



AGENDA

Planning Commission April 21, 2025

Anna Pehoushek
Assistant Community
Development Director

Nathalie Adourian
Senior Assistant City Attorney

Jennifer Scudellari
Executive Assistant

5:30 PM Regular Session

City Council Chamber
300 E. Chapman Avenue
Orange, CA 92866

ALISON VEJAR
Chair

ISAIAH LESLIE
Vice Chair

RICK MARTINEZ
Commissioner

DAVID VAZQUEZ
Commissioner

RUBY MALDONADO
Commissioner

SHANNON TUCKER
Commissioner

TIM McCORMACK
Commissioner

Welcome to the Planning Commission meeting. Regular meetings of the City of Orange Planning Commission are held the first and third Monday of each month at 5:30 p.m.

Agenda Information

The agenda contains a brief general description of each item to be considered. Written materials relating to an item on the agenda that are provided to the Planning Commission after agenda packet distribution and within 72 hours before it is to consider the item will be made available for public inspection in the City Clerk's Office located at 300 E. Chapman Avenue, Orange, during normal business hours; at the Planning Commission meeting; and made available on the City's website.

Public Participation

Planning Commission meetings may be viewed on Spectrum Cable Channel 3 and AT&T U-verse Channel 99 or streamed live and on-demand on the City's website at www.cityoforange.org.

Pursuant to Government Code Section 54954.3, members of the public may address the Planning Commission on any agenda items or matters within the jurisdiction of the governing body by using any of the following methods:

1) In-person

To speak on an item on the agenda, complete a speaker card indicating your name, address, and identify the agenda item number or subject matter you wish to address. The card should be given to City staff prior to the start of the meeting. General comments are made during the "Public Comments" section at the beginning of the meeting. Public Comments are limited to three (3) minutes per speaker unless a different time limit is announced. It is requested that you state your name for the record, then proceed to address the Commission. All speakers shall observe civility, decorum, and good behavior.

(Continued on page 2)

2) Written Public Comments via eComment

Members of the public can submit their written comments electronically for Planning Commission consideration by using the eComment feature on the Agenda page of the City's website at www.cityoforange.org. To ensure distribution to the Planning Commission prior to consideration of the agenda, we encourage the public to submit written comments by 3:00 p.m. the day of the meeting. All written comments will be provided to the Commissioners for consideration and posted on the City's website after the meeting.

3) Public Comments via recorded voicemail message

Finally, the public can record their comments by calling (714) 744-7271 no later than 4:00 p.m. the day of the meeting. Recorded messages will not be played at the meeting, but will be provided to the Planning Commission and the caller's position will be summarized in the minutes.

Please contact the City Clerk's Office at (714) 744-5500 with any questions.

ADA Requirements: In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, contact the Clerk's office at (714) 744-5500. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

REMINDER: Please silence all electronic devices while Planning Commission is in session.

APPEAL PROCEDURE

Any final determination by the Planning Commission may be appealed, and such appeal must be filed within 7 business days after the Planning Commission action. This appeal shall be made in written form to the Community Development Department, accompanied by an initial appeal deposit of \$1,000.00.

The City Clerk, upon filing of said appeal, will set petition for public hearing before the City Council at the earliest date. All owners of property located within 300 feet of the project site will be notified by the City Clerk of said hearing. For additional information, please call (714) 744-7220.

If you challenge any City of Orange decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on this agenda or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

1. OPENING/CALL TO ORDER**1.1 PLEDGE OF ALLEGIANCE**

Commissioner Shannon Tucker

1.2 ROLL CALL**2. PUBLIC COMMENTS**

At this time, members of the public may address the Commission on matters not listed on the Agenda which are within the subject matter jurisdiction of the Commission, provided that NO action may be taken on off-agenda items unless authorized by law. Public Comments are limited to three (3) minutes per speaker.

3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of said items unless members of the Planning Commission, staff or the public request specific items removed from the Consent Calendar for separate action.

3.1. Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on April 7, 2025.**Recommended Action:**

Approve minutes as presented.

Attachments: [Staff Report](#)
[April 7, 2025 Planning Commission Meeting Minutes](#)

3.2. Time extension for Street Lights Mixed-Use Apartment Development located at 840 The City Drive South.**Recommended Action:**

Approve a two-year extension for Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21.

Attachments: [Staff Report](#)
[Attachment 1 Extension Request Letter, dated March 4, 2025](#)
[Attachment 2 City Council Resolution No. 11453](#)
[Attachment 3 May 9, 2023 City Council Staff Report](#)
[Attachment 4 May 9, 2023 City Council Meeting Minutes](#)

4. PUBLIC HEARINGS**4.1. Public Hearing to consider an ordinance establishing Single Room Occupancy housing as a permitted land use for certain qualifying properties and finding of**

CEQA exemption.**Recommended Action:**

1. Conduct the Public Hearing.
2. Adopt Planning Commission Resolution No. 16-24 recommending the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to allow Single-Room Occupancy housing as a permitted use in certain zoning districts and related definitions and development standards.
3. Find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3) and 15378.

Attachments:[Staff Report](#)[Attachment 1 - PC Resolution 16-24 with City Council Ordinance](#)[XX-24 - Clean Copy](#)[Attachment 2 – Map of Eligible Hotel Properties](#)[Attachment 3 – Map of Eligible Office Properties](#)[Attachment 4 - Police Department Report of Hotel Calls for Service](#)**4.2. Public Hearing to consider an update to Title 17 of the Orange Municipal Code (OMC) to amend provisions relating to number of chickens allowed on residential properties and setback requirements; and finding of CEQA exemption.****Recommended Action:**

1. Conduct the Public Hearing.
2. Adopt Planning Commission Resolution No. PC 03-25 recommending that the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to update the number of chickens permitted on residential properties and setback requirements.
3. Find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3) and 15378.

Attachments:[Staff Report](#)[PC Resolution 03-25 with City Council Ordinance XX-25](#)**5. ADJOURNMENT**

The next Regular Planning Commission Meeting will be held on Monday, May 5, 2025, at 5:30 p.m., in the Council Chamber.

I, Jennifer Scudellari, Executive Assistant for the City of Orange, hereby declare, under penalty of perjury, that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at the following locations: Orange Civic Center kiosk and Orange City Clerk's Office at 300 E. Chapman Avenue, Police facility at 1107 N. Batavia, Orange Main Public Library at 407 E. Chapman Avenue, and uploaded to the City's website www.cityoforange.org.

Date posted: April 17, 2025



Agenda Item

Planning Commission

Item #: 3.1.

4/21/2025

File #: 25-0238

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Jennifer Scudellari, Executive Assistant

1. SUBJECT

Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on April 7, 2025.

2. SUMMARY

Submitted for your consideration and approval are the minutes of the above meeting.

3. RECOMMENDED ACTION

Approve minutes as presented.

4. ATTACHMENTS

- April 7, 2025 Regular Meeting minutes



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Planning Commission

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2. SUMMARY

Submitted for your consideration and approval are the minutes of the above meeting.

3. RECOMMENDED ACTION

Approve minutes as presented.

4. ATTACHMENTS

- April 7, 2025 Regular Meeting minutes

MINUTES - DRAFT

City of Orange

Planning Commission

April 07, 2025

The Planning Commission of the City of Orange, California convened on April 7, 2025, at 5:30 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

1. OPENING/CALL TO ORDER

Chair Vejar called the meeting to order at 5:31 p.m.

1.1 PLEDGE OF ALLEGIANCE

Commissioner Ruby Maldonado led the flag salute.

1.2 ROLL CALL

Present: Leslie, Martinez, Vazquez, Maldonado, Tucker, and Vejar

Absent: McCormack

2. PUBLIC COMMENTS

None.

3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of said items unless members of the Planning Commission, staff or the public request specific items removed from the Consent Calendar for separate action.

3.1. Approval of meeting minutes of the City of Orange Planning Commission Regular Meeting held on March 17, 2025

ACTION: Approved minutes as presented.

Approval of the Consent Calendar

A motion was made by Commissioner Martinez, seconded by Vice Chair Leslie, to approve the Consent Calendar. The motion carried by the following vote:

Ayes: Leslie, Martinez, Vazquez, Maldonado, Tucker, and Vejar

Noes: None

Absent: McCormack

4. PUBLIC HEARINGS

- 4.1. **Public Hearing to consider a request to increase the maximum capacity of students at an existing day care center on a church campus located at 250 S. Prospect Street and finding of CEQA Exemption (Conditional Use Permit No. 3235).**

Chair Vejar opened the public hearing at 5:36 p.m.

Public Speakers:

The following spoke on behalf of the project:

Tammie Nguyen, Ken Ezell and Bryan Johnson

Chair Vejar closed the public hearing at 5:41 p.m.

A motion was made by Commissioner Vazquez, seconded by Commissioner Martinez to:

1. Adopt Planning Commission Resolution No. 02-25 approving Conditional Use Permit No. 3235, amending Conditional Use Permit No. 255 to allow an increase in maximum allowed day care center enrollment from 26 students to 79 students in conjunction with a church located at 250 S. Prospect Street.
2. Find the request categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15301 of the State CEQA Guidelines.

The motion carried by the following vote:

Ayes: Leslie, Martinez, Vazquez, Maldonado, Tucker, and Vejar

Noes: None

Absent: McCormack

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:46 p.m.

The next Regular Planning Commission Meeting will be held on Monday, April 21, 2025 at 5:30 p.m., in the Council Chamber.

Anna Pehoushek, FAICP
Assistant Community Development Director



Agenda Item

Planning Commission

Item #: 3.2.

4/21/2025

File #: 25-0195

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Monique Schwartz, Senior Planner

1. SUBJECT

Time extension for Street Lights Mixed-Use Apartment Development located at 840 The City Drive South.

2. SUMMARY

A request to extend the entitlements for a proposal to demolish an existing multi-tenant retail building in order to construct a new 225-unit mixed-use apartment development.

3. RECOMMENDED ACTION

Approve a two-year extension for Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21.

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.08.060 authorizes the Planning Commission, upon written request prior to expiration, to grant up to a two-year extension of time of any approved permit application, upon presentation of extenuating circumstances, subject to the contingency that no conditions are added, deleted, or modified. Such time extension shall not require public notice.

5. DISCUSSION AND BACKGROUND

On May 9, 2023, the City Council adopted Resolution No. 11453 (Attachment 2) denying Appeal No. 0562-23 and upholding the decision of the Planning Commission approving Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21 (for a reduction of 48 parking spaces and 670 square feet of open space), and Mitigated Negative Declaration No. 1875-21, to demolish an existing multi-tenant retail building in order to construct a new 225-unit mixed-use apartment development with ground floor retail/restaurant area, subterranean parking, surface parking, residential amenities, open parking structure for the adjacent office complex uses, and related site improvements. The staff report and minutes from the hearing are included as Attachments 3 and 4.

The applicant has not pursued the project due to challenging market conditions, inflationary costs, financing, and loss of their initial investor. On March 4, 2025, the Community Development

Department received a written request from the project applicant (Attachment 1), requesting that a time extension be granted for the project entitlements. The time extension would begin on May 9, 2025 and expire on May 9, 2027. No changes have been proposed to the approved plans or entitlements.

6. ATTACHMENTS

- Attachment 1 Extension Request Letter, dated March 4, 2025
- Attachment 2 City Council Resolution No. 11453
- Attachment 3 May 9, 2023 City Council Staff Report
- Attachment 4 May 9, 2023 City Council Meeting Minutes



Agenda Item

Planning Commission

Item #: 3.2.

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Granite Properties, Inc.
6400 S. Fiddlers Green Circle
Greenwood Village, CO 80111
303.804.4700 T
www.graniteprop.com



March 4, 2025

Mr. Bunim
City of Orange Community Development Director

Streetlights Residential and Granite have worked together for several years planning, entitling, and developing permit plans to re-develop approximately 2 acres of land at 840 The City Drive in Orange. The planning entitlements for the project were formally approved on 5/9/2023 by City Council approving a resolution to deny an appeal to Planning Commission decision to approve our project. These entitlements are set to expire on 5/9/2025 and therefore we are seeking an extension to the entitlements for additional time to ultimately finance and construct the project per Orange Municipal Code Section 17.08.060.

The extension is necessary as the capital markets have been quite challenging over the last 24 months where both investors and debt require additional time and due diligence to confirm their investment approach. With the inflationary cost environment in 2022 and 2023, our initial Investor backed out of the project, and we've been challenged to find a new partner and lender to move forward.

We remain committed to the project and are optimistic that two years of additional time will allow the market to correct and provide us a path forward to secure building permits and construct the project.

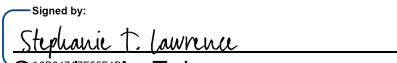
Please let me know if you have any questions or if need anything additional from our end to begin processing an extension request.

Thanks for working with us on this matter.

GPI-OCS,LLC,
a Texas limited partnership

By: GPI-Cal Realty I, LP,
Its sole member

By: Granite Properties, Inc.,
its General Partner

By: 
Name: Stephanie T. Lawrence
Title: Senior Managing Director

RESOLUTION NO. 11453

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE DENYING APPEAL NO. 0562-23, AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3138-21, MAJOR SITE PLAN REVIEW NO. 1040-21, DESIGN REVIEW NO. 5030-21, ADMINISTRATIVE ADJUSTMENT NO. 0051-21, AND MITIGATED NEGATIVE DECLARATION NO. 1875-21 TO DEMOLISH AN EXISTING RETAIL BUILDING IN ORDER TO CONSTRUCT A NEW 225-UNIT MIXED-USE APARTMENT DEVELOPMENT, OPEN PARKING STRUCTURE FOR THE ADJACENT OFFICE COMPLEX USE, RELATED SITE IMPROVEMENTS, AND A REDUCTION OF 48 PARKING SPACES AND 670 SQUARE FEET OF OPEN SPACE, LOCATED AT 840 THE CITY DRIVE SOUTH

APPLICANT: SLR ORANGE DEVELOPMENT, LLC, SCOTT LEVY

WHEREAS, the City Council has authority per Orange Municipal Code (OMC) Section 17.08.050 to take action on Appeal No. 0562-23, appealing the Planning Commission approval of Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 to demolish an existing retail building in order to construct a new 225-unit mixed-use apartment development, open parking structure for the adjacent office complex use, and related site improvements, located at 840 The City Drive South, described as follows:

The Land referred to herein below is situated in the City of Orange, County of Orange, State of California, and is described as follows:

PARCEL A:

PARCEL 5, AS SHOWN ON PARCEL MAP NO. 86-168, FILED IN BOOK 215, PAGES 28 THROUGH 34 INCLUSIVE OF PARCEL MAPS, RECORDS OF SAID COUNTY, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

PARCEL B:

PARCELS 1 AND 3, AS SHOWN ON PARCEL MAP NO. 86-318, FILED IN BOOK 216, PAGES 41 AND 42 OF PARCEL MAPS, RECORDS OF SAID COUNTY, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

PARCEL C:

PARCEL 2, AS SHOWN ON EXHIBIT B AND DESCRIPTION IS ON EXHIBIT A OF THAT CERTAIN LOT LINE ADJUSTMENT NO. LL 86-19, AS EVIDENCED BY DOCUMENT RECORDED DECEMBER 15, 1986 AS INSTRUMENT NO. 86-616569 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 86-168, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 215, PAGES 28 TO 34, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND.

A PORTION OF PARCEL 2 OF SAID PARCEL MAP NO. 86-168, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF PARK CENTRAL AVENUE AND WESTERLY LINE OF THE CITY DRIVE AS SHOWN ON SAID PARCEL MAP NO. 86-168; THENCE NORTH 68 08'15" WEST, 201.70 FEET; THENCE NORTH 89 16'28" WEST, 119.82 FEET; THENCE NORTH 00 43'32" EAST 19.00 FEET; THENCE NORTH 89 16'28" WEST, 13.94 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 391.86 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 9.74 FEET THROUGH A CENTRAL ANGLE OF 01 25'25"; THENCE SOUTH 21 54'49" WEST, 68.56 FEET; THENCE NORTH 00 43'32" EAST, 70.98 FEET; THENCE SOUTH 89 16'28" EAST, 18.06 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

PARCEL D:

EASEMENTS AS DEFINED IN THAT CERTAIN "AGREEMENT BETWEEN ADJOINING LANDOWNERS AND SUPPLEMENTAL DECLARATION" RECORDED JANUARY 09,

1987 AS INSTRUMENT NO. 87-012961 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, AS SAID EASEMENTS ARE MORE SPECIFICALLY SET FORTH IN PARAGRAPHS 2(A), 2(B), AND 2(C) ENTITLED "EASEMENTS" OF SAID INSTRUMENT.

