



AGENDA

Planning Commission August 18, 2025

Hayden Beckman
Planning Manager

Nathalie Adourian
Senior Assistant City Attorney

Jennifer Scudellari
Executive Assistant

5:30 PM Regular Session

City Council Chamber
300 E. Chapman Avenue
Orange, CA 92866

ALISON VEJAR
Chair

ISAIAH LESLIE
Vice Chair

RICK MARTINEZ
Commissioner

DAVID VAZQUEZ
Commissioner

RUBY MALDONADO
Commissioner

SHANNON TUCKER
Commissioner

TIM McCORMACK
Commissioner

Welcome to the Planning Commission meeting. Regular meetings of the City of Orange Planning Commission are held the first and third Monday of each month at 5:30 p.m.

Agenda Information

The agenda contains a brief general description of each item to be considered. Written materials relating to an item on the agenda that are provided to the Planning Commission after agenda packet distribution and within 72 hours before it is to consider the item will be made available for public inspection in the City Clerk's Office located at 300 E. Chapman Avenue, Orange, during normal business hours; at the Planning Commission meeting; and made available on the City's website.

Public Participation

Planning Commission meetings may be viewed on Spectrum Cable Channel 3 and AT&T U-verse Channel 99 or streamed live and on-demand on the City's website at www.cityoforange.org.

Pursuant to Government Code Section 54954.3, members of the public may address the Planning Commission on any agenda items or matters within the jurisdiction of the governing body by using any of the following methods:

1) In-person

To speak on an item on the agenda, complete a speaker card indicating your name, address, and identify the agenda item number or subject matter you wish to address. The card should be given to City staff prior to the start of the meeting. General comments are made during the "Public Comments" section at the beginning of the meeting. Public Comments are limited to three (3) minutes per speaker unless a different time limit is announced. It is requested that you state your name for the record, then proceed to address the Commission. All speakers shall observe civility, decorum, and good behavior.

(Continued on page 2)

2) Written Public Comments via eComment

Members of the public can submit their written comments electronically for Planning Commission consideration by using the eComment feature on the Agenda page of the City's website at www.cityoforange.org. To ensure distribution to the Planning Commission prior to consideration of the agenda, we encourage the public to submit written comments by 3:00 p.m. the day of the meeting. All written comments will be provided to the Commissioners for consideration and posted on the City's website after the meeting.

3) Public Comments via recorded voicemail message

Finally, the public can record their comments by calling (714) 744-7271 no later than 4:00 p.m. the day of the meeting. Recorded messages will not be played at the meeting, but will be provided to the Planning Commission and the caller's position will be summarized in the minutes.

Please contact the City Clerk's Office at (714) 744-5500 with any questions.

ADA Requirements: In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, contact the Clerk's office at (714) 744-5500. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

REMINDER: Please silence all electronic devices while Planning Commission is in session.

APPEAL PROCEDURE

Any final determination by the Planning Commission may be appealed, and such appeal must be filed within 7 business days after the Planning Commission action. This appeal shall be made in written form to the Community Development Department, accompanied by an initial appeal deposit of \$1,000.00.

The City Clerk, upon filing of said appeal, will set petition for public hearing before the City Council at the earliest date. All owners of property located within 300 feet of the project site will be notified by the City Clerk of said hearing. For additional information, please call (714) 744-7220.

If you challenge any City of Orange decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on this agenda or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

1. OPENING/CALL TO ORDER**1.1 PLEDGE OF ALLEGIANCE**

Commissioner Shannon Tucker

1.2 ROLL CALL**2. PUBLIC COMMENTS**

At this time, members of the public may address the Commission on matters not listed on the Agenda which are within the subject matter jurisdiction of the Commission, provided that NO action may be taken on off-agenda items unless authorized by law. Public Comments are limited to three (3) minutes per speaker.

3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of said items unless members of the Planning Commission, staff or the public request specific items removed from the Consent Calendar for separate action.

3.1. Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on July 21, 2025.**Recommended Action:**

Approve minutes as presented.

Attachments: [Staff Report](#)
 [July 21, 2025 Regular Meeting Minutes](#)

3.2. Time extension of entitlements, including Conditional Use Permit, Major Site Plan Review, Design Review, and Environmental Impact Report for the Prologis truck terminal project, located at 534 W. Struck Avenue.**Recommended Action:**

Approve a two-year time extension for Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21, and EIR No. 1870-20 (SCH No. 2021090399).

Attachments: [Staff Report](#)
 [Attachment 1 Extension Request Letter, dated July 15, 2025](#)
 [Attachment 2 City Council Resolution No. 11487](#)
 [Attachment 3 August 22, 2023 City Council Staff Report](#)
 [Attachment 4 August 22, 2023 City Council Meeting Minutes](#)

4. ADJOURNMENT

Pursuant to OMC 2.64.040, the next Regular Planning Commission Meeting will be

held on Thursday, September 4, 2025 at 5:30 p.m., in the Council Chamber, 300 E. Chapman Avenue, Orange, California 92866

I, Jennifer Scudellari, Executive Assistant for the City of Orange, hereby declare, under penalty of perjury, that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at the following locations: Orange Civic Center kiosk and Orange City Clerk's Office at 300 E. Chapman Avenue, Police facility at 1107 N. Batavia, Orange Main Public Library at 407 E. Chapman Avenue, and uploaded to the City's website www.cityoforange.org.

Date posted: August 14, 2025



Agenda Item

Planning Commission

Item #: 3.1.

8/18/2025

File #: 25-0490

TO: Chair and Members of the Planning Commission

THRU: Hayden Beckman, Planning Manager

FROM: Jennifer Scudellari, Executive Assistant

1. SUBJECT

Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on July 21, 2025.

2. SUMMARY

Submitted for your consideration and approval are the minutes of the above meeting(s).

3. RECOMMENDED ACTION

Approve minutes as presented.

4. ATTACHMENTS

- July 21, 2025 Regular Meeting minutes



Agenda Item

Planning Commission

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TO: Chair and Members of the Planning Commission

THRU: Hayden Beckman, Planning Manager

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1. SUBJECT

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2. SUMMARY

Submitted for your consideration and approval are the minutes of the above meeting(s).

3. RECOMMENDED ACTION

Approve minutes as presented.

4. ATTACHMENTS

- July 21, 2025 Regular Meeting minutes

MINUTES - DRAFT

City of Orange

Planning Commission

July 21, 2025

The Planning Commission of the City of Orange, California convened on July 21, 2025, at 5:30 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

1. OPENING/CALL TO ORDER

Chair Vejar called the meeting to order at 5:34 p.m.

1.1 PLEDGE OF ALLEGIANCE

Commissioner Maldonado led the flag salute.

1.2 ROLL CALL

Present: Leslie, Martinez, Maldonado, Tucker, McCormack, and Vejar

Absent: Vazquez

2. PUBLIC COMMENTS

None.

3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of said items unless members of the Planning Commission, staff or the public request specific items removed from the Consent Calendar for separate action.

3.1. Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on July 7, 2025.

ACTION: Approved minutes as presented.

Approval of the Consent Calendar

A motion was made by Commissioner Martinez, seconded by Vice Chair Leslie, to approve the Consent Calendar. The motion carried by the following vote:

Ayes: Leslie, Martinez, Maldonado, Tucker, McCormack, and Vejar

Noes: None

Absent: Vazquez

4. PUBLIC HEARINGS

4.1. Public Hearing to consider an ordinance establishing farmworker and employee housing as a permitted land use for certain qualifying properties and finding of CEQA exemption.

Associate Planner, Arlen Beck presented a summary of the staff report. Commissioner Maldonado suggested a language change to one of the proposed special use regulations.

Chair Vejar opened the public hearing at 5:41 p.m.

There being no public speakers, Chair Vejar closed the public hearing at 5:42 p.m.

A motion was made by Commissioner Martinez, seconded by Commissioner Maldonado to:

1. Adopt Planning Commission Resolution No. 08-25 recommending the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to comply with the Employee Housing Act (Health and Safety Code Sections 17000-17062.5) regarding farmworker and employee housing as a permitted use in certain zoning districts and related definitions and development standards, with suggested special use regulation language modification.

2. Recommend that the City Council find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3).

Ayes: Leslie, Martinez, Maldonado, Tucker, McCormack, and Vejar

Noes: None

Absent: Vazquez

4.2. Public Hearing to consider a request to construct a new warehouse facility at 534 W. Struck Avenue.

Due to a potential conflict with employment, Chair Vejar recused herself and left the meeting at 5:48 p.m.

Senior Planner, Monique Schwartz presented a summary of the staff report.

Vice Chair Leslie opened the public hearing at 5:49 p.m.

The following members of the applicant team spoke on behalf of the project:

Maggie Xu with Prologis

Joshua Lesinski with Albert Webb & Associates

Nicole Morse with T&B Planning

Public Speakers:

The following spoke in favor of the project:

Juan Serrato with Labors International Union of North America

Jose Garcia with Labors International Union of North America

Vice Chair Leslie closed the public hearing at 6:23 p.m.

The Planning Commission requested clarification regarding warehouse peak hours of operation, on-site storm drain water retention and parking lot run-off, and possible

conflicting hours of operation with the Valencia Gardens Apartments.

A motion was made by Commissioner Tucker, seconded by Commissioner Martinez to:

1. Adopt Planning Commission Resolution No. PC 09-25 recommending approval to the City Council of Conditional Use Permit No. 3221, Major Site Plan Review No. 1166, Design Review No. 5140, and Environmental Review No. 1889, an Addendum to Certified Environmental Impact Report No. 1870-20 (SCH No. 2021090399) for the demolition of an existing 40,000 square-foot manufacturing facility and construction of a new 213,572 square-foot warehouse facility that includes 199,572 square feet of warehouse and 14,000 square feet of office space, a 450 square-foot detached pump house, and related site improvements, located at 534 W. Struck Avenue.

Ayes: Leslie, Martinez, Maldonado, Tucker, and McCormack

Noes: None

Absent: Vazquez

Recuse: Vejar

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:30 p.m.

The next Regular Planning Commission Meeting will be held on Monday, August 4, 2025 at 5:30 p.m., in the Council Chamber.

Hayden Beckman
Planning Manager



Agenda Item

Planning Commission

Item #: 3.2.

8/18/2025

File #: 25-0461

TO: Chair and Members of the Planning Commission

THRU: Hayden Beckman, Planning Manager

FROM: Monique Schwartz, Senior Planner

1. SUBJECT

Time extension of entitlements, including Conditional Use Permit, Major Site Plan Review, Design Review, and Environmental Impact Report for the Prologis truck terminal project, located at 534 W. Struck Avenue.

