PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 27, 2015 **ITEM NUMBER:** CC-3

SUBJECT: **REVIEW OF CONDITIONAL USE PERMIT PA-14-25 SADDLEBACK CHURCH (1901 NEWPORT BOULEVARD)**

DATE: **APRIL 14, 2015**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **ANTONIO GARDEA, SENIOR PLANNER**

FOR FURTHER INFORMATION CONTACT: **ANTONIO GARDEA (714) 754-5692**
antonio.gardea@costamesaca.gov

DESCRIPTION

As required by the conditions of approval, this memo provides a two-month review of Conditional Use Permit PA-14-25 approved on December 8, 2014, allowing the operation of Saddleback Church at 1901 Newport Boulevard, Suites 100, 117, 261 & 271A. Saddleback Church commenced services on February 8th.

RECOMMENDATION

Receive and file.

BACKGROUND

The Planning Commission approved the application with several operational conditions and a condition requiring submittal of an assessment of parking availability within 60 days of full church operations. The church started operation on February 8, 2015. Staff has conducted several site visits to verify compliance with the conditions of approval. The following is a partial listing of the applicable conditions of approval and observations by staff. The church's representative also provided a list of the efforts to comply with the conditions of approval.

ANALYSIS

- Condition #5 requires parking attendants to direct vehicles to the upper levels of the parking structure during Sunday services. [in compliance]

  During the Sunday services, five attendants typically help direct traffic on the site. Attendants are located at the driveway on 19th Street and at the easterly area of the parking lot where the driveway turns and narrows. Except for one day that the

special appearance of the main pastor resulted in a very high number of attendees, implementation of the traffic management plan has been effective.

Conditions of approval require that the church uses only the upper levels of the parking lot. Staff observed all levels of the structure being used during a Sunday morning service. The applicant was notified that vehicles are required to be directed to the upper levels of the parking structure. The table below shows the parking distribution observed by staff on 3/15/15 during the 11:15 service:

Table 1: Parking Structure Occupancy – Sunday 3/15					
Level	2	3	4	5	Total
Spaces	92	96	96	107	391
Occupied	22	61	35	2	120
	24%	64%	36%	2%	31%

- Condition #6 requires submittal of a parking assessment identifying utilization of the spaces in the parking structure. [in compliance]

  There was a concern with conflict of church services on weekends (specifically Saturday afternoon) and an existing private agreement leasing the upper level of the parking structure to Triangle for employee parking. The Planning Commission prohibited Saturday and Sunday evening services and limited weekday ministries to a maximum of 75 attendees. Saddleback Church has been using a limited number of parking spaces for their weekday ministry gatherings. The property manager has indicated that their agreement with Triangle is not binding and could be terminated at any time if parking conflicts would arise and as directed by the City. Changes are not necessary to modify or terminate the private lease agreement with The Triangle, pending completion of a comprehensive parking study for The Triangle.

  Resolution: According to the Triangle's management, the contract for overflow parking will be terminated due to the lack of need.

- Conditions #8 & 11 requires posting of 'No Parking' signs and authorizes only a limited number of parking spaces for the adjacent church on Sunday. [in compliance]

  The property manager has posted signs on site and within the structure that the parking structure is private parking. On February 3rd, the property manager sent a letter to the First United Methodist Church notifying them that any vehicles of personnel or visitors attending meetings at the Methodist Church will be towed. The concern has been that people attending evening meetings at the Methodist Church park their vehicles at the 1901 Newport Building's parking structure without an agreement or authorization from the management company. Monitoring the illicit parking has been an ongoing issue for the property manager. In the letter, the manager acknowledges that ten parking spaces are reserved for their 10:00 a.m. Sunday service as required by the Planning Commission.

- Condition #9 requires the applicant to coordinate with the Turnip Rose to prevent parking conflicts. [complaint received; resolution required]

  Kelly Sherbanee (Celebrations at Turnip Rose) confirmed that he is in weekly contact with the applicant regarding events scheduled to occur in the coming months on Sundays. He noted that people attending services have parked on all levels of the structure. Although there have not been conflicting events at the Celebrations banquet facility, service attendees should be directed to the upper levels of the parking structure to prevent any future conflicts. He did not have any other comments regarding parking or circulation.