PARCEL E:

PARCEL 6, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 86-168, FILED IN BOOK 215, PAGES 28 THROUGH 34 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE UPPER 100 FEET OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEED RECORDED JANUARY 29, 1963 AS INSTRUMENT NO. 23634, IN BOOK 6412, PAGE 519 OF OFFICIAL RECORDS.

For conveyancing purposes only:

APN 231-261-09 (Affects Parcel C)

APN 231-261-13 (Affects Parcel E)

APN 231-261-15 (AFFECTS Parcel 1 of Parcel B)

APN 231-261-16 (AFFECTS Parcel A) and

APN 231-261-17 (AFFECTS Parcel 3 of Parcel B); and

WHEREAS, Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21, were filed by SLR Orange Development, LLC, Scott Levy in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 were processed in the time and manner prescribed by state and local law; and

WHEREAS, Mitigated Negative Declaration No. 1875-21 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. Mitigated Negative Declaration No. 1875-21 finds that the project will have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures; and

WHEREAS, on November 16, 2022, the City's Staff Review Committee determined that Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 met requirements of the OMC and deemed the application complete; and

WHEREAS, a Notice of Intent to Adopt Mitigated Negative Declaration No. 1875-21 was made available for a 20 day public review and comment period from November 23, 2022, to December 14, 2022, in compliance with Sections 15072 and 15105 of the State CEQA Guidelines; and

WHEREAS, on December 7, 2022, the Design Review Committee reviewed Design Review No. 5030-21 and by a vote of 4-0-1, recommended approval to the Planning Commission, with conditions that have been included in this Resolution; and

WHEREAS, on February 23, 2023, the Planning Commission conducted a public hearing, at which time interested persons had an opportunity to testify either in support of or in opposition to Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21; and

WHEREAS, at the February 23, 2023, public hearing, the Planning Commission considered the testimony of a representative of Lozeau Drury LLP, challenging the environmental analysis and the Mitigated Negative Declaration, along with testimony of the applicant and the applicant's environmental consultant; and

WHEREAS, on February 23, 2023, the Planning Commission approved Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 by a 5-0 vote; and

WHEREAS, on March 2, 2023, Adam Frankel of Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility (SAFER), filed Appeal No. 0562-23, appealing the Planning Commission approval of Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 in accordance with the provisions of the OMC; and

WHEREAS, on April 11, 2023, the City Council conducted a public hearing at which time interested persons had an opportunity to testify either in support of or opposition to the proposal for the purpose of considering Appeal No. 0562-23 of the Planning Commission approval of Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21; and

WHEREAS, at the April 11, 2023, public hearing, the City Council considered the testimony of the appellant, along with the testimony of the applicant and the applicant's environmental consultant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orange hereby denies Appeal No. 0562-23, and upholds the decision of the Planning Commission to approve Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative

Declaration No. 1875-21 with associated Mitigation Monitoring and Reporting Program, to allow the construction of a new 225-unit mixed-use apartment development, open parking structure for the adjacent office complex use, and related site improvements based on the following findings:

SECTION 1 – FINDINGS

General Plan Findings:

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

The project achieves multiple goals of the General Plan. The project transforms and revitalizes an underutilized commercial property with a high-density mixed-use multi-family residential development that integrates with adjacent residential, commercial, and office uses. The project provides architecture and landscape design that emphasizes pedestrian orientation and safe and convenient access between uses. The project also implements the objectives of the Urban Mixed Use General Plan land use designation, by expanding the opportunities for citizens to live, work and meet other daily needs conveniently. The project supports the goals of the City's Housing Element by bringing forward housing that increases the inventory of housing and diversifying the housing types available in the community. The project is also being developed at a density level that provides associated rental rates that meet the City's workforce housing needs. The creation of infill housing is consistent with Housing Element Policy Action 2E.

The streetscape and sidewalk improvements included in the project address the goals of the Circulation and Mobility Element by facilitating pedestrian activity and connections between major institutional, commercial, office, and entertainment destinations. The project also provides dense housing in proximity to The City Drive South and Garden Grove Boulevard which are major transit corridors with bus service, and the Santa Ana River Trail Bikeway, which is a Class I (off-street) bikeway located to the southeast. These factors contribute to the City's development of a multi-modal transportation network. Finally, providing housing in proximity to employment, services, and transit also supports the Natural Resources Element by establishing more efficient relationships between land uses that encourage multi-modal travel and reduced dependence on traditional auto travel and associated vehicle trips in pursuit of reduced air pollution emissions.

Conditional Use Permit Findings:

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

The project proposes a five- and six-story (63-75 feet) building height, which exceeds the maximum allowable height of three stories (45 feet) in the UMU zone without discretionary approval, due to its proximity to single-family residential development to the south in the City of Santa Ana. The north portion of the building is six stories in height (75 feet), while the middle and southern portions are five stories (63 feet-4 inches), allowing for better integration with the existing adjacent four and eight-story office

complex buildings, four-story office building to the east across The City Drive South, and two-story apartments and single family residences to the south across Garden Grove Boulevard in the City of Santa Ana. The single-family residences are not street facing and are located approximately 106 feet from the southern footprint of the building. Alternating wall planes, variations in building height, exterior materials, and balconies are incorporated into the project design to break up the building's massing. A comprehensive landscape plan for the development includes a variety of new trees (including street trees), shrubs, and groundcover along the building perimeter, which help soften and screen the varied building height and scale of the project from the adjacent single-family neighborhood across Garden Grove Boulevard, The City Drive South frontage, and office complex interior.

In evaluating the request for the additional building height, a shade and shadow analysis was performed to determine whether the project would block direct sunlight to adjacent buildings and properties. As standard City practice, project impacts are considered significant if a substantial number of shadow-sensitive uses/areas would be shaded by project-related structures for two continuous hours or more on any given day during the winter and summer solstice or the spring and fall equinox. Applying this threshold, no shade-sensitive land uses or areas surrounding the Project site would be shaded for more than two continuous hours on any day during the solstices or equinoxes. Therefore, shade and shadow impacts would not constitute an impact.

The requested increased building height would allow the project to provide high density innovative housing options, including workforce housing in the community.

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

The additional building height is not anticipated to create problems with the bordering land uses or for the area. The project site is located at the northwest corner of Garden Grove Boulevard and The City Drive South, which is zoned Urban Mixed Use. The project site is also located within the West Chapman Avenue/Uptown Orange General Plan Focus Area, located west of the SR-57 and south of SR-22, which is characterized by an eclectic mix of contemporary architectural styles consisting of mid-rise office, senior housing, public facilities/institutions (UCI Medical Center), multi-family residential, and commercial retail uses.

To the north of the project site is the larger multi-building office complex, and three-story hotel (Best Western Plus). Further north is West Park Central Avenue, a three-story senior assisted living/memory care facility (Oakmont of Orange), and two-story multi-family residential uses. To the south across Garden Grove Boulevard is a two-story apartment development (Vista Del Rio), and one-story single-family residences in the City of Santa Ana. To the east across The City Drive South, is a four-story office building, and the Santa Ana River. To the west, is a two-story office building (3707 W. Garden Grove Boulevard), duplex and multi-family residences, and South Park Vine Street.

The north portion of the building has been designed to be six stories in height (75 feet), while the middle and southern portions are five stories (63 feet-4 inches). This varied building height allows for better integration with the existing on site commercial office buildings, four-story office building to the east, and two-story apartments and single family residences to the south across Garden Grove Boulevard in the City of Santa Ana. The height and scale of the project is well suited to the expansive widths of The City Drive South and Garden Grove Boulevard.

To ensure that the project height would not create a shading/shadowing effect on adjacent sensitive uses, the applicant has completed a Shade and Shadow Analysis that demonstrates that the increase in building height will have no adverse impacts on surrounding properties.

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

There is no community or neighborhood plan for the area. As stated in the General Plan finding, the project is consistent with and implements the General Plan by integrating housing in an emerging higher density mixed-use district intended to take on a neighborhood character of its own.

A shade and shadow analysis was performed to determine whether onsite buildings or structures block direct sunlight from adjacent properties. Applying the threshold described above as a standard City practice, no shade-sensitive land uses or areas surrounding the Project site would be shaded for more than two continuous hours on any day during the solstices or equinoxes. Therefore, shade and shadow impacts would not constitute an impact.

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

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

The request for additional building height for the new mixed-use apartment building has been evaluated for compatibility of mass, scale, setbacks, design and materials with the surrounding neighborhood. Standard conditions of approval related to construction of the project, have been included in this Resolution. With implementation of these conditions of approval, the proposed project will complement surrounding land uses and preserve the general welfare.

Major Site Plan Review Findings:

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

The project area located west of the SR-57 and south of SR-22, is characterized by an eclectic mix of contemporary architectural styles consisting of mid-rise office, senior housing, public facilities/institutions (UCI Medical Center), multi-family residential, and commercial retail uses. The modern urban design and scale of the proposed project are compatible with the eclectic character of the area and scale of surrounding buildings and arterial streets. The streetscape improvements are intended to provide a friendly pedestrian-oriented interface with the sidewalk for existing and anticipated patterns of pedestrian activity in the area and encourage pedestrian linkage between the project and surrounding uses.

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

The proposed development conforms to City development standards, except for building height, parking, and residential open space. The increased building height will be addressed through approval of Conditional Use Permit No. 3138-21, and the parking and open space deficiencies will be addressed through the approval of Administrative Adjustment No. 0051-21, which allow for a 48 space (10%) reduction in the required parking for the commercial and residential components of the mixed-use development and 670 square foot (0.98%) reduction in residential open space for the project. Please refer to the Administrative Adjustment findings below. The project site is not subject to any City design guidelines or specific plans.

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

The project site consists of three parcels with reciprocal easements linking them for purposes of shared vehicular access, utilities, water quality features, and emergency access.

Vehicular access is provided via a new traffic signal at an existing driveway and divided two-way shared drive aisle from The City Drive South, and an existing shared driveway along Garden Grove Boulevard, approximately 189 feet west of the intersection of Garden Grove Boulevard and The City Drive South. These access points connect to interior drive aisles that lead to subterranean parking spaces accessed on the west side, and parallel surface spaces along the north and west sides of the mixed-use building. The proposed two-story open parking structure provides vehicle ramp access from the west side of the structure for existing office complex tenants and visitors. Vehicular access points have been designed and were evaluated as part of the Traffic Impact Study.

The project utilizes vehicular access points that are designed to ensure safe circulation conditions. The project incorporates streetscape improvements that reinforce the quality and safety of the pedestrian experience. With adoption of Conditions of Approval and mitigation measures, the proposed project provides for safe and adequate circulation.

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

As evaluated in Mitigated Negative Declaration No. 1875-21, the proposed project will result in less than significant impacts to police, fire, recreation and or park services. The project incorporates design features that address OMC requirements and building and infrastructure systems that maximize safety and ensure adequate utility services to the site. The applicant will be subject to payment of impact fees associated with schools, parks, libraries, sewer, transportation, and Sanitation District fees.

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

The proposed project includes project design features that minimize potential adverse impacts to Biological Resources, Cultural Resources/Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation. Mitigation Measures are also included in the Mitigated Negative Declaration and are considered Conditions of Approval.

Design Review Findings:

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

The project is neither located in a specific plan area nor an area of the City subject to design standards. The West Chapman Avenue/Uptown Orange General Plan Focus Area, located west of the SR-57 and south of SR-22, is characterized by an eclectic mix of contemporary architectural styles consisting of mid-rise office, senior housing, public facilities/institutions (UCI Medical Center), multi-family residential, and commercial retail uses. The architecture and landscape design of the proposed project will revitalize the urban fabric by replacing an existing retail building and surface parking lot with a distinctive, larger scale, contemporary, mixed-use development that is in scale and integrates with surrounding development along The City Drive South and Garden Grove Boulevard. The project provides varied and articulated building elevations and streetscape enhancements that provide an appealing pedestrian environment to encourage pedestrian activity and linkage between the project and surrounding office, retail and residential uses. The project presents an overall internally consistent and integrated design theme that upholds community aesthetics.

Administrative Adjustment Findings:

1. *The reduction in standards will not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity (OMC 17.10.050.E.1).*

The 10% reduction in required parking for the mixed-use development represents 48 parking spaces; 434 parking spaces will continue to be provided for the 225 apartment units, related guest parking, and commercial component of the project. The proposed unit sizes and leasing practices of the applicant will function to control the occupancy and parking for the project. The associated parking per unit ratios reflect similar parking ratios utilized for other similar-density apartment complexes in the western portion of the City that have proven to adequately serve the residents of those complexes. Those past projects are located on sites that share similar characteristics with the proposed project site, such as on-site structured or podium parking and lack of on-street parking due to the prohibition of parking related to the Major Arterial roadways.

A Parking Analysis conducted for the project that was based on industry standards concluded that actual parking requirements for multifamily residential uses are found to be significantly less than the City's OMC requirement. In addition, parking for the commercial component of the project utilized a take-out restaurant parking rate which is higher than a commercial retail rate. A condition of approval has also been included that requires the ratio of take-out restaurant and retail area not to exceed the provided 41 parking spaces for the commercial component of the project. In addition, due to the mixed-use nature of the site, parking demand behavior will likely involve situations where residents and office workers will walk between uses and only park once for multiple activities on the site. Similarly, employees across The City Drive South will likely walk to adjacent retail uses.

The proposed project is also located in an area that is well-served by public transit and alternative transportation options. OCTA Bus Route 56 (Garden Grove to Orange) is located at the southwest corner of the intersection of Garden Grove Boulevard and The City Drive South. Additionally, a stop for Bus Route 57 (Brea to Newport Beach) is located 110 feet east of the project site. Both bus stops are accessible from the site via crosswalks on Garden Grove Boulevard and The City Drive South. A bus stop for Bus Routes 47 and 47A (Fullerton to Balboa) is located at the intersection of South Lewis Street and Garden Grove Boulevard, 0.35 mile west of the project site. In addition, the Santa Ana River Trail Bikeway is located approximately 291 feet east of the project site. Based on the information provided in the parking study, the utilization of a higher parking rate for the commercial component of the project, and proximity of the project to public transit and alternative transportation options, it is anticipated that the proposed parking supply is adequate to support the parking demand for the project.

The 0.98% reduction in open space for the project represents 670 square feet. With the inclusion of the various residential common open space amenities, including, but not limited to a fitness center, club house and lounge area, landscaped pool/spa courtyard,

passive open courtyard, private patios and balconies for the majority of the units, and quasi-public open space areas that contribute to an active street environment, it is not anticipated that the requested reduction of open space will negatively impact the project. In addition, the project provides convenient pedestrian and bicycle access to the nearby Santa Ana River Trail, which is an off-site recreational amenity in close proximity to the project.

2. *Issuance of the permit does not compromise the intent of this code (17.10.050.E.2).*

Granting of the Administrative Adjustment does not compromise the intent of the OMC because the requested reductions continue to accommodate a functional and efficient site plan and on-site circulation in conjunction with an urban infill housing product that is intended by the Urban Mixed Use zoning.

SECTION 2 – ENVIRONMENTAL REVIEW

Mitigated Negative Declaration No. 1875-21 has been prepared for this project to evaluate the physical environmental impacts of the project, in conformance with the provisions of CEQA per State CEQA Guidelines Section 15070 and in conformance with the Local CEQA Guidelines. The City Council finds that the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program contain an adequate assessment of the potential environmental impacts of the proposed project. The City Council finds that the project will have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures addressing potential impacts to Biological Resources, Cultural Resources/Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation included in the Mitigated Negative Declaration.

