

**MITIGATED NEGATIVE DECLARATION NO. 1862-18
ZONE CHANGE NO. 1301-20,
DESIGN REVIEW NO. 5008-20,
TENTATIVE PARCEL MAP NO. 0016-20**

RESOLUTION NO. PC 20-20

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ORANGE RECOMMENDING THAT THE
CITY COUNCIL ADOPT MITIGATED NEGATIVE
DECLARATION NO. 1862-18 AND APPROVE ZONE
CHANGE NO. 1301-20, DESIGN REVIEW NO. 5008-20, AND
TENTATIVE PARCEL MAP NO. 0016-20 FOR THE
CONSTRUCTION OF FIRE STATION NO. 1 AND
HEADQUARTERS LOCATED AT 105 S. WATER STREET
AND THE ASSOCIATED PARKING LOT LOCATED AT
180 WATER STREET**

APPLICANT: CITY OF ORANGE

Moved by Commissioner Vazquez, and seconded by Vice-Chair Glasgow that the following resolution be adopted:

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Table 17.08.020, OMC Section 17.10.020, and Section 7.A of the City of Orange Local CEQA Guidelines to review and make recommendations to the City Council relating to Mitigated Negative Declaration No. 1862-18, Zone Change No. 1301-20, Design Review No. 5008-20, and Tentative Parcel Map No. 0016-20; and

WHEREAS, the property subject to Zone Change No. 1301-20 has had a zoning classification of Office Professional and Single Family Residential, 6,000 sq. ft., which is not consistent with the Public Facilities and Institutions General Plan land use designation; and

WHEREAS, California Government Code Section 65860 requires consistency between a city's General Plan and zoning designations; and

WHEREAS, Mitigated Negative Declaration No. 1862-18, Zone Change No. 1301-20, Design Review No. 5008-20, and Tentative Parcel Map No. 0016-20 were reviewed in accordance with the provisions of the OMC and City policies and procedures; and

WHEREAS, on February 19, 2020, the City Streamlined Multi-Disciplinary Accelerated Review Team reviewed the project and recommended that the project proceed; and

WHEREAS, on April 22, 2020, the Community Development Director recommended that the project be approved for Design Review based on an understanding that the Department of Public Works will work with applicable City Departments to address the considerations identified in the Design Review staff report; and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on August 24, 2020, at which time interested persons had an opportunity to testify either in support of, or opposition to, the proposal and for the purpose of considering Mitigated Negative Declaration No. 1862-18, Zone Change No. 1301-20, Design Review No. 5008-20, and Tentative Parcel Map No. 0016-20, relating to property described as follows:

105 SOUTH WATER STREET- LOTS 1 THROUGH 8, IN BLOCK B, OF THE JAMESON TRACT IN THE CITY OF ORANGE, COUNTY OF ORANGE AS RECORDED IN BOOK 13, PAGE 44 IN THE OFFICE OF THE RECORDER OF LOS ANGELES COUNTY, CALIFORNIA)

180 SOUTH WATER STREET- CHAPMAN TR LOT 2 BLK D PORS OF LOT TR 175 – APN No. 390-452-05

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve Mitigated Negative Declaration No. 1862-18, Zone Change No. 1301-20, Design Review No. 5008-20, and Tentative Parcel Map No. 0016-20, to change existing zoning from Office Professional (O-P) and Single Family Residential (R-1-6) to Public Institution (P-I) (1) to better reflect the existing nature of the land uses in the neighborhood and to ensure that the proposed project is consistent with the General Plan Public Facilities and Institutions Land Use Designation, (2) to authorize the design and construction of Fire Station No. 1 and Headquarters, and adopt an Ordinance establishing the subject Zone Change, as depicted on maps included in Attachment A to this Resolution, attached hereto, at 105 S. Water Street including the associated parking lot at 180 S. Water Street, and (3) to consolidate the underlying parcels based on the following findings:

SECTION 1 – FINDINGS

General Plan

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

The proposed Public Institution (P-I) zoning is consistent with the General Plan Land Use Element Public Facilities and Institutions (PFI) designation. Establishing P-I zoning on the site would eliminate the existing General Plan/zoning inconsistency in conformance with state law and is the appropriate zoning designation to facilitate a Fire Station and Headquarters building. The P-I zoning is also consistent with the adjacent P-I zoning designation for the Water Yard use. The General Plan contains Land Use Element policies 6.1 and 6.2 which encourage good urban design and reducing land use conflicts between residential and non-residential uses which the project accomplishes through such features as minimized height, perimeter walls and fencing, and ample landscaping. The project also is consistent with Safety Element Goals 3.0 and 6.0 in that the project will

assist in protecting lives and property from urban and wildland fires, will provide up to date infrastructure, and will enable the City to provide public safety services of the highest quality. The project is also consistent with Noise Element Goal 1.0 in that a noise attenuating wall and enclosure is provided to maintain noise thresholds for the surroundings. The project is consistent with Urban Design Element Goals 3.0 and 6.0 in that the project design promotes the appearance of the site with the new fire station and headquarters building in way that provides a contemporary interpretation of historic buildings in nearby Old Towne, demarks a primary entry route into Old Towne, and furthers the announcement of this public-services-concentrated area of the City where the Water Yard, Library, and City Hall are all within half a mile or less of each other. Hence, the project promotes contextually appropriate infill development on a currently vacant lot. In addition, the project will provide design compatibility with the surroundings through the use of compatible architecture, materials, fencing, landscaping and enhancement of an existing storage building. Therefore, the project is consistent with General Plan goals and policies.