  Resolution: Saddleback Church shall continue to instruct their patrons to: (1) not linger when the services end; and (2) not park in the areas identified for the Turnip Rose.

- Condition #10 requires that all assemblies be contained entirely in the assembly room and Condition #13 requires that the church operations be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood. [complaint received; resolution required]

  The City received complaints that resident(s) of Blue Sol Apartments have been disturbed by outdoor activities, including the set-up of a stage and sound equipment, in the courtyard. On February 25, 2015, Saddleback Church requested approval of an outdoor sunrise service for Easter Sunday which would involve sound amplification equipment and a gathering of 50 people or more.

  Resolution: Staff indicated that the request could not be approved at a staff-level due to the terms/conditions of the Conditional Use Permit requirements. Any modification of the conditions of approval (i.e. provision of outdoor assembly services) must be approved by the Planning Commission as an amendment to the CUP. This request was subsequently withdrawn.

- Condition #18 requires submittal of real-time parking counts verifying that there are no parking-related conflicts with the existing banquet facility (Celebrations by Turnip Rose), other tenants at 1901 Newport Plaza and adjacent residential communities.

  Real time parking counts have been submitted over the course of the past six weeks. Code Enforcement staff has also verified the adequacy of the available on-site parking. The average demand for all services is 174 parking spaces and the peak demand is 190 parking spaces for the 11:15 AM service. The table that follows provides the parking tally for the course of five weeks:

Table 2: Saddleback Church Parking Count					
Date	02/15	02/22	03/01	03/08	03/15
Service Time					
8:00	65	72	75	60	79
9:30	167	154	185	140	162
11:15	190	165	165	154	165

Parking was insufficient for the inaugural service on February 8th. The unannounced service by Pastor Rick Warren created a large parking demand and attendees were directed to park at the Triangle.

The parking demand has largely coincided with the parking demand projected in the parking study considered with the planning application. Sufficient parking exists on the fourth and fifth levels of the parking structure to accommodate the average demand generated by the church. At the times that these parking counts were provided, events have not been scheduled at Celebrations by Turnip Rose and parking spaces have been available throughout the structure.

Resolution: Saddleback Church shall make special parking arrangement requiring additional staff and off-site parking for large events where attendance is anticipated to be high (i.e. Rick Warren speaking event). The applicant has been informed to comply with the conditions and direct vehicles to the fourth and fifth levels of the structure.

- Condition #19 prohibits any church activities from occurring in the outdoor courtyards and lobby areas and specifically prohibits amplified sound outdoors.

Staff received a complaint that food trucks were brought onto the site on March 15th and 22nd. The complaint indicated that early morning set-up and noise disturbances occurred, including amplified sound equipment. The attached photo was taken on March 22nd. The applicant was notified to immediately cease the activity as this creates both noise and odors that are objectionable to the neighboring residents. On March 29th, code enforcement staff observed canopies erected in the fountain courtyard area that faces the neighboring residential property (Blue Sol Apartments) but not any food vendors. Staff observed seating areas and a monitor with amplified sound arranged in the courtyard on the northwest side of the building. The sound is audible to the neighboring residences.

Resolution: The applicant has been informed that outdoor activities are expressly prohibited in the conditions of approval. A notice of violation and citation will be issued for the next violation.

- Conditions #20-22 were incorporated from the recommendations of the traffic study. The conditions required providing directions from Huntington Beach, limiting the use of surface parking, and having attendants to direct traffic. [in compliance]

  The applicant provided a video and presentation demonstrating the prescribed route prior to offering services at the site. For Sunday services, cones are set up to limit the surface parking and a minimum of five volunteers help direct cars to the parking structure.

- Condition # 23 required the removal of landscaping to improve visibility for cars exiting the neighboring property. [in compliance]

  The applicant removed and replaced the shrubs with lower growing ground cover and annuals.

- Flags and Banners – In the past two months, staff received complaints regarding installation of flag-style banners at the site visible from Newport Boulevard and 19th Street. [complaint received; resolution required]

  Resolution: Staff informed the applicant that these type of temporary signs are prohibited and the applicant is no longer installing banners or temporary signs.