SECTION 3– CONDITIONS OF APPROVAL

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

General:

1. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
2. The applicant shall comply with all conditions of approval contained within Planning Commission Resolution No. PC 33-22 associated with Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21.
3. Within two days of final approval of this project, the applicant shall deliver to the Planning Division a cashier's check payable to the Orange County Clerk in an amount required to fulfill the fee requirements of Fish and Game Code Section 711.4(d) (2) and the County administrative fee, to enable the City to file the Notice of Determination required under Public Resources Code 21152 14 Cal. Code Regulations 15075. If it is determined that

there will be no impact upon wildlife resources, the fee shall be as required based on the current fee schedule.

4. Within two days of final approval of this project, the applicant shall submit a \$3,000.00 deposit to the Planning Division for the Mitigation Monitoring and Reporting Program. Time spent by City staff to complete the project will be charged to the applicant. When more than 50% of the deposit has been credited toward hourly services provided, the applicant will be billed directly for actual time spent on the project. At the completion of the project, a final accounting of deposit posted and amounts charged toward the project will be calculated and any charges due to the City or refunds due to the applicant will be processed.
5. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permits, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
6. All construction shall conform in substance and be maintained in general conformance with plans and exhibits (date stamped received January 27, 2023), including any modifications required by conditions of approval, and as recommended for approval by the Design Review Committee and Planning Commission. Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 shall require an application for a new or amended Site Plan Review.
7. The project shall conform in substance and be maintained in general conformance with plans and exhibits date stamped January 27, 2023. Any future changes to the project's architectural or site design features approved by Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 shall require an application for a new or amended Design Review.
8. 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 plan, the Community Development Director may approve the changed plan administratively.
9. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director. Should the

modifications be considered substantial, the modifications shall be reviewed and approved by the Design Review Committee.

10. Any modifications to the plans including, but not limited to, the landscaping and parking as a result of other Department requirements such as Building Codes, water quality, Fire, or Police shall be submitted for review and approval to the Community Development Director. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
11. Any future expansion in area or in the nature and operation of the approved use by Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875-21 shall require new or amended applications.
12. 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.
13. Building permits shall be obtained for all construction work, as required by the City of Orange, Public Works Department's Building Division. Failure to obtain the required building permits may be cause for revocation of this entitlement.
14. All signage shall comply with OMC Chapter 17.36 – Sign Regulations. Prior to building permit issuance, the applicant shall return before the Design Review Committee with the final sign package, including wall graphics for review and approval.
15. If not utilized, project approval expires 24 months from the approval date. Extensions of time may be granted, if requested in writing in accordance with OMC Section 17.08.060. The Planning entitlements expire unless building permits are pulled within 24 months of the original approval.
16. Grading operations shall be restricted to Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m., with limited grading as necessary permitted on Saturdays between the hours of 8:00 a.m. and 4:30 p.m. Mechanics may service the equipment up to two hours after each shift.
17. All other construction activities shall conform to the City's Noise Ordinance, OMC Section 8.24, and shall 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.
18. Prior to the operation of any business, the applicant shall file for, or if applicable, amend a business license with the Business License Division. Failure to obtain the required business license will cause for revocation of this approval.
19. The ratio of take-out restaurant and retail square gross square footage shall not exceed the requirement of 41 parking spaces.

20. Any new lighting on the premises 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. Prior to Certificate of Occupancy, the applicant shall contact the Orange Police Crime Prevention Bureau and set an appointment on-site to test all lighting to ensure it meets OMC standards.
21. Prior to building permits, 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.
22. Prior to building permits, all required parking spaces shall be shown on construction documents as double striped to City standards.
23. The project approval includes certain fees and/or other exactions. Pursuant to Government Code Section 66020, these conditions or requirements constitute written notice of the fees and/or exactions. The applicant is hereby notified that the 90-day protest period commencing from the date of approval of the project has begun. If the applicant fails to file a protest regarding these conditions or requirements, the applicant is legally barred from later challenging such exactions per Government Code Section 66020.

Prior to building permits, the applicant shall pay all applicable development fees, including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.

24. Prior to building permits, the applicant shall pay any outstanding monies due to the City for Planning Division entitlement activities related to this project.
25. Prior to building permits, the applicant shall identify the precise location of existing walls proposed for demolition, if applicable. If the location of the existing wall slated for demolition is wholly or partially upon an adjacent property, the applicant shall secure the property owner(s) approval to demolish and replace the wall. The applicant will be responsible for any site repairs to walls damaged through demolition activity.
26. In conjunction with the operation of the business(es), all noise levels generated shall conform to the levels allowed by the OMC.
27. Outdoor nonresidential uses in a mixed-use project that includes residential uses shall be prohibited from operating between the hours of 10:00 p.m. and 6:00 a.m. Approval of a Conditional Use Permit may modify these hours.
28. In conjunction with the operation of business(es), loading and unloading activities, including refuse and deliveries shall occur in the designated loading zone between the hours of 7:00 a.m. to 10:00 p.m. on any day of the week.

29. An owner's association shall be formed to ensure the well-being of each tenant and owner in the mixed-use development. The association Covenants, Conditions, and Restrictions (CC&Rs) or an equivalent legal mechanism shall be subject to approval by the City Attorney. The association's CC&Rs shall include the following in addition to any requirements of the City Attorney:
 - a. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities;
 - b. Relationship between uses regarding association representation;
 - c. Voting procedures; and
 - d. Procedures for solving problems that may arise between the different types of uses or residents.
30. Residents, whether owners or tenants, of a mixed-use development shall be notified in writing by the applicant before taking up residence that they will be living in an urban environment and that the noise levels may be higher than a typical residential use.
31. The CC&Rs shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.
32. The location and design of recycling and refuse storage facilities shall mitigate nuisances from odors when residential uses may be impacted.
33. Parking facilities shall be separated for nonresidential uses and residential uses, except that guest parking for the residential use may be shared with nonresidential uses of the project.
34. Prior to certificate of occupancy, all landscaping improvements shall be completed according to the approved plans and to the satisfaction of the Community Development Director.
35. In conjunction with the operation of the business(es) all loading and trash enclosure areas shall be maintained and kept clean and free of debris.
36. In conjunction with the operation of the business(es) and apartments, should parking or queuing issues arise on the site or the surrounding neighborhood, the applicant shall work with the Community Development Department to resolve any issues. If such issues are not resolved to the City's satisfaction, the Major Site Plan Review application shall be presented to the Planning Commission for its consideration of further conditions and modifications.
37. Prior to building permits, final landscape and irrigation plans shall include a planting legend that provides a symbol and name, quantity and size for plant material and more detail indicating plant placement, location and spacing on plan.

38. All landscape areas shall be maintained in a neat and healthy condition. Should the plant material die, the property owner/operator shall replace it with new plant material.
39. Prior to building permits, final landscaping plans for the project shall be designed to comply with the City's Water Efficient Landscape Guidelines as described in Section IX et al of the City of Orange Landscape Standards and Specifications. The project landscape architect shall submit documentation certifying compliance with this requirement (Appendix B of the City of Orange Landscape Standards and Specifications) for review and approval by the Community Development Director in coordination with the Public Works Director.
40. Prior to certificate of occupancy, all landscaping improvements shall be completed according to the approved plans, the City of Orange Water Efficient Landscape Guidelines, and City of Orange Landscape Standards and Specifications. The project landscape architect shall submit documentation certifying compliance with this requirement (Appendix E of the City of Orange Landscape Standards and Specifications) for review and approval by the Community Development Director, in coordination with the Public Works Director.
41. Prior to building permits, City required irrigation and landscape inspection notes, in accordance with the City of Orange Landscape Standards and Specifications, shall be placed on the final landscape plan, to the satisfaction of the Community Development Director, in coordination with the Public Works Director.
42. 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.
43. Prior to building permits, the final landscape plan shall be reviewed and approved by the Public Works Director when landscaping is proposed within the public right-of-way and/or the project is constructing Storm Water Quality Best Management Practices (BMPs) in landscaped areas.
44. Prior to building permits, the final landscape plan shall include a note that a fully automated irrigation system will be provided.
45. Prior to building permits, landscape plans shall include landscape area calculations needed for State landscape water use reporting.
46. Prior to certificate of occupancy, all parking lot and landscaping improvements shall be completed according to the approved plans and to the satisfaction of the Community Development Director.
47. Prior to building permits, the applicant shall prepare a final landscaping and irrigation plan consistent with the grading plans, site plans, and the conceptual landscaping plan as

proposed for the project for the review and approval of the Community Development Director, in coordination with the Public Works Director.

48. Prior to building permits, a Tree Removal Permit shall be approved by the Community Services Director in accordance with the City's Tree Preservation Ordinance. A plan is required for submittal to the City depicting all of the existing on-site trees, the species of each tree, and the number of trees proposed for removal and replacement.
49. Prior to building permits, all landscaping located within public areas shall be shown on the landscape plans and shall include the installation of root barriers acceptable to the Public Works Department on the sidewalk side of the tree, or where conditions warrant, the installation of a Deep Root box as directed by the Public Works Director.
50. Prior to certificate of occupancy, the applicant shall demonstrate to the Community Development Director that no fees shall be charged to apartment complex tenants for parking or storage.
51. In conjunction with the operation of the project, the applicant/property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development Director. This includes, but is not limited to, the buildings, landscape on-site, recreational facilities, trash areas, signage, utilities, property walls, and gates. Any graffiti on the property shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.
52. Prior to City approval of the landscape plans, the applicant shall review the approved Water Quality Management Plan (WQMP) and ensure the proposed landscape plans are consistent with the project grading plans and show the proposed structural storm water treatment BMPs incorporated into the project.

Mitigation Measures:

53. All project mitigation measures identified in Mitigated Negative Declaration No. 1875-21 and in the associated Mitigation Monitoring Reporting Program shall be incorporated as conditions of approval and shall be implemented as described in Mitigated Negative Declaration No. 1875-21 (Attachments 6, 7, and 8 in the Staff Report).

Design Review Committee:

54. Prior to building permits, landscape plans submitted for plan review shall show that the landscape treatment between the proposed podium wall that runs parallel to the City Drive South will be broken up into landscape zones, and the zone that runs adjacent to the pool courtyard will contain minimum 20-foot tall trees arranged in an aesthetically pleasing way pursuant to the Landscape Architect's design. The proposed landscaping that was presented in the addendum, dated December 5, 2022, that contains hedges, will remain at the northern and southern ends of the wall.

55. Prior to building permits, building plans submitted for plan review shall show that the stone cladding proposed on the building is limited to two stories of the building with the exception of the area adjacent to the entrance "T".
56. Prior to building permits, building and civil plans submitted for plan review shall show larger tree wells with grates for the street trees to enhance the pedestrian environment and the tree wells shall be as large as permissible by OMC clearance requirements.
57. Prior to building permits, building plans submitted for plan review shall show the installation of screening to ceiling mounted lights in the new stand-alone parking structure that includes the addition of a lip to the façade edge of approximately one foot.
58. Prior to building permits, landscape plans submitted for plan review shall show tall palm trees planted against the tall blank wall on the northeast tower element of the project, adjacent to the proposed murals.
59. Prior to certificate of occupancy, any existing trees that are damaged during construction shall be replaced with similar stature trees.

Fire Department:

60. Plans submitted for Building Plan Review shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for building permit. Onsite fire department access and reciprocal access agreement (if applicable) will require easement recording prior to issuance of a rough grading permit and shall be reviewed by the Fire Department prior to approval.

Police Department:

61. At the time of building permit plan check, the parking structures will be required to meet all Crime Prevention through Environmental Design (CPTED) standards as adopted by the Police Department.
62. Prior to building permits, construction plans shall show that all structures shall comply with the requirements of OMC Chapter 15.52 Building Security Standards, which relates to the use of specific hardware, doors, windows, lighting, etc. Architectural drawings shall include sections of the OMC that apply under "Security Notes". An "Approved Products List 1/08" of hardware, windows, etc. is available upon request.
63. Prior to building permits, security and design measures that employ Defensible Space concepts shall be utilized in development and construction plans as described in the City of Orange Building Security Guidelines. These measures incorporate the concepts of CPTED, which involve consideration such as placement and orientation of structures, access and visibility of common areas, placement of doors, windows, addressing and landscaping.

64. Prior to building permits, all exterior pedestrian gates shall be constructed of open/see through fencing material.
65. Prior to building permits, open sections on the north, south, and east sections at ground level shall have wrought iron type fencing or security mesh screening. Pedestrian gates constructed of open/see through material shall be installed at pedestrian access points.
66. Prior to building permits, parking garages, underground walkways and any covered areas of a parking lot shall be provided with a minimum maintained 3-5 foot-candles of light on the parking surface.
67. Prior to building permits, interior walls of the subterranean parking structure shall be painted or stained a light color to improve illumination.
68. Prior to building permits, the subterranean parking structure design shall create openness by utilizing high ceilings and long-span construction.
69. Prior to building permits, open parking lots shall be provided with a maintained minimum of one foot-candle of light on the parking surface.
70. Prior to building permits, storage modules shall utilize the following door and hinge materials:
 - a. Swinging exterior doors: HM = 16 ga., or SC wood = 1 3/4" thick.
 - b. Exterior door to have 1" bolt projection. One motion, lever handled, deadbolt function required.
 - c. Non removable exterior hinge pins (NRP) required on out swinging doors.
71. Prior to building permits, exterior stairwells for the two-story open parking structure shall include risers made of open/see through material. Exterior stairwells without open/see through risers create ambush points.
72. Prior to building permits, elevator cabs shall have shatter resistant mirrors or other equally reflective material placed in a position that maximizes visibility into the cab from lobby areas.
73. Prior to certificate of occupancy, there shall be positioned at each entrance of the mixed use building an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex (OMC 15.52.080. B.2)
74. Prior to building permits, a construction site security plan shall be submitted to the Crime Prevention Bureau prior to the start of construction.
75. Prior to submitting building plans for plan check, an address and photometric lighting plan shall be submitted to the Crime Prevention Bureau for approval.

76. Prior to certificate of occupancy, the applicant shall schedule a light reading inspection with the Crime Prevention Bureau. The lighting shall be tested and confirmed to determine if the lighting meets or exceeds the exterior boundary standards. The applicant shall use shielding so as to ensure that the light standards meet the requirements of OMC Section 17.12.030 for the areas beyond the property's exterior boundaries; light spillage or pollution to surrounding residential areas shall not exceed a maintained minimum of 0.5 foot-candle.

Water Quality:

77. Prior to grading permits, the applicant shall submit a Priority Project WQMP for review and approval to the Public Works Department that:
- a. Prioritizes the use of Low Impact Development principles as follows: preserves natural features; minimizes runoff and reduces impervious surfaces; and utilizes infiltration of runoff as the method of pollutant treatment. Infiltration BMPs to be considered include the use of permeable materials such as concrete and concrete pavers, infiltration trenches, infiltration planters, and other infiltration BMPs as applicable,
 - b. Incorporates the applicable Site Design, Routine Source, Structural Control and Low Impact BMPs as defined in the Model WQMP and Technical Guidance Document,
 - c. Maintains the hydrologic characteristics of the site by matching time of concentration, runoff, velocity, volume, and hydrograph for a two-year storm event,
 - d. Minimizes the potential increase in downstream erosion and avoids downstream impacts to physical structures, aquatic and riparian habitat,
 - e. Generally describes the long-term operation and maintenance requirements for structural and Treatment Control BMPs,
 - f. Identifies the entity or employees that will be responsible for long-term operation, maintenance, repair and or replacement of the structural and Treatment Control BMPs and the training that qualifies them to operate and maintain the BMPs,
 - g. Describes the mechanism for funding the long-term operation and maintenance of all structural and Treatment Control BMPs,
 - h. Includes a copy of the forms to be used in conducting maintenance and inspection activities,
 - i. Meets recordkeeping requirements (forms to be kept for five years).