2. SUMMARY

A request to extend the entitlements for a proposal to demolish an existing 40,000 square-foot manufacturing facility building in order to construct a new 57,900 square-foot truck terminal facility.

3. RECOMMENDED ACTION

Approve a two-year time extension for Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21, and EIR No. 1870-20 (SCH No. 2021090399).

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.08.060 authorizes the Planning Commission, upon written request prior to expiration, to grant up to a two-year extension of time of any approved permit application, upon presentation of extenuating circumstances, subject to the contingency that no conditions are added, deleted, or modified. Such time extension shall not require public notice.

5. DISCUSSION AND BACKGROUND

On August 22, 2023, the City Council adopted Resolution No. 11487 (Attachment 2) certifying Final EIR No. 1870-20 (SCH No. 2021090399), adopting a Mitigation Monitoring and Reporting Program and Findings of Fact, and approving Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, and Design Review No. 5028-21 to demolish an existing 40,000 square foot manufacturing facility in order to construct a new 57,900 square foot truck terminal that includes 52,900 square feet of warehouse space, 5,000 square feet of office space, an accessory 5,400 square-foot maintenance building, and related site improvements. The staff report and minutes from the hearing are included as Attachments 3 and 4.

The applicant has not pursued the project due to the unexpected collapse of lease negotiations with a prospective tenant for a truck terminal use and challenging market conditions. In response, Prologis is currently pursuing new entitlements for construction of a 213,572 square-foot warehouse facility, a

450 square foot detached pump house, and related site improvements consisting of Conditional Use Permit No. 3221, Major Site Plan Review No. 1166, Design Review No. 5140, and Environmental Review No. 1889, an Addendum to Certified EIR No. 1870-20 (SCH No. 2021090399). The updated application reflects a shift in development strategy based on current market demands.

The requested entitlement extension would provide the applicant the option to pursue the previous truck terminal project rather than the current warehouse facility project, if that is what the market demands.

On July 15, 2025, the Community Development Department received a written request from the project applicant (Attachment 1), requesting that a time extension be granted for the project entitlements. The time extension would begin on August 22, 2025 and expire on August 22, 2027. No changes have been proposed to the approved plans or entitlements.

6. ATTACHMENTS

- Attachment 1 Extension Request Letter, dated July 15, 2025
- Attachment 2 City Council Resolution No. 11487
- Attachment 3 August 22, 2023 City Council Staff Report
- Attachment 4 August 22, 2023 City Council Meeting Minutes



Agenda Item

Planning Commission

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The requested entitlement extension would provide the applicant the option to pursue the previous truck terminal project rather than the current warehouse facility project, if that is what the market demands.

On July 15, 2025, the Community Development Department received a written request from the project applicant (Attachment 1), requesting that a time extension be granted for the project entitlements. The time extension would begin on August 22, 2025 and expire on August 22, 2027. No changes have been proposed to the approved plans or entitlements.

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Date: July 15, 2025

Mr. Russell W. Bunim
City of Orange – Community Development Department
300 E. Chapman Avenue
Orange, CA 92866

Subject: Request for Extension of Land Use Entitlements – 534 Struck Avenue

Dear Mr. Bunim,

On behalf of Prologis, we respectfully submit this letter to formally request a two-year extension of the land use entitlements associated with our property located at 534 Struck Avenue. The entitlements include:

- Conditional Use Permit No. CUP 3137-21
- Major Site Plan Review No. 1039-21
- Design Review No. 5028-21
- Certified Environmental Impact Report No. 1870-20 (SCH No. 2021090399)

We understand that, pursuant to Section 17.08.060 of the City of Orange Municipal Code, the Planning Commission has the authority to approve an extension for a period of up to two years. We respectfully request that the Planning Commission approve this extension to ensure the continued progress of the project. We further acknowledge that an additional one-year extension may be granted by the Community Development Director upon further request.

We encountered a delay in project execution due to the unexpected collapse of lease negotiations with a prospective tenant for a truck terminal use. In response, Prologis is now actively pursuing a new entitlement package for the site, consisting of Conditional Use Permit No. CUP 3221, Major Site Plan Review No. 1166, Design Review No. 5140, and Environmental Review No. 1889. This revised project has successfully completed the Development Review Committee (DRC) process and is scheduled for Planning Commission review on July 21, 2025. The updated application reflects a shift in development strategy based on current market conditions and aims to deliver a project that is more economically viable.

However, in the event the new entitlements are not approved or the project does not move forward, we seek to preserve the flexibility to proceed under the existing entitlements for the previously proposed truck terminal use. Maintaining both paths forward will help ensure we can deliver a viable project that meets both community and operational goals.

As there are no proposed changes to the scope or conditions of approval for the existing entitlements, we respectfully request that this extension be granted.

Should you require any further information or documentation to process this request, please do not hesitate to contact:

Nicole Torstvet

Email: ntorstvet@prologis.com

Mobile: (909) 489-6079

Office: (909) 673-8727

Thank you for your consideration of this request and for your continued support and partnership.

Sincerely,

Keatten Smith

Prologis

RESOLUTION NO. 11487

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 1870-20, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING CONDITIONAL USE PERMIT NO. 3137-21, MAJOR SITE PLAN REVIEW NO. 1039-21, DESIGN REVIEW NO. 5028-21, TO DEMOLISH AN EXISTING 40,000 SQUARE FOOT (SF) MANUFACTURING FACILITY AND SITE REDEVELOPMENT WITH A 57,900 SF TRUCK TERMINAL THAT INCLUDES 52,900 SF OF WAREHOUSE SPACE, 5,000 SF OF OFFICE SPACE, AND AN ACCESSORY 5,400 SF MAINTENANCE BUILDING, LOCATED AT 534 WEST STRUCK AVENUE

**ENVIRONMENTAL IMPACT REPORT (EIR) NO. 1870-20
CONDITIONAL USE PERMIT (CUP) NO. 3137-21
MAJOR SITE PLAN REVIEW (MJSP) NO. 1039-21
DESIGN REVIEW (DRC) NO. 5028-21**

WHEREAS, the City Council has authority pursuant to Orange Municipal Code (OMC) 17.08.020 to review and take action on a Conditional Use Permit, Minor Site Plan Review, Design Review, and Environmental Impact Report; and

WHEREAS, the Land Use Element of the City's General Plan establishes goals and policies in the Industrial Manufacturing (M-2) district designed to encourage and implement the creation of high quality development; and

WHEREAS, applications were filed by Prologis L.P., in accordance with the provisions of the OMC, for Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21, and were submitted for approval, to demolish an existing 40,000 square foot (SF) manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building, upon property described in Exhibit "A" to this Resolution (Project); and

WHEREAS, the applications for the Project were processed in the time and manner prescribed by State and local law; and

WHEREAS, an Environmental Impact Report was prepared by the City in its capacity as Lead Agency to evaluate the physical environmental impacts of the Project, in conformance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15070 and in conformance with the Local CEQA Guidelines; and

WHEREAS, pursuant to CEQA, the Draft Environmental Impact Report was circulated and made available for public review for a minimum period of 45 days, between March 31, 2023, and May 15, 2023; and

WHEREAS, staff received five written comment letters during the public review period. The City prepared a “Response to Comments” to address environmental comments received during that public review period; and

WHEREAS, the Planning Commission reviewed the Project at its July 7, 2023 meeting and recommended certification of the Environmental Impact Report (EIR No. 1870-20) to the City Council, approval of the associated Mitigation Monitoring and Reporting Program and approval, with conditions, of Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, and Design Review No. 5028-21, to the City Council; and

WHEREAS, the City Council conducted one duly advertised public hearing on August 22, 2023, at which time interested persons had an opportunity to testify either in support of or opposition to the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council certifies the Final EIR No. 1870-20, approves the associated Mitigation Monitoring and Reporting Program, and approves Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, and Design Review No. 5028-21, and to demolish an existing 40,000 SF manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building based on the following findings:

SECTION 1 – ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was originally prepared for the proposed project. On September 23, 2021, the City circulated a Notice of Intent to Adopt Mitigated Negative Declaration No. 1870-20 for the project. The MND was circulated for public review from September 23, 2021, to October 25, 2021. During the 30-day public review period, comments received requested additional technical analysis (e.g., air quality and noise modeling, traffic). Therefore, in order to address the environmental concerns raised, additional analyses were prepared and an EIR was prepared to provide comprehensive environmental review of the Project.

The EIR (California State Clearinghouse (SCH) No. 2021090399) was prepared in accordance with CEQA Guidelines Article 9, Sections 15120-15132 to evaluate the potential environmental impacts associated with constructing and operating the proposed Project. Implementation of the proposed project may result in significant environmental effects related to the following topical issues:

- Biological Resources (impacts to nesting migratory birds)
- Cultural Resources (potential to encounter significant subsurface archaeological resources)
- Geology and Soils (potential to unearth and adversely impact paleontological resources)
- Hazards and Hazardous Materials (soils contaminated with VOCs)
- Tribal Cultural Resources (potential to unearth and adversely impact tribal cultural resources).

Mitigation measures have been incorporated into the Final EIR No. 1870-20 that reduce potential impacts to less than significant levels. The Draft EIR was made available for public review for a minimum period of 45 days, between March 31, 2023, and May 15, 2023. Staff received five written comment letters during the public review period. The City prepared a "Response to Comments" to address environmental comments received during that public review period.

The City Council, in approving the project, has independently reviewed and analyzed the Final EIR No. 1870-02, including the Mitigation Monitoring and Reporting Program and adopts the facts and analysis and the Findings of Fact (Findings) contained therein and, accordingly, certifies the Final EIR No. 1870-02. The Findings are based upon the entire record before the City Council, as described in Subsection 1.4 of the Final EIR No. 1870-02.

SECTION 2 – FINDINGS

General Plan Finding:

1. *The project must be consistent with the goals and policies stated within the City's General Plan.*

The project is consistent with the goals and policies stated within the City's General Plan Land Use and Economic Development Elements in that the proposed truck terminal development helps to provide a service that contributes to a diversified mix of land uses in the surrounding community. Redevelopment of the existing vacant and degraded site will re-establish the economic viability of the property through aesthetic enhancement and the elimination of physical deterioration. In addition, redevelopment of the site will provide distribution services that support local revenue generating businesses which will in turn contribute to the economic vitality and support the employment base in the area. The City's industrial area as a whole, has a high demand for industrial and office uses, particularly among those who want to own their buildings. The City seeks to encourage intensification and/or redevelopment of underutilized parcels.

