

**CONDITIONAL USE PERMIT NO. 3206
MAJOR SITE PLAN REVIEW NO. 1148
DESIGN REVIEW NO. 5126**

RESOLUTION NO. PC 26-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3206 , MAJOR SITE PLAN REVIEW NO. 1148 , AND DESIGN REVIEW NO. 5126 FOR A TWO-STORY, 12,190 SQ FT ADDITION, ASSOCIATED SITE IMPROVEMETNS, AND DEVIATION OF LOADING ZONE STANDARDS, FOR AN EXISTING AUTOMOTIVE DEALERSHIP LOCATED AT 1400 N. TUSTIN STREET.

APPLICANT: CASEY GRIFFIN, REPRESENTING WILSON AUTOMOTIVE

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Section 17.08.020.B.2.a. to review and take final action on Conditional Use Permit No. 3206 , Major Site Plan Review No. 1148 , and Design Review No. 5126 to allow a two-story, 12,190 sq ft addition to the existing dealership building for additional offices, file storage, revised site circulation, a new security kiosk, additional vehicle storage, a shade canopy, a dedicated new car delivery area, and deviation of loading zone standards for an existing automotive dealership located at 1400 N. Tustin Street; and

WHEREAS, Conditional Use Permit No. 3206 , Major Site Plan Review No. 1148 , and Design Review No. 5126 were filed by Casey Griffin representing Wilson Automotive in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3206 , Major Site Plan Review No. 1148 , and Design Review No. 5126 are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15332 (Class 32 - In-Fill Development Projects) because (a) the project is consistent with the General Commercial General Plan Designation and all applicable General Plan policies and all the project complies with the development standards of the C-TR zoning designation, (b) the project site is 4.15 acres surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) the project would not result in any significant effects related to traffic, noise, air quality, or water quality, and (e) the project site can be adequately served by all required utilities and public services; and

WHEREAS, Conditional Use Permit No. 3206 , Major Site Plan Review No. 1148 , and Design Review No. 5126 were processed in the time and manner prescribed by state and local law; and

WHEREAS, on July 17, 2024, the City’s Staff Review Committee reviewed the proposed project and recommended that the project proceed to Design Review Committee; and

WHEREAS, on September 4, 2024, the Design Review Committee reviewed the design of the project and recommended that the project be approved subject to conditions; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on Monday, October 7, 2024, at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3206 , Major Site Plan Review No. 1148 , and Design Review No. 5126 to allow a two-story, 12,190 sq ft addition to the existing dealership building for additional offices, file storage, revised site circulation, a new security kiosk, additional vehicle storage, a shade canopy, a dedicated new car delivery area, and deviation of loading zone standards for an existing automotive dealership located at 1400 N. Tustin Street as reflected on the site plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 3206 , Major Site Plan Review No. 1148 , and Design Review No. 5126 based on the following findings:

SECTION 1 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA per state CEQA Guidelines Section 15332 (Class 32 - In-Fill Development Projects) because (a) the project is consistent with the General Commercial General Plan Designation, all applicable General Plan policies, and all development standards of the C-TR zoning designation, (b) the project site is 4.15 acres surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) the project would not result in any significant effects related to traffic, noise, air quality, or water quality, and (e) the project site can be adequately served by all required utilities and public services.

SECTION 2 – FINDINGS

General Plan

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

The general plan land use designation of the subject site is General Commercial (GC), which “provides for a wide range of retail and service commercial uses and professional offices”. The General Commercial designation permits a density of a 1.0 Floor Area Ratio (FAR). The proposed project has a FAR of 0.23. The General Commercial designation is found along many of the City’s most highly- traveled roadway corridors, including Katella Avenue, Chapman Avenue, and Tustin Street. The proposed project is an expansion of an existing automotive dealership along the highly traveled roadway corridor of Tustin Street, which includes a two-story, 12,190 square foot addition to the existing dealership building for additional offices and storage, revised site circulation, a new security kiosk, additional vehicle storage, and the addition of new shade canopies for customer waiting areas and a dedicated new car delivery area which is in compliance with the General Plan. Therefore, the Proposed Project is consistent with the existing GC General Plan Land Use Designation applicable to the Project Site.

Conditional Use Permit

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

The proposed two-story, 12,190 sq ft addition to the existing dealership building for additional offices and file storage will allow the existing dealership to service more customer vehicles at a site that can accommodate the intensification of use. Additionally, the project proposes revised site circulation to provide a safer environment for patrons of the site. The project complies with all of the development standards of the Limited Business-Tustin Redevelopment Project Area (C-TR) zoning district and is appropriate for the site.

Through a combination of project design and conditions, the project would have perimeter walls and fencing, which obscures view of the vehicle inventory and storage. Security is provided by perimeter fencing and locked gates when not in use. The use is required to adhere to the noise standards of the OMC, and loading and unloading would be accommodated within the site or across the street at the dealership's satellite location during designated hours. The project would support Toyota of Orange's vehicle service intake, vehicle sales, and vehicle inventory which contributes to consumer vehicle choice and service to the community, and sales tax revenue for the City.