- j. Includes a copy of the form to be submitted annually by the project owner to the Public Works Department that certifies that the project's structural and treatment BMPs are being inspected and maintained in accordance with the project's WQMP.
78. Prior to certificate of occupancy, the applicant shall demonstrate the following to the Public Works Department:
- a. That all structural and treatment control BMPs described in the Project WQMP have been constructed and installed in conformance with the approved plans and specifications,
 - b. That the applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
 - c. That an adequate number of copies of the project's approved final Project WQMP are available for the future occupiers.
79. Prior to certificate of occupancy or final signoff by the Public Works Department, the applicant shall demonstrate to the satisfaction of Public Works, that the preparer of the WQMP has reviewed the BMP maintenance requirements in Section V of the WQMP with the responsible person and that a copy of the WQMP has been provided to that person. A certification letter from the WQMP preparer may be used to satisfy this condition.
80. Prior to building permits, the applicant shall review the approved WQMP and grading plan to ensure the structure's downspouts or drainage outlet locations are consistent with those documents. Copies of the building or architectural plans specifically showing the downspouts and drainage outlets shall be submitted to the Public Works Department for review.
81. The project applicant shall maintain all structural, treatment and low impact development BMPs at the frequency specified in the approved WQMP. Upon transfer of ownership or management responsibilities for the project site, the applicant shall notify the Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.
82. Prior to grading permits (including *grubbing, clearing, or paving permits*) the applicant shall demonstrate that coverage has been obtained under the State's General Permit for Storm Water Discharges Associated with Construction Activity (General Construction Permit for all projects with soil disturbance greater than one acre) by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. A copy of the current Storm Water Pollution Prevention Plan required by the General Permit shall be kept at the project site and be available for review by City representatives upon request.
83. Prior to recordation of the final map, a copy of the project's CC&Rs shall be provided to the Public Works Department for review and approval that include requirements for

maintenance and funding of the project's structural and treatment water quality BMPs as approved by the City in the project's WQMP.

84. For those food service establishment projects installing Grease Interceptors: Prior to building permits, the applicant shall identify the location of the grease interceptor and provide evidence to the Building Official that the design meets and is consistent with the City's latest adopted building codes.
85. Prior to City approval of the landscape plans, the applicant shall review the approved WQMP and ensure the proposed landscape plans are consistent with the project grading plans. The plans must show the proposed storm water treatment BMPs such as bioretention planters, drywells, permeable pavers, and any other proposed surface water quality BMPs.

Water Division:

86. Prior to building permits, the fire service off of Garden Grove Boulevard that is a buried single check shall be upgraded to an above ground backflow prevention device.
87. Prior to grading permits, the applicant shall provide grading and utility plans that show the upgrade of the 8" Cast Iron Pipe (CIP) along Garden Grove Boulevard and The City Drive South to 12-inch diameter water main. Garden Grove Boulevard limits: Easterly property line of 3707 W Garden Grove Boulevard to The City Drive South. The City Drive South limits: Garden Grove Boulevard to driveway that is south of 720 The City Drive South. Completion of the water main upgrade shall be prior to above grade vertical construction.
88. Prior to building permits, 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.
89. Prior to building permits, 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.
90. Prior to 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.
91. Prior to building permits, the Water Division shall approve the type and location of landscaping and fire service (backflow prevention) device for proposed City services.
92. Prior to building permits, construction documents shall show a minimum 20-foot separation from the public water system facilities to the proposed/existing buildings and structures per the City of Orange Standard Location of Underground Utilities Standard and as approved by the Water Division.

93. Prior to building permits, construction documents shall show that a six-foot minimum horizontal clearance and a one-foot minimum vertical clearance will 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.
94. Prior to building permits, 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.
95. Prior to building permits, 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.
96. Prior to building permits 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.
97. 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.
98. Prior to approval of the water improvement plan, the applicant shall furnish a dedicated and graded 15-foot 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 as approved by the Water Division.
99. Prior to grading permits, 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 and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.
100. 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 its plans with the consultant preparing the fire suppression plans and/or fire master plan so that their designs concur.
101. 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 its 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.

102. At least 14 calendar days prior to commencing construction, the applicant's civil engineer shall prepare and provide product material submittals consistent with the water improvement plans for all proposed public water system facilities to the Water Division per the City of Orange General Water Construction Notes for review and approval.
103. Prior to certificate of occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds 80 pounds per square inch.

Subdivision:

104. Prior to building permits, a Lot Line Adjustment to remove existing lot lines in conflict with the proposed mixed-use building shall be prepared and recorded. Subsequent grant deed or quitclaim deed shall be prepared and recorded by property owner to convey the property(ies).
105. Prior to building permit issuance, fire access easements approved by the Fire Department are required. The fire access easement running south-north off Garden Grove Boulevard encroaches on the westerly adjacent parcel. Property owner(s) where the fire access encroaches shall dedicate the required easement. The easement shall include a hammerhead or bulb out for turnaround per Fire Department requirements and shall be approved by the Fire Department.
106. Prior to building permit issuance, the applicant shall secure and dedicate to the City easements for poles, detection devices, and appurtenances from the property owner of the east leg of the proposed traffic signalization.
107. Prior to building permits, the applicant shall submit and receive City approval of a reciprocal driveway access, utility access, and surface stormwater cross-lot drainage agreement between the parcels. The documents shall subsequently be recorded against the properties.
108. Prior to grading permits, the applicant shall relinquish all existing utility easements in conflict with proposed improvements, including but not limited to the existing sewer easement that will be in the proposed building footprint.
109. Prior to grading permits, the applicant shall resolve the existing Edison easement on-site running along the south side of the property that may conflict with the proposed parking structure at the same location.
110. Prior to grading permits, all works within the public right-of-way and public utility easements will require encroachment permits, including sidewalk and driveway constructions and utility main and lateral constructions.


111. Prior to grading permits, all public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with the City of Orange Standard Plans and Specifications.
112. Prior to 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.
113. Prior to certificate of occupancy, the applicant shall reconstruct the corner access ramp at the northeast corner of The City Drive South and Garden Grove Boulevard conforming to Public Works Engineering Standard Plan 121 Type 1.
114. Prior to certificate of occupancy, the applicant shall remove unused driveway approaches and restore them to full height curb and gutter, including any sidewalk restoration at the driveway apron.
115. Prior to grading permits, driveway aprons shall conform to Public Works Standard Plan 115 for commercial driveway with ADA accessibility.
116. Prior to grading permits, all driveway approaches shall conform to ADA standards for wheelchair access conforming to Public Works Standard Plans 115 and 116.
117. Prior to certificate of occupancy, an unobstructed pedestrian access way of five feet width shall be maintained at all times for the sidewalk. The unobstructed access shall increase to six feet when there is no planting strip between the sidewalk and the street curb.
118. Prior to certificate of occupancy, the applicant shall provide adequate wheelchair accessibility around driveway aprons that do not conform to current ADA standards.
119. Prior to certificate of occupancy, the applicant shall repair any cracked, uneven, or damaged public sidewalk, curb, and gutter along property frontages.
120. Prior to certificate of occupancy, the applicant shall install new streetlights, or upgrade existing streetlights along the property adjacent to the City Drive South and Garden Grove Boulevard as required by City of Orange Traffic Division. Please contact Jimmy Rocha at (714) 532-6470.
121. Prior to certificate of occupancy, the applicant shall install street trees along The City Drive South and Garden Grove Boulevard as required by the City Tree Services Coordinator, Micah Jean (714) 532-6470. A Maintenance Agreement is required to establish that the property owner will be responsible for the maintenance and care of the City street trees and corresponding irrigation system.
122. Prior to certificate of occupancy, the sanitary sewer system connecting from the buildings to the public mainline shall be private and maintained by the property owner.

123. Prior to grading permits, 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 maybe required to include Phased Erosion and Sediment Control Plans, Site Demolition Plan, and Utility Plan as parts of the grading plan.
124. Prior to grading permits, plans preparation and submittals shall be per Development Services Plan Preparation Guidelines and Checklist, and Checklist for Submittal Packages.
125. Prior to grading permits, a geotechnical report shall accompany the grading plan review.
126. Prior to grading permits, a Hydrology Study/Report or Drainage Assessment Letter shall be submitted for review and approval by the Public Works Department. The Hydrology Study/Report shall comply with the Orange County Hydrology Manual and Addenda (OCHM). Design Storm Frequency at a minimum, shall be 10-year storm (25-year in a sump condition), and a 100-year storm event. Proposed improvements shall comply with freeboard requirements per OCHM and County Local Drainage Manuals.
127. Prior to grading permits, 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.
128. Prior to the start of any site demolition, clearing and grubbing, the applicant shall obtain a grading permit from the Public Works Department .
129. Prior to grading permits, any soil imported or exported shall require a Transportation Permit from the Public Works Department, Traffic Division.
130. Prior to grading permits and the import or export of soil exceeding 30,000 cubic yards , approval by the City Council is required . A dirt haul route shall be approved by the City Council and the travel path is subjected to pavement deterioration evaluation per OMC Section 10.67.030.B.
131. Upon submittal of grading plan for plan check, the applicant shall submit a deposit to cover plan check and inspection services related to the grading activities.
132. Prior to grading permits, the grading plan shall detail all of the locations where retaining walls will be constructed. Geometric detail of retaining walls shall be shown on the grading plan, including material type, dimensions, backfill, and subdrains. A building permit is also required for retaining walls over four feet in height measured from the bottom of the footing to the top of the wall prior to construction. Structural details and design calculations shall be submitted as a separate document and will be reviewed and permitted by the Building Division.


133. Prior to grading permits, any grading outside of the owner's property boundary shall require the applicant to either obtain temporary construction easements or permission by adjacent property owners in a form suitable to the Public Works Director.
134. Prior to grading permits, trash receptacle locations and details shall be included on the grading plan. The trash storage area shall be constructed per Public Works Department Standard Plan 409.
135. Prior to grading permits, the applicant shall show all sewer and storm drain lines on the grading plan. Other utility lines, such as water lines may also be shown on the grading plan for reference.
136. Prior to grading permits, the applicant shall show all structural BMPs for water quality purposes on the grading plan. Water quality features shown on the grading plan shall match the WQMP.
137. Prior to grading permits, any direct storm water discharge into Orange County Flood Control (OCFD) channels shall require a permit from OCFD.
138. Prior to grading permits, the property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel.
139. Prior to grading permits, prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to the Public Works Department Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.
140. Prior to building permits, the applicant shall submit an address number request, including an addressing plan, to the Public Works Department for review and approval.
141. Prior to certificate of occupancy, an address shall be required for the equipment structure. Address numbers shall be illuminated, contrasting in color, and between six and 12 inches in height.
142. Prior to certificate of occupancy, the address number of each commercial building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and be of a color contrasting to the background. In addition, any business which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.

[Remainder of page intentionally left blank; signatures on next page.]

ADOPTED this 9th day of May 2023.


Daniel R. Slater, Mayor, City of Orange

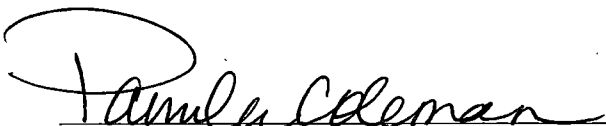
ATTEST:


Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the 9th day of May 2023, by the following vote:

AYES: COUNCILMEMBERS: Barrios, Dumitru, Tavoularis, Bilodeau, Gutierrez, Gyllenhammer and Slater
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None


Pamela Coleman, City Clerk, City of Orange



Agenda Item

City Council

Item #: 3.9.

5/9/2023

File #: 23-0305

TO: Honorable Mayor and Members of the City Council

THRU: Tom Kisela, City Manager

FROM: Russell Bunim, Community Development Director

1. SUBJECT

Resolution No.11453 denying Appeal No. 0562-23 and upholding Planning Commission approval of the Street Lights Mixed-Use Apartment Development, 840 The City Drive South, including adoption of Mitigated Negative Declaration No. 1875-21 and associated Mitigation Monitoring and Reporting Program.

2. SUMMARY

On April 11, 2023, the City Council denied Appeal No. 0562-23, upholding Planning Commission approval of Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875 and associated Mitigation Monitoring and Reporting Program; a proposal to demolish an existing multi-tenant retail building in order to construct a new 225-unit mixed-use apartment development with ground floor retail/restaurant area, subterranean parking, surface parking, residential amenities, open parking structure for the adjacent office complex use, site improvements, and a reduction of 48 parking spaces and 670 square feet of open space. The subject Resolution formalizes the City Council action.

3. RECOMMENDED ACTION

Adopt Resolution No. 11453. A Resolution of the City Council of the City of Orange denying Appeal No. 0562-23, and upholding the decision of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875 to demolish an existing retail building in order to construct a new 255-unit mixed-use apartment development, open parking structure for the adjacent apartment complex use, related site improvements, and a reduction of 48 parking spaces and 670 square feet of open space, located at 840 The City Drive South.

4. FISCAL IMPACT

None.

5. STRATEGIC PLAN GOALS

Goal 3: Enhance and promote quality of life in the community.

c: Support and enhance attractive, diverse living environments.

6. DISCUSSION AND BACKGROUND

On February 23, 2023, the Planning Commission approved Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative Adjustment No. 0051-21, and Mitigated Negative Declaration (MND) No. 1875 and associated Mitigation Monitoring and Reporting Program to allow for the demolition of an existing multi-tenant commercial building and surface parking lot in order to construct a new 225-unit mixed-use apartment development, including 9,000 square feet of ground level retail/restaurant area, a 421 space three-level subterranean parking structure beneath the footprint of the building, 13 parallel surface parking spaces, residential amenities, a 145-space two story open parking structure for the adjacent office complex use, site improvements, a 48-space (10%) reduction in required parking, and a 670-square-foot (0.98%) reduction in open space for the project. At the February 23 public hearing, a representative of the law firm of Lozeau Drury LLP spoke in opposition to the project, challenging the environmental analysis and the Mitigated Negative Declaration. The Planning Commission heard the testimony of the challenging party along with the testimony of the applicant and its environmental consultant and approved the project. The Planning Commission action was appealed to the City Council on March 2, 2023, under Appeal No. 0562-23 filed by Lozeau Drury LLP. The City Council conducted a public hearing on April 11, 2023, received testimony from the appellant, the applicant, and the applicant's environmental consultant and took action to deny the appeal and uphold the Planning Commission's approval of the project.

7. ENVIRONMENTAL REVIEW

Mitigated Negative Declaration: MND No. 1875-21 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 MND finds that the project will have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures related to Biological Resources, Cultural Resources/Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation. Incorporation of mitigation measures into the project results in a reduction of significant impacts to less than significant levels to the environmental factors listed above. With the adoption of the MND and related Mitigation Monitoring and Reporting Program and implementation of conditions of approval contained in Resolution No. PC 33-22, potential environmental concerns are considered resolved.

The 20-day public review period began on November 23, 2022 and ended on December 14, 2022. On November 23, 2022, the City sent a Notice of Intent to adopt MND No. 1875-21 to a total of 609 property owners and tenants within a 400-foot radius of the project site, adjacent cities, and other potentially affected public agencies and utility service providers, including the South Coast Air Quality Management District (SCAQMD), initiating the public review period for the environmental document as described above. This notification was also on file with the Orange County Clerk Recorder and was posted at the site. Copies of the document were available for public review at Orange City Hall in the Offices of the City Clerk and Community Development Department, and on the City's website.

The City received three comment letters during the public review period from the: Department of Transportation (Caltrans), Orange County Health Care Agency, Environmental Health Division (OCHCA), and Orange County Transit Authority (OCTA). It is important to note that no comment letter was received during the public review period from either SCAQMD or the appellant, Adam Frankel of Lozeau Drury LLP. Responses to comments to all correspondence received were forwarded to the

respective authors in accordance with the requirements of CEQA in advance of the Planning Commission hearing.

8. ATTACHMENTS

- Resolution No. 11453

MINUTES

City of Orange

City Council

May 09, 2023

The City Council of the City of Orange, California convened on Tuesday, May 9, 2023, at 5:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

5:00 PM CLOSED SESSION

1. CALL TO ORDER

Mayor Slater called Closed Session to order at 5:01 p.m.

