

**CONDITIONAL USE PERMIT NO. 3220
MAJOR SITE PLAN REVIEW NO. 1165
DESIGN REVIEW NO. 5139**

RESOLUTION NO. PC 27-24

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ORANGE APPROVING CONDITIONAL USE
PERMIT NO. 3220, MAJOR SITE PLAN REVIEW NO. 1165,
AND DESIGN REVIEW NO. 5139 FOR A REQUEST TO
CONSTRUCT A NEW THREE-STORY OFFICE BUILDING
WITH MODIFIED LOADING AREA DIMENSIONS AND
OTHER ASSOCIATED SITE IMPROVEMENTS AT 2011
AND 2015 N. BATAVIA STREET, AND 845 W. GROVE
AVENUE IN THE INDUSTRIAL MANUFACTURING (M-2)
ZONING DISTRICT**

APPLICANT: M S INTERNATIONAL, INC. (MSI)

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Sections 17.08.020, 17.10.030, and 17.10.060.E to review and take action on Conditional Use Permit No. 3220, Major Site Plan Review No. 1165, and Design Review No. 5139, to demolish one office building and one warehouse building and construct a new three-story office building with modified loading area dimensions and other associated site improvements at 2011 and 2015 N. Batavia Street and 845 W. Grove Avenue, (the “Project”) as described in Exhibit “A” in this Resolution (attached hereto and incorporated herein by the reference); and

WHEREAS, an application for Conditional Use Permit No. 3220, Major Site Plan Review No. 1165, and Design Review No. 5139 were filed by MSI (applicant) in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3220, Major Site Plan Review No. 1165, and Design Review No. 5139 were processed in the time and manner prescribed by state and local law; and

WHEREAS, the Project is categorically exempt per State California Environmental Quality Act (CEQA) Guidelines Section 15332 (Class 32 – In-Fill Development Projects) because the proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designations and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services; and

WHEREAS, on September 4, 2024, the Design Review Committee conducted a duly noticed public meeting, at which time interested persons had an opportunity to testify either in support of or opposition to the Project, and the Design Review Committee recommended Planning Commission approval by a 6-0 vote; and

WHEREAS, on October 7, 2024, the Planning Commission conducted a duly noticed public hearing, at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3220, Major Site Plan Review No. 1165, and Design Review No. 5139 to demolish one office building and one warehouse building and construct a new three-story office building with modified loading area dimensions and other associated site improvements at 2011 and 2015 N. Batavia Street and 845 W. Grove Avenue;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 3220, Major Site Plan Review No. 1165, and Design Review No. 5139 based on the following findings:

SECTION 1 – FINDINGS

General Plan Finding:

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

The Project is consistent with the goals and policies stated within the City's General Plan Land Use and Economic Development Elements in that the proposed office development provides a service that contributes to a diversified mix of land uses in the surrounding community. Redevelopment of the existing site will increase the economic viability of the property through aesthetic enhancement and will position the site to meet present-day industrial marketplace needs. In addition, redevelopment of the site will support a revenue generating business which will in turn contribute to the economic vitality and support the employment base in the area.

Conditional Use Permit Findings:

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

The granting of this conditional use permit is based upon sound principles of land use and in response to services required by the community in that consideration has been given to whether the proposed use will detrimentally affect adjacent land uses. The proposed project supports the goals of the existing General Plan Land Use Element by fulfilling a range of desired uses. The site is compatible with the adjacent surrounding development and uses. The proposed contemporary building design and scale complement the character of the area and the landscaping provides the project frontages with a hierarchy of plant material that soften the building mass and scale. Granting of this permit is therefore based upon sound land use principles and responds to the needs of the community at-large.

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

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

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

There is no community or neighborhood plan for the area. As stated in the General Plan finding, the project is consistent with and implements the goals and policies stated in the General Plan. The project site is designated Light Industrial Max 1.0 FAR (LI) in the City of Orange General Plan. The LI designation allows for the manufacturing, processing, and distribution of goods, as well as supportive offices related to those uses. The exterior design, materials, colors, and landscape palette provide an internally consistent and integrated design theme that upholds community aesthetics.

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

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

Major Site Plan Review Findings:

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

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

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

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

The Project, as proposed, conforms to City's development standards for the M-2 zoning district. There are no special design guidelines or specific plans affecting the property. The Project provides 181 parking spaces, which exceeds OMC requirements for required off-street parking based on the proposed use (176 parking spaces required).

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

The project provides safe and adequate access and circulation for vehicles and pedestrians from N. Batavia Street and W. Grove Avenue. The on-site circulation has been designed to accommodate all access needs to parking spaces and for emergency vehicles. Accessible parking and access have been designed to accommodate building code requirements.

