

RESOLUTION NO. 11453

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE DENYING APPEAL NO. 0562-23, AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3138-21, MAJOR SITE PLAN REVIEW NO. 1040-21, DESIGN REVIEW NO. 5030-21, ADMINISTRATIVE ADJUSTMENT NO. 0051-21, AND MITIGATED NEGATIVE DECLARATION NO. 1875-21 TO DEMOLISH AN EXISTING RETAIL BUILDING IN ORDER TO CONSTRUCT A NEW 225-UNIT MIXED-USE APARTMENT DEVELOPMENT, OPEN PARKING STRUCTURE FOR THE ADJACENT OFFICE COMPLEX USE, RELATED SITE IMPROVEMENTS, AND A REDUCTION OF 48 PARKING SPACES AND 670 SQUARE FEET OF OPEN SPACE, LOCATED AT 840 THE CITY DRIVE SOUTH

APPLICANT: SLR ORANGE DEVELOPMENT, LLC, SCOTT LEVY

WHEREAS, the City Council has authority per Orange Municipal Code (OMC) Section 17.08.050 to take action on Appeal No. 0562-23, appealing the Planning Commission approval of Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 to demolish an existing retail building in order to construct a new 225-unit mixed-use apartment development, open parking structure for the adjacent office complex use, and related site improvements, located at 840 The City Drive South, described as follows:

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 A:

PARCEL 5, AS SHOWN ON PARCEL MAP NO. 86-168, FILED IN BOOK 215, PAGES 28 THROUGH 34 INCLUSIVE OF PARCEL MAPS, RECORDS OF SAID COUNTY, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

PARCEL B:

PARCELS 1 AND 3, AS SHOWN ON PARCEL MAP NO. 86-318, FILED IN BOOK 216, PAGES 41 AND 42 OF PARCEL MAPS, RECORDS OF SAID COUNTY, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

PARCEL C:

PARCEL 2, AS SHOWN ON EXHIBIT B AND DESCRIPTION IS ON EXHIBIT A OF THAT CERTAIN LOT LINE ADJUSTMENT NO. LL 86-19, AS EVIDENCED BY DOCUMENT RECORDED DECEMBER 15, 1986 AS INSTRUMENT NO. 86-616569 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 86-168, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 215, PAGES 28 TO 34, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND.

A PORTION OF PARCEL 2 OF SAID PARCEL MAP NO. 86-168, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF PARK CENTRAL AVENUE AND WESTERLY LINE OF THE CITY DRIVE AS SHOWN ON SAID PARCEL MAP NO. 86-168; THENCE NORTH 68 08'15" WEST, 201.70 FEET; THENCE NORTH 89 16'28" WEST, 119.82 FEET; THENCE NORTH 00 43'32" EAST 19.00 FEET; THENCE NORTH 89 16'28" WEST, 13.94 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 391.86 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 9.74 FEET THROUGH A CENTRAL ANGLE OF 01 25'25"; THENCE SOUTH 21 54'49" WEST, 68.56 FEET; THENCE NORTH 00 43'32" EAST, 70.98 FEET; THENCE SOUTH 89 16'28" EAST, 18.06 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

PARCEL D:

EASEMENTS AS DEFINED IN THAT CERTAIN "AGREEMENT BETWEEN ADJOINING LANDOWNERS AND SUPPLEMENTAL DECLARATION" RECORDED JANUARY 09,

1987 AS INSTRUMENT NO. 87-012961 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, AS SAID EASEMENTS ARE MORE SPECIFICALLY SET FORTH IN PARAGRAPHS 2(A), 2(B), AND 2(C) ENTITLED "EASEMENTS" OF SAID INSTRUMENT.

PARCEL E:

PARCEL 6, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 86-168, FILED IN BOOK 215, PAGES 28 THROUGH 34 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

For conveyancing purposes only:

APN 231-261-09 (Affects Parcel C)

APN 231-261-13 (Affects Parcel E)

APN 231-261-15 (AFFECTS Parcel 1 of Parcel B)

APN 231-261-16 (AFFECTS Parcel A) and

APN 231-261-17 (AFFECTS Parcel 3 of Parcel B); and

WHEREAS, Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21, were filed by SLR Orange Development, LLC, Scott Levy in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 were processed in the time and manner prescribed by state and local law; and

WHEREAS, Mitigated Negative Declaration No. 1875-21 was prepared 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. Mitigated Negative Declaration No. 1875-21 finds that the project will have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures; and

WHEREAS, on November 16, 2022, the City's Staff Review Committee determined that Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 met requirements of the OMC and deemed the application complete; and

WHEREAS, a Notice of Intent to Adopt Mitigated Negative Declaration No. 1875-21 was made available for a 20 day public review and comment period from November 23, 2022, to December 14, 2022, in compliance with Sections 15072 and 15105 of the State CEQA Guidelines; and