1.1 ROLL CALL

Present: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Absent: None

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:06 p.m. with all Members present to discuss the following:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Mayor pro tem Barrios recused herself from Item 3(a) due to a potential conflict with a nearby property interest and left Closed Session at 5:06 p.m.

Pursuant to Government Code Section 54956.8

Property Location: APN 039-251-008, 039-251-020, 039-251-031, 039-251-010, 039-252-005, 039-252-011, 039-252-010

Agency Negotiator: Aaron Schulze, Economic Development Manager

Negotiating Parties: Wells Fargo & Company

Under Negotiation: Price and terms of payment

Mayor pro tem returned to Closed Session at 5:20 p.m.

b. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City Negotiator: Tom Kisela, City Manager

Employee Organizations: Orange City Firefighters, Orange Fire Management Association, City of Orange Police Association, City of Orange Police Management Association

RECESS TO REGULAR MEETING: At 6:02 p.m., the City Council recessed from Closed Session to a Regular Meeting in the Council Chamber.

The City Council reconvened in Closed Session at 12:08 a.m. with all Members present, except Councilmember Tavoularis who was absent.

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 12:26 a.m.

6:00 PM REGULAR SESSION**1. OPENING/CALL TO ORDER**

Mayor Slater called the meeting to order at 6:09 p.m.

1.1 INVOCATION

Given by Pastor Marco Salinas from Spirit & Truth Worship Center.

1.2 PLEDGE OF ALLEGIANCE

Led by Mayor Dan Slater.

1.3 ROLL CALL

Present: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Memorial Adjournment in honor of Hannah MacDonald.

Chamber of Commerce May Parade Awards.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTS

Public Speakers

Greg Baker spoke in opposition of a proposed cemetery near Palmyra Avenue.

Caren Wolf spoke in opposition of a proposed cemetery near Palmyra Avenue and expressed concerns with lack of weed abatement on the vacant lot at the north end of S. Jennifer Lane.

Carole Walters spoke in opposition of an off ramp at Meats Ave. and the 55 freeway.

Jonathan Zimmerman expressed concerns with loud parties in his neighborhood.

Written Comment

Janice Brownfield emailed encouraging Council to adopt a climate and adaptation plan.

3. CONSENT CALENDAR

All items on the Consent Calendar are considered routine and are enacted by one motion approving the recommended action listed on the Agenda. Any member of the City Council, staff, or the public may request an item be removed from the Consent Calendar for discussion or separate action. Unless otherwise specified in the request to remove an item from the Consent Calendar, all items removed shall be considered immediately following action on the remaining items on the Consent Calendar.

3.1. Waive reading in full of all ordinances on the Agenda.

ACTION: Approved.

3.2. Confirmation of warrant registers dated April 7, 13, 21 and 27, 2023.

ACTION: Approved.

3.3. Approval of minutes of the City of Orange City Council Regular Meeting held on April 11, 2023 and Adjourned Regular Meeting held on April 18, 2023.

ACTION: Approved minutes as presented.

3.4. First Amendment to Professional Services Agreement with Cornerstone Communications & Public Relations, Inc. for communications and public relations services.

Item 3.4 was removed from the Consent Calendar for separate consideration by Councilmembers Gyllenhammer and Bilodeau.

Mayor pro tem Barrios recused herself from this item due to a potential conflict with employment and left the dais at 6:49 p.m.

Due to the cost, Council discussed continuing the item until after budget adoption.

Mayor pro tem Barrios returned to the dais after the vote at 7:02 p.m.

ACTION: A motion was made by Councilmember Dumitru, seconded by Councilmember Bilodeau, to continue Item 3.4 to the July 11, 2023, Regular City Council meeting. The motion carried by the following vote:

Ayes: Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater

Noes: None

Absent: None

Recused: Barrios

3.5. Attorney Services Agreement with Liebert Cassidy Whitmore to provide legal services related to active police disciplinary and investigative matters.

ACTION: Approved the Agreement with Liebert Cassidy Whitmore in the amount of \$160,000; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.6. Claims for Damages.

ACTION: Denied the following claims and referred to City Attorney and Claims Adjuster:

1. Arnold Sanchez
2. Eugenia Hurtado
3. Mercury Insurance a/s/o Renee Vigo
4. Terrence Velasquez
5. James Rudloff
6. David G. Telles
7. H.L.E. (minor)

3.7. Authorize continued rental services for a mobile laundry facility with Mobile Concepts, Inc. dba U.S. Mobile Kitchens for the 517 W. Struck Transition Plan.

ACTION: Approved an increase of \$56,569 to a blanket purchase order with Mobile Concepts, Inc. dba U.S. Mobile Kitchens for core service facility rentals, for a total of \$163,958.

3.8. Request to temporarily close the city-owned surface parking lot and paseo adjacent to and south of the Old Towne West Parking Structure. Additionally suspend permit parking in all of permit parking Area "A" for a Retirement celebration.

ACTION: 1) Approved the temporary closure of the city-owned surface parking lot and paseo adjacent to and south of the Old Towne West Parking Structure, contingent upon a special event permit being approved by City staff; and 2) Approved suspension of permit parking in Area "A" between the hours of 2:00 PM and 7:00 PM on May 21, 2023.

3.9. Resolution No. 11453 denying Appeal No. 0562-23 and upholding Planning Commission approval of the Street Lights Mixed-Use Apartment Development, 840 The City Drive South, including adoption of Mitigated Negative Declaration No. 1875-21 and associated Mitigation Monitoring and Reporting Program.

ACTION: Adopted Resolution No. 11453. A Resolution of the City Council of the City of Orange denying Appeal No. 0562-23, and upholding the decision of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3138-21, Major Site Plan Review No. 1040-21, Design Review No. 5030-21, Administrative

Adjustment No. 0051-21, and Mitigated Negative Declaration No. 1875 to demolish an existing retail building in order to construct a new 255-unit mixed-use apartment development, open parking structure for the adjacent apartment complex use, related site improvements, and a reduction of 48 parking spaces and 670 square feet of open space, located at 840 The City Drive South.

Approval of the Consent Calendar

Item 3.4 was removed for separate discussion. All other items were approved as recommended.

A motion was made by Councilmember Dumitru, seconded by Councilmember Bilodeau, to approve the Consent Calendar as recommended. The motion carried by the following vote:

- Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater
- Noes:** None
- Absent:** None

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR SLATER

Mayor Slater discussed posting signage at entrances of the City notifying the public that fireworks are illegal in Orange.

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Gutierrez)

Councilmember Gutierrez highlighted the following local business: Salon Adelante.

5.2. Other Councilmember Reports

Councilmember Dumitru reported he attended the Southern California Association of Governments (SCAG) Annual Meeting of the General Assembly on May 4. Regional transportation and regional housing were just a couple of the several items that were discussed. He also announced that he has been appointed to a two-year term on the SCAG Board as the representative of Orange, Tustin, and Villa Park.

Councilmember Bilodeau reported that he serves on the Foothill Eastern TCA (Transportation Corridor Agencies) Board and has been assigned to a subcommittee of the Board. The subcommittee is proposing the construction of a direct connector bridge from the northbound 241 Toll Road to the eastbound 91 express lanes. If approved, the project is expected to be funded by Foothill Eastern TCA unrestricted cash.

Councilmember Gutierrez, representative of the City/Schools Coordinating Committee, reported the following: the committee discussed joint use of school facilities (specifically of the El Modena High School pool), high school graduation banners will be on display soon, and every city is challenged with hiring and retaining school crossing guards (there are currently 36 vacancies).

Mayor pro tem Barrios announced the Orange County Register has opened its annual

A motion was made by Councilmember Bilodeau, seconded by Councilmember Dumitru, to adopt Ordinance No. 04-23 as proposed. The motion carried by the following vote:

Ayes: Dumitru, Tavoularis, Bilodeau, Gyllenhammer, and Slater
Noes: Barrios, and Gutierrez
Absent: None

Mayor pro tem Barrios left the dais at 9:38 p.m.

9. PUBLIC HEARINGS

9.1. Public Hearing to consider the FY2023-2024 Annual Action Plan for use of Community Development Block Grant and HOME Investment Partnerships Funding.

Senior Administrative Analyst Jessica Herrera presented the staff report and answered Council's questions regarding the creation of HUD maps and how funds are distributed.

Mayor Slater opened the Public Hearing at 9:42 p.m.

Public Speaker

Sammy Rodríguez expressed concerns with portions of El Modena Barrio being excluded from HUD maps.

Mayor Slater closed the Public Hearing at 9:44 p.m.

During discussion, staff answered Council's questions regarding a Home Improvement Program.

Councilmember Tavoularis left the meeting at 10:33 p.m.

A motion was made by Councilmember Gutierrez, seconded by Councilmember Dumitru, to approve the following and to direct staff to return with a report for Council to consider reinstating a Home Improvement Program: 1) Approve the draft Fiscal Year 2023-2024 Annual Action Plan and authorize the City Manager or his designee to execute the Fiscal Year 2023-2024 Memorandum of Understanding with City departments, subrecipient agreements with non-profit agencies, and all related U.S. Department of Housing and Urban Development documents; 2) Authorize staff to incorporate comments received at the Public Hearing or make changes if needed into the Annual Action Plan before submitting to the Department of Housing and Urban Development. The motion carried by the following vote:

Ayes: Dumitru, Gutierrez, Bilodeau, Gyllenhammer, and Slater
Noes: None
Absent: Barrios, and Tavoularis

Mayor pro tem Barrios returned to the dais at 10:41 p.m.

10. STUDY SESSION

10.1. Second Study Session for the Proposed Fiscal Year 2023-24 Budget.

Assistant Finance Director Katrin Bandhauer provided an update on FY 23 General Fund projections, FY 24 General Fund revenues and expenditures, and the status of designated reserves utilizing a PowerPoint presentation. During discussion, direction was provided to staff.

The report was received and filed.

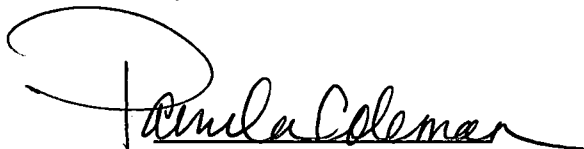
Council recessed at 12:06 a.m. and reconvened in Closed Session at 12:08 a.m. with all Members present, except Councilmember Tavoularis who was absent.

Council reconvened in Open Session at 12:26 a.m. with nothing to report out.

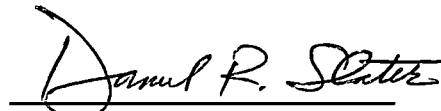
11. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:26 a.m. in Memory of Hannah MacDonald.

The next Regular City Council meeting will be held on Tuesday, May 23, 2023, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.



PAMELA COLEMAN
CITY CLERK



DANIEL R. SLATER
MAYOR



Agenda Item

Planning Commission

Item #: 4.1.

4/21/2025

File #: 25-0142

TO: Chair and Members of the Planning Commission
THRU: Anna Pehoushek, Assistant Community Development Director
FROM: Arlen Beck, Associate Planner

1. SUBJECT

Public Hearing to consider an ordinance establishing Single Room Occupancy housing as a permitted land use for certain qualifying properties and finding of CEQA exemption.

2. SUMMARY

The proposed ordinance establishes standards, provisions, and limitations governing the permitting, development, siting, and management of Single Room Occupancy housing units.

3. RECOMMENDED ACTION

1. Conduct the Public Hearing.
2. Adopt Planning Commission Resolution No. 16-24 recommending the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to allow Single-Room Occupancy housing as a permitted use in certain zoning districts and related definitions and development standards.
3. Find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3) and 15378.

4. AUTHORIZING GUIDELINES

Orange Municipal Code Section 17.08.020 authorizes the Planning Commission to review and make advisory recommendations to the City Council on Zoning Ordinance Amendments.

5. PROJECT BACKGROUND

The City of Orange General Plan 2021-2029 Housing Element was adopted by the City Council on October 30, 2023, and was certified by the California State Department of Housing and Community Development (HCD) on January 2, 2024. Government Code Section 65583 and 65583.2 require the City's Housing Element to provide for a variety of housing types including single-room occupancy (SRO) units. Providing development opportunities for a variety of housing types promotes diversity in housing price, style, and size, and contributes to neighborhood stability by offering more affordable and move-up homes and accommodating a diverse income mix.

Included in the Housing Element is Housing Policy Action 4H which identifies the City's intent to update the Orange Municipal Code to permit Single-Room Occupancy housing units in appropriate

zoning districts, subject to requirements of state law. These requirements include implementing standards, provisions and limitations governing the permitting, development, siting, and management of SRO units.

6. PROJECT DESCRIPTION

The proposed ordinance would allow SRO housing units only as an adaptive reuse of certain existing structures in specified zones as follows:

- Existing hotels or motels with 30 guest rooms or less.
- Existing office buildings with a gross floor area of 5,000 square feet or less.
- Only in the Limited Business (C-1), General Business (C-2), and Limited Business Tustin Redevelopment Project Area (C-TR) zoning districts.

All of the properties that qualify for conversion to SRO at the time of adoption of this ordinance are eligible, however, no buildings constructed after the adoption of this ordinance are eligible for SRO conversion. A map of existing hotels or motels eligible for conversion to SRO is provided as Attachment 2, and a map of eligible existing office buildings for conversion to SRO is provided as Attachment 3.

In addition to the criteria above, the proposed ordinance establishes development and operational standards for SRO units. SRO development would be subject to the following requirements:

- Conversion to SRO must be done for the entire site. No partial conversions are allowed.
- Maximum occupancy of two persons per unit.
- Minimum rental term of 30 days or longer.
- Minimum unit size of 150 square feet and maximum unit size of 375 square feet.
- A property management plan with an on-site 24-hour manager and separate manager's unit.
- Independent unit entrances accessible from a single main entry.
- Cooking Facilities shall be either in each unit or as a community kitchen for each floor.
- Bathroom facilities either contained in each unit or as a common bathroom facility with at least one full bathroom per floor and one full bathroom per four units.
- A closet of at least 120 cubic feet in each unit.
- A common area for tenant social interaction and meetings at each facility.
- A secured office for storage of confidential resident records at each facility.
- Assigned individual mailboxes for each unit.
- Laundry facilities of at least one washer and dryer per floor and one washer and dryer shall be provided for every 10 units.
- Janitorial Storage with hot and cold running water on each floor.

All units within SRO projects shall be restricted to very low and low-income individuals as defined by the City's housing element, with the exception of the 24-hour manager unit. The City will be able to count these units towards fulfilling our Regional Housing Needs Assessment (RHNA).

7. DISCUSSION

Loss of Transient Occupancy Tax (TOT).

The following hotels that are eligible for conversion under the SRO ordinance provisions and their associated TOT revenues are outlined in the table below:

Hotel/Motel Name	Address	Room Count	Number of Calls for Service in 2024	2024 TOT Revenue
SKY PALM MOTEL	210 N TUSTIN ST	30	9	\$ 65,910.00
ANGEL MOTEL	2330 W CHAPMAN AVE	17	8	\$ 1,030.01
7 CROWNS MOTEL	528 E LINCOLN AVE	15	6	\$ 12,240.00
ASPIRE INN & SUITES	428 E LINCOLN AVE	28	41	\$ 63,803.51
MOTEL 6 #8738	3191 N TUSTIN ST	30	53	\$ 60,887.99
NEW AMERICAN INN & SUITES	3190 N TUSTIN ST	26	71	\$ 23,102.30
CRAZY 8 MOTEL	1300 E KATELLA AVE	29	103	\$ 12,439.16
Total 2024 TOT Revenue:				\$ 239,412.97

The total TOT revenue collected by the eligible hotels/motels, as outlined in the table above, represents approximately 4.4% of the total TOT revenue the City receives from all hotels/motels citywide.

Adaptive Reuse of Existing Buildings:

There are 28 properties identified as eligible for conversion which currently are used as office buildings of 5,000 square feet or less. The conversion of underutilized office buildings to SRO units will provide opportunities for properties to be updated to current building codes and aesthetic enhancements to building exteriors. Furthermore, conversion to SRO will allow for an on-site manager to monitor and maintain the upkeep of the buildings.