Conditional Use Permit Findings:

1. *A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community (OMC 17.10.030.F.1).*

The granting of this Conditional Use Permit is based upon sound principles of land use and in response to services required by the community in that consideration has been given to whether the proposed use will detrimentally affect adjacent land uses. The proposed project supports the goals of the existing General Plan Land Use Element by fulfilling a range of desired uses. The site is compatible with the adjacent surrounding development and uses. The proposed contemporary building design and scale complement the character of the area and the landscaping provides the project frontages with a hierarchy of plant material that soften the building mass and scale. New trees and landscaping will provide a visual buffer for the residential property to the north and adjacent Homeless Navigation Center (HUB). Granting a

permit in this instance is therefore based upon sound land use principles and responds to the needs of the community at-large.

2. *A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located (OMC 17.10.030.F.2).*

The project is not expected to detrimentally affect adjacent land uses or create special problems in the area. The project has been designed to comply with the development standards of the Industrial Manufacturing (M-2) zone and to be compatible with the adjacent surrounding development and uses. Development of the project would re-introduce activity to the property, and enhance the existing industrial character of the site and surrounding area with new modern building elevations, new landscaping, hardscape, other on-site improvements, and street frontage improvements.

3. *A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located (OMC 17.10.030.F.3).*

There is no community or neighborhood plan for the area. As stated in the General Plan finding, the project is consistent with and implements the General Plan. The project site is designated Light Industrial in the City of Orange General Plan. The Light Industrial designation allows for the manufacturing, processing, and distribution of goods. The exterior design, including colors and materials, and landscape palette provides an internally consistent and integrated design theme that upholds community aesthetics.

4. *A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant (OMC 17.10.030.F.4).*

All project conditions maintain a purpose of preserving the general welfare of the City and community. Conditions specifically serve to manage project construction, provide for site maintenance, address water quality, protect or improve the public right-of-way, protect or improve utilities and accommodate aesthetics.

Major Site Plan Review Findings:

1. *The project design is compatible with surrounding development and neighborhoods (OMC 17.10.060.H.1).*

The project has been designed to comply with the development standards of the M-2 zone and to be compatible with the adjacent surrounding development and uses. The proposed contemporary building design and scale complement the character of the area and the landscaping provides the project frontages with a hierarchy of plant material that soften the building mass and scale. Overall, the proposed project presents an integrated design that provides a renewed, updated, and improved appearance to the site and to the surrounding industrial district.

Development of the project would enhance the existing industrial character of the site and surrounding area with new modern building elevations, new landscaping, hardscape, other on-site improvements, and street frontage improvements. A landscape plan which includes a variety of new trees, shrubs, and groundcover has been provided. The project will incorporate an ample spacing of trees and ornamental landscaping at the site's frontage.

2. *Major Site Plan approval shall be granted if the project conforms to City development standards and any applicable special design guidelines or specific plan requirements (OMC 17.10.060.H.2).*

The project as proposed conforms to City development standards for the M-2 zoning district. There are no special design guidelines or specific plans affecting the property. The site redevelopment with the 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building would meet the M-2 development standards. The site would provide 62 passenger on-site parking spaces, which exceeds the OMC requirements of 47 parking spaces based on the proposed use.

3. *Major Site Plan approval shall be granted if the project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site (OMC 17.10.060.H.3).*

The project provides safe and adequate access and circulation for vehicles and pedestrians from west Struck Avenue. The on-site circulation has been designed to accommodate all access needs to parking spaces and for emergency vehicles. Disabled parking and access have been designed to accommodate building code requirements. The site would provide 62 on-site passenger parking spaces, which exceeds the OMC requirements of 47 parking spaces based on the proposed use.

4. *Major Site Plan approval shall be granted if City services are available and adequate to serve the project (OMC 17.10.060.H.4).*

A review of the project with all City Departments concludes that City services will be available and adequate to serve this site, including water, sewer, police, and fire services.

5. *Major Site Plan approval shall be granted if the project has been designed to fully mitigate or substantially minimize adverse environmental effects (OMC 17.10.060.H.5).*

Any potentially significant environmental effects have been evaluated in Environmental Impact Report No. 1870-20 and mitigated to a less than significant level. Project conditions, mitigation measures, and the OMC will adequately manage construction and use regulation needs of the project.

Design Review Finding:

1. *The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards, and their required findings (OMC 17.10.070.G.3).*

There are no specific plans or specific design standards applicable to this site. The project site is designated Light Industrial in the City of Orange General Plan. The Light Industrial designation allows for the manufacturing, processing, and distribution of goods. The exterior design, including colors and materials, and landscape palette provides an internally consistent and integrated design theme that upholds community aesthetics. The project as proposed will generally provide positive improvements to the vacant and degraded site conditions.

SECTION 3– CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that the following conditions are imposed:

1. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
2. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
3. Within two (2) days of final approval of this Project, the applicant shall deliver to the Planning Division a cashier's check payable to the Orange County Clerk in an amount required to fulfill the fee requirements of Fish and Game Code Section 711.4(d)(2) and the County Administrative fee, to enable the City to file the Notice of Determination required under Public Resources Code 21152 & Cal Code Regulations 15075.
4. The Project approvals includes certain fees and/or other exactions. Pursuant to Government Code Section 66020, these conditions or requirements constitute written notice of the fees and/or exactions. The applicant is hereby notified that the ninety (90) day protest period commencing from the date of approval of the Project has begun. If the applicant fails to file a protest regarding these conditions or requirements, the applicant is legally barred from later challenging such exactions per Government Code Section 66020.
5. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled as Attachment 7 in the August 22, 2023 staff report, including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee and Planning Commission.
6. The applicant shall comply with all conditions of approval contained within Resolution No. 11487 associated with Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21, Environmental Impact Report No. 1870-20, and associated Mitigation Monitoring and Reporting Program.
7. Except as otherwise provided herein, this Project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that

the action would have been the same for the changed plan as for the approved plot plan, the Community Development Director may approve the changed plan administratively.

8. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the Director may refer the review to the Design Review Committee.
9. Any modifications to the plans including, but not limited to, the landscaping and parking as a result of other Department requirements such as Building Codes, Water Quality, Fire, or Police shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
10. Any future expansion in area or in the nature and operation of the approved use by Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21, shall require new or amended applications.
11. Prior to any grading/construction permit issuance by the City of Orange, the project proponent shall coordinate with the Southern California Regional Rail Authority (SCRRA) and the Orange County Transit Authority (OCTA) on any potential modifications to the rail crossing including adjacent development which may require a diagnostic in accordance with California Public Utilities Commission and the Federal Railroad Administration requirements at the onset of the final design phase.
12. Prior to approval of the final landscape plan, the applicant shall coordinate with the City and OCTA with respect to the type and location of trees at the northeast corner and along the northern boundary of the Project site to ensure consistency with Metrolink SCRRA's Design Criteria Manual.
13. The applicant will contact and coordinate with SCRRA should a Right of Way Encroachment Agreement be necessary.
14. If not utilized, Project approvals expire 24 months from the approval date. Extensions of time may be granted, if requested in writing in accordance with OMC Section 17.08.060. The Planning entitlements expire unless building permits are pulled within 24 months of the original approval.
15. Grading operations shall be restricted to Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m., with limited grading as necessary permitted on Saturdays between the hours of 8:00 a.m. and 4:30 p.m. Mechanics may service the equipment up to two hours after each shift.
16. All other construction activities shall conform to the City's Noise Ordinance, OMC Chapter 8.24, and shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays.
17. Any new lighting on the premise shall be installed in such a way to direct, control, and screen the lighting to prevent off site light spillage onto adjoining properties and shall not be a nuisance to any point beyond the exterior boundaries of the property.

18. Prior to building permits, the landscape plans shall be revised to show that six of the eight large stature trees along the back of Struck Avenue shall be revised to trees of a minimum height of 50 feet. Applicant may select which trees will be substituted.
19. Prior to building permits, the landscape plans shall be revised to show that six of the ten large stature street trees that are in line with the front of building shall be revised to trees of a minimum height of 50 feet. Applicant may select which trees will be substituted.
20. Prior to building permits, the landscape plans shall be revised to show that four of the trees at the rear of the property line shall be substituted with a minimum 50-foot height tree. Applicant may select which trees will be substituted.
21. Prior to building permits, the landscape plans shall be revised to show that ten new trees shall be added to the planter area and in the two corners of the rear of the property and to the northeast corner of the property. Trees shall be a minimum 30-foot height taken from the proposed palette.
22. Prior to building permits, the landscape plans shall be revised to show that all of the Desert Willows on the plans shall be substituted with 30-foot minimum height trees.
23. Prior to building permits, the landscape plans shall be revised to show that the parking lot fingers in the equipment yard shall have Canary Island Pines; one per finger.
24. Prior to building permits, the landscape plans shall be revised to show that the 15-gallon Brisbane box trees shall be upsized to 24" box.
25. Prior to building permits, the applicant shall demonstrate to the satisfaction of the Community Development Director that all mechanical and air conditioning equipment shall be shielded and screened from view from adjacent streets and properties. The screening shall be integrated architecturally with the building and painted to match the walls of the building.
26. Prior to building permits, all required parking spaces shall be shown on construction documents as doubled striped to City standards.
27. Prior to building permits, the applicant shall pay any outstanding monies due to the City for Planning Division entitlement activities related to this project.
28. In conjunction with the operation of the business(es), the property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development Director. This includes, but is not limited to, the buildings, on-site landscaping, trash areas, signage, utilities, property walls, and gates (if applicable).
29. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.
30. In conjunction with the operation of the business(es), all loading and trash enclosure areas shall be maintained and kept clean and free of debris.
31. In conjunction with the operation of the business(es), all noise levels generated shall conform to the levels allowed by the OMC.
32. Construction equipment shall be properly maintained per manufacturers specifications and fitted with the best available noise suppression devices (i.e., mufflers, silencers, wraps, etc.).

