

**MITIGATED NEGATIVE DECLARATION NO. 1861-18
DESIGN REVIEW NO. 5019-20**

RESOLUTION NO. PC 01-21

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ORANGE RECOMMENDING THAT THE
CITY COUNCIL APPROVE MITIGATED NEGATIVE
DECLARATION NO. 1861-18 AND DESIGN REVIEW NO.
5019-20 FOR THE CONSTRUCTION OF WELL 28 AND A
POCKET PARK LOCATED AT 225 W. MAPLE AVENUE**

APPLICANT: CITY OF ORANGE

Moved by _____, and seconded by _____ that the following Resolution be adopted:

WHEREAS, the Planning Commission has authority per City policy and past practice to make a recommendation to the City Council on capital improvement projects with significant improvements involving new structures, and projects located in Old Towne. Orange Municipal Code Section 17.10.080 and Section 7.A of the City of Orange Local CEQA Guidelines authorize the Planning Commission to recommend an action to the City Council on Mitigated Negative Declarations; and

WHEREAS, Mitigated Negative Declaration (MND) No. 1862-18, and Design Review No. 5019-20 were reviewed in accordance with the provisions of the OMC and City policies and procedures; and

WHEREAS, on July 22, 2020, the City Streamlined Multi-Disciplinary Accelerated Review Team reviewed the project and recommended that the project proceed; and

WHEREAS, on November 4, 2020, the Design Review Committee reviewed the project and provided recommendations; and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on January 18, 2021, at which time interested persons had an opportunity to testify either in support of, or opposition to, MND No. 1861-18, and Design Review No. 5019-20, relating to property described as follows:

APN NO. 039-162-23

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1

LOTS 19 AND 20 IN BLOCK "B" OF DAVIS TRACT, AS SHOWN ON A MAP RECORDED IN BOOK 13, PAGE 27, MISCELLANEOUS MAPS, RECORDS

OF LOS ANGELES COUNTY, CALIFORNIA.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve Mitigated Negative Declaration No. 1861-18 and Design Review No. 5019-20 to authorize the design and construction of Well 28 and a pocket park at 225 W. Maple Avenue based on the following findings:

SECTION 1 – ENVIRONMENTAL REVIEW

Mitigated Negative Declaration No. 1861-18 was prepared 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 MND finds that the project will have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures.

The draft MND was circulated for a 30-day public review period from October 29, 2020 ending on November 29, 2020. Copies of the MND were available for public review at City Hall and on the City's website. On or before October 29, 2020, the City sent a combined Design Review Committee Public Meeting and Notice of Intent to Adopt Mitigated Negative Declaration No. 1861-18 to a total of 154 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. An additional 30 public agencies were notified. The project site was posted in two locations on-site, at City Hall, and on the City website. The Notice of Intent to Adopt Mitigated Negative Declaration No. 1861-18 was posted with the County of Orange County Clerk and the State Clearinghouse on October 29, 2020.

Staff received one written comment letter during the public review period and addressed the comment in the MND Response to Comments. No changes to the MND were merited based on the comment.

The Planning Commission reviewed and considered written comment letters received during the CEQA public review period along with any testimony at the public hearing. After examining the MND and associated Mitigation Monitoring Program, the Planning Commission adopted Resolution No. 01-21 recommending that the City Council find that that the project, as mitigated, will not create significant environmental impacts.

SECTION 2 – FINDINGS

General Plan

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

The project is consistent with General Plan Land Use Element Policies 2.7, 2.8, 5.3, 5.6, 5.9, 6.1, 6.2, 6.4, 6.6, and 6.8. by encouraging pedestrian orientation, providing adequate gathering areas to allow for social interaction, promoting an institutional use in Old Towne, upgrading

infrastructure in Old Towne, promoting attractive and safe pedestrian access between the Santa Fe Depot and the Plaza, providing for development compatible with the style and design of established structures in the neighborhood, providing buffering via sound walls and the enclosure to adjacent residential uses, creating a pocket park open space resource, enhancing the walkability of Old Towne, and maximizing landscaping along the project streetscape.