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

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

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

The project is categorically exempt per State CEQA Guidelines Section 15332 (Class 32 – In-Fill Development Projects) because the proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designations and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

Design Review Finding:

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

The subject property is not located within a Specific Plan area or an established district with applicable design standards. The proposed office building will improve the appearance of the site and the N. Batavia Street and W. Grove Avenue streetscapes by bringing in a new contemporary three-story office building with new landscaping to the site, which is currently developed with industrial buildings, surface parking, outdoor storage, and limited landscaping. The exterior design, materials, and colors of the new office building establish a prominent contemporary aesthetic that has the potential to set the aesthetic tone for future development activity in the area. Notable features include a harmonious blend of glass and stone and vertical fins adorning the façade, which both add visual interest and also serve a functional purpose by responding to the local climate and sun direction. Recycled materials and energy-efficient glazing systems will be prominently featured throughout the building. The proposed landscaping includes trees, shrubs, and groundcover which complement the project design and soften the predominantly paved areas of the existing industrial development in the area.

SECTION 2 – ENVIRONMENTAL REVIEW

The project is categorically exempt per State CEQA Guidelines Section 15332 (Class 32 – In-Fill Development Projects) because the proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designations and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

SECTION 3 – CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that recommendation of approval of this Project is subject to the following conditions:

General:

1. The final condition of approval shall be reprinted on a dedicated sheet (or sheets) after the Title Sheet of the construction documents when submitted to the Building Division for the plan check process.
2. All construction shall conform in substance and be maintained in general conformance with the plans and exhibits included in the Planning Commission staff report dated October 7,

2024, including any modifications required by conditions of approval, and as recommended for approval by the Planning Commission.

3. Except as otherwise provided herein, this Project is approved as a precise plan. After any application has been approved, if subsequent changes or modifications are proposed regarding the location or alteration of any use or structure, architecture, color scheme, etc., a changed plan may be submitted to the Community Development Director for review and approval. If the Community Development Director or designee determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, the Community Development Director may approve the changed plan administratively. Should the modifications be considered substantial, the modifications shall be reviewed by the Design Review Committee at a subsequent public meeting.
4. The term “applicant” shall refer to the entity that requests approval of this action or any successor in interest to this approval.
5. The applicant agrees, as a condition of the City’s approval of Conditional Use Permit No. 3220, Major Site Plan Review No. 1165, and Design Review No. 5139, to indemnify, defend, and hold harmless, at applicant’s expense, the City, its officers, agents, and employees (“City”) from and against any claim, action, or proceeding brought against the City, including, but not limited to, any claim, action, or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void, or annul the City’s approval, to challenge the determination made by the City under the California Environmental Quality Act (“CEQA”) or to challenge the reasonableness, legality, or validity of any condition attached hereto. City shall promptly notify applicant of any such claim, action, or proceeding to which the City receives notice and to cooperate fully with the applicant in the defense thereof. Applicant shall reimburse the City for any and all costs and expenses, including, but not limited to, court costs and attorney’s fees that the City may be required to pay, including any expenses ordered by a court or expenses incurred through the Office of the City Attorney in connection with said claim, action, or proceeding. City may, in its sole discretion, participate in the defense of any claim, action or proceeding but such participation shall not relieve applicant of the obligations of this condition. In the event the applicant is required to defend City in connection with such claim, action or proceeding, City shall have the right to approve counsel to so defend the City, approve all significant decisions concerning the manner in which the defense is conducted and approve any all settlements, which approval(s) shall not be unreasonably withheld. The obligations set forth herein remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgment rendered in the proceeding. Further, applicant agrees to indemnify, defend and hold harmless the City for all costs and expenses incurred in enforcing this provision.
6. 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 may be cause for revocation of this permit.

7. Building permits shall be obtained for all future construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
8. Prior to building permit issuance, the applicant shall obtain approval from the Planning Division for any and all signage associated with the proposed Project and/or business.
9. If no use or construction has occurred, the project approval expires 24 months from the approval date. Extensions of time may be granted, if requested in writing in accordance with OMC Section 17.080.060.
10. All construction activity will 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.
11. Construction equipment shall be properly maintained per manufacturer's specifications and fitted with the best available noise suppression devices (i.e., mufflers, silencers, wraps, etc.).
12. Construction equipment shall not idle for extended periods of time in the vicinity of sensitive receptors.
13. Fixed and/or stationary construction equipment shall be located as far as possible from sensitive receptors (e.g., generators, compressors, rock crushers, cement mixers). The applicant must shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on powered construction equipment.
14. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.