WHEREAS, on December 7, 2022, the Design Review Committee reviewed Design Review No. 5030-21 and by a vote of 4-0-1, recommended approval to the Planning Commission, with conditions that have been included in this Resolution; and

WHEREAS, on February 23, 2023, the Planning Commission conducted a public hearing, at which time interested persons had an opportunity to testify either in support of or in opposition to Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21; and

WHEREAS, at the February 23, 2023, public hearing, the Planning Commission considered the testimony of a representative of Lozeau Drury LLP, challenging the environmental analysis and the Mitigated Negative Declaration, along with testimony of the applicant and the applicant's environmental consultant; and

WHEREAS, on February 23, 2023, the Planning Commission approved Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 by a 5-0 vote; and

WHEREAS, on March 2, 2023, Adam Frankel of Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility (SAFER), filed Appeal No. 0562-23, appealing the Planning Commission approval of Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 in accordance with the provisions of the OMC; and

WHEREAS, on April 11, 2023, the City Council conducted a public hearing at which time interested persons had an opportunity to testify either in support of or opposition to the proposal for the purpose of considering Appeal No. 0562-23 of the Planning Commission approval of Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21; and

WHEREAS, at the April 11, 2023, public hearing, the City Council considered the testimony of the appellant, along with the testimony of the applicant and the applicant's environmental consultant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orange hereby denies Appeal No. 0562-23, and upholds the decision of the Planning Commission to approve Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative

Declaration No. 1875-21 with associated Mitigation Monitoring and Reporting Program, to allow the construction of a new 225-unit mixed-use apartment development, open parking structure for the adjacent office complex use, and related site improvements based on the following findings:

SECTION 1 – FINDINGS

General Plan Findings:

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

The project achieves multiple goals of the General Plan. The project transforms and revitalizes an underutilized commercial property with a high-density mixed-use multi-family residential development that integrates with adjacent residential, commercial, and office uses. The project provides architecture and landscape design that emphasizes pedestrian orientation and safe and convenient access between uses. The project also implements the objectives of the Urban Mixed Use General Plan land use designation, by expanding the opportunities for citizens to live, work and meet other daily needs conveniently. The project supports the goals of the City's Housing Element by bringing forward housing that increases the inventory of housing and diversifying the housing types available in the community. The project is also being developed at a density level that provides associated rental rates that meet the City's workforce housing needs. The creation of infill housing is consistent with Housing Element Policy Action 2E.

The streetscape and sidewalk improvements included in the project address the goals of the Circulation and Mobility Element by facilitating pedestrian activity and connections between major institutional, commercial, office, and entertainment destinations. The project also provides dense housing in proximity to The City Drive South and Garden Grove Boulevard which are major transit corridors with bus service, and the Santa Ana River Trail Bikeway, which is a Class I (off-street) bikeway located to the southeast. These factors contribute to the City's development of a multi-modal transportation network. Finally, providing housing in proximity to employment, services, and transit also supports the Natural Resources Element by establishing more efficient relationships between land uses that encourage multi-modal travel and reduced dependence on traditional auto travel and associated vehicle trips in pursuit of reduced air pollution emissions.

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 project proposes a five- and six-story (63-75 feet) building height, which exceeds the maximum allowable height of three stories (45 feet) in the UMU zone without discretionary approval, due to its proximity to single-family residential development to the south in the City of Santa Ana. The north portion of the building is six stories in height (75 feet), while the middle and southern portions are five stories (63 feet-4 inches), allowing for better integration with the existing adjacent four and eight-story office

complex buildings, four-story office building to the east across The City Drive South, and two-story apartments and single family residences to the south across Garden Grove Boulevard in the City of Santa Ana. The single-family residences are not street facing and are located approximately 106 feet from the southern footprint of the building. Alternating wall planes, variations in building height, exterior materials, and balconies are incorporated into the project design to break up the building's massing. A comprehensive landscape plan for the development includes a variety of new trees (including street trees), shrubs, and groundcover along the building perimeter, which help soften and screen the varied building height and scale of the project from the adjacent single-family neighborhood across Garden Grove Boulevard, The City Drive South frontage, and office complex interior.

In evaluating the request for the additional building height, a shade and shadow analysis was performed to determine whether the project would block direct sunlight to adjacent buildings and properties. As standard City practice, project impacts are considered significant if a substantial number of shadow-sensitive uses/areas would be shaded by project-related structures for two continuous hours or more on any given day during the winter and summer solstice or the spring and fall equinox. Applying this threshold, no shade-sensitive land uses or areas surrounding the Project site would be shaded for more than two continuous hours on any day during the solstices or equinoxes. Therefore, shade and shadow impacts would not constitute an impact.

The requested increased building height would allow the project to provide high density innovative housing options, including workforce housing in the community.

