



Agenda Item

Planning Commission

Item #: 7.1.

3/7/2022

File #: 22-0012

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Monique Schwartz, Associate Planner

1. SUBJECT

Public Hearing: Conditional Use Permit No. 3146-21, Major Site Plan Review No. 1047-21, Design Review No. 5042-21, and a density bonus with affordable housing concessions and waivers to development standards - The Orion Senior Citizen Apartment Complex, 1800 E. La Veta Avenue/585 S. Tustin Street

2. SUMMARY

The applicant proposes to redevelop an existing 3.85-acre rehabilitation center site with a new 166-unit affordable senior citizen apartment complex and related site improvements.

3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 02-22 entitled:

A Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3146-21, Major Site Plan Review No. 1047-21, Design Review No. 5042-21, and a density bonus with affordable housing concessions and waivers to development standards to redevelop an existing rehabilitation center site with a new 166-unit affordable senior citizen apartment complex and related site improvements, located at 1800 E. La Veta Avenue/585 S. Tustin Street.

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Sections 17.08.020, 17.10.030.C, and 17.13.030 authorize the Planning Commission to review and take action on the subject applications. OMC Table 17.08.020 - Reviewing Bodies states that when more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications. In addition, OMC Section 17.15.060.B authorizes the Planning Commission to review and make final determinations on applications for a density bonus when no direct financial assistance is provided by the City for the project. Therefore, the Planning Commission is acting as the final approving body on all of the applications for the project.

5. PROJECT BACKGROUND

<i>Applicant:</i>	USA Properties Fund Incorporated / Leatha Clark
<i>Property Owner</i>	Rehabilitation Institute of Southern California, a California Corporation / Glenn Motola
<i>Property Location</i>	1800 E. La Veta Avenue/585 S. Tustin Street
<i>Existing General Plan Land Use Element Designation</i>	Medium Density Residential, 15-24 dwellings units/acre (MDR)
<i>Existing Zoning Classification</i>	Residential Multiple Family (R-3)
<i>Old Towne</i>	No
<i>Specific Plan/PC</i>	No
<i>Site Size</i>	167,706 square feet (3.85-acres)
<i>Circulation</i>	The project site is located on the east side of South Tustin Street, on the south side of East La Veta Avenue, and on the north side of East Fairway Drive. The City's Master Plan of Streets and Highways classifies North Tustin Street as a Major Arterial with an ultimate right of way width of 120 feet, East La Veta Avenue as a Secondary Arterial with an ultimate right of way width of 86 feet, and East Fairway Drive as a local residential street. Access to the site is provided by two-way driveways along East La Veta Avenue and East Fairway Drive. These driveways are connected by an interior drive aisle that traverses the site in a north-south direction leading to interior gated parking lots. In addition, an access point to the multi-purpose Santiago Creek Trail is located at the northeast corner of the intersection of Tustin Street and La Veta Avenue immediately to the north, and OCTA Bus Route 71 (Yorba Linda to Newport Beach) is located adjacent to the northwest corner of the site along Tustin Street.