33. Construction equipment shall not idle for extended periods of time in the vicinity of sensitive receptors.
34. Fixed and/or stationary construction equipment shall be located as far as possible from sensitive receptors (e.g., generators, compressors, rock crushers, cement mixers). Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on powered construction equipment.
35. Prior to building permits, the applicant shall demonstrate that the trash enclosures utilize similar materials, colors, and finishes as the industrial buildings, including any roofing.
36. Prior to building permits, the applicant shall demonstrate that the trash enclosure shall conform to City Standard Plan 409.
37. In conjunction with the operation of the business(es), all loading and unloading (i.e. deliveries) activities shall only occur in the designated loading dock and loading zone areas on the subject site.
38. In conjunction with the operation of the business(es), all loading and trash enclosure areas shall be maintained and kept clean and free of debris.
39. Construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (i.e., mufflers, silencers, wraps, etc.).
40. Prior to grading permits, the construction contractor shall prepare a traffic control plan detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations to minimize impacts to sensitive receptors.
41. In conjunction with the operation of the business(es), should parking or queuing issues arise on the site or the surrounding neighborhood, the applicant shall work with the Community Development Department to resolve any issues. If such issues are not resolved to the City's satisfaction, the Major Site Plan Review application shall be presented to the Planning Commission for its consideration of further conditions and modifications.
42. Landscape maintenance shall be performed in such a manner as to allow all trees to retain their full canopy height for screening and full canopy breadth for shade at point of maturity, except as required for public safety purposes.
43. All landscape areas shall be maintained in a neat and healthy condition. Should the plant material die, the property owner/operator shall replace it with similar new plant material.
44. Prior to certificate of occupancy, all parking lot and landscaping improvements shall be completed according to the approved plans and to the satisfaction of the Community Development Director.
45. Prior to building permits, a Tree Removal Permit shall be approved by the Community Service Director in accordance with the City's Tree Preservation Ordinance. A plan is required for submittal to the City depicting all of the existing on-site trees, the species of each tree, and the number of trees proposed for removal and replacement.
46. Prior to building permits, the applicant shall work with the Public Works Department to determine if the right-of-way can accommodate street tree installation, and to determine the quantity, size, spacing, species, and locations of street trees along all street frontages of the project.

47. Prior to the issuance of Grading Permits, Applicant shall, to the satisfaction of the Public Works Department, conduct all necessary activities, including, but not limited to, soils analysis, to determine pavement section of Struck Avenue (between Batavia Street and the east terminus/cul-de-sac) needed to support the traffic loading (TI of 9.5) identified in the Project's approved Traffic Impact Study. The proposed pavement section shall be approved by the Public Works Department.
48. Prior to the issuance of Occupancy Permits, Applicant shall (remove and) reconstruct Struck Avenue (between Batavia Street and the east terminus/cul-de-sac) to provide for the approved pavement section. The pavements section shall be no less than the minimum identified in the City's Standard Plan No. 104 (Standard Commercial and Industrial Street Section.) Applicant shall design and construct the aforementioned and any associated street improvements to the satisfaction of the Public Works Department, and accordance with all applicable laws, requirements and standards.
49. Plans submitted for Building Plan Check shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for building permits. On-site fire department access will require easement recording prior to issuance of a rough grading permit and shall be reviewed by the Fire Department prior to approval.
50. Prior to building permits, payment of Transportation System Improvement Program fees is required.
51. Truck trips generated by the project shall utilize the City's existing truck routes to travel to and from the project vicinity.
52. Prior to grading permits, the property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel.
53. Prior to building permits, the applicant shall submit an address number request, including an addressing plan, to the Public Works Department for review and approval.
54. Prior to certificate of occupancy, the address number of each commercial building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and be of a color contrasting to the background. In addition, any business which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.
55. Prior to certificate of occupancy, the building closest to the street frontage shall have the lowest address number.
56. Prior to certificate of occupancy, the building in the back, not clear in sight from the street, an illuminated address sign shall be placed in the front.

Mitigation Measures

57. All project Mitigation Measures and Project Design Features shall be complied with and implemented as stated in the Mitigation Monitoring and Report Program located in the Final Environmental Impact Report No. 1870-20.

EXHIBIT A

The Land referred to herein below is situated in the City of Orange, County of Orange, State of California, and is described as follows:

PARCEL 1:

THAT PORTION OF THE LAND ALLOTTED TO A. SEBASTIAN VAN DECLARATION GRAAF IN DECREE OF PARTITION OF THE RANCHO SANTIAGO DE SANTA ANA, RECORDED IN CASE NO. 1192, AND ENTERED SEPTEMBER 12, 1868 IN BOOK B, PAGE 410 OF JUDGMENTS OF THE 17TH JUDICIAL DISTRICT COURT OF CALIFORNIA, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY OF SAID VAN DE GRAAF ALLOTMENT DISTANT NORTH 89°39'30" WEST 6600.00 FEET FROM THE SOUTHEAST CORNER OF SAID ALLOTMENT; THENCE NORTH 0°12'40" EAST 1320.00 FEET; THENCE NORTH 89°35'35" WEST 579.48 FEET TO THE EAST LINE OF LAND DESCRIBED IN DEED RECORDED IN BOOK 1161, PAGE 547 OF OFFICIAL RECORDS; THENCE ALONG SAID EAST LINES SOUTH 0°12'40" WEST 1320.66 FEET TO THE SOUTH BOUNDARY OF SAID ALLOTMENT; THENCE SOUTH 89°39'30" EAST 579.48 FEET ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING EASTERLY OF THE EASTERLY LINE AND THE SOUTHERLY PROLONGATION THEREOF, OF THE LAND SHOWN ON A MAP FILED IN BOOK 32, PAGE 25 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPTING THAT PORTION INCLUDED WITHIN THE FOLLOWING DESCRIBED LINES:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF COLLINS AVENUE, 60.00 FEET WIDE, WITH THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF THE 5.075 ACRE PARCEL OF LAND SHOWN ON A MAP FILED IN BOOK 32, PAGE 25 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID EASTERLY LINE BEING ALSO THE WESTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY RIGHT-OF-WAY AS DESCRIBED IN THE DEED TO SAID RAILWAY COMPANY, RECORDED MAY 19, 1959 AS INSTRUMENT NO. 78387, IN BOOK 4719, PAGE 405 OF OFFICIAL RECORDS; THENCE ALONG SAID CENTER LINE NORTH 89°39'30" WEST 549.21 FEET; THENCE NORTH 0°12'40" EAST 506.00 FEET PARALLEL WITH SAID WESTERLY LINE; THENCE SOUTH 89°39'30" EAST 550.07 FEET PARALLEL WITH SAID CENTER LINE TO SAID WESTERLY LINE; THENCE SOUTH 0°18'30" WEST 506.09 FEET ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID ALLOTMENT, NORTH 89°45'00" WEST 7179.48 FEET FROM THE SOUTHEAST CORNER OF SAID ALLOTMENT AS PER MAP RECORDED IN BOOK 4, PAGE 440 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, CALIFORNIA; THENCE NORTH 0°11'00" EAST 1320.66 FEET TO A POINT ON THE CENTERLINE OF STRUCK AVENUE AS ESTABLISHED BY THE DEED RECORDED MAY 13, 1965 AS INSTRUMENT NO. 9517, IN BOOK 7518, PAGE 808 OF OFFICIAL RECORDS, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO THE PLASTIC AND REALTY PROPERTIES COMPANY BY DEED RECORDED NOVEMBER 15, 1974 AS INSTRUMENT NO. 13043, IN BOOK 11288, PAGE 672 OF OFFICIAL RECORDS, AND SAID POINT IS HEREAFTER REFERRED TO AS THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING, SOUTH 89°43'00" EAST 467.86 FEET ALONG THE NORTH LINE OF THE PLASTIC AND REALTY PROPERTIES COMPANY LAND AS ESTABLISHED IN THE ABOVE MENTIONED DOCUMENT, TO A POINT OF CUSP WITH A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 60.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 89°43'00" EAST; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 133°20'30" AN ARC DISTANCE OF 139.64 FEET TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°20'30" AN ARC DISTANCE OF 37.82 FEET; THENCE TANGENT TO SAID CURVE NORTH 89°43'00" WEST 332.31 FEET; THENCE NORTH 0°11'00" EAST 30.00 FEET TO THE TRUE POINT OF BEGINNING, AS CONVEYED TO THE CITY OF ORANGE BY DEED RECORDED FEBRUARY 24, 1975 AS INSTRUMENT NO. 14940, IN BOOK 11345, PAGE 24 OF OFFICIAL RECORDS.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR SPECIFIC PURPOSES OF LAYING, OR CAUSING TO BE LAID, GAS, WATER, STORM DRAIN, AND SEWER PIPES AND MAINS AND CONDUITS AT LEAST 18 INCHES OR MORE UNDER, AND THROUGH THE WESTERLY 10 FEET OF THE FOLLOWING DESCRIBED LAND AS PERMITTED BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF ORANGE, TOGETHER WITH THE RIGHT OF ACCESS TO SAID GAS, WATER, STORM DRAIN, AND SEWER LINES FOR THE PURPOSES OF INSTALLATION, INSPECTION, ALTERATION, REPAIR, REPLACEMENT OR OTHER RELATED ACTIVITY, UPON THE CONDITIONS SET FORTH IN THAT CERTAIN DEED AND GRANT OF EASEMENT DATED OCTOBER 15, 1974, EXECUTED BY WILLIAM C. LAZIER AND OTHERS, RECORDED NOVEMBER 15, 1974 AS INSTRUMENT NO. 13043, IN BOOK 11288, PAGE 672 OF OFFICIAL RECORDS.