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 additional building height is not anticipated to create problems with the bordering land uses or for the area. The project site is located at the northwest corner of Garden Grove Boulevard and The City Drive South, which is zoned Urban Mixed Use. The project site is also located within the West Chapman Avenue/Uptown Orange General Plan Focus Area, located west of the SR-57 and south of SR-22, which is characterized by an eclectic mix of contemporary architectural styles consisting of mid-rise office, senior housing, public facilities/institutions (UCI Medical Center), multi-family residential, and commercial retail uses.

To the north of the project site is the larger multi-building office complex, and three-story hotel (Best Western Plus). Further north is West Park Central Avenue, a three-story senior assisted living/memory care facility (Oakmont of Orange), and two-story multi-family residential uses. To the south across Garden Grove Boulevard is a two-story apartment development (Vista Del Rio), and one-story single-family residences in the City of Santa Ana. To the east across The City Drive South, is a four-story office building, and the Santa Ana River. To the west, is a two-story office building (3707 W. Garden Grove Boulevard), duplex and multi-family residences, and South Park Vine Street.

The north portion of the building has been designed to be six stories in height (75 feet), while the middle and southern portions are five stories (63 feet-4 inches). This varied building height allows for better integration with the existing on site commercial office buildings, four-story office building to the east, and two-story apartments and single family residences to the south across Garden Grove Boulevard in the City of Santa Ana. The height and scale of the project is well suited to the expansive widths of The City Drive South and Garden Grove Boulevard.

To ensure that the project height would not create a shading/shadowing effect on adjacent sensitive uses, the applicant has completed a Shade and Shadow Analysis that demonstrates that the increase in building height will have no adverse impacts on surrounding properties.

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 by integrating housing in an emerging higher density mixed-use district intended to take on a neighborhood character of its own.

A shade and shadow analysis was performed to determine whether onsite buildings or structures block direct sunlight from adjacent properties. Applying the threshold described above as a standard City practice, no shade-sensitive land uses or areas surrounding the Project site would be shaded for more than two continuous hours on any day during the solstices or equinoxes. Therefore, shade and shadow impacts would not constitute an impact.

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, accommodate disabled person site access, protect or improve the public right-of-way, protect or improve utilities and accommodate aesthetics.

The request for additional building height for the new mixed-use apartment building has been evaluated for compatibility of mass, scale, setbacks, design and materials with the surrounding neighborhood. Standard conditions of approval related to construction of the project, have been included in this Resolution. With implementation of these conditions of approval, the proposed project will complement surrounding land uses and preserve the general welfare.

Major Site Plan Review Findings:

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

The project area located west of the SR-57 and south of SR-22, is characterized by an eclectic mix of contemporary architectural styles consisting of mid-rise office, senior housing, public facilities/institutions (UCI Medical Center), multi-family residential, and commercial retail uses. The modern urban design and scale of the proposed project are compatible with the eclectic character of the area and scale of surrounding buildings and arterial streets. The streetscape improvements are intended to provide a friendly pedestrian-oriented interface with the sidewalk for existing and anticipated patterns of pedestrian activity in the area and encourage pedestrian linkage between the project and surrounding uses.

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 proposed development conforms to City development standards, except for building height, parking, and residential open space. The increased building height will be addressed through approval of Conditional Use Permit No. 3138-21, and the parking and open space deficiencies will be addressed through the approval of Administrative Adjustment No. 0051-21, which allow for a 48 space (10%) reduction in the required parking for the commercial and residential components of the mixed-use development and 670 square foot (0.98%) reduction in residential open space for the project. Please refer to the Administrative Adjustment findings below. The project site is not subject to any City design guidelines or specific plans.

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 site consists of three parcels with reciprocal easements linking them for purposes of shared vehicular access, utilities, water quality features, and emergency access.

Vehicular access is provided via a new traffic signal at an existing driveway and divided two-way shared drive aisle from The City Drive South, and an existing shared driveway along Garden Grove Boulevard, approximately 189 feet west of the intersection of Garden Grove Boulevard and The City Drive South. These access points connect to interior drive aisles that lead to subterranean parking spaces accessed on the west side, and parallel surface spaces along the north and west sides of the mixed-use building. The proposed two-story open parking structure provides vehicle ramp access from the west side of the structure for existing office complex tenants and visitors. Vehicular access points have been designed and were evaluated as part of the Traffic Impact Study.

The project utilizes vehicular access points that are designed to ensure safe circulation conditions. The project incorporates streetscape improvements that reinforce the quality and safety of the pedestrian experience. With adoption of Conditions of Approval and mitigation measures, the proposed project provides for safe and adequate circulation.

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).*

As evaluated in Mitigated Negative Declaration No. 1875-21, the proposed project will result in less than significant impacts to police, fire, recreation and or park services. The project incorporates design features that address OMC requirements and building and infrastructure systems that maximize safety and ensure adequate utility services to the site. The applicant will be subject to payment of impact fees associated with schools, parks, libraries, sewer, transportation, and Sanitation District fees.