CONCLUSION

Staff continues monitoring the location to ensure compliance with the conditions of approval. The representative from Saddleback Church (Moses Camacho) and the property manager for 1901 Newport (Jamie Park) communicate frequently with staff and have been working to address the complaints received by staff.

ANTONIO GARDEA
Senior Planner

CLAIRE FLYNN, AICP
Asst. Development Services Director

Attachment: Planning Commission Resolution PC-14-53
Applicant's Letter addressing conditions of approval
Photographs taken on 3/29/15

Distribution: Director of Economic & Development Services
Assistant Development Services Director
Senior Deputy City Attorney
Public Services Director
City Engineer
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RESOLUTION NO. PC-14-53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-25 FOR ESTABLISHMENT OF A CHURCH USE LOCATED AT 1901 NEWPORT BOULEVARD, SUITES 100, 117, 261 & 271A

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed for a conditional use permit to establish a church by Steve Camp, authorized agent for the owner of property located at 1901 Newport Boulevard, Suites 100, 117, 261 and 271A;

WHEREAS, the primary assembly space will be located in Suite 100 and is approximately 10,561 square feet in area. The seating area of the main auditorium is 7,210 square feet. In addition to the assembly space, the Church intends to use office space in Suites 177 and 261 for religious education (6,190 square feet) as well as Suite 271A as an administrative office (2,471 square feet). Church services would be on Sundays from 8:00 a.m. to 2:00 p.m. and on Saturday from 3:00 p.m. to 7:00 p.m. During weekdays and on Saturdays, evenings, ministry services are also proposed which is proposed to be attended by a maximum of 75 attendees. The proposed church activities are summarized below:

Summary of Proposed Church Operations

Suite	Area (sf)	Days	Hours
100 - Main Auditorium**	10,561	Sunday Saturday	8:00 a.m. – 2:00 p.m. 3:00 – 7:00 p.m.
177 – Education 261 – Education	3,690 2,500		
100 - Main Auditorium	10,561	M-Sat. (Ministries)	6:30– 10:00 p.m.
271A – Admin. Office	2,471	M-F	9 a.m. – 5 p.m.

Notes: **Located in former Turnip Rose Banquet Hall. Assembly Area in Main Auditorium is 7,210 sq.ft.

WHEREAS, modifications to originally proposed hours for Saturday and Sunday church services are described in Exhibit B through conditions of approval;

WHEREAS, a duly noticed public hearings were held by the Planning Commission on September 22, 2014 and on December 8, 2014 with all persons having the opportunity to speak and be heard for and against the proposal;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-14-25.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-14-25 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the project, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 8th day of December, 2014.

Jim Fitzpatrick Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 8, 2014 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT A

FINDINGS

A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Finding: The proposed church use is compatible with the office uses at the site with hours of operation during weekends and weekday off-peak evening hours for smaller ministry services. The proposed church use would occupy a vacant space previously used as a banquet facility with similar operating characteristics. Church attendees may patronize businesses in the neighboring shopping centers after services on weekends when the office uses are typically closed.

Finding: Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding: Granting the Conditional Use Permit for the church will not be detrimental or injurious to the office tenants at the site nor the surrounding commercial and residential properties. The proposed church use would occupy vacant tenant spaces and provide an active use during off-peak hours and weekends. The availability of parking in the structure provides safe access and convenient parking to the site. The convenience of the parking structure encourages attendees to park on site and not in the surrounding neighborhood. The additional activity during nights and weekends helps create a sense of security and vigilance. The proposed deviation to the shared parking requirements is warranted because the proposed church use would operate during hours and days when lower parking demand for the existing office uses. Moreover, the church services would occur on Sunday mornings when the other office tenants are closed. Ministry services would take place on weekday evenings after regular business hours. A study was completed collecting actual parking and traffic circulation data from the project site and existing church facility. The study concludes that sufficient number of parking spaces are provided on-site to accommodate the existing uses and proposed church use. Furthermore, the study concludes the project will not create conditions or situations that would adversely impact traffic circulation in the project vicinity. The draft resolution includes several conditions of approval to address parking and traffic management.