<i>Existing Conditions</i>	<p>The existing site is an “H”-shaped parcel that is currently developed with a 107,586 square foot, 1 and 2-story rehabilitation center building with enclosed swimming pool built in phases from 1960 to 1987 and a 1,300 square foot single-family residence built in 1914, surface parking lots, landscaped park with walking path and rectangular play yard. There are many mature trees located on the property interior and perimeter. An easement with above ground utility poles is located along the eastern boundary. A 3-story affordable senior citizen apartment building and associated parking lot (Casas Del Rio - 1740 E. La Veta Avenue), and a 4-story affordable senior citizen apartment building over podium parking (Chestnut Place - 1745 E. Fairway Drive) are located between the residence and rehabilitation center on separate parcels. The rehabilitation center building is currently occupied by a non-profit organization, and the house is vacant and was recently destroyed by fire. <u>Historic Resources Assessment</u> A Historic Resources Assessment (Attachment 9) of the rehabilitation center building and residence was conducted for the project. The Assessment characterized the design of the rehabilitation center building as “a modest institutional derivative of the Mid-Century Modern style”, and the residence as “a very modest example of the Craftsman architectural style. The Assessment concluded that the structures on the subject property are not eligible for listing in the National or California Registers and do not meet the definition of historical resources under the California Environmental Quality Act (CEQA). <u>Archaeological Report</u>: Because the project site is located within high sensitivity areas on the City’s General Plan pre-historic and historic archaeological sensitivity maps, an Archaeological Report (Attachment 10) was conducted. The Report indicated that no archaeological resources that require further consideration were identified on the site as a result of a pedestrian survey. In addition, a records search revealed that the project area had not been previously surveyed and no resources had been previously recorded. A California Native American Heritage Commission (NAHC) Sacred Lands File search; however, yielded a positive result. The project site is also in a location that has been identified as being archaeologically sensitive due to its proximity to Santiago Creek. As such, the Report provided archaeological monitoring recommendations during ground disturbing activities. These recommendations are included as conditions of approval for the project. (See Attachment 1 - Resolution No. PC 02-22)</p>
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<i>Surrounding Land Uses and Zoning</i>	To the north of the project site is East La Veta Avenue and a 2-story multi-family apartment complex (Arroyo Casa Apartment Homes), zoned Residential Multiple Family (R-3). Also to the north is the Santiago Creek Trail. To the south is East Fairway Drive, a 76 Gas Station and 7-Eleven convenience store, and 1-2 story multi-family apartment complex (Fairway Park Apartments), zoned Limited Business (C-1) and Residential Multiple Family (R-3), respectively. To the east is a 1-story multi-family apartment complex and swimming pool area (Fairway Park Apartments), zoned Residential Multiple Family (R-3). To the west is South Tustin Street and a 4-story multi-family apartment complex (Harmony Creek Senior Apartment Homes), zoned Planned Community (P-C).
<i>Previous Applications/Entitlements</i>	On December 2, 1985, the Planning Commission adopted Resolution No. PC 89-85 approving Conditional Use Permit No. 1478, Variance No. 1781, and Tentative Parcel Map No. 85-402 to allow subdivision of a 5.17-acre Rehabilitation Institute site into two parcels in order to construct a 3-story, 40-unit affordable senior citizen apartment complex. On August 18, 1986, the Planning Commission adopted Resolution No. PC-65-86 approving Conditional Use Permit No. 1528 for the construction of a 5,665 square foot, 1-story addition to an existing 24,004 square foot, 2-story outpatient rehabilitation building to be utilized for day care and bingo activities.

6. PROJECT DESCRIPTION

The applicant proposes to demolish a 107,586 square foot, 1 and 2-story rehabilitation center building with enclosed swimming pool, a 1,300 square foot single family residence, and related site improvements in order to construct a 166-unit (165 resident units and one manager unit), 100% affordable senior citizen apartment complex. The community will have a full-time resident manager and onsite management/leasing office. The community will be income restricted with incomes ranging between 30% Area Median Income (AMI) to 70% AMI. The population served by the project include low- and very-low income households. The project will also be restricted to seniors at or over the age of 62.

The 3.85-acre site is an irregular "H"-shaped parcel that will be configured with three apartment buildings containing 51-59 units each, and a total of 145,716 square feet of gross building area. Each building is "L"-shaped, 2- and 4-stories in height, and designed around or adjacent to common amenity courtyards and surface parking. 63 units will have a private patio or balcony.

The project provides four different floor plans ranging from 584-769 square feet:

Floor Plan	No. of Units	Bedrooms	Bathrooms	Square Footage
A1	103	1	1	584

A2	8	1	1	589
B1	40	2	1	761
B1 ALT	15	2	1	769

Access to the site is provided by two-way driveways along La Veta Avenue and Fairway Drive. These driveways are connected by an interior drive aisle that traverses the site in a north-south direction, leading to gated parking lots on the east, middle, and west sides of the property, and a total of 168 parking spaces. The project also provides pedestrian and bicycle gates along La Veta Avenue and Tustin Street for convenient access to the nearby Santiago Creek Trail and bus stop located on Tustin Street, adjacent to the northwest corner of the site.

Building 1 is located at the northeast corner of the site, is set back approximately 15 feet from the north and east property lines, is 2-stories (29 feet-3 inches) in height along the eastern edge (taking into consideration the adjacent 1-story multi-family development along the eastern boundary), and steps up to 4-stories (53 feet) on the west side of the building. This building provides street presence along La Veta Avenue and is designed around Courtyard 1, with amenities including a strolling garden with meandering pathways and seating. Building 2 is centrally located on the east side of the property, is set back approximately 52 feet from the east property line, is 4-stories (53 feet) in height, and will contain the complex’s leasing office, clubroom with kitchen, and computer area. This building lies between Courtyards 2 and 3 with amenities including barbeques, large shade structure with tables and chairs, shaded lounge seating areas, and a community garden. Building 3 is located at the southwest corner of the site, is set back 10-12 feet along the Tustin Street and Fairway Drive street frontages, is 4-stories (53 feet) in height and will contain the complex’s fitness center. This building is designed around Courtyard 4 and is adjacent to the dog park with amenities including barbeques, open and covered seating, and enclosed dog yard with bench seating. Building 3 accentuates the highly visible intersection of Tustin Street and Fairway Drive, and is similar in size and massing to the 4-story Harmony Creek Senior Apartment development across Tustin Street, and the 3 and 4-story Chestnut Place development on Fairway Drive.

