and industrial in nature. The City's population is culturally diverse non-English speaking peoples and the proposed church did not include any bilingual services that would immediately serve the local community. Therefore, the church would not serve the residents and communities of Santa Ana. Thus, the establishment of the church would not promote the welfare of the surrounding community.

2. That the proposed use will not adversely affect the General Plan or any specific plan of the City.

The proposed church would adversely affect the General Plan, as it is inconsistent with the goals and objectives of the Land Use Element specifically Goal 1 and Policy 2.2 of the Land Use Element. Goal 1 and Policy 2.2 promotes and encourages a balance of land uses to address community needs, whereas the proposed church would be the new location for the church and congregation currently located in the City of Tustin. The church is seeking to locate to Santa Ana in a business park that is largely office and industrial in nature. The lack of bilingual programming and location of the church within the City would not provide access to surrounding communities to participate in the church services and programs.

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 denies Conditional Use Permit No. 2022-04 without prejudice. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to the Request for Planning Commission Action dated April 11, 2022, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 25th day of April 2022 by the following vote:

AYES: Commissioners: ALDERETE, CALDERON, MCLOUGHLIN, RAMOS, WOO (5)
NOES: Commissioners:
ABSENT: Commissioners: PHAM (1)
ABSTENTIONS: Commissioners: MORRISSEY (1)



Bao Pham
Vice Chairperson

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

By: John M. Funk
John M. Funk
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Christina Leonard, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2022-10 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 25, 2022.

Date: 5/4/22


Recording Secretary