Finding: Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The property is designated as Commercial Center in the General Plan Land Use Element. The General Plan designation of Commercial Center allows institutional uses that serve the community and is consistent with the designation for the site. The proposed church use, which is institutional in nature, would use existing facilities previously used as banquet space, with a similar weekend parking demand. The proposed use consists of religious services with ministries for children, administrative offices, and small evening religious ministry services. The proposed church use would add more activity and thereby facilitate the sense of security for the site and its surroundings. The church also complies with the applicable Zoning Code development standards for churches and places of worship near residentially zoned areas. Therefore, the proposed church use is consistent with the General Plan and compliant with the development standards of the Zoning Code.

B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.

C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

Plng. 1. The use shall be limited to the type of operation as described herein. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

2. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.

3. The maximum number of seats in the auditorium shall be limited to 325 seats.

4. Sunday services shall be limited to three services at 8:00 AM, 9:30 AM and 11:15 AM. There shall be no Saturday or Sunday evening services. The weekday evening hours of operation shall be limited from 6:30 p.m. to 10:00 p.m. and shall be limited to a maximum of 75 attendees.

5. The applicant or property owner shall provide professional on-site security to patrol and direct service attendees to the upper levels of the parking structure on Sunday from 7:30AM to 2:00PM to ensure that illegal parking from surrounding uses is not occurring.

6. Within 60 days of the operation of the church, the church operator shall provide a parking assessment which identifies underutilized spaces in the top two levels of the parking structure that could be made available for continued overflow parking by The Triangle. If a parking shortage is identified, the property manager shall make the necessary modifications to the lease agreement with The Triangle. This condition shall be completed under the direction and to the satisfaction of the Development Services Director.

7. Bus transportation for church services shall be prohibited.

8. The applicant/property manager shall post signs at the entry along 19th Street and at entry points to the parking structure indicating that parking structure is private property and no unauthorized parking is allowed. Ten parking spaces shall be reserved for the Methodist Church for the 10:00 a.m. Sunday Service.

9. The applicant shall coordinate with the Turnip Rose to prevent parking and circulation conflicts with banquet events. There shall be no Saturday or Sunday evening service to minimize conflicts with existing uses, including the Turnip Rose.

10. All assemblies shall be contained entirely in the assembly room. There shall be no congregation in the lobby or hallways during church services.

11. The property management shall monitor the parking structure to ensure that all parking spaces are available on Sundays and after 5:00 PM Monday through Friday when the church is operating. There shall be no allowance for parking from the adjacent church and or neighboring properties.

12. If parking shortages or other parking related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, submitting a valet parking plan approved by the Transportation Services Manager, modifying the number and times of services, scheduling additional services, or canceling services that coincide with other scheduled events at the banquet facility and/or activities at the site.

13. The church operation including all ancillary uses shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.

14. The applicant and/or property owner shall submit a security plan for review and approval by the Development Services Director. The security plan shall set forth measures to ensure that the property itself (inclusive of the parking structure) and the surrounding residential community are not negatively impacted. Security measures may include personnel and/or structures to discourage trespassing.

15. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal

counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.

16. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

17. The City grants this conditional use permit for a period of two (2) years from December 16, 2014 to December 16, 2016 based on the applicant's temporary need to operate at this location. The two (2) year approval period is generally consistent with the applicant's lease term at the Property. On December 17, 2016, whether or not the applicant extends the lease term, the approvals set forth herein shall have no further force or effect nor shall it require additional notice and/or hearing to terminate. Any operation beyond this period shall require a new application for conditional use permit.

18. Within 60 days of the full operations of the church, the church operator shall submit a parking and circulation plan to the Development Services Director for review and approval to ensure that there are no negative impacts to the existing tenants and adjacent residential communities. The plan shall show the adequacy of parking areas, contain realtime parking counts at peak demand times, and specifically verify that there are no parking-related conflicts with the existing banquet facility (Celebrations by Turnip Rose) and other tenants at 1901 Newport Plaza.

19. All church services shall be conducted within the building. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. Services in the lobby area and outdoor courtyards are prohibited. Additionally, there shall be no outdoor sound amplification.