Shared Access, Parking, and Common Open Space with Casas Del Rio and Chestnut Place

The proposed project is located adjacent to the Casas Del Rio and Chestnut Place affordable senior citizen apartment developments that currently share access, parking, and recreational open space with the existing rehabilitation center.

The Casas Del Rio development (40-units) was approved in 1985 under Conditional Use Permit No. 1478, Variance No. 1781, and Tentative Parcel Map No. 85-402. This project included shared use of the rehabilitation center’s playground area in lieu of open space recreational area required by the Code at that time. In addition, the project included shared parking with the rehabilitation center for overflow and guests. Staff determined that approximately 6,745 square feet of open space recreational area is shared with the existing rehabilitation facility, but the number of shared parking spaces could not be identified. As a result, the applicant has provided a Parking Demand Analysis for the existing Casas Del Rio property (Attachment 12), which concluded that the existing project has sufficient parking, providing that one accessible parking stall is converted to a standard parking stall. The proposed project will include the parking stall conversion and has reflected this condition on the plans.

The Chestnut Place development (50-units) was approved in 1994 under Conditional Use Permit No.

2047-94 and Tentative Parcel Map 93-188. This project also included the use of the rehabilitation center's playground in lieu of open space recreational area required by the Code at that time. Staff determined that approximately 1,450 square feet of open space recreational area is shared with the rehabilitation center.

In summary, both Casas Del Rio and Chestnut Place share approximately 8,195 square feet of open space recreational area with the existing rehabilitation center. The proposed project will continue to share common open space and amenities with these developments. Casas Del Rio will share Courtyards 1, 4, and the dog park, while Chestnut Place will share Courtyard 4, for a total of 8,273 square feet. A Shared Access and Open Space Plan is provided on Sheet 1 of the project plans (Attachment 16) and Condition of Approval #61 has been included within Resolution No. PC-02-22 (Attachment 1) requiring recordation of a reciprocal access/use agreement for shared open space and pedestrian access with the Casas Del Rio and Chestnut Place properties.

Building Architecture

The project features a contemporary architectural style that reflects current trends in multi-family housing development. A variety of architectural features strive to achieve this character, including varied flat roof lines, extensive use of window and balconies, alternating wall planes, and vertical and horizontal accent details. The use of a variety of exterior building materials also contributes to this distinctive architectural style, including painted stucco in a light sand finish, vinyl windows, metal railings at balconies, metal awnings over fourth story windows, Fry Reglet Metal Screed Channels (1.5-inches in width and depth), and aluminum storefront system. The buildings will incorporate coordinating color schemes in shades of orange, gray, and black.

A large concrete masonry trash enclosure will be located within a landscape planter across from Courtyard 5 and adjacent to the project entry off of Fairway Drive. The enclosure exterior will incorporate similar design features and matching colors and materials as the other buildings on the site, including horizontal and vertical accent details, painted stucco finish, painted metal gates, and painted flat metal awning.

Streetscape and Landscape

The project site includes many existing mature trees. The applicant has provided an Arborist Report (Attachment 8) that discusses the impacts of project construction adjacent to 67 on-site, and 11 street trees. The report identifies 57 on-site trees proposed for removal, and the remaining 10 on-site, and 11 street trees to be preserved and protected in place. In addition, the report provides tree protection measures and recommendations for the project. Sheet L4 (Existing Tree Inventory) illustrates the location of the existing trees to remain and to be removed.

Sheets L1, L2, and L5 (Conceptual Landscape, Amenity Courtyard Enlargement, and Plant Material Plans) illustrate the proposed landscape palette for the project. The project incorporates a variety of water efficient plant material along the street frontages, project interior, and perimeter boundaries, including a total of 129 new trees, for a total of 139 on-site trees for the project site. Enhanced landscaping, including Date Palms, Goldenrain, D.D. Blanchard Magnolia, Camphor, London Plane, Chinese Elm, Canary Island Pine, and Brisbane Box trees as well as a mix of shrubs and ground cover, including Blue Flame Agave, Dwarf Bottle Brush, Fortnight Lily, Bird of Paradise, and New Gold Lantana will articulate and soften the 4-story building design at the southwest corner of the site and create a relationship between the buildings and pedestrians along all street frontages. Two new Ornamental Pear street trees are proposed along Fairway Drive, adjacent to the southwest corner of

the site.