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).*

The proposed project includes project design features that minimize potential adverse impacts to Biological Resources, Cultural Resources/Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation. Mitigation Measures are also included in the Mitigated Negative Declaration and are considered Conditions of Approval.

Design Review Findings:

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).*

The project is neither located in a specific plan area nor an area of the City subject to design standards. The West Chapman Avenue/Uptown Orange General Plan Focus Area, located west of the SR-57 and south of SR-22, is characterized by an eclectic mix of contemporary architectural styles consisting of mid-rise office, senior housing, public facilities/institutions (UCI Medical Center), multi-family residential, and commercial retail uses. The architecture and landscape design of the proposed project will revitalize the urban fabric by replacing an existing retail building and surface parking lot with a distinctive, larger scale, contemporary, mixed-use development that is in scale and integrates with surrounding development along The City Drive South and Garden Grove Boulevard. The project provides varied and articulated building elevations and streetscape enhancements that provide an appealing pedestrian environment to encourage pedestrian activity and linkage between the project and surrounding office, retail and residential uses. The project presents an overall internally consistent and integrated design theme that upholds community aesthetics.

Administrative Adjustment Findings:

1. *The reduction in standards will not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity (OMC 17.10.050.E.1).*

The 10% reduction in required parking for the mixed-use development represents 48 parking spaces; 434 parking spaces will continue to be provided for the 225 apartment units, related guest parking, and commercial component of the project. The proposed unit sizes and leasing practices of the applicant will function to control the occupancy and parking for the project. The associated parking per unit ratios reflect similar parking ratios utilized for other similar-density apartment complexes in the western portion of the City that have proven to adequately serve the residents of those complexes. Those past projects are located on sites that share similar characteristics with the proposed project site, such as on-site structured or podium parking and lack of on-street parking due to the prohibition of parking related to the Major Arterial roadways.

A Parking Analysis conducted for the project that was based on industry standards concluded that actual parking requirements for multifamily residential uses are found to be significantly less than the City's OMC requirement. In addition, parking for the commercial component of the project utilized a take-out restaurant parking rate which is higher than a commercial retail rate. A condition of approval has also been included that requires the ratio of take-out restaurant and retail area not to exceed the provided 41 parking spaces for the commercial component of the project. In addition, due to the mixed-use nature of the site, parking demand behavior will likely involve situations where residents and office workers will walk between uses and only park once for multiple activities on the site. Similarly, employees across The City Drive South will likely walk to adjacent retail uses.

The proposed project is also located in an area that is well-served by public transit and alternative transportation options. OCTA Bus Route 56 (Garden Grove to Orange) is located at the southwest corner of the intersection of Garden Grove Boulevard and The City Drive South. Additionally, a stop for Bus Route 57 (Brea to Newport Beach) is located 110 feet east of the project site. Both bus stops are accessible from the site via crosswalks on Garden Grove Boulevard and The City Drive South. A bus stop for Bus Routes 47 and 47A (Fullerton to Balboa) is located at the intersection of South Lewis Street and Garden Grove Boulevard, 0.35 mile west of the project site. In addition, the Santa Ana River Trail Bikeway is located approximately 291 feet east of the project site. Based on the information provided in the parking study, the utilization of a higher parking rate for the commercial component of the project, and proximity of the project to public transit and alternative transportation options, it is anticipated that the proposed parking supply is adequate to support the parking demand for the project.

The 0.98% reduction in open space for the project represents 670 square feet. With the inclusion of the various residential common open space amenities, including, but not limited to a fitness center, club house and lounge area, landscaped pool/spa courtyard,

passive open courtyard, private patios and balconies for the majority of the units, and quasi-public open space areas that contribute to an active street environment, it is not anticipated that the requested reduction of open space will negatively impact the project. In addition, the project provides convenient pedestrian and bicycle access to the nearby Santa Ana River Trail, which is an off-site recreational amenity in close proximity to the project.

2. *Issuance of the permit does not compromise the intent of this code (17.10.050.E.2).*

Granting of the Administrative Adjustment does not compromise the intent of the OMC because the requested reductions continue to accommodate a functional and efficient site plan and on-site circulation in conjunction with an urban infill housing product that is intended by the Urban Mixed Use zoning.

SECTION 2 – ENVIRONMENTAL REVIEW

Mitigated Negative Declaration No. 1875-21 has been prepared for this project to evaluate the physical environmental impacts of the project, in conformance with the provisions of CEQA per State CEQA Guidelines Section 15070 and in conformance with the Local CEQA Guidelines. The City Council finds that the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program contain an adequate assessment of the potential environmental impacts of the proposed project. The City Council finds that the project will have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures addressing potential impacts to Biological Resources, Cultural Resources/Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation included in the Mitigated Negative Declaration.