THAT PORTION OF THE LAND ALLOTTED TO A. SEBASTIAN VAN DE GRAAF, IN DECREE OF PARTITION OF THE RANCHO SANTIAGO DE SANTA ANA, RENDERED IN CASE NO. 1192 AND ENTERED SEPTEMBER 12, 1968 IN BOOK B, PAGE 410 OF

JUDGMENTS OF THE 17TH JUDICIAL DISTRICT COURT OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF COLLINS AVENUE, 60.00 FEET WIDE, THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF THE 5.075 ACRE PARCEL OF LAND SHOWN ON A MAP FILED IN BOOK 32, PAGE 25 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID EASTERLY LINE BEING ALSO THE WESTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FEY RAILWAY COMPANY RIGHT-OF-WAY AS DESCRIBED IN THE DEED TO SAID RAILWAY COMPANY, RECORDED MAY 19, 1959 AS INSTRUMENT NO. 78387, IN BOOK 4719, PAGE 405 OF OFFICIAL RECORDS; THENCE ALONG SAID CENTER LINE NORTH 89°39'30" WEST 549.21 FEET; THENCE NORTH 0°12'40" EAST 506.00 FEET PARALLEL WITH SAID WESTERLY LINE; THENCE SOUTH 89°39'30" EAST 550.07 FEET PARALLEL WITH SAID CENTER LINE TO SAID WESTERLY LINE; THENCE SOUTH 0°18'30" WEST 506.00 FEET ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHERLY 40.00 FEET AS DESCRIBED IN THE DEED TO THE CITY OF ORANGE, RECORDED JUNE 30, 1970 AS INSTRUMENT NO. 20711, IN BOOK 9361, PAGE 347 OF OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPTING THERE FROM THE FOLLOWING:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID ALLOTMENT, NORTH 89°45'00" WEST 7179.48 FEET FROM THE SOUTHEAST CORNER OF SAID ALLOTMENT AS PER MAP RECORDED IN BOOK 4, PAGE 440 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, CALIFORNIA; THENCE NORTH 0°11'00" EAST 1320.66 FEET TO A POINT ON THE CENTERLINE OF STRUCK AVENUE AS ESTABLISHED BY THE DEED RECORDED MAY 13, 1965 AS INSTRUMENT NO. 9517, IN BOOK 7518, PAGE 808 OF OFFICIAL RECORDS, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO THE PLASTIC AND REALTY PROPERTIES COMPANY BY DEED RECORDED NOVEMBER 15, 1974 AS INSTRUMENT NO. 13043, IN BOOK 11288, PAGE 672 OF OFFICIAL RECORDS, AND SAID POINT IS HEREAFTER REFERRED TO AS THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING, SOUTH 89°43'00" EAST 467.86 FEET ALONG THE NORTH LINE OF THE PLASTIC AND REALTY PROPERTIES COMPANY LAND AS ESTABLISHED IN THE ABOVE MENTIONED DOCUMENT, TO A POINT OF CUSP WITH A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 60.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 89°43'00" EAST; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 133°20'30" AN ARC DISTANCE OF 139.64 FEET TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°20'30" AN ARC DISTANCE OF 37.82 FEET; THENCE TANGENT TO SAID CURVE NORTH 89°43'00" WEST 332.31 FEET; THENCE NORTH 0°11'00" EAST 30.00 FEET TO THE TRUE

POINT OF BEGINNING, AS CONVEYED TO THE CITY OF ORANGE BY DEED RECORDED FEBRUARY 24, 1975 AS INSTRUMENT NO. 14940, IN BOOK 11345, PAGE 24 OF OFFICIAL RECORDS.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ON AND OVER THE WESTERLY 20 FEET OF PARCEL 2 OF PARCEL MAP NO. 84-757, IN THE CITY OF ORANGE, AS SHOWN ON A MAP FILED IN BOOK 194, PAGES 5 AND 6 OF PARCEL MAPS, AS SET FORTH IN THAT CERTAIN DEED AND GRANT OF EASEMENT RECORDED APRIL 05, 1985 AS INSTRUMENT NO. 85-121284 OF OFFICIAL RECORDS OF THE COUNTY OF ORANGE.

PARCEL 4:

A NON-EXCLUSIVE EASEMENT FOR THE PLACEMENT AND INSTALLATION OF UTILITIES ON, IN AND OVER THE WESTERLY 10 FEET OF PARCEL 2 OF PARCEL MAP NO. 84-757, IN THE CITY OF ORANGE, AS SHOWN ON A MAP FILED IN BOOK 194, PAGES 5 AND 6 OF PARCEL MAPS, AS SET FORTH IN THAT CERTAIN DEED AND GRANT OF EASEMENT RECORDED APRIL 05, 1985 AS INSTRUMENT NO. 85-121284 OF OFFICIAL RECORDS OF THE COUNTY OF ORANGE.

APN: FOR CONVEYANCING PURPOSES ONLY: 375-331-04

EXHIBIT B PROCEDURAL REQUIREMENTS

General

1. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
2. Construction permits, including building permits and grading permits, as required by the City, shall be obtained in advance of any site demolition, clearing and grubbing, and grading and for all construction work, as required by the Community Development Department's Building Division and Public Works Grading Division. Failure to obtain the required building permits may be cause for revocation of this entitlement.
3. Plans submitted for Building Plan Check shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for building permits.
4. Prior to the operation of the business, the applicant shall file for, or if applicable, amend a business license with the Business License Division. Failure to obtain the required business license will be cause for revocation of this approval.
5. Prior to building permits, the applicant shall pay all applicable development fees, including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.

Landscaping

6. Prior to building permits, final landscaping plans for the Project shall be designed to comply with the City's Water Efficient Landscape Guidelines as described in Section IX et al of the City of Orange Landscape Standards and Specifications. The Project landscape architect shall submit documentation certifying compliance with this requirement (Appendix B of the City of Orange Landscape Standards and Specifications) for review and approval by the Community Development Director or designee in coordination with the Public Works Director or designee.
7. Prior to certificate of occupancy, all landscaping improvements shall be completed according to the approved plans, the City of Orange Water Efficient Landscape Guidelines, and City of Orange Landscape Standards and Specifications. The project landscape architect shall submit documentation certifying compliance with this requirement (Appendix E of the City of Orange Landscape Standards and Specifications) for review and approval by the Community Development Director or designee, in coordination with the Public Works Director or designee.
8. Prior to building permits, City required irrigation and landscape inspection notes, in accordance with the City of Orange Landscape Standards and Specifications, shall be placed on the final landscape plan, to the satisfaction of the Community Development Director or designee, in coordination with the Public Works Director or designee.

9. Prior to building permits, the final landscape plan shall be reviewed and approved by the Public Works Director when landscaping is proposed within the public right-of-way and/or the Project is constructing Storm Water Quality Best Management Practices (BMPs) in landscaped areas.
10. Prior to building permits, the final landscape plan shall include a note that a fully automated irrigation system will be provided.
11. Prior to building permits, landscape plans shall include landscape area calculations needed for State landscape water use reporting.
12. Prior to building permits, the applicant shall prepare a final landscaping and irrigation plan consistent with the grading plans, site plans, and the conceptual landscaping plan as proposed for the project for the review and approval of the Community Development Director or designee, in coordination with the Public Works Director or designee.
13. Prior to building permits, all landscaping located within public areas shall be shown on the landscape plans and shall include the installation of root barriers acceptable to the Public Works Department on the sidewalk side of the tree, or where conditions warrant, the installation of a Deep Root box as directed by the Public Works Director.

Police:

14. Prior to building permits, the Project shall comply with the requirements of OMC Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. Approved structural drawings, if any, shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.
15. Security and design measures that employ Defensible Space concepts shall be utilized in development and construction plans. These measures incorporate the concepts of Crime Prevention through Environmental Design (CPTED), which involves consideration such as placement and orientation of structures, access and visibility of common areas, placement of doors, windows, addressing and landscaping.
16. Prior to building permits, a photometric study shall be reviewed and approved by the Police Department. A minimum of one foot candle shall be maintained on all surfaces of the parking lot, from dusk until the termination of business every operating day. The applicant shall ensure that lighting on the site shall be directed, controlled, and screened in such a manner so as to refrain from shining directly on surrounding properties.
17. Prior to certificate of occupancy, the applicant shall schedule a light reading inspection with the Crime Prevention Bureau. The lighting shall be tested and confirmed to determine if the lighting meets or exceeds the exterior boundary standards. The applicant shall use shielding so as to ensure that the light standards meet the requirements of OMC Section 17.12.030 for the areas beyond the property's exterior boundaries; light spillage or pollution to surrounding residential areas shall not exceed a maintained minimum of 0.5 foot-candle.

Subdivision:

18. Prior to grading permits all works within public right-of-way and public utility easements will require Encroachment Permits, including sidewalk and driveway constructions and utility main and lateral constructions.

19. Prior to grading permits all public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with City of Orange Standard Plans and Specifications.
20. Prior to certificate of occupancy, utilities serving the development, such as electric, cable television, street lighting and communication shall be installed underground, completed and approved by the appropriate utility provider.
21. Prior to certificate of occupancy, the applicant shall remove unused driveway approaches and restored them to full height curb and gutter, including any sidewalk restoration at the driveway apron.
22. Prior to certificate of occupancy, the applicant shall remove unused driveway approaches and restore them to full height curb and gutter, including any sidewalk restoration at the driveway apron.
23. Prior to grading permits, driveway aprons shall conform to Public Works Standard Plan 115 for commercial driveways with ADA accessibility.
24. Prior to grading permits, all driveway approaches shall conform to ADA standards for wheelchair access and to Public Works Standard Plans 115 and 116.
25. Prior to certificate of occupancy, the developer shall be required to construct sidewalks to meet current standard along Struck Avenue per City of Orange Engineering Standard Plan 118.
26. Prior to certificate of occupancy, the applicant shall provide adequate wheelchair accessibility around driveway aprons that do not conform to current ADA standards.
27. Prior to certificate of occupancy, the applicant shall repair any cracked, uneven, or damaged public sidewalk, curb and gutter along property frontages.
28. Prior to certificate of occupancy, all landscaping shall include the installation of root barriers on the sidewalk side of tree, or where conditions warrant the installation of Deep Root box as directed by the Community Services Department.
29. Prior to certificate of occupancy, the sanitary sewer system connecting from the buildings to the public mainline shall be private and maintained by the property owner.
30. Prior to grading permits, the applicant shall submit a grading plan in compliance with City standards for review and approval by the Public Works Director. All grading and improvements on the subject property shall be made in accordance with the Manual of Grading and Standard Plans and Specifications to the satisfaction of the Public Works Director. The applicant may be required to include Phased Erosion and Sediment control Plans, Site Demolition Plan, and Utility Plan as parts of the grading plan.
31. Prior to grading permits, plans preparation and submittals shall be per Development Services Plan Preparation Guidelines and Checklist, and Checklist for Submittal Packages.
32. Prior to grading permits, a geotechnical report shall accompany the grading plan review.
33. A Hydrology Study/Report shall be submitted for review and approval by the Public Works Department. The Hydrology Study/Report shall comply with the Orange County Hydrology Manual and Addenda (OCHM). Design Storm Frequency at a minimum, shall be 10-year storm (25-year in a sump condition), and a 100-year storm event. Proposed improvements shall comply with freeboard requirements per OCHM and County Local Drainage Manuals.