The project interior includes foundation landscaping around the buildings, and landscape planters distributed throughout the parking lots and amenity courtyards, containing London Plane, Chinese Elm, Brisbane Box, Orchid, Southern Magnolia, and Crape Myrtle trees, as well as a variety shrubs and ground cover, including synthetic turf. Existing mature trees located at the northeast corner of the site and along the eastern boundary will remain to help screen the 2-story building elevation of Building 1 from the 1-story multi-family residential development to the east. Enhanced paving is provided at the entrance to each apartment building, within the amenity courtyards, and on pedestrian pathways that provide connectivity throughout the community.

Fencing

Sheet L3 (Fence and Wall Plan) illustrates existing and proposed fencing for the project. For community security purposes, the site will be completely enclosed with a combination of existing and new 6-foot tall fencing, including concrete masonry walls and tubular steel fencing with or without pilasters. A 4-foot tall tubular steel fence with screening will enclose the interior of the landscaped dog park. Two automatic, key fob operated sliding gates will be located along the vertical drive aisle that will provide access to the project parking lots. Key fob operated tubular steel pedestrian gates are distributed throughout the project interior as well as perimeter boundaries providing access to the project street frontages, nearby Santiago Creek Trail, and adjacent bus stop. The project includes a waiver of the 42-inch tall front yard setback fencing requirement along La Veta Avenue.

Lighting

Sheets E0.0, E1.0 and E1.1 (Site Lighting Plans) include LED wall mounted light fixtures (with lights projecting in a downward direction) on the first floor building elevations. The interior drive aisle and parking lots will include 14-foot tall LED pole mounted light fixtures, while walkways and amenity courtyards will include 42-inch tall LED bollard lighting. All project lighting will be shielded and oriented to prevent glare or light spillage onto neighboring properties. The proposed fixture styles are contemporary and compatible with the architecture of the buildings.

Signage

Conceptual signage is included for illustrative purposes and is not part of this project proposal. Building signage is proposed on the west elevation of Building 1 and on the north elevation of Building 3. Monument signs are proposed at the entry driveways along La Veta Avenue and Fairway Drive. Directory monuments are proposed at the southwest corners of Buildings 1 and 2. All signage will comply with the City’s sign regulations.

Development Standards

With the utilization of concessions and waivers provided under the affordable housing provisions of state law, the design of the project is acceptable in the zoning district.

	Required	Proposed	Code Section
<i>Building Height</i>	32 feet - 2 stories unless greater height is approved via a Conditional Use Permit.	29-53 feet - 2-4 stories Concession Applied	OMC Table 17.14.070, and OMC Sections 17.14.100 and 17.15.050

<i>Distance between structures</i> <i>Distance between principal and accessory structures</i>	15 feet between building fronts/any other building wall. 8 feet between all other configurations. 6 feet	Separation between Buildings 1 and 2: 57 feet-3inches Separation between Buildings 2 and 3: +300 feet Separation between Building 3 and Chestnut Place: 20 feet Separation between Building 2 and Casas Del Rio: 46 feet Separation between Building 2 and trash enclosure: 39 feet	OMC Table 17.14.120
<i>Fence height</i>	Front yard - 3.5 feet Side and Rear yards: 6 feet	6 feet Waiver Applied 6 feet	OMC Section 17.12.070.B.2 OMC Section 17.12.070.B.1
<i>Floor Area Ratio (FAR)</i>	Not applicable.	Not applicable.	General Plan Land Use Element
<i>Lot coverage</i>	45% for 2-story structures. Code is silent on 3 and 4-story structures.	24%	OMC Table 17.14.070
<i>Lot size (residential)</i>	8,000 square feet for corner lots	167,706 square feet (3.85 acres)	OMC Table 17.14.070
<i>Lot frontage (La Veta Avenue)</i>	80 feet for corner lots	648 feet	OMC Table 17.14.070
<i>Lot depth</i>	100 feet	274-508 feet	OMC Table 17.14.070