SECTION 3– CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that the following conditions are imposed with approval:

General:

1. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
2. The applicant shall comply with all conditions of approval contained within Planning Commission Resolution No. PC 33-22 associated with Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21.
3. Within two 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 14 Cal. Code Regulations 15075. If it is determined that

there will be no impact upon wildlife resources, the fee shall be as required based on the current fee schedule.

4. Within two days of final approval of this project, the applicant shall submit a \$3,000.00 deposit to the Planning Division for the Mitigation Monitoring and Reporting Program. Time spent by City staff to complete the project will be charged to the applicant. When more than 50% of the deposit has been credited toward hourly services provided, the applicant will be billed directly for actual time spent on the project. At the completion of the project, a final accounting of deposit posted and amounts charged toward the project will be calculated and any charges due to the City or refunds due to the applicant will be processed.
5. 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 permits, 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.
6. All construction shall conform in substance and be maintained in general conformance with plans and exhibits (date stamped received January 27, 2023), including any modifications required by conditions of approval, and as recommended for approval by the Design Review Committee and Planning Commission. Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 shall require an application for a new or amended Site Plan Review.
7. The project shall conform in substance and be maintained in general conformance with plans and exhibits date stamped January 27, 2023. Any future changes to the project's architectural or site design features approved by Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 shall require an application for a new or amended Design Review.
8. 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 plan, the Community Development Director may approve the changed plan administratively.
9. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director. Should the

modifications be considered substantial, the modifications shall be reviewed and approved by the Design Review Committee.

10. 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. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
11. Any future expansion in area or in the nature and operation of the approved use by Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 shall require new or amended applications.
12. 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.
13. Building permits shall be obtained for all construction work, as required by the City of Orange, Public Works Department's Building Division. Failure to obtain the required building permits may be cause for revocation of this entitlement.
14. All signage shall comply with OMC Chapter 17.36 – Sign Regulations. Prior to building permit issuance, the applicant shall return before the Design Review Committee with the final sign package, including wall graphics for review and approval.
15. If not utilized, project approval expires 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.
16. 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.
17. All other construction activities shall conform to the City's Noise Ordinance, OMC Section 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.
18. Prior to the operation of any 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 cause for revocation of this approval.
19. The ratio of take-out restaurant and retail square gross square footage shall not exceed the requirement of 41 parking spaces.

20. Any new lighting on the premises 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. Prior to Certificate of Occupancy, the applicant shall contact the Orange Police Crime Prevention Bureau and set an appointment on-site to test all lighting to ensure it meets OMC standards.
21. 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.
22. Prior to building permits, all required parking spaces shall be shown on construction documents as double striped to City standards.
23. The project approval 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 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.

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.
24. Prior to building permits, the applicant shall pay any outstanding monies due to the City for Planning Division entitlement activities related to this project.
25. Prior to building permits, the applicant shall identify the precise location of existing walls proposed for demolition, if applicable. If the location of the existing wall slated for demolition is wholly or partially upon an adjacent property, the applicant shall secure the property owner(s) approval to demolish and replace the wall. The applicant will be responsible for any site repairs to walls damaged through demolition activity.
26. In conjunction with the operation of the business(es), all noise levels generated shall conform to the levels allowed by the OMC.
27. Outdoor nonresidential uses in a mixed-use project that includes residential uses shall be prohibited from operating between the hours of 10:00 p.m. and 6:00 a.m. Approval of a Conditional Use Permit may modify these hours.
28. In conjunction with the operation of business(es), loading and unloading activities, including refuse and deliveries shall occur in the designated loading zone between the hours of 7:00 a.m. to 10:00 p.m. on any day of the week.

29. An owner's association shall be formed to ensure the well-being of each tenant and owner in the mixed-use development. The association Covenants, Conditions, and Restrictions (CC&Rs) or an equivalent legal mechanism shall be subject to approval by the City Attorney. The association's CC&Rs shall include the following in addition to any requirements of the City Attorney:
- a. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities;
 - b. Relationship between uses regarding association representation;
 - c. Voting procedures; and
 - d. Procedures for solving problems that may arise between the different types of uses or residents.
30. Residents, whether owners or tenants, of a mixed-use development shall be notified in writing by the applicant before taking up residence that they will be living in an urban environment and that the noise levels may be higher than a typical residential use.
31. The CC&Rs shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.
32. The location and design of recycling and refuse storage facilities shall mitigate nuisances from odors when residential uses may be impacted.
33. Parking facilities shall be separated for nonresidential uses and residential uses, except that guest parking for the residential use may be shared with nonresidential uses of the project.
34. Prior to certificate of occupancy, all landscaping improvements shall be completed according to the approved plans and to the satisfaction of the Community Development Director.
35. 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.
36. In conjunction with the operation of the business(es) and apartments, 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.
37. Prior to building permits, final landscape and irrigation plans shall include a planting legend that provides a symbol and name, quantity and size for plant material and more detail indicating plant placement, location and spacing on plan.