Trans. 20. Saddleback Church shall instruct its congregation and visitors originating from Huntington Beach (and other surrounding areas) to take Victoria Street to Newport Boulevard to reach church services. Directions shall be provided on the church's website and through other communication methods.

21. Physical barriers shall be installed to block surface parking lot spaces for church attendees (except for church staff, disabled parking and surgery center) before the Sunday morning services, and the barriers shall be removed after the start of the 11:15 AM Sunday service.

22. A minimum of five (5) volunteers from Saddleback Church shall direct visitors to and through the parking lot:

- One at the right-in/right-out driveway holding a sign for Saddleback Church;
- One at the western drive aisle directing vehicles to turn right; and

- One midway through Parking Lot A encouraging vehicles to continue to the parking structure.

23. The applicant/property manager shall modify the landscaping near the main driveway along West 19th Street to maximize sight visibility for vehicle ingress and egress. Specifically, the existing hedge between the 1901 Newport Boulevard property and the United Methodist Church shall be removed or modified to the satisfaction of the Transportation Services Manager.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

Bldg. 1. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

Fire 2. Provide a Fire Alarm system in accordance with Chapter 9 of the California Fire Code, 2013 Edition.

Responses provided by Moses Camacho on 3/13/15

CONDITIONS OF APPROVAL

1.	The use shall be limited to the type of operation as described herein. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)]. Saddleback Church is abiding by all these standards, there are no changes at this time.
2.	The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable. Saddleback church is abiding by this standard and the CUP is still currently active at this time along with our lease at the 1901 property.
3.	The maximum number of seats in the auditorium shall be limited to 325 seats. Saddleback church is abiding by the condition and we are in compliance with the max seating requirement.
4.	Sunday services shall be limited to three services at 8:00 AM, 9:30 AM and 11:15 AM. There shall be no Saturday or Sunday evening services. The weekday evening hours of operation shall be limited from 6:30 p.m. to 10:00 p.m. and shall be limited to a maximum of 75 attendees. We Saddleback church have made the changes to our service times to meet the request of the city on the new service times. Even though this was not in the best interest of Saddleback church we made the change to show our partnership with the city.
5.	The applicant or property owner shall provide professional on-site security to patrol and direct service attendees to the upper levels of the parking structure on Sunday from 7:30AM to 2:00PM to ensure that illegal parking from surrounding uses is not occurring. Saddleback church is in compliance with this request as well. We have plenty of security and parking attendants at all of our Sunday morning services.
6.	Within 60 days of the operation of the church, the church operator shall provide a parking assessment which identifies underutilized spaces in the top two levels of the parking structure that could be made available for continued overflow parking by The Triangle. If a parking shortage is identified, the property manager shall make the necessary modifications to the lease agreement with The Triangle. This condition shall be completed under the direction and to the satisfaction of the Development Services Director.

	Saddleback church has been using limited parking spaces during the week and there have been plenty of parking during the week.
7.	Bus transportation for church services shall be prohibited. Saddleback church doesn't offer bus transportation or any transportation for that matter.
8.	The applicant/property manager shall post signs at the entry along 19th Street and at entry points to the parking structure indicating that parking structure is private property and no unauthorized parking is allowed. Ten parking spaces shall be reserved for the Methodist Church for the 10:00 a.m. Sunday Service. No parking signs are posted on the property and 10 parking spots are being coned off to reserve parking for the church next door every Sunday. The parking cones are removed every Sunday by 2pm.
9.	The applicant shall coordinate with the Turnip Rose to prevent parking and circulation conflicts with banquet events. There shall be no Saturday or Sunday evening service to minimize conflicts with existing uses, including the Turnip Rose. Saddleback church is not having any Saturday or Sunday evening events. We are in compliance with this condition as well.
10.	All assemblies shall be contained entirely in the assembly room. There shall be no congregation in the lobby or hallways during church services. Saddleback church is compliance with this condition as well. Our service is inside the auditorium.
11.	The property management shall monitor the parking structure to ensure that all parking spaces are available on Sundays and after 5:00 PM Monday through Friday when the church is operating. There shall be no allowance for parking from the adjacent church and or neighboring properties. There has been plenty of parking on Sunday and mid week after 5 pm.
12.	If parking shortages or other parking related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, submitting a valet parking plan approved by the Transportation Services Manager, modifying the number and times of services, scheduling additional services, or canceling services that coincide with other scheduled events at the banquet facility and/or activities at the site. Saddleback is currently abiding by the CUP parking guidelines. We are prepared to start an additional service if we start to run short on parking.
13.	The church operation including all ancillary uses shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement. Saddleback church is providing security at all Saddleback function events to ensure that we are being good neighbors and showing our partnership with the city.
14.	The applicant and/or property owner shall submit a security plan for review and approval by the Development Services Director. The security plan shall set forth measures to ensure that the property itself (inclusive of the parking structure) and the surrounding residential community are not negatively impacted. Security measures may include personnel and/or structures to discourage trespassing. Saddleback church has developed a parking plan and submitted the plan to the city for city review. We Saddleback church have also provide security at all Saddleback