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.*

The project contains project design features and has conditions to eliminate any foreseen detrimental effects or problems to adjacent residential land uses. Specifically, the project would have perimeter walls and fencing, that obscures view of the vehicle inventory and storage. The use would be required to adhere to the noise standards of the OMC, and loading and unloading would be accommodated within the site across the street at the dealership's satellite location during designated hours. The proposed gate at the terminus of E. Trenton Avenue is for emergency access only and will not be used for operations of the dealership.

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.*

The property is identified within the Tustin Street Design Standards (TSDS) as Thematic District 4. There is no established design theme in this area. The project design is vehicle oriented due to the use of the property, and hence does not provide any human scale elements for the proposed addition to the existing building. The proposed addition to the existing building is not intended to attract pedestrians to it.

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.*

Conditions have been placed on the project to address potential project nuisances and impacts to adjacent residential neighborhoods related to the proposed project and the operations of the existing automotive dealership.

Major Site Plan Review

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

The project design is compatible with surrounding development and neighborhoods in that it complies with all of the development standards of the Limited Business-Tustin Redevelopment Project Area (C-TR) zoning district and is appropriate for the site. Access to the site is taken from N. Tustin Street and does not utilize E. Trenton Avenue for operations of the existing dealership.

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

The project is consistent with the applicable zoning designation and regulations in that it would comply with all of the development standards of the Limited Business—Tustin Redevelopment Project Area (C-TR) zoning designation.

The property is identified within the Tustin Street Design Standards (TSDS) as Thematic District 4. There is no established design theme in this area. The project design is vehicle oriented due to the use of the property, and hence does not provide any human scale elements for the proposed addition to the existing building. The proposed addition to the existing building is not intended to attract pedestrians to it.

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

The subject site is located on the west side of N. Tustin Street. There are three entrances from N. Tustin Street to access the project site. There is an access point from N. Tustin Street at the south end of the site that leads to a small parking lot, the main access is taken at the intersection of N. Tustin Street and Toyota Way, and there is an additional access point from N. Tustin Street at the north end of the site. The project improves safety for vehicular access in that the northernmost driveway is now designated as the sole exit driveway for test vehicles drives and delivery of serviced vehicles to the lot across the street. Customer vehicle pick up and exiting now occurs exclusively on the right eastbound side of the central drive entrance and all customer vehicles brought for service enter the central drive aisle on the right westbound side, eliminating the existing cross traffic situation on site. These improvements are anticipated to also improve pedestrian circulation. The project will add an access point taken from E. Trenton Avenue to be used for emergency access only. Tustin Street is designated as a major arterial based on the General Plan.

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

The site can be adequately served by all required utilities and public services in that it is an existing automotive dealership and the addition to the existing building is for storage

and offices and will not result in the need for additional utilities and public services for the project.

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

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15332 (Class 32 – In-fill Development), because (a) the project is consistent with the General Commercial General Plan Designation, all applicable General Plan policies, and all the development standards of the C-TR zoning designation, (b) the project site is 4.15 acres surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) the project would not result in any significant effects related to traffic, noise, air quality, or water quality, and (e) the project site can be adequately served by all required utilities and public services.

Design Review

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.*

The project is found to be in compliance with Thematic District #4 of the Tustin Street Design Standards in that it has been a part of the visual fabric of Tustin Street for the past 50 years. All vehicles shall be serviced inside the building in keeping with the district requirements for automotive services. The project screens all service vehicles behind a 6' high CMU side yard wall from the visibility of the neighbors at the back of the site, and from Tustin Street, which is in compliance with the Thematic District requirements.

The exterior design, including colors and materials, and landscape palette provides an internally consistent and integrated design theme that upholds community aesthetics. The project as proposed will generally provide positive improvements to the existing site conditions. The proposed development meets and/or exceeds the development standards for the C-TR Zoning District

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

1. All construction shall conform in substance and be maintained in general conformance with plans and exhibits date labeled as September 4, 2024, in the staff report, including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee.
2. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the

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

3. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the modifications shall be reviewed by the Design Review Committee.
4. The applicant agrees, as a condition of City's approval of Design Review No. 5126 , Major Site Plan Review No. 1148 , and Conditional Use Permit 3206 , 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.
5. 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.
6. 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.
7. Final sign plans shall be approved by the Community Development Director prior to building permit issuance.

8. If not utilized, project approval expires twenty-four 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 two years of the original approval.
9. In conjunction with construction, all 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.
10. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
11. 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.
12. 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.
13. 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 with the building and painted to match the walls of the building.
14. 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.
15. Plans submitted for Building Plan Check shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for Building Permit.
16. 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.
17. The new driveway at the terminus of E. Trenton Avenue connecting the west side of the site to the street is for emergency vehicle access only and shall not be used for operations of the automotive dealership.
18. A sign shall be placed on the gate at the E. Trenton Avenue driveway indicating that the access is for "emergency vehicle use only".