The project is consistent with General Plan Natural Resources Element Policies 1.2, 1.3, 2.3, 2.8, 5.1, and 5.5 by providing additional public open space through land recycling, utilizing drought-tolerant landscaping, providing pedestrian-oriented landscape elements, assisting in maintaining City parks at a maximized level by providing a new opportunity for social engagement space, and utilizing a creative approach to pocket park development.

The project is consistent with General Plan Public Safety Element Policies 7.2, 7.3, 7.4, and 7.5 by integrating crime-preventive characteristics into project design, allowing for natural surveillance into the site, and ensuring appropriate lighting for the site, all of which resulted from Police Department Crime Prevention staff involvement in the process.

The project is also consistent with General Plan Noise Element Goal 1.0, Policy 1.6, and Policy 6.1 in that a noise attenuating wall within the project enclosure is provided to maintain noise thresholds for the surroundings. The enclosure is consistent with the acoustical study for the project.

The project is consistent with General Plan Cultural Resources Element Goal 4.0, and Policies 4.3, and 4.4 in that project mitigation requires curation of any cultural resources or artifacts recovered during site construction and the project design reflects cultural history of the community.

The project is consistent with General Plan Infrastructure Element Goal 1.0 and Policies 1.1 and 1.3 by ensuring adequate levels of water for the community.

The project is consistent with General Plan Urban Design Element Goals 1.0, 4.0, 5.0, and 6.0 and Policies 1.1, 2.2, 2.5, 3.2, 3.3, 4.2, 4.3, 5.3, 6.1, and 6.3 in that the project design promotes the streetscape and visual quality of the area with a walkable pedestrian-scale pocket park complete with a paseo, the well enclosure is designed as a contemporary interpretation of historic building types, the project compliments the character of the existing historical and architectural fabric of the community, the pocket park landscaping utilizes creative landscape design helping to define the Old Towne and Santa Fe Depot area, the infill design is compatible with the scale and appearance (in a contemporary manner) of the Old Towne area and positively contributes to the surrounding neighborhood, additional park space is provided for the area, and the pocket park creates a community gathering area.

The project is consistent with General Plan Economic Development Element Goals 5.0 and 6.0 and Policies 5.4 and 6.1 in that development of the vacant parcel may stimulate area investment, the pocket park provides a community amenity, and the well provides infrastructure necessary to

support growth and expansion of commercial areas in the Old Towne and Santa Fe Depot neighborhoods and beyond.

Therefore, the project is consistent with General Plan goals and policies.

Design Review

1. *In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the DRC or other reviewing body for the project (OMC 17.10.070.G.1).*

Consistent with the guidance provided for infill construction in the Historic Preservation Design Standards, the well facility enclosure uses clay brick veneer in a running bond application similar to that used on the Metrolink Parking Structure. Though no particular architectural style in the Santa Fe Depot area of Old Towne is mimicked, the well facility enclosure's use of brick veneer comparable to that used on the Metrolink station will ensure that materials used blend with area architecture and help note the point in time in which the utility structure was constructed. The pocket park landscaping and metal trellis features on the brick veneer walls will also diminish the visibility of the well enclosure from the right-of-way. The well and well enclosure are tucked into the northeast corner of the site which is a logical transitional position given the industrial buildings to the north and the residential buildings to the south and east. Additionally, the positioning facilitates the greatest use of the remaining area as a mini- park. The building maintenance entry would be parallel to Maple Avenue and the rolling door would be painted a color complimentary to the brick used on the building. The height of the enclosure would also be comparable to a residential structure and would be transitional from the height of the northerly industrial buildings. Furthermore, the height of the enclosure would screen the 14 foot high sound enclosure inside.

2. *In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines (OMC 17.10.070.G.2)*

As reinforced in the above finding, the project will implement reconstruction standards and guidelines to create a site that is a contemporary re-creation of a necessary new utility structure utilizing materials, placement, and landscaping that assist with appropriate transitional establishment of the use from adjacent uses.