	events so that no residential communities are impacted negatively by any events Saddleback church hold on Sunday or during the week.
15.	The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City. Saddleback understands
16.	If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions. Saddleback understands
17.	The City grants this conditional use permit for a period of two (2) years from December 16, 2014 to December 16, 2016 based on the applicant's temporary need to operate at this location. The two (2) year approval period is generally consistent with the applicant's lease term at the Property. On December 17, 2016, whether or not the applicant extends the lease term, the approvals set forth herein shall have no further force or effect nor shall it require additional notice and/or hearing to terminate. Any operation beyond this period shall require a new application for conditional use permit. Saddleback church understand that this is a 2 year agreement with the city and if we choose to extend our lease beyond 2 years we would need to reapply for another CUP.
18.	Within 60 days of the full operations of the church, the church operator shall submit a parking and circulation plan to the Development Services Director for review and approval to ensure that there are no negative impacts to the existing tenants and adjacent residential communities. The plan shall show the adequacy of parking areas, contain realtime parking counts at peak demand times, and specifically verify that there are no parking-related conflicts with the existing banquet facility (Celebrations by Turnip Rose) and other tenants at 1901 Newport Plaza. Saddleback church has been in compliance with the proper parking requirements and Saddleback church has been submitting the parking counts every week to the city for review. We have found that the LSA traffic study was accurate and the forecasting parking analysis was correct. The Real time parking counts have validating the parking study.
19.	All church services shall be conducted within the building. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented

	to any authorized City official upon request. Services in the lobby area and outdoor courtyards are prohibited. Additionally, there shall be no outdoor sound amplification. Saddleback church has been holding our church service indoors and meeting the requirements by the city in this area.
20.	Saddleback Church shall instruct its congregation and visitors originating from Huntington Beach (and other surrounding areas) to take Victoria Street to Newport Boulevard to reach church services. Directions shall be provided on the church's website and through other communication methods. Saddleback church created a special website to communicate the parking flow to all our Huntington beach members and we also created videos to show the proper entrance and exit to the 1901 property. We also submitted these videos and slides to the city for review.
21.	Physical barriers shall be installed to block surface parking lot spaces for church attendees (except for church staff, disabled parking and surgery center) before the Sunday morning services, and the barriers shall be removed after the start of the 11:15 AM Sunday service. Saddleback church has been placing cones to block off surface parking lot spaces for church attendees.
22.	A minimum of five (5) volunteers from Saddleback Church shall direct visitors to and through the parking lot: - One at the right-in/right-out driveway holding a sign for Saddleback Church; - One at the western drive aisle directing vehicles to turn right; and - One midway through Parking Lot A encouraging vehicles to continue to the parking structure. Saddleback church has been placing 10 parking attendants to direct the flow of traffic from the streets to the parking structure. We have gone above and beyond to ensure this is a smooth process.
23.	The applicant/property manager shall modify the landscaping near the main driveway along West 19th Street to maximize sight visibility for vehicle ingress and egress. Specifically, the existing hedge between the 1901 Newport Boulevard property and the United Methodist Church shall be removed or modified to the satisfaction of the Transportation Services Manager. Saddleback church removed the hedge that was blocking and minimizing the view from 1901 to the church parking lot next door. We have modified the landscaping to ensure that this wouldn't be a problem again.

SADDLEBACK CHURCH

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