Planning:

15. The applicant/operator at all times shall provide the required number of parking spaces based on the uses on site. Parking facilities shall be made permanently available and permanently marked for parking purposes only. The storage of materials or other objects on required off-street parking shall be prohibited, in accordance with OMC Section 17.34.030.
16. In conjunction with the operation of the business, should parking 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 conditional use permit shall be presented to the Planning Commission for their consideration of further conditions, modifications, or revocation.
17. Prior to issuance of 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, or designee.

18. In conjunction with the operations of the business, the property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development Director, or designee. This includes, but is not limited to, the buildings, on-site landscaping, trash areas, signage, utilities, property walls and fences, gates, etc.
19. In conjunction with the operation of the business, all loading and trash enclosure areas shall be maintained and kept clean and free of debris.
20. Prior to operation of the business, the applicant shall file for, or (if applicable) amend the business license with the Business License Division. Failure to obtain the required business license will be cause for revocation of this approval.
21. Prior to building permit issuance, all required parking spaces shall be shown on construction documents as double striped to City standards at the time of approval.
22. Any new lighting on the premise shall be installed in such a way to direct, control, and screen the lighting to prevent off-site light spillage onto adjoining properties and shall not be a nuisance to any point beyond the exterior boundaries of the property.
23. Prior to issuance of 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 application shall use shielding so as to ensure that the light standards meet the requirements of OMC Section 17.12.030 for 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.
24. Prior to building permit issuance, the applicant shall pay all of the applicable Development Impact Fees in accordance with the most current fee schedule at the time of payment (e.g., TSIP fees).
25. Prior to Building Permit issuance, the applicant shall pay any outstanding monies due to the City of Orange for Planning Division entitlement activities related to the Project.
26. Prior to building permit issuance, the applicant shall identify the precise location of existing walls and fences proposed for demolition. If the location of the existing wall or fence slated for demolition is wholly or partially upon an adjacent property (or right-of-way), the applicant shall secure the adjacent property owner(s) approval to demolish and replace the wall or fence. The applicant will be responsible for any site repairs to walls or fences damaged during construction activity.
27. Prior to building permit issuance, the construction documents shall show that all structures comply with the requirements of OMC Chapter 15.52 (Building Security Standards) which includes, but is not limited to: hardware, doors, windows, and lighting. Specifications, details, or security notes may be used to convey compliance.

28. Prior to building permit issuance, 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 within the building and painted to match the walls of the building.
29. Prior to building permit issuance, 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.
30. Prior to building permit issuance, 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 Director of Community Development.
31. 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.
32. Prior to any grading/construction permit issuance by the City of Orange, the Project proponent shall coordinate with the Southern California Regional Rail Authority (SCRRA) and the Orange County Transportation Authority (OCTA) on any potential modifications to the rail crossing including adjacent development which may require a diagnostic in accordance with California Public Utilities Commission and the Federal Railroad Administration requirements at the onset of the final design phase.
33. The applicant will contact and coordinate with SCRRA should a Right of Way Encroachment Agreement be necessary.

Subdivision Maps and Easements:

34. Prior to building permit issuance, the applicant shall dedicate a 3-foot right-of-way dedication along the property frontage on N. Batavia Street including a corner cut-off at the intersection with W. Grove Avenue.
35. Prior to grading permit, the applicant shall dedicate a fire access easement per Fire Department requirements.
36. Prior to issuance of certificate of occupancy, provide documentation that Lot Line Adjustment LL85-23 was reflected on a deed. Otherwise, prepare and record a quitclaim/grant deed. Submit recorded quitclaim/grant deed to Development Services.
37. Prior to issuance of certificate of occupancy, request City to quitclaim Santa Ana Valley Irrigation (SAVI) easements on the property.

Street and Utility Improvements:

38. Prior to grading permit, all work within the public right-of-way and public utility easements will require encroachment permit(s), including sidewalk and driveway construction and utility main and lateral construction.
39. Prior to grading permit, all public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with the City of Orange Standard Plans and Specifications.
40. Prior to issuance of certificate of occupancy, utilities serving the development, such as electric, cable television, street lighting, and communications shall be installed underground, completed, and approved by the appropriate utility provider.
41. Prior to issuance of certificate of occupancy, the applicant shall reconstruct a corner access ramp at the northeast corner of N. Batavia Street and W. Grove Avenue that conforms to Public Works Engineering Standard Plan No. 121.
42. Prior to issuance of certificate of occupancy, the applicant shall remove any and all unused driveway approaches and restore them to full height curb and gutter, including any sidewalk restoration at the driveway apron.
43. Prior to grading permit, driveway aprons shall conform to Public Works Standard Plan 115 for commercial driveway with ADA accessibility.
44. Prior to grading permit, all driveway approaches shall conform to ADA standard for wheelchair access conforming to Public Works Standard Plans 115 and 116.
45. Prior to issuance of certificate of occupancy, an unobstructed pedestrian access way of 5 feet width shall be maintained at all times for the sidewalk. The unobstructed access shall increase to 6 feet when there is no planting strip between the sidewalk and the street curb.
46. Prior to issuance of certificate of occupancy, wheelchair accessibility shall be provided around driveway aprons that do not conform to current ADA standards.
47. Prior to issuance of certificate of occupancy, the applicant shall repair any cracked, uneven, or damaged public sidewalk, curb, and gutter along property frontages.
48. Prior to issuance of certificate of occupancy, all landscaping shall include the installation of root barriers on the sidewalk side of trees, or where conditions warrant the installation of Deep Root boxes as directed by the Public Works Street Tree Coordinator.
49. Prior to issuance of certificate of occupancy, the applicant shall be required to install new streetlights, or upgrade existing streetlights, along the street frontages as required by the City of Orange Traffic Division. The applicant shall contact the Traffic Division directly for specific details.

50. Prior to grading permit, upon project entitlements, the applicant shall initiate contact with Southern California Edison (SCE) for the design, construction, and scheduling of electrical systems to serve the proposed street lighting. Final SCE design has to be completed prior to issuance of grading and encroachment permits.
51. Prior to issuance of any permit, provide an arborist report to include tree removal and mitigation for review and approval of the City.
52. Prior to issuance of certificate of occupancy, the applicant shall be required to install street trees along N. Batavia Street and W. Grove Avenue, including irrigation (to be maintained by the applicant) as required by the City of Orange Public Works Department Street Tree Coordinator.
53. Prior to issuance of certificate of occupancy, sanitary sewer system(s) connecting from the building to the public mainline shall be private and maintained by the property owner.
54. Prior to issuance of certificate of occupancy, pavement restorations on street, under Moratorium or with a Pavement Condition Index of 75 or greater, shall be done per Instruction 15 of the Encroachment Permit.

Grading

55. The contractor shall obtain a grading permit from the Public Works Department prior to start of any site demolition, clearing and grubbing, and grading.
56. Upon submittal of a grading plan for plan check, the applicant shall provide a deposit to cover plan check and inspection services related to the grading activities.
57. Prior to grading permit, the applicant shall submit a grading plan in compliance with City standards for review and approval by the Public Works Director. All grading and improvements on the subject property shall be made in accordance with the Manual of Grading and Standard Plans and Specifications to the satisfaction of the Public Works Director. The applicant may be required to include Phased Erosion and Sediment Control Plans, Site Demolition Plan, and Utility Plan as part of the grading plan.
58. Prior to grading permit, plan preparation and submittals shall be per Development Services Plan Preparation Guidelines and Checklist, and Checklist for Submittal Packages.
59. Prior to grading permit, a geotechnical report shall accompany the grading plan review and include pavement recommendation for fire truck loading of 68,000 pounds.
60. Prior to grading permit, a Hydrology Study/Report shall be submitted for review and approval by Public Works. 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 store (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.

61. Prior to grading permit, 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.
62. Prior to grading permit, any soil imported or exported shall require a Transportation Permit from the Public Works Traffic Division.
63. Prior to grading permit, an approval by the City Council is required prior to import or export of soil exceeding 30,000 cubic yards. A dirt haul route shall be approved by the City Council and the travel path is subjected to pavement deterioration evaluation (OMC Section 16.67.030.B).
64. Prior to grading permit, 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 City's Building Division.
65. Prior to grading permit, any grading outside of the owner's property boundary shall require the applicant to either obtain a temporary construction easement or permission by the adjacent property owners in a form suitable to the Public Works Director.
66. Prior to grading permit, trash receptacle locations and details shall be included on the Grading Plan. The trash storage area shall be constructed per Public Works Standard Plan 409.
67. Prior to grading permit, all sewer and storm drain lines shall be shown on the grading plan. Other utility lines, such as water lines, may also be shown on the grading plan for reference.
68. The submitted Sewer Capacity Analysis is subject to review and final approval in plan check.
69. Prior to grading permit, all structural BMPs for water quality purposes shall be shown on the grading plan. Water quality features shown on the grading plan must match the WQMP.
70. Prior to grading permit, any direct storm water discharge into Orange County Flood Control (OCFD) channels shall require a permit from OCFD.
71. The property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks will travel.

72. Prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to the Public Works Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.

Public Works, Solid Waste:

73. Should the tenant or business operator produce more solid waste than the designed amount, the applicant shall be responsible for constructing additional trash enclosure(s) or expanding the current enclosure to adequately accommodate the solid waste generated. The proposed location(s) of the new (or expanded) trash enclosure(s) shall be approved by the Community Development Director or designee prior to construction.

Fire Department:

74. 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 will require easement recording prior to issuance of Rough Grading Permit and shall be reviewed by Fire prior to approval.

Water Division:

75. Prior to building permit issuance, 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.
76. Prior to grading permit issuance, 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 of Orange, and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.
77. Prior to building permit issuance, 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.
78. Prior to issuance of 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.
79. Prior to building permit issuance, the Water Division shall approve the type and location of landscaping and fire service (backflow prevention) device for proposed City services.
80. Prior to building permit issuance, construction documents shall show that a six-foot minimum horizontal clearance and a one-foot minimum vertical clearance would be maintained between

City water mains, laterals, services, meters, fire hydrants and all other utilities except sewer. The Water Division shall review and approve the construction documents.

81. Prior to building permit issuance, 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.
82. Prior to building permit issuance, 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.
83. Prior to building permit issuance for the first phase of work, the applicant shall be responsible for obtaining approval of all the necessary encroachment permits from affected agencies for all public water construction work.
84. Prior to approval of a water improvement plan, the applicant shall satisfy all water main connection, plan check, and inspection charges as determined by the Water Division.
85. Plans submitted during building plan check shall show that the water improvement plans are consistent with the fire suppression plans and or fire master plan. The applicant's consultant preparing the water improvement plans shall coordinate their plans with the consultant preparing the fire suppression and/or fire master plan so that their designs concur.
86. Plans submitted during building plan check shall show that the minimum separation requirements are met and that each of the various designer's plan sets match. The applicant's consultant preparing the improvement and utility plans shall coordinate their plans with the consultants preparing the landscape, architectural, surface water quality management, fire master, and/or fire suppression plans so that their designs are consistent.
87. 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.
88. Prior to issuance of certificate of occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty pounds per square inch.

Surface Water Quality:

89. Prior to the issuance of any grading permits, the applicant shall submit a Priority Project Water Quality Management Plan (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 Best Management Practices (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

90. Prior to the issuance of certificates for use of occupancy, the applicant shall demonstrate the following to the Public Works Department:

- a. That all structural and treatment control best management practices (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.

91. Prior to the issuance of certificates for use 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.

92. Prior to building permit issuance, 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.
93. The Project applicant shall maintain all structural, treatment, and low impact development BMPs at the frequency specified in the approved WQMP. Upon transfer of ownership or management responsibilities for the Project site, the applicant shall notify the City of Orange Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.
94. Prior to the issuance of a grading permit (including, as appropriate: clearing, grubbing, surface mining, or paving permits), the applicant shall demonstrate that coverage has been obtained under the State's General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit) by providing a copy of the Notice of Intent submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing. A copy of the SWPPP required by the General Permit shall be kept at the Project site and be available for review by City representatives upon request.
95. Prior to City approval of the landscape plans, the applicant shall review the approved WQMP and ensure the proposed landscape plans are consistent with the Project grading plans. The plans must show any proposed storm water treatment Best Management Practices such as bioretention planters, drywells, permeable pavers, or any other proposed surface water quality BMPs.

Addressing:

96. Prior to building permit issuance, the applicant shall submit to the Public Works Department an address number request, including an addressing plan for the buildings within the property for review and approval by the Addressing Committee.

ADOPTED this 7th day of October 2024.

David Vazquez, Planning Commission Chair

I hereby certify that the foregoing Resolution was adopted by the Planning Commission of the City of Orange at a regular meeting thereof held on the 7th day of October 2024, by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Anna Pehoushek, FAICP
Assistant Community Development Director

EXHIBIT "A"

LEGAL DESCRIPTION

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

PARCELS 1 AND 2 AS SHOWN ON A MAP FILED IN BOOK 66, PAGE 40 OF PARCEL MAPS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1, AS SHOWN ON EXHIBIT "B," OF LOT LINE ADJUSTMENT NO. LL85-23, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED JANUARY 22, 1986, AS INSTRUMENT NO. 86-028141, OF OFFICIAL RECORDS.

APN: **374-651-06, 374-651-07**