3. *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 well enclosure has an internally consistent, integrated design theme in that it uses clay brick veneer in a running bond application similar to that used on the Metrolink Parking Structure. Though no particular architectural style in the Santa Fe Depot area of Old Towne

is mimicked, the well facility enclosure's use of brick veneer comparable to that used on the Metrolink station will ensure that materials used blend with area architecture and help note the point in time in which the utility structure was constructed. The pocket park landscaping and metal trellis features on the brick veneer walls will also diminish the visibility of the well enclosure from the right-of-way. The well and well enclosure are tucked into the northeast corner of the site which is a logical transitional position given the industrial buildings to the north and the residential buildings to the south and east. Additionally, the positioning facilitates the greatest use of the remaining area as a pocket park. The building maintenance entry would be parallel to Maple Avenue and the rolling door would be painted a color complimentary to the brick used on the building. The height of the enclosure would also be comparable to a residential structure and would be transitional from the height of the northerly industrial buildings. Furthermore, the height of the enclosure would screen the 14 foot high sound enclosure inside.

The project is in the Santa Fe Depot Specific Plan which applies Secretary of the Interior's Standards applicable to new construction. As part of the standards, the new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. The project accomplishes differentiation with its contemporary simplified architecture and utilizes brick veneer to give the appearance of historic brick use but also matches the newer Metrolink parking structure. The size, scale, proportion and massing of the property is transitionally appropriate when compared to the size and position of adjacent structures and is appropriate for the utility nature of the use. Features such as windows are not needed for the use and are replaced with metal trellis features on the building for vine treatment and with an entry door oriented toward Maple Avenue. The enclosure has no roof but mimics a flat roof, as is the case with the adjacent parking structure and residential building to the east. As such, the project meets all the following criteria identified in the Santa Fe Depot Specific Plan:

- The project shall be compatible with surrounding development and neighborhoods.
- The development shall be consistent in size, scale and context with surrounding development.
- Building design, colors and material shall be compatible with the character of the existing structure and surrounding area.
- The development shall not erode or adversely affect an historic resource or district.
- The relationship between buildings and the street, with the front and primary entrances oriented to the street.
- The relation of street and side yard setbacks to historic buildings.
- The mass and scale of new designs in relation to historic buildings. New designs should draw upon massing and scale of similar buildings in the area.
- The height and width of new buildings should complement nearby historic buildings.
- Primary building forms, including roof forms, should refer to historic forms found in the area. Contemporary interpretations of building forms reflecting the design traditions of the area may also be used.

- Designing with a palate of materials used historically. New materials, when used, should appear similar in character, form and texture, to historic materials.
- A variety of windows types should be encouraged. Contemporary interpretations of industrial sash, wood sash and display windows may be considered.

The project is also in the Chapman University Specific Plan (CUSP), although future removal of the property from the plan area is anticipated because it is no longer a site targeted for use by the University. Well No. 28 has been designed in a manner that meets Objectives 2.1a, 2.2, 3.1, 5.1, 7.2, and Policy 2.1b of the specific plan in that the well site provides an aesthetic and functional relationship to surrounding facilities through the minimization of site massing and provision of open space, accommodates edge development transition via establishment of a pocket park, accomplishes coordinated planning for transitioning from campus facilities and, provides for water infrastructure to serve the university.

The project is further consistent with the Design Guidelines of Section 5 of the CUSP in that, as described in the findings above, the project preserves the overall historic character of the area, is a compatible addition to existing development with consistent material use, is of appropriate transitional massing, maintains a coordinated street scene, and maintains a cube-like building form.

Site Plan

1. *The project is compatible with surrounding development and neighborhoods.*

The project has been reviewed by staff and designed in a manner compatible with height, massing, architecture and landscaping that integrate with the project surroundings for the public benefit. The project will be compatible with the area, provide appropriate architectural integration into Old Towne and the Santa Fe Depot Plan areas, provide for City water consumption needs, provide a pocket park as a social engagement area, and will enhance the overall aesthetic with overall appearance and pedestrian functionality.