34. Prior to grading permits, site grading shall conform to the latest California building Code Section 1804. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of 5% for previous surfaces, and 2% for impervious surfaces, at a minimum distance of 10 feet.
35. Prior to grading permits, the applicant shall obtain a grading permit from the Public Works Department prior to start of any site demolition, clearing and grubbing, and grading.
36. Prior to grading permits, any soil imported or exported shall require a transportation permit from the Public Works Department Traffic Division.
37. Prior to grading permits, upon submittal of grading plan for plan check, the applicant shall make a deposit to cover plan check and inspection services related to the grading activities.
38. Prior to grading permits, the grading plan shall detail all of the locations where retaining walls will be constructed. Geometric detail of retaining walls shall be shown on the grading plan, including material type, dimensions, backfill, and subdrains. A building permit is also required for retaining walls over 4 feet in height as measured from the bottom of the footing to the top of the wall prior to construction. Structural details and design calculations shall be submitted as a separate document and will be reviewed and permitted by the City Building Division.
39. Prior to grading permits, any grading outside of the owner's property boundary shall require the applicant to either obtain a temporary construction easement or permission by adjacent property owners in a form suitable to the Public Works Director.
40. Prior to grading permits, trash receptacle locations and details shall be included on the grading plan. The trash storage area shall be constructed per Public Works Department Standard Plan 409.
41. Prior to grading permits, the applicant shall show all sewer and storm drain lines on the grading plan. Other utility lines, such as water lines, may also be shown on the grading plan for reference.
42. Prior to grading permits, the applicant shall show all structural BMPs for water quality purposes on the grading plan. Water quality features shown on the grading plan shall match the Water Quality Management Plan (WQMP).
43. Prior to grading permits, any direct storm water discharge into the Orange County Flood Control (OCFD) channels shall require a permit from OCFD.
44. Prior to building permits, and prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to Public Works Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.

Water Quality:

45. Prior to grading permits the applicant shall submit a Priority Project WQMP for review and approval to the Public Works Department that:
 - a. Prioritizes the use of Low Impact Development principles as follows: preserves natural features; minimizes runoff and reduces impervious surfaces; and utilizes infiltration of runoff as the method of pollutant treatment. Infiltration BMPs to be considered include the use of permeable materials such as concrete and concrete pavers, infiltration trenches, infiltration planters, and other infiltration BMPs as applicable,

- b. Incorporates the applicable Site Design, Routine Source, Structural Control and Low Impact BMPs as defined in the Model Water Quality Management Plan and Technical Guidance Document,
 - c. Maintains the hydrologic characteristics of the site by matching time of concentration, runoff, velocity, volume and hydrograph for a 2-year storm event,
 - d. Minimizes the potential increase in downstream erosion and avoids downstream impacts to physical structures, aquatic and riparian habitat,
 - e. Generally describes the long-term operation and maintenance requirements for structural and Treatment Control BMPs,
 - f. Identifies the entity or employees that will be responsible for long-term operation, maintenance, repair and or replacement of the structural and Treatment Control BMPs and the training that qualifies them to operate and maintain the BMPs,
 - g. Describes the mechanism for funding the long-term operation and maintenance of all structural and Treatment Control BMPs,
 - h. Includes a copy of the forms to be used in conducting maintenance and inspection activities,
 - i. Meets recordkeeping requirements (forms to be kept for 5 years).
 - j. Includes a copy of the form to be submitted annually by the project owner to the Public Works Department that certifies that the project's structural and treatment BMPs are being inspected and maintained in accordance with the project's WQMP.
46. Prior to the certificates for use of occupancy, the applicant shall demonstrate the following to the Public Works Department:
- a. That all structural and treatment control BMPs described in the Project WQMP have been constructed and installed in conformance with the approved plans and specifications,
 - b. That the applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
 - c. That an adequate number of copies of the project's approved final Project WQMP are available for the future occupiers.
47. Prior to the certificates of occupancy or final signoff by the Public Works Department, the applicant shall demonstrate to the satisfaction of Public Works, that the preparer of the WQMP has reviewed the BMP maintenance requirements in Section V of the WQMP with the responsible person and that a copy of the WQMP has been provided to that person. A certification letter from the WQMP preparer may be used to satisfy this condition.
48. Prior to building permits, the applicant shall review the approved WQMP and grading plan to ensure the structure's downspouts or drainage outlet locations are consistent with those documents. Copies of the building or architectural plans specifically showing the downspouts and drainage outlets shall be submitted to the Public Works Department for review.
49. The project applicant shall maintain all structural, treatment and low impact development BMPs at the frequency specified in the approved WQMP. Upon transfer of ownership or management responsibilities for the project site, the applicant shall notify the City of Orange

Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.

50. Prior to the grading permits (including, as appropriate: *clearing, grubbing, surface mining, or paving permits*), the applicant shall demonstrate that coverage has been obtained under the State's General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit) by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. A copy of the SWPPP required by the General Permit shall be kept at the project site and be available for review by City representatives upon request.
51. For those projects requiring coverage by the State of California's General Industrial Permit: Prior to certificates for use and occupancy, the applicant shall demonstrate that coverage under the State's General Permit for Stormwater Discharges Associated with Industrial Activity has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.
52. Prior to City approval of the landscape plans, the applicant shall review the approved WQMP and ensure the proposed landscape plans are consistent with the project grading plans. The plans must show any proposed storm water treatment BMPs such as bioretention planters, drywells, permeable pavers, or any other proposed surface water quality BMPs.

Water Division:

53. Prior to building permits, the applicant shall submit improvement plans to the Water Division for review and approval for any new fire hydrants, domestic water services, fire services, landscape services, and any other proposed improvements or relocations affecting the public water system facilities.
54. Prior to certificate of occupancy, the applicant shall be responsible for the installation of necessary fire hydrants and fire services as approved by the Fire Department and Water Division.
55. Prior to building permits, the Water Division shall approve the type and location of landscaping and fire service (backflow prevention) device for proposed City services.
56. Prior to building permits, construction documents shall show that a six foot minimum horizontal clearance and a one foot minimum vertical clearance would be maintained between City water mains, laterals, services, meters, fire hydrants and all other utilities except sewer. The Water Division shall review and approve the construction documents.
57. Prior to building permits, construction documents shall show that an eight-foot minimum clearance is provided between City water mains, laterals, services, meters, fire hydrants, signs, or trees or other substantial shrubs and plants as required by the Water Division. The Water Division shall review and approve the construction documents.
58. Prior to building permits, construction documents shall show that permanent signs, awning, surface water quality management features or other structures are not built over water mains, laterals, services, meters, or fire hydrants as required by the Water Division.

59. Prior to building permits for the first phase of work, the applicant shall be responsible for obtaining approval all of the necessary encroachment permits from affected agencies for all public water construction work.
60. Prior to approval of a water improvement plan, the applicant shall satisfy all water main connection, plan check, and inspections charges as determined by the Water Division.
61. Plans submitted during plan check shall show that the water improvement plans are consistent with the fire suppression plans and or fire master plan. The applicant's consultant preparing the water improvement plans shall coordinate their plans with the consultant preparing the fire suppression plans and/or fire master plan so that their designs concur.
62. Plans submitted during plan check shall show that the minimum separation requirements are met and that each of the various designer's plan sets match. The applicant's consultant preparing the improvement and utility plans shall coordinate their plans with the consultants preparing the landscape, architectural, surface water quality management, fire master and/or fire suppression plans so that their designs are consistent.
63. At least 14 calendar days prior to commencing construction, the applicant's civil engineer shall prepare and provide product material submittals consistent with the water improvement plans for all proposed public water system facilities to the Water Division per the City of Orange General Water Construction Notes for review and approval.
64. Prior to certificate of occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty-pounds per square inch.



Agenda Item

City Council

Item #: 8.1.

8/22/2023

File #: 23-0525

TO: Honorable Mayor and Members of the City Council

THRU: Tom Kisela, City Manager

FROM: Russell Bunim, Community Development Director

1. SUBJECT

Public Hearing to consider adoption of a resolution approving the demolition of an existing 40,000 square foot (SF) manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building located at 534 W. Struck Avenue; certifying Environmental Impact Report No. 1870-20; and adopting all findings and a Mitigation Monitoring and Reporting Program.

2. SUMMARY

The applicant, Prologis, L.P., is proposing the demolition of an existing 40,000 square foot (SF) manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building.

3. RECOMMENDED ACTION

Adopt Resolution No. 11487. A Resolution of the City Council of the City of Orange certifying Environmental Impact Report No. 1870-20, adopting a Mitigation Monitoring and Reporting Program and approving Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21 to demolish an existing 40,000 SF manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building, located at 534 W. Struck Avenue.

4. FISCAL IMPACT

None

5. STRATEGIC PLAN GOALS

Goal 1: Provide for a safe community

d: Assure the development of the City occurs in a fashion that maximizes public safety.

Goal 2: Be a fiscally healthy community

e: Create an environment to attract, retain, and expand economic opportunities.

6. DISCUSSION AND BACKGROUND

Proposal

The project involves the demolition of an existing 40,000 SF manufacturing facility and complete redevelopment of the project site. The project would also include the removal of the existing unused

railroad spur located on the east side of the site. The site would then be redeveloped with a 57,900 SF truck terminal, that includes 52,900 SF of warehouse space, 5,000 SF office space, and an accessory 5,400 SF maintenance building to be located at the southeast portion of the site. The proposed building would be up to 45 feet in height and include 84 loading dock doors. The project would provide 62 automobile parking stalls, 15 in excess of the required parking. Additionally, the project would provide 188 trailer parking stalls. The building would operate 24 hours a day, 7 days a week. It is anticipated that the facility would employ a total of 60 to 130 employees over the work shifts.

Development of the project would enhance the existing industrial character of the site and surrounding area with new modern building elevations, new landscaping, hardscape, other on-site improvements, and street frontage improvements. Development of the truck terminal would replace the existing building with a new modern concrete tilt-up building. Additional details about the architectural and landscape design can be found in the Design Review Committee (DRC) staff reports, (Attachment 3), Planning Commission (PC) staff report (Attachment 5) and development plans (Attachment 7).

The project has been designed to comply with the development standards of the Industrial (M-2) zone with the exception of the landscape guidelines and to be compatible with the adjacent surrounding development and uses. The proposed contemporary building design and scale complement the character of the area. Overall, the proposed project presents an integrated design that provides a renewed, updated, and improved appearance to the site and to the surrounding community.

Landscaping

The landscape program for the site concentrates landscaping along the property frontage on Struck Avenue consisting of different types and sizes of trees, a variety of shrubs, and ground cover. Based on the City's Landscape Guidelines the benchmark calculation for tree quantity, 125 trees are recommended for the project site. The revised proposal includes 78 trees, which is short of the benchmark for the site. Landscaping is not proposed along the east, south, and west perimeter beyond the security gates, as it would interfere with the trailer parking areas located along the perimeter of the site. However, landscaping does include drought tolerant trees on the south side corner areas at the rear of the property.