<i>Open space, common (residential)</i>	250 square feet/unit = 41,500 square feet Minimum depth and width shall be 20 feet x 20 feet One recreational amenity for each 25 units (7 required). A mix shall be provided for projects exceeding 25 units.	19,701 square feet Concession Applied • Strolling garden with seating in Courtyard 1 • Large shade structure with seating in Courtyard 2 • 2 BBQ areas in Courtyard 2 • 2 BBQ areas in Courtyard 4 • Community Garden in Courtyard 3 • Table seating with umbrellas in Courtyards 2, 3, and 4 • Open lounge seating in Courtyards 2 and 3 • 1,318 square foot Club Room with kitchen in Building 2 • 469 square foot fitness center in Building 3	OMC Table 17.14.070 and 17.14.110.B.2
<i>Open space, private (residential)</i>	Each unit shall be provided with at least one area of private useable open space accessible directly from the living area of the unit in the form of a fenced yard or patio, deck, or balcony. To count toward the open space requirement, the minimum dimensions shall be 10 x 10 feet for decks or patios and 7 x 7 feet for balconies.	2,583 square feet Project provides 7 x 5 foot-4 inches sized balconies/patios for 63 units. 103 units are not provided with private open space. Concession Applied	OMC Section 17.14.110.B.1
<i>Open space, useable (residential)</i>	250 square feet per unit = 41,500 square feet	19,701 square feet Concession Applied	OMC Table 17.14.070, and OMC Section 17.14.110

<i>Parking (residential)</i>	349 total spaces required One bedroom: 1.7 spaces/unit 111 two bedroom units = 188.7 spaces Two bedrooms: 2.0 spaces/unit 55 two bedroom units = 110 spaces 0.3 spaces/unit for guest parking. 166 units = 49.8 spaces	0.5 spaces/unit = 83 spaces required Per Affordable Housing Provisions of State Law Project has provided 168 spaces	OMC Table 17.34.060.A
<i>Motorcycle Parking</i>	300 square feet for a project with more than 50 parking spaces.	0 square feet Waiver Applied	OMC Section 17.34.080 and OMC Table 17.34.080
<i>Bicycle Parking</i>	2 racks with locking capabilities for a minimum of 5 bicycles.	2 racks for a total of 10 bicycles.	OMC Section 17.34.080 and OMC Table 17.34.080
<i>Loading Area for Senior Housing</i>	10 feet x 60 feet for a development with 51-250 parking spaces.	10 feet x 50 feet Waiver Applied	OMC Section 17.34.160
<i>Setback, Front (La Veta Avenue)</i>	15 feet	15 feet	OMC Table 17.14.070
<i>Setback, Rear (Fairway Drive)</i>	10 feet	10 feet	OMC Table 17.14.070
<i>Setback, East Side</i>	5 feet	15 feet	OMC Table 17.14.070
<i>Setback, West Side (Tustin Street)</i>	10 feet	10 feet-10 inches	OMC Table 17.14.070
<i>Unit Size</i>	One Bedroom: 600 square feet Two Bedrooms: 750 square feet	One Bedroom: 584 square feet with Concession Applied Two Bedrooms: 763 square feet	OMC Section 17.14.130
<i>Storage Area</i>	A unified storage area of at least 120 cubic feet/unit in addition to typical storage areas.	120 cubic feet/unit	OMC Section 17.14.140
<i>Density</i>	15-24 dwelling units/acre = 92.4 units	43 dwelling units/acre are proposed = 166 units Per Affordable Housing Provisions of State Law	General Plan Land Use Map

7. ANALYSIS AND STATEMENT OF THE ISSUES

Issue 1: Design Review Committee Meeting Feedback

On December 15, 2021, the Design Review Committee (DRC) conducted a review of the proposed project, where they provided comments relating to the following:

- Tree removal, replacement, size, and distribution
- Height, length, and appearance of fence along Tustin Street
- Building design elements
- Privacy and visual impacts to neighboring residents
- Site plan design and building placement
- Building No. 1 shading, placement, and height
- Need for vertical landscaping
- Pedestrian circulation

The DRC generally supported the architectural design of the project and recommended approval to the Planning Commission with the following conditions:

- The existing fencing along the back of the walk at Tustin Street shall be modified to provide two landscape offsets of a minimum of three-foot planter space.
- Prior to going to the Planning Commission, the new fence and tree proposals shall be reviewed by the Police and Fire Departments, including fence entries.
- Taller stature trees shall be used along Tustin Street and in parking areas.
- The massing along the southern end of the eastern edge of Building No. 1 shall be lowered by one story; relocating units to Building 3 is acceptable.