8. PUBLIC NOTICE

On March 27, 2025, a notice was published in the Orange City News newspaper for a public hearing before the Planning Commission on April 21, 2025.

9. ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project."

For this reason, no further CEQA documentation is required.

10. ADVISORY BOARD ACTION

No advisory board review was required for this ordinance.

11. ATTACHMENTS

- Attachment 1 - Planning Commission Resolution No. PC 16-24 with Draft Ordinance
- Attachment 2 - Map of Eligible Hotel Properties
- Attachment 3 - Map of Eligible Office Properties
- Attachment 4 - Police Department Report of Hotel Calls for Service



Agenda Item

Planning Commission

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4/21/2025

File #: 25-0142

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Arlen Beck, Associate Planner

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- Minimum unit size of 150 square feet and maximum unit size of 375 square feet.
- A property management plan with an on-site 24-hour manager and separate manager's unit.
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10. ADVISORY BOARD ACTION

No advisory board review was required for this ordinance.

11. ATTACHMENTS

- Attachment 1 - Planning Commission Resolution No. PC 16-24 with Draft Ordinance
- Attachment 2 - Map of Eligible Hotel Properties
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- Attachment 4 - Police Department Report of Hotel Calls for Service

RESOLUTION NO. PC 16-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO ALLOW SINGLE-ROOM OCCUPANCY HOUSING AS A PERMITTED USE IN CERTAIN ZONING DISTRICTS AND RELATED DEFINITIONS AND DEVELOPMENT STANDARDS

APPLICANT: CITY OF ORANGE

WHEREAS, the City recognizes the opportunity for Single Room Occupancy (SRO) units to meet housing needs of the community, especially Extremely-Low, Very-Low and Low-Income households; and

WHEREAS, the subject Ordinance has been prepared to accommodate Single-Room Occupancy housing units in appropriate zoning districts, in accordance with California Government Code Section 65583(c)(1); and

WHEREAS, there are a number of under-utilized small scale office buildings and small-scale motels that lend themselves to adaptive re-use for affordable housing given their proximity to transit, goods, services, and employment; and

WHEREAS, single-room occupancy units can provide affordable housing options for single persons living alone, young professionals, persons looking to transition into permanent housing or seniors looking to age in place in the community; and

WHEREAS, conversion of underutilized small scale office buildings and small-scale motels to single-room occupancy units provides an opportunity to implement standards, provisions, and limitations governing the permitting, development, siting, and management of properties where no such standards exist; and

WHEREAS, the City of Orange 2021-2029 Housing Element includes Housing Policy Action 4H that calls for the City to allow Single-Room Occupancy housing units.

WHEREAS, this proposed Ordinance has been crafted to include implementing standards, provisions and limitations governing the permitting, development, siting, and management of Single-Room Occupancy units to ensure the orderly management and operation of such properties;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve the subject ordinance, attached hereto as Attachment A, based on the following:

SECTION 1- FINDINGS

1. The proposed Ordinance amends existing provisions of the OMC to achieve compliance with California Government Code Section 65583(c)(1).
2. The proposed Ordinance implements the City’s 2021-2029 General Plan Housing Element. Specifically, the Ordinance will assist in providing housing to meet the needs of low- and very-low-income households, remove governmental constraints, promote housing opportunities for all persons, maximize future residential development potential, facilitate infill construction, and provide workforce housing. The ordinance also incorporates provisions intended to preserve and protect the quality of life in established neighborhoods.

SECTION 2-ENVIRONMENTAL REVIEW

The proposed project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment. For this reason, no further CEQA documentation is required.

ADOPTED this 21st day of April 2025.

Alison Vejar
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 21st day of April 2025, by the following vote:

AYES:
NOES:
ABSENT:

Chad Ortlieb, Principal Planner

**EXHIBIT A
RESOLUTION NO. PC 16-24**

SRO ORDINANCE

ORDINANCE NO. XX-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 (ZONING) OF THE ORANGE MUNICIPAL CODE TO MAKE SINGLE-ROOM OCCUPANCY (SRO) A PERMITTED USE IN CERTAIN ZONING DISTRICTS AND BY ADDING DEFINITIONS AND DEVELOPMENT STANDARDS RELATED TO SRO DEVELOPMENT.

WHEREAS, the City of Orange (City) recognizes the opportunity for Single Room Occupancy (SRO) units to meet housing needs of the community, especially extremely-low, very-low and low-income households; and

WHEREAS, The City seeks to fulfill our Regional Housing Needs Assessment (RHNA) allocation, which includes 1,067 units affordable to very-low-income households and, 604 units affordable to low-income households; and

WHEREAS, the City is updating the Orange Municipal Code to permit Single-Room Occupancy units in appropriate zoning districts, subject to requirements of State Law (Proposed Ordinance); and

WHEREAS, these requirements include implementing standards, provisions and limitations governing the permitting, development, siting, and management of Single-Room Occupancy units; and

WHEREAS, the Planning Commission, having considered the proposed changes to the OMC at a public hearing held on April 21, 2025 and having received public testimony on the item, determined the Proposed Ordinance serves the City’s best interests and furthers the public health, safety and general welfare; and

WHEREAS, the City Council, having now considered the proposed changes to the OMC at a public hearing held on _____, including review of the staff report, and having received public testimony on the item, desires to adopt the Proposed Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

That the recitals and findings contained herein are true and correct, incorporated herein, and with the public record, form the basis for this Ordinance.

SECTION II:

Section 17.04.038 of the Orange Municipal Code, “Zoning – Definitions – “S” Definitions,” is hereby amended to read as follows:

“Single Room Occupancy” means a single room that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities, and may contain both. If the units do not contain sanitary facilities or food preparation facilities, the building must contain food preparation and/or sanitary facilities that are shared by tenants. Single Room Occupancy is different from and, does not include, uses defined in Title 17 as "dormitory," or "dormitory-style housing," or "student housing."

SECTION II:

Section 17.04.020 of the Orange Municipal Code, “Zoning – Definitions – “A” Definitions,” is hereby amended to include the following definition, in alphabetical order:

“Adaptive Reuse” means reusing an existing building for a purpose other than which it was originally built or designed for.

SECTION III:

Section 17.18.140 of the Orange Municipal Code, “Zoning – Commercial Districts Single Room Occupancy Housing is hereby added to read as follows:

17.18.140 Single Room Occupancy Housing Development Standards.

A. Purpose. The purpose of these provisions is to allow the development of reduced-size dwelling units, defined as single room occupancy (SRO) units, which provide additional options for affordable housing opportunities. These SRO regulations establish development and operational standards for single-room occupancy units and are considered to be in addition to the regulations of the underlying zoning districts where SRO development is permitted.

B. Affordability. All units within SRO projects shall be deed restricted, via an affordable housing agreement with the City, for occupancy by very-low and low-income individuals as defined by the City's housing element, with the exception of a 24-hour manager unit.

D. Applicability. The standards contained in this section shall apply to all SRO units.

E. Development and Operational Standards.

1. Occupancy. A SRO unit shall be occupied by not more than two persons. Occupancy of SRO units may be restricted to seniors.

2. Tenancy. Tenancy of SRO units shall be offered for a minimum of 30 days or longer.

3. Unit Size. The minimum size of a SRO unit shall be 150 square feet and the maximum size shall be 375 square feet.

4. Management. A SRO management plan shall be submitted to, reviewed, approved, and enforced by the Community Development Director or designee. The management plan shall be approved before issuance of a certificate of occupancy. The management plan shall contain management policies, operations, emergency procedures, overnight guest policy, security program including video cameras monitoring building access points at every floor, rental procedures and proposed rates, maintenance plans, staffing needs, and tenant mix, selection and regulations. An on-site 24-hour manager is required in every SRO project. A manager's unit shall be provided which shall be designed as a complete residential unit and be a minimum of 300 square feet in size, and a maximum of 1,000 square feet in size.

Each SRO project may be subject to review at any time by the City, which includes, but is not limited to, the review of management services, property maintenance, or property operations. Income levels shall be verified by a third party and submitted to the City annually on the anniversary date of the project's certificate of occupancy or final inspection, whichever is last. The SRO management plan shall define third party verification criteria. The SRO project owner shall be responsible for filing an annual report with the Community Development Department, which includes the range of monthly rents, the monthly income of residents, occupancy rates, and the number of vehicles owned by residents.

5. Entrances. All SRO units shall be independently accessible from a single main entry, excluding emergency and other service support exits, which shall be situated adjacent to and in full view of the manager's desk.

6. Cooking Facilities. Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, each unit shall have a sink with hot and cold water, with a garbage disposal, a countertop measuring a minimum of 18 inches wide by 24 inches deep, with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements, and a refrigerator. A complete kitchen facility available for residents shall be provided on each floor of the structure, if each individual unit is not provided with a minimum of a refrigerator and a microwave oven.

7. Bathroom facilities. A SRO unit is not required to, but may contain, partial or full restroom facilities. A partial restroom facility shall have a toilet and sink in an enclosed compartment with a door. This compartment shall be a minimum of 15 square feet. A full restroom facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway and one full bathroom per four units. Each shared shower or bathtub facility shall be provided with an interior lockable door.

8. Closet. Each SRO unit shall have a separate enclosed closet. The closet shall be at least 120 cubic feet with a minimum four-foot horizontal dimension along one plane.

9. Common Area. A minimum of ten square feet for each unit or 250 square feet, whichever is greater, shall be provided for a common area within the building and shall be accessible to all residents at all times. All common areas shall be within the building occupied by SRO units. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the city shall be considered common areas. Shared bathrooms, shared kitchens, janitorial storage, laundry facilities, utility rooms, secured office area, and common hallways shall not be considered as common areas. Common area shall be provided on the ground floor adjacent to the entry area, managers unit, and office. The common area shall provide a central focus for tenant social interaction and meetings.

11. Office. A secured office area shall be incorporated in the facility for the storage of confidential resident records and security office personnel.

12. Mailboxes. Mailboxes shall be provided for each unit, located near the lobby in plain view of the entry desk.

13. Laundry Facilities. Laundry facilities shall be provided in the building, in a separate room, at the ratio of one washer and dryer for every 10 units, with at least one washer and dryer per floor.

14. Janitorial Storage. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

15. Parking. See Chapter 17.34.060 (Off-Street Parking and Loading - Required Number of Parking Spaces).

SECTION VI:

The Single-family Dwelling Use provisions of Table 17.34.060.A of the Orange Municipal Code, “Zoning – Off-Street Parking and Loading – Required Number of Parking Spaces for Residential Uses,” is hereby amended to read as follows:

Table 17.34.060.A

REQUIRED NUMBER OF PARKING SPACES FOR RESIDENTIAL USES

USE	REQUIRED NUMBER OF SPACES
Single Room Occupancy (SRO)	No additional off-street parking spaces are required than what was existing at the time of conversion to SRO.

SECTION VII:

Table 17.13.030 of the Orange Municipal Code, “Zoning – Master Land Use Table – Permitted Uses,” is hereby amended to add the following:

ZONING	RESIDENTIAL										COMMERCIAL					MIXED USE					INDUSTRIAL		AGRICULTURAL OPEN SPACE			P I	OVERLAY		SAND & GRAVEL
	R1-5	R1-15 to R1-6	R1-R	R1-20 to R-140 &	R2-8	R2-6 to R-3	R-4	MH	OP	CP/C1	CTR	C2	C3	CR	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	M1	M2	A1	RO	SH	PI		FP-1	FP-2	
LAND USE																													
Housing—Includes all structures permitted as living quarters whether they be for short or long-term occupancy. Includes all uses identified in California Building Code definitions that are preceded with main entry words (key terms) that include one of the following: Dwelling, unit, house, housing, congregate, residence, multifamily, dormitory, home(s), hotel, motel, residential care facility, residential facility, or lodging.																													
Single Room Occupancy	-	-	-	-	-	-	-	-	P *	P *	P *	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

SECTION VIII:

Section 17.13.040 of the Orange Municipal Code, “Zoning – Master Land Use Table – Special Use Regulations,” is hereby amended to add the following:

HHH. Single Room Occupancy Housing (SRO).

1. Adaptive Reuse of the following existing structures that meet the following criteria only.

a. Motel/Hotel with 30 guest rooms or less.

b. Office Buildings with a total gross floor area of 5,000 square feet or less.

2. Only those buildings that meet the criteria of 17.13.040 (HHH)(1) that are existing at the time of adoption of this ordinance shall be eligible for conversion to SRO. No buildings constructed after the adoption of this ordinance are eligible for SRO conversion.

3. If any building that is eligible for conversion to SRO at the time of the adoption of this ordinance is demolished or partially destroyed by fire, explosion, act of God, act of a public enemy, collapse, or any other casualty or calamity, beyond 75% of the appraised value (as defined by this section) is no longer eligible for conversion to SRO.

In determining the appraised value of a structure eligible for SRO conversion, the cost of land or any factors other than those concerning the affected structure itself shall not be considered.

Appraised value, for the purpose of this section, shall mean the market value of the structure as reported by the owner, based upon the market value of comparable structures in the City. Where the City and owner do not agree upon the appraised value based on said comparable, appraised value shall mean the value reported by a qualified appraiser, approved by the City, hired by the owner to determine the value of the structure

4. Any conversion of existing buildings to SRO must be done for the entire site. No partial conversions to SRO are allowed.

SECTION IX:

Section 17.10.060.D.1.1 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Site Plan Review – Minor Site Plan Review - Criteria,” is hereby amended to read as follows:

1. Adaptive reuse of an existing building, specified in OMC 17.13.040 HHH., to provide single room occupancy housing pursuant to OMC 17.18.140.