38. 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 new plant material.
39. 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 in coordination with the Public Works Director.
40. 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, in coordination with the Public Works Director.
41. 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, in coordination with the Public Works Director.
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. 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.
44. Prior to building permits, the final landscape plan shall include a note that a fully automated irrigation system will be provided.
45. Prior to building permits, landscape plans shall include landscape area calculations needed for State landscape water use reporting.
46. 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.
47. 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, in coordination with the Public Works Director.

48. Prior to building permits, a Tree Removal Permit shall be approved by the Community Services 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.
49. 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.
50. Prior to certificate of occupancy, the applicant shall demonstrate to the Community Development Director that no fees shall be charged to apartment complex tenants for parking or storage.
51. In conjunction with the operation of the project, the applicant/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, landscape on-site, recreational facilities, trash areas, signage, utilities, property walls, and gates. Any graffiti on the property shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.
52. Prior to City approval of the landscape plans, the applicant shall review the approved Water Quality Management Plan (WQMP) and ensure the proposed landscape plans are consistent with the project grading plans and show the proposed structural storm water treatment BMPs incorporated into the project.

Mitigation Measures:

53. All project mitigation measures identified in Mitigated Negative Declaration No. 1875-21 and in the associated Mitigation Monitoring Reporting Program shall be incorporated as conditions of approval and shall be implemented as described in Mitigated Negative Declaration No. 1875-21 (Attachments 6, 7, and 8 in the Staff Report).

Design Review Committee:

54. Prior to building permits, landscape plans submitted for plan review shall show that the landscape treatment between the proposed podium wall that runs parallel to the City Drive South will be broken up into landscape zones, and the zone that runs adjacent to the pool courtyard will contain minimum 20-foot tall trees arranged in an aesthetically pleasing way pursuant to the Landscape Architect's design. The proposed landscaping that was presented in the addendum, dated December 5, 2022, that contains hedges, will remain at the northern and southern ends of the wall.

55. Prior to building permits, building plans submitted for plan review shall show that the stone cladding proposed on the building is limited to two stories of the building with the exception of the area adjacent to the entrance "T".
56. Prior to building permits, building and civil plans submitted for plan review shall show larger tree wells with grates for the street trees to enhance the pedestrian environment and the tree wells shall be as large as permissible by OMC clearance requirements.
57. Prior to building permits, building plans submitted for plan review shall show the installation of screening to ceiling mounted lights in the new stand-alone parking structure that includes the addition of a lip to the façade edge of approximately one foot.
58. Prior to building permits, landscape plans submitted for plan review shall show tall palm trees planted against the tall blank wall on the northeast tower element of the project, adjacent to the proposed murals.
59. Prior to certificate of occupancy, any existing trees that are damaged during construction shall be replaced with similar stature trees.

Fire Department:

60. Plans submitted for Building Plan Review 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 permit. Onsite fire department access and reciprocal access agreement (if applicable) will require easement recording prior to issuance of a rough grading permit and shall be reviewed by the Fire Department prior to approval.

Police Department:

61. At the time of building permit plan check, the parking structures will be required to meet all Crime Prevention through Environmental Design (CPTED) standards as adopted by the Police Department.
62. Prior to building permits, construction plans shall show that all structures shall comply with the requirements of OMC Chapter 15.52 Building Security Standards, which relates to the use of specific hardware, doors, windows, lighting, etc. Architectural drawings shall include sections of the OMC that apply under "Security Notes". An "Approved Products List 1/08" of hardware, windows, etc. is available upon request.
63. Prior to building permits, security and design measures that employ Defensible Space concepts shall be utilized in development and construction plans as described in the City of Orange Building Security Guidelines. These measures incorporate the concepts of CPTED, which involve consideration such as placement and orientation of structures, access and visibility of common areas, placement of doors, windows, addressing and landscaping.

64. Prior to building permits, all exterior pedestrian gates shall be constructed of open/see through fencing material.
65. Prior to building permits, open sections on the north, south, and east sections at ground level shall have wrought iron type fencing or security mesh screening. Pedestrian gates constructed of open/see through material shall be installed at pedestrian access points.
66. Prior to building permits, parking garages, underground walkways and any covered areas of a parking lot shall be provided with a minimum maintained 3-5 foot-candles of light on the parking surface.
67. Prior to building permits, interior walls of the subterranean parking structure shall be painted or stained a light color to improve illumination.
68. Prior to building permits, the subterranean parking structure design shall create openness by utilizing high ceilings and long-span construction.
69. Prior to building permits, open parking lots shall be provided with a maintained minimum of one foot-candle of light on the parking surface.
70. Prior to building permits, storage modules shall utilize the following door and hinge materials:
 - a. Swinging exterior doors: HM = 16 ga., or SC wood = 1 3/4" thick.
 - b. Exterior door to have 1" bolt projection. One motion, lever handled, deadbolt function required.
 - c. Non removable exterior hinge pins (NRP) required on out swinging doors.
71. Prior to building permits, exterior stairwells for the two-story open parking structure shall include risers made of open/see through material. Exterior stairwells without open/see through risers create ambush points.
72. Prior to building permits, elevator cabs shall have shatter resistant mirrors or other equally reflective material placed in a position that maximizes visibility into the cab from lobby areas.
73. Prior to certificate of occupancy, there shall be positioned at each entrance of the mixed use building an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex (OMC 15.52.080. B.2)
74. Prior to building permits, a construction site security plan shall be submitted to the Crime Prevention Bureau prior to the start of construction.
75. Prior to submitting building plans for plan check, an address and photometric lighting plan shall be submitted to the Crime Prevention Bureau for approval.