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 (OMC 17.10.07.G.3).*

The project is respectful of the area community aesthetics and sensitive to the gateway corridor to Old Towne in that it utilizes architectural elements appropriate to a fire station and headquarters office. Several of the building materials are characteristic of corridor buildings including the use of plaster walls, brick façade, hip roof forms, and architectural detailing. The height of the building is minimized to that needed to support apparatus bays and crew occupancy, and office needs. The second story component is stepped back from the first story level and a public entry point is focused under a tower feature. The building provides architectural interest via indentations in architectural plane. Architectural elements are alternated and intertwined. Windows are regularly-spaced. Landscaping is provided around the perimeter of the sites and includes an adequate setback with trees that soften views to the building and parking lots. The building is sited between three streets which further reduces any impacts of mass to adjacent properties. Repurposing of the existing storage building will ensure that no greater visual mass will occur than exists for that building now and planned improvements would enhance the appearance.

There is no specific plan or applicable design standards applicable to this property.

Tentative Parcel Map

1. *The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.*

This finding is met as described in the General Plan Consistency finding. There is no specific plan for this site.

2. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

This finding is met as described in the General Plan Consistency finding. There is no specific plan for this site.

3. *The site is physically suitable for the type of development.*

The site is flat with no topographical obstructions, or subsurface conditions that would hinder construction and the site maintains direct access to the public right-of-way where all utilities necessary to serve the project are located.

4. *The site is physically suitable for the proposed density of development.*

The site combined with the Water Yard facilities maintains a 0.38 Floor Area Ratio (FAR), which is less than the 0.5 FAR maximum allowed by the General Plan Land Use Element. All the necessary Fire Station and administrative Headquarters offices and apparatus bays are easily accommodated on the site in a manner that is compatible with the surrounding area through the use of minimalized height, stepbacks, indentation in building plane, and hip or flat roof usage.

5. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The subdivision is merely for parcel consolidation. There is no significant habitat on the site other than trees. There are no other significant habitats that would result in substantial injury to fish or wildlife or their habitat as a result of the subdivision. Rather, the fire suppression support that the fire station would provide would likely preserve habitat. Biological mitigation measures from Mitigated Negative Declaration No. 1862-18 reduce potential construction impacts to nesting birds to less than significant levels.

6. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

Fire Station No. 1 would respond to public and individual health threats. Hence no public health problems are anticipated, rather public health enhancement is anticipated.

7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The site has a wall or fence barrier around it. The public does not use the site for access. Existing vehicular and pedestrian access will remain along the Chapman Avenue, Water Street, and Jameson Street rights-of-way.

Site Plan

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

The project has been reviewed by staff and designed in a manner compatible with height, massing, architecture and landscaping that integrate with the project surroundings for the public benefit. The architecture of the Orange Fire Station No. 1 and Headquarters has been designed to reflect the Spanish Revival style found throughout the Old Towne Orange Historic District. The two-story building will have an offset massing that steps back from the street as the building increases in height. The roof will be a combination of flat parapet areas flanked by low-sloped mansards. Concrete roofing tiles, designed to simulate clay, will be used on all sloped roof areas. The west side will feature a second-story arcade element and a heavy-timber pergola to help break up the massing. Window and door openings, with charcoal gray frames, will occur symmetrically at exterior planes, at regular intervals. The exterior finish is primarily composed of a smooth, cream-colored stucco, terracotta-colored brick veneer and cast concrete panels. Decorative wrought iron details, period style lighting, and a small tower element at the main entrance will help complete the historic styling. Parking to support the project will be provided on and adjacent to the Fire Station and Headquarters and fencing and landscaping will be used to diminish any significant appearance of mass or view of parking areas.

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

The project design and construction has occurred under City staff oversight to meet City needs and specifications in relation to fire prevention, fire suppression, emergency response, area context, and site design. Pursuant to Government Code sections 53090(a) and 53091(a) the City is not required to strictly comply with its zoning ordinances. Hence the Zoning Code's height limitation of 32 feet, the tree count calculation of the Landscape Design Guidelines, and the 6-foot wall height limitation do not apply to this project. Instead, the project has been reviewed by staff and designed in a manner compatible with height, massing, architecture and landscaping that integrate with the project surroundings for the public benefit. There are no special design guidelines nor a specific plan for this site.