Conditions of Approval for Water Division

19. Prior to building permit issuance, the applicant shall submit improvement plans that show the site will have a dedicated landscape/irrigation service connected to the mainline. Backflow device for the new meter is required.
20. 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.
21. Prior to the issuance of any grading permit, 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.
22. 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.
23. Prior to issuance of the 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.
24. 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.
25. Prior to building permit issuance, construction documents shall show a minimum twenty-foot (20') separation from the public water system facilities to the proposed/existing buildings and structures per the City of Orange Standard Location Of Undergrounding Utilities Standard and as approved by the Water Division.
26. Prior to building permit issuance, construction documents shall show that the installation of sewer mains in the vicinity of water mains is done per the Department of Public Works Water Division Standard No. 113 and will be approved by the Water Division.
27. 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.
28. 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.
29. 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.

30. Prior to building permit issuance 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.
31. 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.
32. The applicant shall furnish a dedicated and graded fifteen-foot (15) 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 of Orange as approved by the Water Division.
33. Plans submitted during plan check shall show that the water improvement plans are consistent with the fire suppression plans and or fire master plan. The applicant's consultant preparing the water improvement plans shall coordinate their plans with the consultant preparing the fire suppression plans and/or fire master plan so that their designs concur.
34. Plans submitted during plan check shall show that the minimum separation requirements are met and that each of the various designer's plan sets match. The applicant's consultant preparing the improvement and utility plans shall coordinate their plans with the consultants preparing the landscape, architectural, surface water quality management, fire master and/or fire suppression plans so that their designs are consistent.
35. At least fourteen 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.
36. 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.
37. Prior to the issuance of a certificate of occupancy, the applicant shall furnish two keys, key cards, and/or remote operated keys to the Water Division for locked entrances in order to provide necessary access to public water system facilities within the locked area, unless otherwise approved by the Water Division.

Conditions of Approval for Subdivision Maps and Easements

38. Prior to issuance of grading permit, the project proponent shall complete either 3 subsequent Lot Line Adjustments or a Parcel Map with Public Works Department to consolidate the 10 legal lots into one lot.

Conditions of Approval for Street and Utility Improvements

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

40. Prior to issuance of grading permit, all public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with City of Orange Standard Plans and Specifications.
41. Prior to issuance of 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.
42. Prior to issuance of grading permit, driveway aprons shall conform to Public Works Standard Plan 115 for commercial driveway with ADA accessibility.
43. Prior to issuance of certificate of occupancy, provide adequate wheelchair accessibility around driveway aprons that do not conform to current ADA standards.
44. Prior to issuance of certificate of occupancy, repair any cracked, uneven, or damaged public sidewalk, curb and gutter along property frontage.
45. Prior to issuance of certificate of occupancy, pavement restorations on streets, under Moratorium or with a Pavement Condition Index of 75 or greater, shall be done per Instruction 15 of the Encroachment Permit.

Conditions of Approval for Grading

46. Prior to issuance of 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 parts of the grading plan.
47. Prior to issuance of grading permit, plans preparation and submittals shall be per Development Services Plan Preparation Guidelines and Checklist, and Checklist for Submittal Packages.
48. Prior to issuance of grading permit, a Drainage Assessment Letter shall be submitted for review and approval by Public Works.
49. Prior to issuance of 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.
50. Prior to issuance of grading permit, the contractor shall obtain a Grading Permit from Public Works Department prior to start of any site demolition, clearing and grubbing, and grading.
51. Prior to issuance of grading permit, any soil imported or exported shall require a Transportation Permit from Public Works Traffic Division.
52. Prior to issuance of 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. (O.M.C. 10.67.030(B))

53. Prior to issuance of grading permit, upon submittal of grading plan for plan check, the applicant shall a deposit to cover plan check and inspection services related to the grading activities.
54. Prior to issuance of 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.
55. Prior to issuance of grading permit, show all sewer and storm drain lines on the Grading Plan. Other utility lines, such as water lines, may also be shown on Grading Plan for reference.
56. Prior to issuance of grading permit, show all structural BMPs for water quality purpose on Grading Plan. Water quality features shown on the Grading Plan must match WQMP.
57. The property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel.
58. Prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to Public Works Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.
59. Prior to issuance of 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 4 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 City Building Division.
60. Prior to issuance of grading permit, any grading outside of the owner's property boundary shall require the applicant to either obtain a temporary construction easements or permission by adjacent property owners in a form suitable to the Public Works Director.

Conditions of Approval for Addressing

61. Prior to issuance of building permits, the applicant shall submit an address number request, including an addressing plan, to Public Works Department for review and approval.

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
Assistant Community Development Director