76. 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.

Water Quality:

77. 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 WQMP and Technical Guidance Document,
 - c. Maintains the hydrologic characteristics of the site by matching time of concentration, runoff, velocity, volume, and hydrograph for a two-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 five 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.
78. Prior to certificate 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.
79. Prior to certificate 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.
80. 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.
81. 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 Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.
82. Prior to grading permits (including *grubbing, clearing, or paving permits*) the applicant shall demonstrate that coverage has been obtained under the State's General Permit for Storm Water Discharges Associated with Construction Activity (General Construction Permit for all projects with soil disturbance greater than one acre) 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 current Storm Water Pollution Prevention Plan required by the General Permit shall be kept at the project site and be available for review by City representatives upon request.
83. Prior to recordation of the final map, a copy of the project's CC&Rs shall be provided to the Public Works Department for review and approval that include requirements for

maintenance and funding of the project's structural and treatment water quality BMPs as approved by the City in the project's WQMP.

84. For those food service establishment projects installing Grease Interceptors: Prior to building permits, the applicant shall identify the location of the grease interceptor and provide evidence to the Building Official that the design meets and is consistent with the City's latest adopted building codes.
85. 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 the proposed storm water treatment BMPs such as bioretention planters, drywells, permeable pavers, and any other proposed surface water quality BMPs.

Water Division:

86. Prior to building permits, the fire service off of Garden Grove Boulevard that is a buried single check shall be upgraded to an above ground backflow prevention device.
87. Prior to grading permits, the applicant shall provide grading and utility plans that show the upgrade of the 8" Cast Iron Pipe (CIP) along Garden Grove Boulevard and The City Drive South to 12-inch diameter water main. Garden Grove Boulevard limits: Easterly property line of 3707 W Garden Grove Boulevard to The City Drive South. The City Drive South limits: Garden Grove Boulevard to driveway that is south of 720 The City Drive South. Completion of the water main upgrade shall be prior to above grade vertical construction.
88. 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.
89. Prior to building permits, the applicant shall be responsible for the installation and/or relocation of the proposed or existing public water system facilities to a location and of a design per the improvement plans approved by the Water Division.
90. 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.
91. 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.
92. Prior to building permits, construction documents shall show a minimum 20-foot separation from the public water system facilities to the proposed/existing buildings and structures per the City of Orange Standard Location of Underground Utilities Standard and as approved by the Water Division.

93. Prior to building permits, construction documents shall show that a six-foot minimum horizontal clearance and a one-foot minimum vertical clearance will 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.
94. 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.
95. 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.
96. 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.
97. 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.
98. Prior to approval of the water improvement plan, the applicant shall furnish a dedicated and graded 15-foot minimum unencumbered access and utility easement that will be contiguous to an existing City right-of-way and/or easements as determined by the Water Division for all existing City water facilities that will remain and all proposed City water facilities, including main meters, detector checks and fire hydrants. The applicant shall enter into a Grant of Easement and Agreement with the City as approved by the Water Division.
99. Prior to grading permits, the applicant shall construct all public and/or private improvements to the satisfaction of the Water Division. The applicant may be required to enter into an agreement with the City and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.
100. 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 its plans with the consultant preparing the fire suppression plans and/or fire master plan so that their designs concur.
101. 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 its 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.

102. 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.
103. Prior to certificate of occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds 80 pounds per square inch.