The applicant has subsequently revised their plans incorporating some recommendations by the Committee. The applicant has provided written responses to comments, included as Attachment 15. Updates and clarification regarding the proposed revisions include the following:

Fencing Along Tustin Street

Concerns were raised by the DRC regarding the appearance and location of the existing 6-foot tall fencing to remain along the Tustin Street frontage. The DRC recommended the installation of fence offsets to help break up the extended length and provide opportunities for the installation of more trees. In an attempt to satisfy this condition, the applicant revised Sheet L-3 (Fence and Wall Plan) to accommodate the fence offsets as directed by the Committee. The revised fence plan was reviewed by the Orange Police and Fire Departments. While the Police Department had no objections, the new fence plan was in conflict with the approved Fire Master Plan. The Fire Department requires an 8-foot clear pathway for laddering around the perimeter of Building 3 and the new offsets encroached into this required area. The applicant has taken the Fire Department comments into consideration and has revised the fence plans once again to address their comments. The project plans (Attachment 16) reflect the location of the fencing along Tustin Street, as approved by the Fire Department.

Taller Stature Trees

The DRC was concerned about the lack of vertical landscaping in relation to the 4-story elevation of Building 3 along the Tustin Street frontage, and the size/stature of the proposed trees within the parking lot areas for shade purposes. In an effort to satisfy this condition, the applicant revised Sheet L-1 (Landscape Plan) to include additional trees along Tustin Street and Fairway Drive. In addition, three 24-inch box size Brisbane Box trees have been replaced with three 36-inch box size London Plane/Chinese Elm trees in the parking lot area adjacent to the northwest corner of the site. The

revised landscape plan was reviewed by the Orange Police and Fire Departments. The Police Department had no objections; however, the new trees proposed along the Tustin Street and Fairway Drive street frontages were in conflict with the approved Fire Master Plan. Similar to the fencing, the Fire Department requires an 8-foot clear pathway for laddering around the perimeter of Building 3 and the new trees encroached into this required area. The Fire Department required the elimination of some of the new trees, and the submittal plans (Attachment 16) reflect this requirement. The revised plans currently show five Date Palms, one D.D. Blanchard Magnolia, and five Goldenrain trees along the Tustin Street and Fairway Drive street frontages adjacent to Building 3.

Building Massing

The DRC raised concerns regarding the 3-story elevation on the east side of Building 1 as it relates to the 1-story apartment building on the adjacent property and the potential for shading/shadowing and privacy issues. The applicant has since revised the plans by reducing the massing of Building 1 to 2-stories along the eastern edge. The 4 units removed from Building 1 were relocated to the southern edge of Building 3, changing this portion of Building 3 to 4-stories. Staff supports the proposed changes as the 2-story elevation on Building 1 provides a more sensitive interface with the adjacent 1-story neighbors, and the street presence along Tustin is heightened and blends more appropriately with the massing of the adjacent 4-story apartments. In addition, the Shade/Shadow Analysis (Attachment 7) submitted by the applicant concluded that the 2 and 4-story height of Building 1 will not impact the adjacent 1-story neighbors.

Issue 2: Density Bonus, Concessions and Incentives, and Waivers to Development Standards

The project includes a density bonus request which utilizes affordable housing provisions of state law to qualify for concessions or incentives, and waivers or reductions to development standards that are needed to make the project financially feasible (See Attachment 4 - Project Pro Forma Summary). Because the project is 100% affordable, the project qualifies for a substantial increase in density and a reduction in the required parking. In addition, concessions for building height, useable open space (private and common), unit size, as well as waivers to loading space size, fence height within the front yard setback, and motorcycle parking are proposed. The table below shows the R-3 District development standards and the concessions and waivers proposed for the development:

	R-3 Development Standards	Density Bonus Law	Concessions	Waivers
Density	24 dwelling units/acre	43 dwelling units/acre		
Parking	349	168		
Building Height	32 feet - 2 stories		29-53 feet - 2-4 stories	
Unit Size (one bedroom)	600 square feet		584 square feet	
Private Open Space	49-100 square feet per unit = 8,134-16,600 square feet		2,583 square feet total for 63 units	

Common Open Space	250 square feet/unit = 41,500 square feet		19,701 square feet	
Loading Area	10 feet x 60 feet			10 feet x 50 feet
Motorcycle Parking	300 square feet			0 square feet
Fence Height in Front Yard Setback	42 inches tall			48-72 inches

Density Bonus

The project proposes a 100% affordable senior citizen housing development. The applicant is requesting a density bonus under the Density Bonus Law found in California Government Sections 65915-65918. The amount of density bonus is set based on the percentage of affordable units at each income level. When 100% of the total units (other than the manager's units) are restricted to very low, lower and moderate income (maximum 20% moderate), then the applicant may receive an 80% density increase. The project is requesting an 80% density bonus that would increase the project density from 24 dwelling units per acre (the maximum allowed within the R-3 zoning district) to 43 dwelling units per acre.