SECTION X:

The proposed project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because (1) it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

SECTION XI:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this interim Ordinance. The City Council hereby declares that it would have passed this interim Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

ADOPTED this ____ day of _____, 2025.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

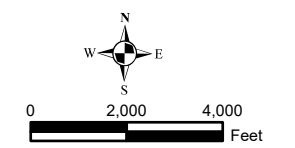
I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing extension of an interim Ordinance was duly passed and adopted at the regular meeting of the City Council held on the ____ day of _____, 2025 by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange

Legend

- 1 - 7 Crowns Motel
- 2 - Angel Motel
- 3 - New American Inn & Suites
- 4 - Aspire Inn & Suites
- 5 - Crazy 8 Motel
- 6 - Motel 6 #8738
- 7 - Sky Palm Motel
- City Boundary

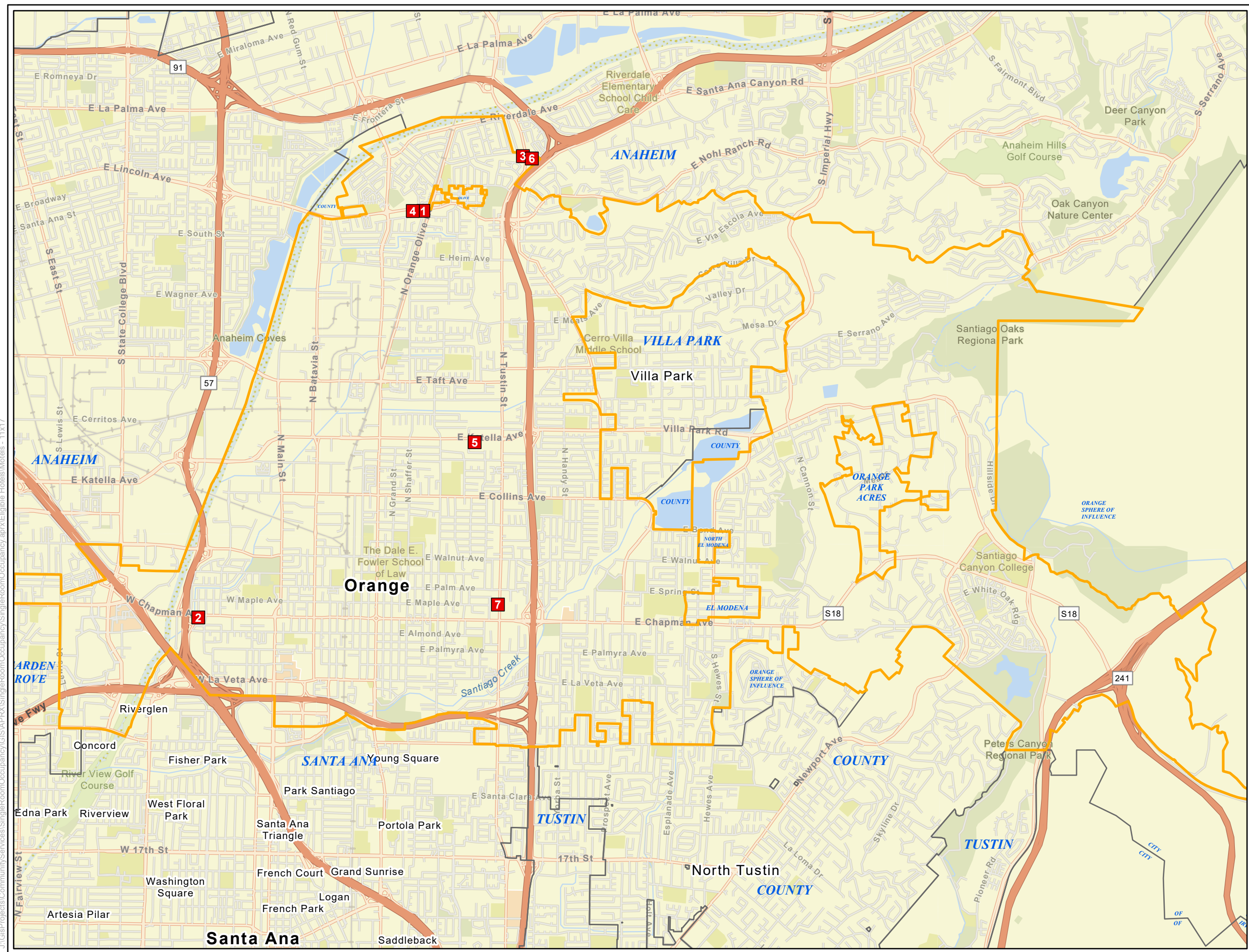


12/9/2024
Source: City of Orange (2024), ESRI

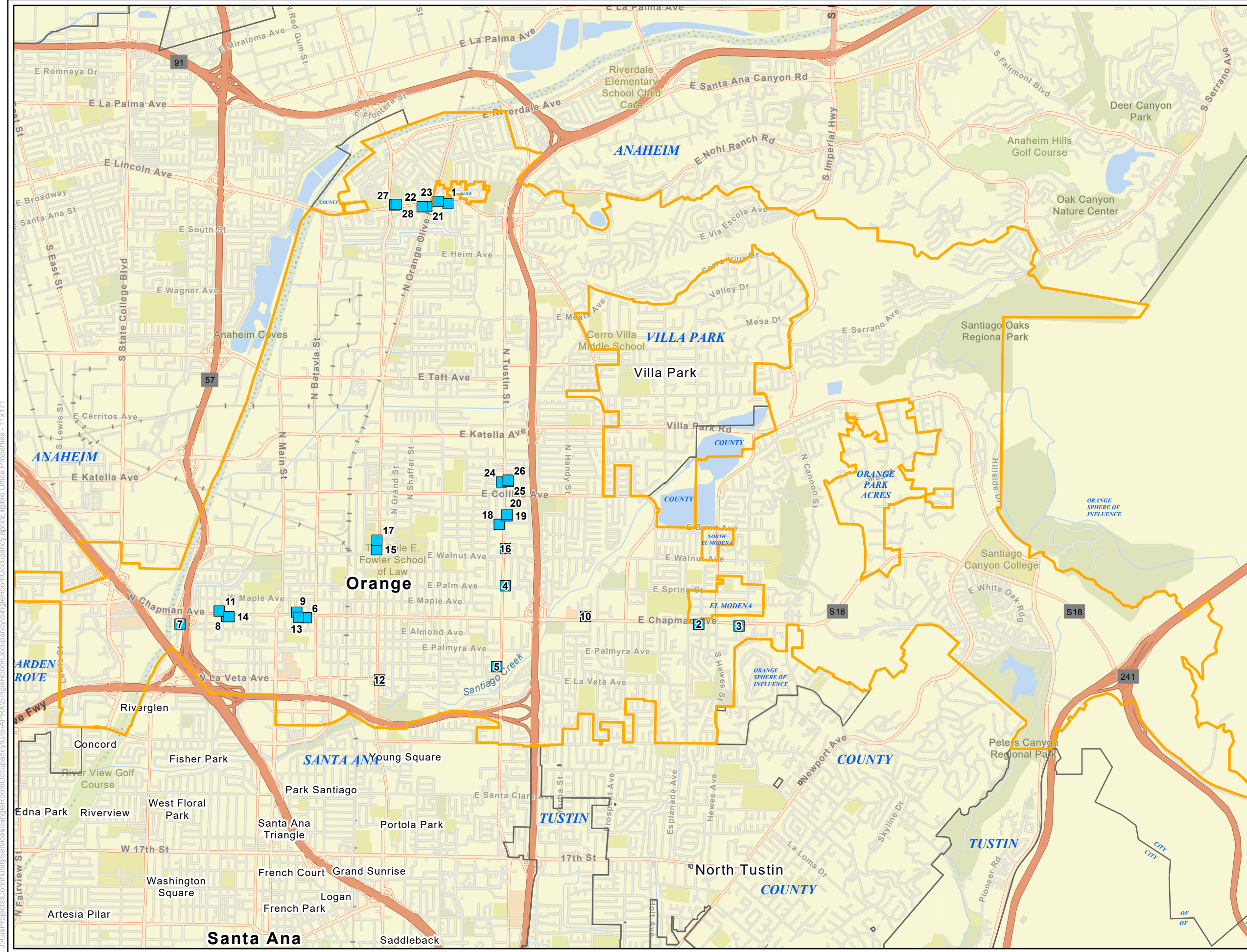
NOTE: Recent data updates may not be reflected on this map at the time of printing, use at your discretion. No part of this map shall be reproduced for commercial purposes.

Exhibit 1

CITY OF ORANGE
**Eligible Hotels/Motels
with 30 Rooms or Less**

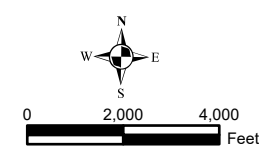


J:\GIS\Projects\CommunityServices\SingleRoomOccupancy\GIS\APRX\SingleRoomOccupancy\SingleRoomOccupancy.aprx\EligibleHotels\Motels - 11x17



Legend

- 1 - Mohan K Moosad Tr Moosad Family Tr
- 2 - 4250 East Chapman Avenue LLC
- 3 - Bless Prop LLC
- 4 - Scenic Destiny LLC
- 5 - V4Hp Properties LLC
- 6 - Chapman Citrus Investment LLC
- 7 - Mosu Enterprise LLC
- 8 - General Truck Drivers, Office, Food & Warehouse
- 9 - DMB Properties LLC
- 10 - 8th St Properties LLC
- 11 - Hoskins Land Co
- 12 - Laura L Jaquith Tr The Castro-Jaquith Living Tr
- 13 - Horner, Jeffrey S Tr
- 14 - Le, Kha Tr
- 15 - Crawford I LLC
- 16 - Allan R Stark Tr
- 17 - Jerome Bauer Tr
- 18 - Pyl Soe Tr Revocable Living Tr
- 19 - Ramesh Kothari Tr
- 20 - Nhan T Le Nguyen, Thuy Bich
- 21 - Riteways Llc
- 22 - Washington Capital Management LLC
- 23 - JW&L Investments LLC
- 24 - Akbar Heidarinia
- 25 - Elsa Adly Louka Tr, The Louka Living Tr
- 26 - Chien-Ko S Wu Tr
- 27 - Dimitri Grammas Tr
- 28 - Ana Maria Arellano Ramos
- City Boundary



2/4/2025
Source: City of Orange (2024), ESRI

Exhibit 1

CITY OF ORANGE
Eligible Office Properties

J:\GIS\Projects\CommunityServices\SingleRoomOccupancy\GIS\APRX\SingleRoomOccupancy.aprx\Eligible Office Properties - 11x171

Arlen Beck

From: Erik Mendoza
Sent: Thursday, January 30, 2025 4:14 PM
To: Arlen Beck
Subject: RE: Single Room Occupancy Ordinance

Arlen,
Here's the information you requested.

SKY PALM MOTEL	210 N TUSTIN ST
9 CFS	
ANGEL MOTEL	2330 W CHAPMAN AVE
8 CFS	
7 CROWNS MOTEL	528 E LINCOLN AVE
6 CFS	
ASPIRE INN & SUITES	428 E LINCOLN AVE
41 CFS	
MOTEL 6 #8738	3191 N TUSTIN ST
53 CFS	
NEW AMERICAN INN & SUITES	3190 N TUSTIN ST
71 CFS	
CRAZY 8 MOTEL	1300 E KATELLA AVE
103 CFS	



Thank you,
Erik Mendoza
Crime Prevention Specialist
Orange Police Department
1107 North Batavia Street
Orange, CA 92867-4615
O: (714) 744-7555
F: (714) 744-7321

 Please consider the environment before printing this e-mail

From: Arlen Beck <abeck@cityoforange.org>
Sent: Thursday, January 30, 2025 16:04
To: Erik Mendoza <EMendoza@orangepd.org>
Subject: RE: Single Room Occupancy Ordinance

Yes total CFS for each location in 2024.

Arlen Beck | Associate Planner
City of Orange
Direct: (714) 744-7272



Agenda Item

Planning Commission

Item #: 4.2.

4/21/2025

File #: 25-0161

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Chad Ortlieb, Principal Planner

1. SUBJECT

Public Hearing to consider an update to Title 17 of the Orange Municipal Code (OMC) to amend provisions relating to number of chickens allowed on residential properties and setback requirements; and finding of CEQA exemption.

2. SUMMARY

The City proposes changes to update Title 17 to amend certain provisions of the OMC to increase the number of chickens allowed on residential properties, adjust coop setback requirements from property lines to structures used for human habitation, and remove the combining limit of dogs and cats with small animals such as poultry. These amendments are proposed in order to enhance Code clarity, enforcement, and flexibility while maintaining neighborhood compatibility.

3. RECOMMENDED ACTION

1. Conduct the Public Hearing.
2. Adopt Planning Commission Resolution No. PC 03-25 recommending that the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to update the number of chickens permitted on residential properties and setback requirements.
3. Find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3) and 15378.

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.08.020 authorizes the Planning Commission to review and make advisory recommendations to the City Council on Zoning Ordinance Amendments.

5. PROJECT BACKGROUND

The City's current chicken keeping regulations were established to balance urban agriculture with residential land use. Based on staff interaction during Code Enforcement investigations and what has become an established popular animal keeping practice in typical single-family neighborhoods, there is a need to refresh City standards to reflect "real world" conditions that have proven to function in an acceptable manner. This includes increasing the allowable number of chickens and adjusting property line based setbacks. The proposed amendments would align with regional trends and improve practicality for residents.

6. PROJECT DESCRIPTION

The existing regulations governing backyard chickens in the City of Orange were established to balance the benefits of urban agriculture with potential impacts on surrounding residences. Currently, residents are permitted to keep up to five chickens, with a requirement that coops be located at least twenty feet from property lines.

Concerns arose about the limitations of these current regulations because an odd-numbered flock size may not be ideal for chickens, which naturally form social bonds in pairs. Other challenges exist in residents' ability to meet the current property line setback requirement, particularly for homes on smaller or irregularly shaped lots where the placement of a coop twenty feet from all property boundaries is impractical.

The City has reviewed backyard chicken regulations in surrounding jurisdictions and found that many allow six or more chickens while employing more flexible setback requirements.

Due to these considerations, staff developed the proposed amendments to better align with best practices and community needs. The proposed amendments to the Orange Municipal Code would modify two key aspects of backyard chicken regulations. First, the maximum number of chickens permitted on residential properties would be increased from five to six. Chickens are social animals that thrive in even-numbered groups. The proposed changes would improve overall flock health. Additionally, allowing six chickens provides residents with a more reliable supply of eggs, particularly as individual hens may experience seasonal variations in egg production.

Second, the requirement that coops be set back at least twenty feet from all property lines would be replaced with a requirement that they be set back at least twenty feet from any structure used for human habitation. Coops would be placed at an appropriate distance from living spaces while accommodating the diverse lot configurations found in the City. The new standard would provide greater flexibility for residents while maintaining appropriate safeguards to minimize noise, odor, and pest concerns.

The ordinance also omits an existing code section that limits the combined keeping of dogs, cats, and small animals such as poultry to a maximum of five. This omission will enable households with dogs and cats to have the same number of chickens as households without dogs and cats.

Staff recommends these changes to the Planning Commission.

7. ANALYSIS AND STATEMENT OF THE ISSUES

The primary objectives of this proposed amendment are to support sustainable urban agriculture, provide clearer and more enforceable regulations, and ensure compatibility between backyard chicken keeping and residential land uses. The proposed Ordinance maintains a reasonable limit on the number of animals allowed and setbacks that address enforcement challenges and provide a more practical standard for residents with irregular lot layouts.

From a land use perspective, the proposed changes maintain the balance between supporting local food production and protecting neighborhood character. By shifting the setback measurement from property lines to structures used for human habitation, health and comfort of residents are prioritized while allowing greater flexibility in how residents utilize their outdoor space.

No issues have been identified.

8. PUBLIC NOTICE

On March 27, 2025, the City published notice of the Planning Commission public hearing in the Anaheim Bulletin. Notification was also posted at City Hall and on the City website on or before that date.

9. ENVIRONMENTAL REVIEW

The proposed ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

10. ADVISORY BOARD ACTION

No advisory board action was necessary for this ordinance.

11. ATTACHMENTS

- Attachment 1 - Proposed Resolution with Proposed Ordinance (Clean and Redlined Version)



Agenda Item

Planning Commission

Item #: 4.2.

4/21/2025

File #: 25-0161

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Chad Ortlieb, Principal Planner

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Public Hearing to consider an update to Title 17 of the Orange Municipal Code (OMC) to amend provisions relating to number of chickens allowed on residential properties and setback requirements; and finding of CEQA exemption.

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3. RECOMMENDED ACTION

1. Conduct the Public Hearing.
2. Adopt Planning Commission Resolution No. PC 03-25 recommending that the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to update the number of chickens permitted on residential properties and setback requirements.
3. Find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3) and 15378.

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Orange Municipal Code (OMC) Section 17.08.020 authorizes the Planning Commission to review and make advisory recommendations to the City Council on Zoning Ordinance Amendments.

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The City's current chicken keeping regulations were established to balance urban agriculture with residential land use. Based on staff interaction during Code Enforcement investigations and what has become an established popular animal keeping practice in typical single-family neighborhoods, there is a need to refresh City standards to reflect "real world" conditions that have proven to function in an acceptable manner. This includes increasing the allowable number of chickens and adjusting property line based setbacks. The proposed amendments would align with regional trends and improve practicality for residents.

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The existing regulations governing backyard chickens in the City of Orange were established to balance the benefits of urban agriculture with potential impacts on surrounding residences. Currently, residents are permitted to keep up to five chickens, with a requirement that coops be located at least twenty feet from property lines.

Concerns arose about the limitations of these current regulations because an odd-numbered flock size may not be ideal for chickens, which naturally form social bonds in pairs. Other challenges exist in residents' ability to meet the current property line setback requirement, particularly for homes on smaller or irregularly shaped lots where the placement of a coop twenty feet from all property boundaries is impractical.

The City has reviewed backyard chicken regulations in surrounding jurisdictions and found that many allow six or more chickens while employing more flexible setback requirements.

Due to these considerations, staff developed the proposed amendments to better align with best practices and community needs. The proposed amendments to the Orange Municipal Code would modify two key aspects of backyard chicken regulations. First, the maximum number of chickens permitted on residential properties would be increased from five to six. Chickens are social animals that thrive in even-numbered groups. The proposed changes would improve overall flock health. Additionally, allowing six chickens provides residents with a more reliable supply of eggs, particularly as individual hens may experience seasonal variations in egg production.