The DRC reviewed the proposal and made a recommendation of approval with conditions designed to alleviate the lack of landscaping on the site. Conditions of Approval No 18-24, in Resolution No. 11487 (Attachment 1) address tree upsizing, in some areas to a minimum of 50 feet in height, upsizing from 15-gallon trees to 24" box trees, and increasing the number of on-site trees from 68 to 78 (Attachment 4).

Given the nature of the use, a majority of the site is needed for the movement and parking of trucks. Further, the project and the multi-family residential project across the cul-de-sac use the same or similar tree and planting materials in an effort to provide a compatible landscape theme. Staff believes that the landscape plan achieves the intent of the City's landscape standards despite the lack of landscaping on the truck bay area of the site.

7. ENVIRONMENTAL

A Mitigated Negative Declaration (MND) was originally prepared for the proposed project. On September 23, 2021, the City circulated a Notice of Intent to Adopt Mitigated Negative Declaration No. 1870-20 for the Project. The MND was circulated for public review from September 23, 2021, to

October 25, 2021. During the 30-day public review period, comments received requested additional technical analysis (e.g., air quality and noise modeling, traffic). Therefore, in order to address the environmental concerns raised, additional analyses were prepared, and an Environmental Impact Report (EIR) was prepared to provide comprehensive environmental review of the Project (Attachment 8).

The EIR (California State Clearinghouse (SCH) No. 2021090399), was prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Article 9, Sections 15120-15132 to evaluate the potential environmental impacts associated with constructing and operating the proposed project. The draft EIR was made available for public review in accordance with CEQA between March 31, 2023, and May 15, 2023.

Staff received five written comment letters during the public review period. The City prepared a Response to Comments to address environmental comments received during the public review period. The public comments and responses can be found in the Final EIR (Attachment 9).

Pursuant to CEQA Guidelines Section 15087(c)(6), the project site is listed on the EnviroStor database for a historic recognized environmental condition for past release of any hazardous substances or petroleum products; however, a no further action was recommended as remediation of soil was completed by Orange County. Implementation of the proposed project may result in significant environmental effects related to the following topical issues:

- Biological Resources (impacts to nesting migratory birds)
- Cultural Resources (potential to encounter significant subsurface archaeological resources)
- Geology and Soils (potential to unearth and adversely impact paleontological resources)
- Hazards and Hazardous Materials (soils contaminated with volatile organic compounds)
- Tribal Cultural Resources (potential to unearth and adversely impact tribal cultural resources)

Mitigation measures have been incorporated into the EIR that reduce potential impacts to less than significant levels (Attachment 10).

Findings of Fact (Attachment 11) have been prepared based upon the entire record before the City Council, as described in Subsection 1.4 of the Findings, including the EIR.

8. PUBLIC NOTICE

On August 10, the City mailed a Public Hearing Notice to a total of 38 property owners/tenants within a 400-foot radius of the project site and persons specifically requesting notice. The project site has been posted in one location with the notification on that same date. The Public Hearing Notice was published in the newspaper on August 12, 2023.

9. ATTACHMENTS

- Attachment 1 City Council Resolution No 11487
- Attachment 2 Planning Commission Resolution No. PC 10-23
- Attachment 3 Design Review Committee Staff Reports dated November 3, 2021, and February 16, 2022
- Attachment 4 Design Review Committee Minutes dated November 3, 2021, and February 16, 2022

- Attachment 5 Planning Commission Staff Report dated July 17, 2023
- Attachment 6 Planning Commission Minutes dated July 17, 2023
- Attachment 7 Development Plans with Color Elevations and Color Martials Board
- Attachment 8 Draft Environmental Impact Report (DEIR) No. 1870-20
- Attachment 9 Final Environmental Impact Report (FEIR) No. 1870-20
- Attachment 10 Mitigation Monitoring and Reporting Program
- Attachment 11 Findings of Fact
- Attachment 12 Economic and Fiscal Impact Report

MINUTES

City of Orange

City Council

August 22, 2023

The City Council of the City of Orange, California convened on Tuesday, August 22, 2023, at 5:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

5:00 PM CLOSED SESSION

1. CALL TO ORDER

Mayor Slater called Closed Session to order at 5:01 p.m.

1.1 ROLL CALL

Present: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Absent: None

Councilmember Tavoularis joined Closed Session at 5:02 p.m.

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:02 p.m. with all Members present to discuss the following:

a. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City Negotiator: Tom Kisela, City Manager

Employee Organization: Orange Maintenance and Crafts Employees' Association

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
(One potential case)

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:50 p.m.

6:00 PM REGULAR SESSION**1. OPENING/CALL TO ORDER**

Mayor Slater called the meeting to order at 6:03 p.m.

1.1 INVOCATION

Given by Rev. Dr. Robb Ring from Immanuel Lutheran Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Mayor pro tem Arianna Barrios.

1.3 ROLL CALL

Present: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Memorial Adjournment in honor of Christine Grace Reyes.

Recognition of 2022-2023 high school student liaisons Ruby Hewitt, El Modena High School, and Diego Paz, Orange High School.

Proclamation honoring the Orange Elks Lodge No. 1475 in celebration of its 100th Anniversary.

Santiago Canyon College Update presented by Santiago Canyon College President Dr. Jeannie Kim.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTSPublic Speaker:

Brandy Romero spoke about the City parkway tree program.

Written Public Comments

Stephen Tyler emailed in support of keeping Santiago Creek a wetland.

Janice Brownfield emailed in support of using solar-reflective coatings on streets and roofs.

Alex Brown submitted an eComment expressing concerns with OC Animal Care operations.

3. CONSENT CALENDAR

All items on the Consent Calendar are considered routine and are enacted by one motion approving the recommended action listed on the Agenda. Any member of the City Council, staff, or the public may request an item be removed from the Consent Calendar for discussion or separate action. Unless otherwise specified in the request to remove an item from the Consent Calendar, all items removed shall be considered immediately following action on the remaining items on the Consent Calendar.

3.1. Waive reading in full of all ordinances on the Agenda.

ACTION: Approved.

3.2. Approval of minutes of the City of Orange City Council Regular Meeting held on August 8, 2023.

ACTION: Approved minutes as presented.

3.3. Agreement with the State of California, Department of Alcoholic Beverage Control for the Alcohol Policing Partnership Grant for Fiscal Year 2023-2024. Resolution 11490.

ACTION: 1) Approved agreement with the State of California, Department of Alcoholic Beverage Control in the amount of \$90,000 for the Alcohol Policing Partnership Grant; and authorized the Chief of Police or City Manager to execute on behalf of the City.

2) Adopted Resolution No. 11490. A Resolution of the City Council of the City of Orange accepting funds in the amount of \$90,000 from the State of California Department of Alcoholic Beverage Control for the Alcoholic Policing Partnership Grant, and authorizing the Chief of Police or City Manager to execute the grant program agreement and related documents.

3) Accepted into the City's revenue budget \$90,000 in grant funds from the State of California, Department of Alcoholic Beverage Control into revenue account number 100.4033.45495.30230 Alcoholic Beverage Control Grant FY24.

4) Authorized the appropriation of \$90,000 into the following expenditure accounts:

\$84,468 100.4033.50221.30230 Overtime Safety - ABC Grant FY24

\$2,500 100.4033.51830.30230 Overnight Training - ABC Grant FY24

\$532 100.4033.53060.30230 Misc. Materials & Supplies - ABC Grant FY24

\$2,500 100.4033.55131.30230 Equipment Additions - ABC Grant FY24

3.4. Agreement with Michael Baker International for Community Development Block Grant, HOME Investment Partnerships Program, general grant, and housing management consulting services.

A speaker card was submitted for Item 3.4; therefore, the item was removed from the Consent Calendar for separate consideration.

Public Speaker:

Sam Rodriguez spoke in opposition.

ACTION: A motion was made by Councilmember Tavoularis, seconded by Councilmember Dumitru, to: 1) Authorize the appropriation of \$15,000 from the Low and Moderate Income Housing Asset Fund (921) unreserved fund balance to

expenditure account number 100.6001.51670.00000 - Other Professional and Consulting Services; and 2) Approve the agreement with Michael Baker International for Community Development Block Grant, HOME Investment Partnerships Program, housing management, and general federal grant support in the amount of \$140,000; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Noes: None

Absent: None

3.5. Agreement with Orange County Transportation Authority for Countywide Signal Synchronization Baseline Project.

Note: Mayor pro tem Barrios abstained due to a potential conflict with employment.

ACTION: Approved the agreement with Orange County Transportation Authority for the Countywide Signal Synchronization Baseline Project; and authorized the City Manager and City Clerk to execute on behalf of the City.

3.6. Agreement with Paul Kott Realtors, Inc. for real estate broker services.

ACTION: Approved the agreement with Paul Kott Realtors, Inc. for real estate broker services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. First Amendment to Attorney Services Agreement with Richards, Watson & Gershon to provide legal services.

ACTION: Approved a First Amendment to Attorney Services Agreement with Richards, Watson & Gershon in an amount not to exceed \$20,000; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.8. Second Amendment to the Agreement with California Waters Development, Inc. for maintenance of City fountains.

ACTION: Approved the Second Amendment with California Waters Development, Inc. in the amount of \$67,336.50 for maintenance of City fountains; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.9. Sewer Service Installation and Payment Agreement with Tustin Development LLC to provide sewer service to a new tract development known as Cowan Ranch Estates in the unincorporated area of Orange County.

Note: Councilmember Gyllenhammer abstained due to nearby property interest.

ACTION: Approved the agreement between the City of Orange and Tustin Development LLC for connection to the Orange Sewer System, and one-time lump sum payment for sewer connection fees; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.10. Appropriation of \$10,000 in revenue from Community Partnership donations.

ACTION: 1) Accepted into the City's Fiscal Year 2023-2024 budget \$10,000 in community partnership donations into revenue account 100.7015.48390.20530, Donations - Special Events 2024 Season; and 2) Authorized the appropriation of \$10,000 in the following Fiscal Year 2023-2024 expenditure account number 100.7015.51355.20530, General Fund - Special Events 2024 Season.