The increase in density is not expected to impact traffic to and from the site and within the neighborhood of the development. A Preliminary Traffic Analysis (Attachment 11) was conducted for the project, which concluded that the project would generate 141 fewer daily vehicle trips than the existing rehabilitation center use.

Parking

The OMC requires a total of 349 parking spaces for the project (Please refer to Development Standards Table for breakdown). Affordable housing provisions of state law allow 0.5 parking spaces per unit for a development that is 100% affordable, within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development. Parking may be tandem or uncovered. This calculates to a total of 83 required parking spaces. The project is providing 168 parking spaces at a ratio of 1.01 spaces per unit. The applicant will require proposed residents to register vehicles that will be parked on-site, and marketing for the property will specify the number of parking spaces allotted to each unit. The project is also within one-half mile of Bus Route 71 (adjacent to the northwest corner of the site on Tustin Street) that operates at least eight times per day. The applicant has indicated that parking at their other facilities has been appropriate and is confident that parking for this project is sufficient.

Building Height

The OMC allows a maximum building height of 32 feet or 2-stories. The applicant is requesting a concession to construct 4-story buildings at a maximum height of 53 feet.

A Shade and Shadow Analysis (Attachment 7) and Sheets A1.9A - A1.9F of the submittal plans demonstrate that the increase in building height will have no adverse impacts on surrounding properties. In addition, the proposed building height is comparable to the adjacent Chestnut Place and the Harmony Creek apartments.

Unit Size

The OMC requires one-bedroom units to have a minimum floor area of 600 feet. The project is requesting a concession for all 1-bedroom units to be 584 square feet, which is similar to other existing senior projects developed by the applicant. Staff believes that the 16 square foot reduction will not negatively impact the living area of the proposed units.

Private Open Space

The OMC requires private open space for each unit with a minimum width of 10 feet by 10 feet for decks/patios and 7 feet by 7 feet for balconies. The applicant is requesting a concession for a reduction in the minimum size requirement and the number of private open spaces provided for each unit. The applicant has provided private patios/balconies in 40% of the units (63 units total) which are 7 feet-7 inches by 5 feet-4 inches in size. The reduction in private open space will be mitigated with resident access to the community's indoor common open space which has been specifically planned for senior tenants and promotes an active and social lifestyle. The community will include indoor amenities such as a community clubroom with kitchen, computer room, media TV, seating areas, game tables, a fitness center, and lobby/lounge area.

Common Open Space

The OMC requires 250 square feet of common open space per unit at the minimum dimensions of 20 feet by 20 feet, which calculates to a total of 41,500 square feet. The applicant is requesting a concession to this requirement and is providing a total of 19,701 square feet (118 square feet per unit) and a minimum of 10 feet by 10 feet in most locations. The project is deficient approximately 21,799 square feet. The community's common open space meets the intent of the Code as it has been attractively designed and programmed specifically for the use and enjoyment of the senior tenants and is also comparable to the amount of common open space typically included with the applicant's other senior communities. The community will include 5 separate outdoor courtyard areas dispersed throughout the site. Outdoor amenities within the courtyards include a dog park, community garden, BBQ areas, lounge and picnic seating, meandering pathways and bench seating.

Loading Area

The OMC requires a loading area that is 10 feet by 60 feet. The applicant is requesting a waiver of this requirement and is providing a loading area that measures 10 feet by 50 feet. The applicant has indicated that because of the proposed reduced size of the senior apartments, smaller moving trucks/vehicles are required. In addition, the proposed loading space size is appropriate for average sized delivery vehicles.

Motorcycle Parking

The OMC requires 300 square feet of motorcycle parking for the project. The applicant is requesting a waiver to exclude motorcycle parking for the project. Because the project is providing 168 parking spaces with a surplus of 85 parking spaces over what state law requires, potential motorcycle parking may occur in the surplus stalls, rather than a designated motorcycle parking area. In addition, the applicant has indicated that the inclusion of motorcycle parking is not typically programmed in their senior communities and has not been a concern with tenants.