2. *The project conforms to City development standards and any applicable special design guidelines or specific plan requirements.*

The project design and construction has occurred under City staff oversight to meet City needs and specifications in relation to providing for the City's water consumption needs, open space needs, area context, and site design. Pursuant to Government Code sections 53090(a) and 53091(a) the City is not required to strictly comply with its zoning ordinances. Hence the Zoning Code's requirement for a six-foot high block wall to be established between the project and adjacent residentially zoned property to the east and the tree count calculation of the Landscape Design Guidelines do not apply to this project. Instead, the project has been reviewed by staff and designed in a manner compatible with height, massing, architecture and landscaping that integrate with the project surroundings for the public benefit. The project does not deviate from any criteria within the specific plans that this site is located in.

2. *The project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site.*

The project does not provide for vehicular circulation except the bollard-restricted access points for park maintenance vehicles and the well facility access driveway. Both access points will be used on a limited basis and safe maneuvering will occur in and out of the site by City staff. Pedestrian circulation will be enhanced with a paseo path in the park accessed via existing sidewalks on both Lemon Street and Maple Avenue.

3. *City services are available and adequate to serve the project.*

The project is infill development located in an urban area where all wet and dry utilities, pedestrian and vehicular circulation, and City services are available. Well No. 28 and the pocket park are City services.

4. *The project has been designed to fully mitigate or substantially minimize adverse environmental effects.*

MND No. 1861-18 was prepared for the project and includes mitigation measures adopted for the purpose of reducing potentially significant impacts to unanticipated archeological, human remains, paleontological, or tribal cultural resource finds to less than significant levels.

SECTION 3 – MITIGATION MEASURES

BE IT FURTHER RESOLVED that the following mitigation measures are recommended with project approval:

- CR-1: Archaeological Resources. Construction plans and specifications shall state that in the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A has evaluated the find to determine whether the find constitutes a "unique archaeological resource," as defined in Section 21083.2(g) of the California Public Resources Code. Any resources identified shall be treated in accordance with Public Resources Code Section 21083.2(g). If the resource is determined to be significant, the qualified archaeologist shall expeditiously prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. The archaeologist shall also expeditiously perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation or repatriation of the recovered resources in cooperation with the designated most likely descendant as needed. The report shall be submitted to the City of Orange Community Development Department, the South Central Coastal Information Center, and the State

Historic Preservation Office (SHPO), if required. Prior to commencement of grading activities, the City of Orange Community Development Department shall verify that all project grading and construction plans include specific requirements regarding Public Resources Code Section 21083.2(g) and the treatment of archaeological resources as specified herein.

PAL-1: Paleontological Resources. Construction plans and specifications shall state that in the event that potential paleontological resources are encountered, ground-disturbing activity within 25 feet of the area of the discovery shall cease until a qualified paleontologist can evaluate the find. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource. If applicable, the final report containing site forms, site significance, and mitigation measures shall be submitted to the Community Development Department when finalized. The final written report shall be submitted to the appropriate regional paleontological Information Center within three months after work has been completed.

TCR-1: Native American Monitoring. Prior to the commencement of any ground disturbing activity at the project site, the project proponent shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 (the “Tribe” or the “Consulting Tribe”). The monitor will have experience working with a qualified archaeologist, as defined in the Secretary of the Interior’s Professional Qualifications Standards, and/or education or professional training in a related field, such as anthropology, archaeology or ethnology. A copy of the executed contract shall be submitted to the City of Orange Community Development Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The on-site monitoring shall commence when ground-disturbing activities begin and shall end when the following project site ground-disturbing activities are completed, or when the Native American Monitor has indicated that the site has a low potential for impacting Tribal Cultural Resources, whichever occurs first:

- Initial site clearing and demolition

- Initial well drilling of up to 15 feet
- Soil excavated from well drilling of up to 15 feet
- Ground disturbing activities related to storm drain and park improvements that impact native soils beyond the 3 feet of artificial fill

Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed.

All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor approved by the Consulting Tribe. If the resources are determined to be Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the County Coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per Public Resources Code Section 5097.98(d)(1) and (2).

Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place in accordance with CEQA Guidelines Section 15064.5(f). If the resource is determined by the qualified archaeologist and tribal monitor to be a non-Native American resource the applicant would be required to implement CUL MM-1.

I hereby certify that the foregoing Resolution was adopted on January 18, 2021, by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dave Simpson, Planning Commission Chair

Date