Subdivision:

104. Prior to building permits, a Lot Line Adjustment to remove existing lot lines in conflict with the proposed mixed-use building shall be prepared and recorded. Subsequent grant deed or quitclaim deed shall be prepared and recorded by property owner to convey the property(ies).
105. Prior to building permit issuance, fire access easements approved by the Fire Department are required. The fire access easement running south-north off Garden Grove Boulevard encroaches on the westerly adjacent parcel. Property owner(s) where the fire access encroaches shall dedicate the required easement. The easement shall include a hammerhead or bulb out for turnaround per Fire Department requirements and shall be approved by the Fire Department.
106. Prior to building permit issuance, the applicant shall secure and dedicate to the City easements for poles, detection devices, and appurtenances from the property owner of the east leg of the proposed traffic signalization.
107. Prior to building permits, the applicant shall submit and receive City approval of a reciprocal driveway access, utility access, and surface stormwater cross-lot drainage agreement between the parcels. The documents shall subsequently be recorded against the properties.
108. Prior to grading permits, the applicant shall relinquish all existing utility easements in conflict with proposed improvements, including but not limited to the existing sewer easement that will be in the proposed building footprint.
109. Prior to grading permits, the applicant shall resolve the existing Edison easement on-site running along the south side of the property that may conflict with the proposed parking structure at the same location.
110. Prior to grading permits, all works within the public right-of-way and public utility easements will require encroachment permits, including sidewalk and driveway constructions and utility main and lateral constructions.


111. Prior to grading permits, all public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with the City of Orange Standard Plans and Specifications.
112. 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.
113. Prior to certificate of occupancy, the applicant shall reconstruct the corner access ramp at the northeast corner of The City Drive South and Garden Grove Boulevard conforming to Public Works Engineering Standard Plan 121 Type 1.
114. 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.
115. Prior to grading permits, driveway aprons shall conform to Public Works Standard Plan 115 for commercial driveway with ADA accessibility.
116. Prior to grading permits, all driveway approaches shall conform to ADA standards for wheelchair access conforming to Public Works Standard Plans 115 and 116.
117. Prior to certificate of occupancy, an unobstructed pedestrian access way of five feet width shall be maintained at all times for the sidewalk. The unobstructed access shall increase to six feet when there is no planting strip between the sidewalk and the street curb.
118. Prior to certificate of occupancy, the applicant shall provide adequate wheelchair accessibility around driveway aprons that do not conform to current ADA standards.
119. Prior to certificate of occupancy, the applicant shall repair any cracked, uneven, or damaged public sidewalk, curb, and gutter along property frontages.
120. Prior to certificate of occupancy, the applicant shall install new streetlights, or upgrade existing streetlights along the property adjacent to the City Drive South and Garden Grove Boulevard as required by City of Orange Traffic Division. Please contact Jimmy Rocha at (714) 532-6470.
121. Prior to certificate of occupancy, the applicant shall install street trees along The City Drive South and Garden Grove Boulevard as required by the City Tree Services Coordinator, Micah Jean (714) 532-6470. A Maintenance Agreement is required to establish that the property owner will be responsible for the maintenance and care of the City street trees and corresponding irrigation system.
122. 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.

123. 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 maybe required to include Phased Erosion and Sediment Control Plans, Site Demolition Plan, and Utility Plan as parts of the grading plan.
124. Prior to grading permits, plans preparation and submittals shall be per Development Services Plan Preparation Guidelines and Checklist, and Checklist for Submittal Packages.
125. Prior to grading permits, a geotechnical report shall accompany the grading plan review.
126. Prior to grading permits, a Hydrology Study/Report or Drainage Assessment Letter 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.
127. 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 pervious surfaces, and 2% for impervious surfaces, at a minimum distance of 10 feet.
128. Prior to the start of any site demolition, clearing and grubbing, the applicant shall obtain a grading permit from the Public Works Department .
129. Prior to grading permits, any soil imported or exported shall require a Transportation Permit from the Public Works Department, Traffic Division.
130. Prior to grading permits and the import or export of soil exceeding 30,000 cubic yards , approval by the City Council is required . A dirt haul route shall be approved by the City Council and the travel path is subjected to pavement deterioration evaluation per OMC Section 10.67.030.B.
131. Upon submittal of grading plan for plan check, the applicant shall submit a deposit to cover plan check and inspection services related to the grading activities.
132. 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 four feet in height 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 Building Division.


133. Prior to grading permits, any grading outside of the owner's property boundary shall require the applicant to either obtain temporary construction easements or permission by adjacent property owners in a form suitable to the Public Works Director.
134. 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.
135. 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.
136. 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 WQMP.
137. Prior to grading permits, any direct storm water discharge into Orange County Flood Control (OCFD) channels shall require a permit from OCFD.
138. Prior to grading permits, the property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel.
139. Prior to grading permits, prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to the Public Works Department Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.
140. 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.
141. Prior to certificate of occupancy, an address shall be required for the equipment structure. Address numbers shall be illuminated, contrasting in color, and between six and 12 inches in height.
142. 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.

[Remainder of page intentionally left blank; signatures on next page.]

ADOPTED this 9th day of May 2023.


Daniel R. Slater, Mayor, City of Orange

ATTEST:


Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ORANGE)


I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the 9th day of May 2023, by the following vote:

AYES: COUNCILMEMBERS: Barrios, Dumitru, Tavoularis, Bilodeau, Gutierrez, Gyllenhammer and Slater

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None


Pamela Coleman, City Clerk, City of Orange