Second, the requirement that coops be set back at least twenty feet from all property lines would be replaced with a requirement that they be set back at least twenty feet from any structure used for human habitation. Coops would be placed at an appropriate distance from living spaces while accommodating the diverse lot configurations found in the City. The new standard would provide greater flexibility for residents while maintaining appropriate safeguards to minimize noise, odor, and pest concerns.

The ordinance also omits an existing code section that limits the combined keeping of dogs, cats, and small animals such as poultry to a maximum of five. This omission will enable households with dogs and cats to have the same number of chickens as households without dogs and cats.

Staff recommends these changes to the Planning Commission.

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The primary objectives of this proposed amendment are to support sustainable urban agriculture, provide clearer and more enforceable regulations, and ensure compatibility between backyard chicken keeping and residential land uses. The proposed Ordinance maintains a reasonable limit on the number of animals allowed and setbacks that address enforcement challenges and provide a more practical standard for residents with irregular lot layouts.

From a land use perspective, the proposed changes maintain the balance between supporting local food production and protecting neighborhood character. By shifting the setback measurement from property lines to structures used for human habitation, health and comfort of residents are prioritized while allowing greater flexibility in how residents utilize their outdoor space.

No issues have been identified.

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On March 27, 2025, the City published notice of the Planning Commission public hearing in the Anaheim Bulletin. Notification was also posted at City Hall and on the City website on or before that date.

9. ENVIRONMENTAL REVIEW

The proposed ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

10. ADVISORY BOARD ACTION

No advisory board action was necessary for this ordinance.

11. ATTACHMENTS

- Attachment 1 - Proposed Resolution with Proposed Ordinance (Clean and Redlined Version)

RESOLUTION NO. PC 03-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. XX-25 AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO UPDATE THE NUMBER OF CHICKENS PERMITTED ON RESIDENTIAL PROPERTIES AND SETBACK REQUIREMENTS.

APPLICANT: CITY OF ORANGE

WHEREAS, the City regulates backyard chicken keeping under Title 17 (Zoning Code) of the Orange Municipal Code (OMC) to ensure compatibility with residential uses and promote responsible urban agriculture; and

WHEREAS, the existing regulations permit up to five chickens per residential property and require coops to be set back 20 feet from all property lines; and

WHEREAS, the proposed amendment to OMC Section 17.13.040 increases the number of permitted chicken from five to six to support responsible domestic poultry keeping and improve animal welfare by allowing chickens to pair naturally; and

WHEREAS, the proposed ordinance provides for more flexible setbacks for chicken keeping enclosures based on industry standards and observed field condition that demonstrate that modified setbacks would not result in detrimental effects to neighboring properties; and

WHEREAS, the proposed ordinance omits an existing code section that limits the combined keeping of dogs, cats, and small animals such as poultry to a maximum of five to enable households with dogs and cats to have the same number of chickens as households without dogs and cats; and

WHEREAS, the proposed zoning code amendment is consistent with the City's General Plan in that promoting sustainable urban agriculture contributes to City's eclectic mix of residential neighborhoods and lifestyles; and

WHEREAS, the proposed amendment aligns with best practices in urban agriculture and zoning regulations in surrounding jurisdictions, balancing sustainability, property use, and neighborhood quality of life; and

WHEREAS, the Planning Commission, having considered the proposed revisions to the OMC at a public hearing held on April 21, 2025, including review of the staff report, and having received public testimony on the item, has determined the proposed ordinance complies with state law and recommends approval thereof; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve the subject ordinance, attached hereto as Attachment A, based on the following:

SECTION 1- FINDINGS

The Planning Commission finds that the above recitals are true and correct and incorporated herein. The Planning Commission recommends that the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to update the number of chickens permitted on residential properties and related enclosure setback requirements. The proposed Ordinance amends OMC Section 17.13.040 to increase the number of permitted chickens from five to six modifies the setback requirement for chicken coops to be measured from human habitation instead of property lines, and omits language that limits the combined keeping of dogs, cats, and small animals.

SECTION 2-ENVIRONMENTAL REVIEW

The proposed project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

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 21st day of April 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

Alison Vejar, Planning Commission Chair

ATTACHMENT “A”
[Proposed Ordinance – Redlined copy]

ORDINANCE NO. XX-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO UPDATE THE NUMBER OF CHICKENS PERMITTED ON RESIDENTIAL PROPERTIES AND SETBACK REQUIREMENTS.

WHEREAS, the City regulates the keeping of chickens on residential properties through Title 17 (Zoning Code) of the Orange Municipal Code (OMC) to ensure compatibility with residential uses, public health, and neighborhood character; and

WHEREAS, the existing regulations permit up to five (5) chickens per residential property and require coops to be set back twenty (20) feet from all property lines; and

WHEREAS, there is interest in increasing the permitted number of chickens and concerns about the practicality of the current setback requirement, particularly for properties with irregular lot shapes; and

WHEREAS, the proposed zoning code amendment is consistent with the City's General Plan goals of promoting sustainable urban agriculture while maintaining compatibility with residential neighborhoods; and

WHEREAS, the Planning Commission having considered the proposed revisions to the OMC at a public hearing held on April 21, 2025, including review of the staff report, and having received public testimony on the item, and adopted Resolution No. 03-25 recommending that the City Council approve the proposed amendments to OMC Section 17.13.040; and

WHEREAS, the City Council, having considered the proposed revisions to the OMC at a public hearing held on May XX, 2025, including review of the staff report, and having received public testimony on the item, recommends approval thereof; and

WHEREAS, the proposed ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

1. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and

2. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the state CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

SECTION II:

Section 17.13.040 (F) of the Orange Municipal Code, "Zoning – Master Use Table – Special Use Regulations – Animal Keeping," is hereby amended to read as follows:

F. Animal Keeping.

1. The keeping of animals shall conform to the provisions of Title 6 of this code.

2. The keeping of birds (as defined in Section 17.04.021) as pets or hobby shall conform to the following standards:

a. The occasional sale of birds is permitted when such sale is incidental to the keeping of birds as pets or hobby.

b. All birds permitted under this section shall be confined indoors or in a coop or aviary.

c. Coops or aviaries shall at all times be maintained in a clean and sanitary condition and shall at all times be free of offensive odors.

d. The location of coops or aviaries shall maintain a minimum setback of five feet from all property lines.

e. The City's Code Enforcement Supervisor or designee shall be responsible for determining if the keeping of birds permitted under this section constitutes a nuisance, health or safety hazard, or is being conducted in violation of subsections a, b, c or d above.

3. The keeping of animals on lots having less than 20,000 square feet of lot area per dwelling unit, shall conform to the following:

a. The total number of mature dogs and cats shall be limited to three dogs and three cats.

b. Poultry (roosters prohibited), rabbits, reptiles, rodents, and other small animals (less than five pounds), shall be limited to a total number of ~~five~~ six, and all such animals shall be maintained in coops, pens, or other quarters or restraints located a minimum of 20 feet ~~from any property line~~ from any structure used for human habitation other than that of the subject property owner.

~~c. A maximum of five animals in any combination, as listed in subsections (C)(3)(a) and (b) of this section, shall be permitted on a property.~~

4. The keeping of animals in single-family districts on lots having 20,000 square feet or more per dwelling unit and zoned R1-20 or greater shall conform to the following:

a. Adult equine, bovine, sheep, goats, and swine shall be limited to a total of two such animals in any combination per the initial 20,000 square feet of land area. One additional equine, bovine, sheep, goat, or swine may be kept for each additional 10,000 square feet of owned or leased contiguous land. However, no more than six such adult animals in any combination shall be kept. The offspring of such animals shall be considered adults when eight months old, except the offspring of equine shall be considered adults when 12 months old.

b. Animals listed in subsection (F)(3) above shall not exceed a total of 10 in any combination on a 20,000 square foot property. An additional five such animals in any combination may be kept for each additional 5,000 square feet of owned or leased contiguous land in the aggregate with a maximum of 50 such animals in any combination. The keeping of more than three dogs shall be subject to the requirements of Section 17.13.050(R).

c. All equine, bovine, sheep, goats, swine, poultry, rabbits, birds, and rodents shall be maintained in coops, pens, corrals, stables, tethers, or in some other means of confinement. Such animals shall not be kept in the required front yard and shall be kept stabled, or tethered a minimum of 50 feet from any structure used for human habitation other than that of the subject property owner, and a minimum of 20 feet from any property line.

5. All animals and animal quarters shall be maintained in a clean and sanitary condition, and shall be subject to inspection by City code enforcement or legally authorized County of Orange employees for the enforcement of Division 1 of Title 4 of the Codified Ordinances of the County of Orange, established for animal control, welfare, license, and health requirements.

6. The following types of animal keeping or raising shall not be permitted:

- a. Commercial dairies;
- b. Commercial kennels;
- c. Rabbit, fox, goat, and other animal-raising farms;

d. Farms devoted to the hatching, raising, fattening, and/or butchering of poultry or the commercial production of eggs;

e. Livestock-feeding ranches; and

f. Ranches operated publicly or privately for the disposal of garbage, sewage, rubbish, or offal.

SECTION III:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION IV:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2025.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Wayne W. Winthers, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ___ day of _____, 2025, and thereafter at the regular meeting of said City Council duly held on the ___ day of _____, 2025 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange

ATTACHMENT “B”
[Proposed Ordinance – Clean copy]

ORDINANCE NO. XX-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO UPDATE THE NUMBER OF CHICKENS PERMITTED ON RESIDENTIAL PROPERTIES AND SETBACK REQUIREMENTS.

WHEREAS, the City regulates the keeping of chickens on residential properties through Title 17 (Zoning Code) of the Orange Municipal Code (OMC) to ensure compatibility with residential uses, public health, and neighborhood character; and

WHEREAS, the existing regulations permit up to five (5) chickens per residential property and require coops to be set back twenty (20) feet from all property lines; and

WHEREAS, there is interest in increasing the permitted number of chickens and concerns about the practicality of the current setback requirement, particularly for properties with irregular lot shapes; and

WHEREAS, the proposed zoning code amendment is consistent with the City's General Plan goals of promoting sustainable urban agriculture while maintaining compatibility with residential neighborhoods; and

WHEREAS, the Planning Commission having considered the proposed revisions to the OMC at a public hearing held on April 21, 2025, including review of the staff report, and having received public testimony on the item, and adopted Resolution No. 03-25 recommending that the City Council approve the proposed amendments to OMC Section 17.13.040; and

WHEREAS, the City Council, having considered the proposed revisions to the OMC at a public hearing held on May XX, 2025, including review of the staff report, and having received public testimony on the item, recommends approval thereof; and

WHEREAS, the proposed ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to (1) Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and (2) Section 15378 because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

1. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment; and

2. The subject Ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the state CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change on the environment and is not a "project." For this reason, no further CEQA documentation is required.

SECTION II:

Section 17.13.040 (F) of the Orange Municipal Code, "Zoning – Master Use Table – Special Use Regulations – Animal Keeping," is hereby amended to read as follows:

F. Animal Keeping.

1. The keeping of animals shall conform to the provisions of Title 6 of this code.

2. The keeping of birds (as defined in Section 17.04.021) as pets or hobby shall conform to the following standards:

a. The occasional sale of birds is permitted when such sale is incidental to the keeping of birds as pets or hobby.

b. All birds permitted under this section shall be confined indoors or in a coop or aviary.

c. Coops or aviaries shall at all times be maintained in a clean and sanitary condition and shall at all times be free of offensive odors.

d. The location of coops or aviaries shall maintain a minimum setback of five feet from all property lines.

e. The City's Code Enforcement Supervisor or designee shall be responsible for determining if the keeping of birds permitted under this section constitutes a nuisance, health or safety hazard, or is being conducted in violation of subsections a, b, c or d above.

3. The keeping of animals on lots having less than 20,000 square feet of lot area per dwelling unit, shall conform to the following:

a. The total number of mature dogs and cats shall be limited to three dogs and three cats.

b. Poultry (roosters prohibited), rabbits, reptiles, rodents, and other small animals (less than five pounds), shall be limited to a total number of six, and all such animals shall be maintained in coops, pens, or other quarters or restraints located a minimum of 20 feet from any structure used for human habitation other than that of the subject property owner.

4. The keeping of animals in single-family districts on lots having 20,000 square feet or more per dwelling unit and zoned R1-20 or greater shall conform to the following:

a. Adult equine, bovine, sheep, goats, and swine shall be limited to a total of two such animals in any combination per the initial 20,000 square feet of land area. One additional equine, bovine, sheep, goat, or swine may be kept for each additional 10,000 square feet of owned or leased contiguous land. However, no more than six such adult animals in any combination shall be kept. The offspring of such animals shall be considered adults when eight months old, except the offspring of equine shall be considered adults when 12 months old.

b. Animals listed in subsection (F)(3) above shall not exceed a total of 10 in any combination on a 20,000 square foot property. An additional five such animals in any combination may be kept for each additional 5,000 square feet of owned or leased contiguous land in the aggregate with a maximum of 50 such animals in any combination. The keeping of more than three dogs shall be subject to the requirements of Section 17.13.050(R).

c. All equine, bovine, sheep, goats, swine, poultry, rabbits, birds, and rodents shall be maintained in coops, pens, corrals, stables, tethers, or in some other means of confinement. Such animals shall not be kept in the required front yard and shall be kept stabled, or tethered a minimum of 50 feet from any structure used for human habitation other than that of the subject property owner, and a minimum of 20 feet from any property line.

5. All animals and animal quarters shall be maintained in a clean and sanitary condition, and shall be subject to inspection by City code enforcement or legally authorized County of Orange employees for the enforcement of Division 1 of Title 4 of the Codified Ordinances of the County of Orange, established for animal control, welfare, license, and health requirements.

6. The following types of animal keeping or raising shall not be permitted:

a. Commercial dairies;

b. Commercial kennels;

c. Rabbit, fox, goat, and other animal-raising farms;

d. Farms devoted to the hatching, raising, fattening, and/or butchering of poultry or the commercial production of eggs;

e. Livestock-feeding ranches; and

f. Ranches operated publicly or privately for the disposal of garbage, sewage, rubbish, or offal.

SECTION III:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION IV:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2025.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Wayne W. Winthers, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ___ day of _____, 2025, and thereafter at the regular meeting of said City Council duly held on the ___ day of _____, 2025 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange

Granite Properties, Inc.
6400 S. Fiddlers Green Circle
Greenwood Village, CO 80111
303.804.4700 T
www.graniteprop.com



March 4, 2025

Mr. Bunim
City of Orange Community Development Director

Streetlights Residential and Granite have worked together for several years planning, entitling, and developing permit plans to re-develop approximately 2 acres of land at 840 The City Drive in Orange. The planning entitlements for the project were formally approved on 5/9/2023 by City Council approving a resolution to deny an appeal to Planning Commission decision to approve our project. These entitlements are set to expire on 5/9/2025 and therefore we are seeking an extension to the entitlements for additional time to ultimately finance and construct the project per Orange Municipal Code Section 17.08.060.

The extension is necessary as the capital markets have been quite challenging over the last 24 months where both investors and debt require additional time and due diligence to confirm their investment approach. With the inflationary cost environment in 2022 and 2023, our initial Investor backed out of the project, and we've been challenged to find a new partner and lender to move forward.

We remain committed to the project and are optimistic that two years of additional time will allow the market to correct and provide us a path forward to secure building permits and construct the project.

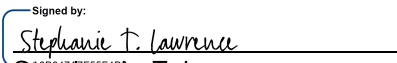
Please let me know if you have any questions or if need anything additional from our end to begin processing an extension request.

Thanks for working with us on this matter.

GPI-OCS,LLC,
a Texas limited partnership

By: GPI-Cal Realty I, LP,
Its sole member

By: Granite Properties, Inc.,
its General Partner

By: 
Name: Stephanie T. Lawrence
Title: Senior Managing Director