Fence Height within the Front Yard Setback

The OMC allows a maximum fence height of 3 feet-6 inches within the front yard setback. The applicant is requesting a waiver to this requirement and is proposing 4 to 6-foot tall fencing along the

La Veta Avenue street frontage. The project intends to maintain the existing 6-foot tall (tubular steel with CMU pilasters) fencing along the La Veta frontage and is proposing new 4 to 6-foot tall tubular steel fencing around the perimeter of the dog park. The 6-foot tall open fencing around the perimeter of the development is intended for security, visibility, and leaseability purposes for the community.

Issue 3: Contribution to Regional Housing Needs Allocation (RHNA)

The affordability of the proposed project contributes to the identified low- and very-low income housing needs identified in the City's RHNA and supports implementation of the City's 2021-2029 Housing Element.

City of Orange Housing Needs for 2021-2029 and The Orion Project		
Income Category (% of Cour AMI)	RHNA Number of Units	The Orion Project Number of Units
Extremely Low (30% or less)	534	10% at 30% = 16.6
Very Low (31 to 50%)	1,067	26% at 50% = 43.16
Low (51 to 80%)	604	26% at 60% = 43.16 38% at 70% = 63.08
Moderate (81% to 120%)	677	0
Above Moderate (over 120%)	1,588	0
Total	3,936	166

8. PUBLIC NOTICE

On February 25, 2022, the City sent a Public Hearing Notice to a total of 683 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. The project site has been posted in three locations with the notification on that same date.

9. ENVIRONMENTAL REVIEW

Categorical Exemption: Categorical Exemption: A Memorandum was prepared by the applicant's environmental consultant (Attachment 6) to evaluate whether the proposed project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA). The Memorandum concluded that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15332 (Class 32 - Infill Development Projects) because the project meets the following criteria:

- a. With the allowed affordable housing concessions and waivers, the project is consistent with the existing General Plan designations, General Plan policies and, applicable zoning designations and regulations.
- b. The project is in the City on a site less than five acres and is substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare, or threatened species.
- d. The project has been evaluated for significant effects relating to traffic, noise, air quality, and water quality and no significant effects have been identified.

- e. The site would be adequately served by all required utilities and public services.

In addition, the project would not trigger any exceptions of State CEQA Guidelines 15300.2 based on location, cumulative impacts, significant effects, location near a scenic highway, location on a hazardous waste site, or causing substantial adverse change to a historical resource because the project is not on an environmentally sensitive site, does not contribute to cumulative impacts, will not have a significant effect on the environment, is not near a scenic highway, is not on hazardous waste site, and is not a historical resources site. No environmental public review is required.

10. ADVISORY BOARD ACTION

Staff Review Committee:

The City's inter-departmental staff review committee (SMART) conducted a review of the project on August 4, 2021 and provided comments. On November 17, 2021, SMART conducted a second review and recommended that the project proceed to the DRC with conditions.

Design Review Committee:

The DRC conducted a review of the project on December 15, 2021 where the DRC provided comments relating to tree removal, replacement size and distribution, fencing height along Tustin Street, building design, privacy and visual impacts to adjacent neighboring residents, site plan design, potential shade impacts of Building 1, and the need for vertical landscaping along Tustin Street as detailed in the Analysis section of this report. The DRC recommended project approval with conditions to the Planning Commission by a 3-1-1 vote. The Staff Report and Minutes of the December 15, 2021 meeting are provided as Attachments 13 and 14 to this report.

11. ATTACHMENTS

- Attachment 1 Planning Commission Resolution No. PC 02-22
- Attachment 2 Vicinity Map
- Attachment 3 Applicant's Letter of Explanation
- Attachment 4 Project Pro Forma Summary
- Attachment 5 Memo from Applicant Detailing the Need for Requested Density Bonus, Concessions, and Waivers
- Attachment 6 CEQA Memorandum by Helix Environmental Planning
- Attachment 7 Shade and Shadow Analysis
- Attachment 8 Arborist Report
- Attachment 9 Historic Resources Assessment
- Attachment 10 Archaeological Report
- Attachment 11 Preliminary Traffic Analysis
- Attachment 12 Parking Demand Analysis for the Existing Casas de Rio Affordable Senior Apartment Development

- Attachment 13 December 15, 2021 DRC Meeting Staff Report
- Attachment 14 December 15, 2021 DRC Meeting Minutes
- Attachment 15 Applicant's Responses to the December 15, 2021 DRC Meeting Comments
- Attachment 16 Project Plans, Date Stamped Received February 22, 2022. Colors and Materials Boards provided at Meeting