3.11. Appropriation of \$89,609.26 in State of California Office of Emergency Services funding received.

ACTION: 1) Accepted into the City's revenue budget \$89,609.26 in strike team reimbursement funds from the California Office of Emergency Services, into the revenue account numbers for Cal-OES reimbursements as follows:

Cal-OES reimbursements (revenue account 100.3024.48212.xxxxx):

\$ 14,176.99	.40323 - OES Pre-Position #230009
12,682.58	.40329 - OES Pre-Position #230030
12,456.71	.40334 - OES Pre-Position #230053
24,183.20	.40334 - OES Pre-Position #230054
26,109.78	.40338 - OES Pre-Position #230062

2) Authorized the appropriation of \$84,991.05 into the expenditure account numbers for Overtime-Safety as follows:

Overtime-Safety (expenditure account 100.3024.50221.xxxxx):

\$ 13,443.40	.40323 - OES Pre-Position #230009
12,682.58	.40329 - OES Pre-Position #230030
11,621.86	.40334 - OES Pre-Position #230053
22,587.79	.40334 - OES Pre-Position #230054
24,655.42	.40338 - OES Pre-Position #230062

3) Authorized the appropriation of \$3,830.21 into the expenditure account numbers for Strike Team Expenditures as follows:

Strike Team (expenditure account 100.3024.53860.xxxxx):

\$ 733.59	.40323 - OES Pre-Position #230009
46.85	.40334 - OES Pre-Position #230054
1,595.41	.40334 - OES Pre-Position #230054
1,454.36	.40338 - OES Pre-Position #230062

4) Authorized the appropriation of \$788.00 into the expenditure account numbers for Motor Vehicle Replacement as follows:

Motor Vehicle Replacement (expenditure account 720.5023.55212.xxxxx)

\$ 788.00	.40333 - OES Pre-Position #230053
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3.12. Final Acceptance of Bid No. 21-22.34; SP-4144, Katella Avenue Street Improvement Project; and authorization to file Notice of Completion.

ACTION: Accepted Katella Avenue Street Improvement Project as complete, and authorized staff to file Notice of Completion with the County Recorder.

3.13. Final Acceptance of Bid No. 22-23.05; SP-4086; Cannon Street at Serrano Avenue Intersection Improvement Project; and authorization to file Notice of Completion.

ACTION: Accepted Cannon Street at Serrano Avenue Intersection Improvement Project as complete, and authorized staff to file Notice of Completion with the County Recorder.

3.14. Authorize the purchase of one fire apparatus for the Orange Fire Department and two vehicles for the Orange Police Department through a Cooperative Purchasing Agreement.

Item 3.14 was removed from the Consent Calendar for separate consideration by Councilmember Dumitru.

Councilmember Dumitru expressed his appreciation for donating the replaced equipment to the Fire Department in Queretaro, Mexico.

ACTION: A motion was made by Councilmember Dumitru, seconded by Mayor pro tem Barrios, to: 1) Approve the purchase of one Pierce Enforcer Fire Apparatus from South Coast Fire Equipment for \$1,215,907; 2) Authorize the purchase of safety equipment and supplies needed to equip the Fire Apparatus from single source vendors in the amount of \$84,093; 3) Authorize the purchase of two 2023 Chevrolet Bolts from National Auto Fleet Group in the amount of \$62,537; and 4) Authorize the replaced Fire Seagrave Pumper and Tiller Truck donation to Queretaro, Mexico. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Noes: None

Absent: None

3.15. Adoption of a resolution regarding the 2023, 2024, and 2025 Winter Holiday Closure. Resolution No. 11489.

ACTION: Adopted Resolution No. 11489. A Resolution of the City Council of the City of Orange regarding the 2023, 2024, and 2025 Winter Holiday Closure.

Approval of the Consent Calendar

Mayor pro tem Barrios abstained from Item 3.5. Councilmember Gyllenhammer abstained from Item 3.9. Item 3.14 was removed from the Consent Calendar and heard separately. All other items were approved as recommended.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Gyllenhammer, to approve the Consent Calendar as recommended. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Noes: None

Absent: None

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR SLATER

Mayor Slater reported that he met with several Assembly Members in Sacramento regarding a proposed bond measure that would benefit the Santa Ana River and its tributaries including Santiago Creek.

Mayor pro tem left the dais at 6:56 p.m. and returned at 6:57 p.m.

5. REPORTS FROM COUNCILMEMBERS

5.1. La Veta Monterey Condominiums Update (Dumitru)

Councilmember Dumitru provided an update on the La Veta Monterey Condo gas line issues.

Public Speakers:

Betty Talbert spoke about the continuing gas line issues.

Teresa San Diego spoke about the continuing gas line issues.

5.2. Other Councilmember Reports

Councilmember Dumitru reported that a mosquito found near Lincoln & Glassell tested positive for West Nile Virus. OC Mosquito and Vector Control District encourages residents to eliminate any standing water.

Councilmember Tavoularis reported there are no updates for the Orange Mall area (Village at Orange).

6. ADMINISTRATIVE REPORTS**6.1. Consideration of an appeal of the City Traffic Commission's decision to deny removal of on-street parking on the south side of Katella Avenue between Sacramento and Handy Streets, Appeal No. CTC 0001-23.**

City Traffic Engineer Larry Tay presented the staff report and answered Council's questions.

Public Speakers:

Regina Mundekis spoke in support of upholding the appeal and removing the parking.

The following spoke in support of denying the appeal and in opposition of removing the parking: Heather McCance, Xanthia Quesada, Velma Trevino, Gil Lazar, Ruben Hernandez, Brad Jackson, Frank Miller, Patrick Gallagher, Mikeline Skibsted, Julian Giacobbe, Stuart Atkins, Pam Atkins, and Sam Briones.

Written Public Comments

Don Dawson submitted an eComment in support of denying the appeal and in opposition of removing the parking.

During deliberations, Council discussed Katella as a major arterial and ways to address the safety concerns with the front facing homes on Katella if the parking is removed.

Mayor pro tem Barrios made a motion to continue this item to allow staff to return with a discussion item report in two months outlining the options and alternatives for this area. Motion seconded by Councilmember Gutierrez.

Councilmember Gutierrez requested to amend the motion to include a neighborhood meeting to solicit feedback from the residents. Mayor pro tem accepted the amendment.

Councilmember Dumitru requested to amend the motion to include a study to close off the eastbound side of southbound Sacramento St. and restrict northbound Sacramento St. as a right turn only. Mayor pro tem accepted the amendment.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to continue this item to allow staff time to host a neighborhood meeting and return with a report in two months outlining the options and alternatives for this area, and direct staff to study appropriate turning restrictions at the Sacramento Street intersection, including, but not limited to, eastbound right turns, northbound left turns, and an inbound closure. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Noes: None

Absent: None

RECESS: The City Council recessed at 9:00 p.m. and reconvened at 9:18 p.m. with all Members present.

(Item 8.1 re-ordered to be heard before Item 6.2.)

8. PUBLIC HEARINGS

- 8.1. Public Hearing to consider adoption of a resolution approving the demolition of an existing 40,000 square foot (SF) manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building located at 534 W. Struck Avenue; certifying Environmental Impact Report No. 1870-20; and adopting all findings and a Mitigation Monitoring and Reporting Program. (Applicant: Prologis, L.P.)**

Mayor pro tem Barrios disclosed she had a briefing with the applicant.

Mayor Slater opened the Public Hearing at 9:20 p.m.

Public Speakers:

The following spoke in support of the project: Maggie Xu, applicant; Alex Zamora; and Jayson Baiz.

Written Public Comment

John Underwood submitted an eComment opposing the project.

Mayor Slater closed the Public Hearing at 9:27 p.m.

Mayor Slater re-opened the Public Hearing at 9:31 p.m. so the applicant could respond to Council's questions regarding traffic and noise concerns, trees, and a heat island effect. Mayor Slater closed the Public Hearing at 10:03 p.m.

During further discussion, Councilmember Gutierrez continued to express concerns with possible noise disturbances and a heat island effect.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Bilodeau, to adopt Resolution No. 11487. A Resolution of the City Council of the City of Orange certifying Environmental Impact Report No. 1870-20, adopting a Mitigation Monitoring

and Reporting Program and approving Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21 to demolish an existing 40,000 SF manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building, located at 534 W. Struck Avenue. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Bilodeau, Gyllenhammer, and Slater

Noes: Gutierrez

Absent: None

6. ADMINISTRATIVE REPORTS

6.2. Adoption of an Expense and Reimbursement Policy for City Councilmembers for actual and necessary expenses incurred in the performance of their official duties. Resolution No. 11485.

Written Public Comments

The following submitted eComments in support of adopting Resolution No. 11485: Don Dawson and Reggie Mundeakis.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Gutierrez, to adopt Resolution No. 11485. A Resolution of the City Council of the City of Orange Adopting an Expense and Reimbursement Policy for City Council Members for Actual and Necessary Expenses Incurred in the Performance of their Official Duties. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Noes: None

Absent: None

(Item 7.1 re-ordered to be heard before Item 6.3.)

7. REPORTS FROM CITY MANAGER

7.1. City of Orange Fiscal Health Report. (Continued from August 8, 2023)

Finance Director Trang Nguyen provided Council with an overview of the City's fiscal health based on the California State Auditor's Office local government fiscal analysis report.

Councilmember Bilodeau left the dais at 10:19 p.m.

During discussion Council requested a fiscal health ranking of full service cities.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Dumitru, to receive and file the report. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Gyllenhammer, and Slater

Noes: None

Absent: Bilodeau

6. ADMINISTRATIVE REPORTS

6.3. Proposal to analyze a possible increase in the Uniform Transient Occupancy Tax rate.

Economic Development Manager Aaron Shulze presented a brief staff report.

Councilmember Bilodeau returned to the dais at 10:27 p.m.

Council discussed evaluating a utility user tax at the same time and analyzing the impact of a TOT increase between a range of 10-15%.

Public Speaker:

Steve Ratkevich spoke in opposition of increasing TOT to 15%.

A motion was made by Councilmember Gutierrez, seconded by Mayor pro tem Barrios, to authorize staff to analyze a possible increase in the Uniform Transient Occupancy Tax rate and possibly introducing a Utility User Tax. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Gyllenhammer, and Slater

Noes: Bilodeau

Absent: None

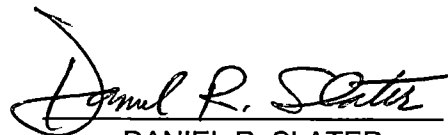
9. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:40 p.m. in Memory of Christine Grace Reyes.

The next Regular City Council meeting will be held on Tuesday, September 12, 2023, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.



PAMELA COLEMAN
CITY CLERK



DANIEL R. SLATER
MAYOR