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

The project provides for emergency vehicle exiting onto Chapman Avenue and re-entry via Water Street. Employee and visitor parking is accessible off of Water Street. Pedestrian access occurs via existing sidewalks on Chapman Avenue and Water Street with safe crossing at the Chapman Avenue and Water Street corners. Notification striping and signage will be utilized to notify vehicular and pedestrian traffic of emergency response vehicle exiting onto Chapman Avenue.

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

The project is infill development located in an urban area where all wet and dry utilities, pedestrian and vehicular circulation, and City services are available. The Fire Station and Headquarters building itself are a City service.

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

Mitigated Negative Declaration No. 1862-18 was prepared for the project and includes mitigation measures adopted for the purpose of reducing potentially significant impacts to nesting birds, cultural resources, Native American cultural resources, and paleontological deposits to less than significant levels.

SECTION 2 – ENVIRONMENTAL REVIEW

Mitigated Negative Declaration No. 1862-18 was prepared to evaluate the physical environmental impacts of the project, in conformance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15070 and in conformance with the Local CEQA Guidelines. The Mitigated Negative Declaration (MND) finds that the project will have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures.

The draft MND was circulated for a 30-day public review period from June 25, 2020, ending on July 25, 2020. Copies of the MND were available for public review at City Hall and on the City's website. On June 24, 2020, the City sent a combined Public Hearing and Notice of Intent to Adopt Mitigated Negative Declaration No. 1862-18 to a total of 201 property owners/tenants within a 300-foot radius of the project site plus, a combination of 37 agencies and/or persons specifically requesting notice. A notice was published in the Orange County Register newspaper on June 25, 2020. The project site was posted in three locations with the notification on that same date.

The Planning Commission reviewed and considered written comment letters during the CEQA public review period along with any testimony at the public hearing. After examining the MND and associated Mitigation Monitoring Program, the Planning Commission adopted Resolution No. 20-20 recommending that the City Council find that that the project will not create significant environmental impacts.

SECTION 3 – MITIGATION MEASURES

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

- BIO-1: Nesting Birds. If Project clearing and construction must occur during the avian nesting season (February 1 to September 1), a survey for active nests must be

conducted by a qualified biologist no more than three days prior to the activities to determine the presence/absence, location, and status of any active nests on or adjacent to the Project site. If no active nests are discovered or identified, no further mitigation is required. In the event that active nests are discovered on site, a suitable buffer determined by the qualified biologist should be established around such active nests. Buffers typically have a minimum width of 300 feet (500 feet for raptors). No ground-disturbing activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. The results of the survey shall be documented and filed with the Community Development Director within five days after the survey.

CUL-1 In the event a potentially significant cultural resource is encountered during earthwork activities, as determined by the foreperson, qualified Native American Monitor, or any City official, all subsurface construction activities within a 100-foot radius of the find shall cease and workers shall avoid altering the materials until a qualified archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the situation. The City of Orange Public Works Department shall include a standard inadvertent discovery clause in the construction contract to inform contractors of this requirement. Any resources found during construction activities shall expeditiously be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined to be significant under CEQA Guidelines Section 15064.5, the qualified archaeologist shall expeditiously prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. The archaeologist shall also expeditiously perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation or repatriation of the recovered resources in cooperation with the designated most likely descendant as needed. The report shall be submitted to the City of Orange Community Development Department, the South Central Coastal Information Center, and the State Historic Preservation Office (SHPO), if required.

GEO-1 In the event a previously unrecorded paleontological deposit is encountered during construction; all activity shall cease in the vicinity of the find and be

redirected elsewhere, and the City shall be immediately informed of the discovery. A paleontologist shall be retained by the City to make recommendations on the treatment of the deposits. The recommendations shall be developed in accordance with applicable provisions of Public Resources Code Section 21083.2 and State CEQA Guidelines 15126.4. The City shall be consulted on the treatment of the deposits. The City shall follow all recommendations made by the paleontologist. The deposits shall not be disturbed or removed until the appropriate treatment has been recommended by the paleontologist and approved by the City. No construction activity in the vicinity of the find, the boundary of which shall be determined by the paleontologist, may resume until the recommendations for treatment of the deposits have been implemented. If applicable, the final report containing site forms, site significance, and mitigation measures shall be submitted to the Community Development Department when finalized. The final written report shall be submitted to the appropriate regional paleontological Information Center within three months after work has been completed.

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

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

All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor approved by the Consulting Tribe.

If the resources are determined to be Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2).

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

I hereby certify that the foregoing resolution was adopted on August 24, 2020, by the Planning Commission of the City of Orange by the following vote:

AYES: Chair Simpson, Vice-Chair Glasgow and Commissioners Martinez, Vazquez and Willits

NOES: None

ABSENT: None



Dave Simpson, Planning Commission Chair

8-25-20

Date

