

**CONDITIONAL USE PERMIT NO. 3230
DESIGN REVIEW NO. 5151
MINOR SITE PLAN REVIEW NO. 1174**

RESOLUTION NO. PC 06-25

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ORANGE APPROVING CONDITIONAL USE
PERMIT NO. 3230, DESIGN REVIEW NO. 5151, AND
MINOR SITE PLAN REVIEW NO. 1174 TO CONSTRUCT A
NEW 5,372-SQUARE-FOOT BANK BUILDING WITH A
DRIVE-THROUGH ATM AND RELATED SITE
IMPROVEMENTS, LOCATED AT 2355 N. TUSTIN STREET.**

APPLICANT: BTPProp4, LLC – Stephen Thorp

WHEREAS, the Planning Commission has authority pursuant to Orange Municipal Code (OMC) Table 17.08.020 and Sections 17.10.030.C and 17.30.030 to take action on Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174, to construct a 5,372-square foot bank building with a drive-through ATM, parking lot, and landscaping at 2355 N. Tustin Street.

WHEREAS, the application for Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174, was filed by BTPProp4, LLC, in accordance with the provisions of the OMC; and

WHEREAS, the application for Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174, was processed in the time and manner prescribed by State and local law; and

WHEREAS, Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174 were reviewed by the Design Review Committee on April 16, 2025, which recommended project approval with conditions to the Planning Commission; and

WHEREAS, Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174 are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures) because the project consists of the construction of a new, small structure (<10,000 square foot in urbanized area) zoned for such use, not involving the significant use of hazardous substances, where all necessary public services are available, and where the area is not environmentally sensitive. There is no public review or notice required for a categorical exemption; and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on June 2, 2025, at which time interested persons had an opportunity to testify either in support of, or opposition to, the proposed Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Orange hereby approves Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174, a proposal to construct a 5,372-square-foot bank building with a drive-through ATM, parking lot, and landscaping at 2355 N. Tustin Street, based on the following findings:

SECTION 1 – FINDINGS

General Plan Finding:

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

The Project is consistent with the City's General Plan Land Use and Economic Development Elements, as the development of a new commercial building on a previously vacant and underutilized site, featuring a drive-through ATM and enhanced site improvements, will bolster the area's economic viability. This project will contribute to the local economy by introducing a new revenue-generating business, fostering economic vitality, and creating job opportunities.

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.*

The granting of this Conditional Use Permit is based upon sound principles of land use and in response to services required by the community. Consideration has been given as to whether the proposed use will detrimentally affect adjacent land uses. A new financial institution will provide services to the local community by providing banking services as well to the neighboring residential zones as well as the commercial businesses within the general vicinity.

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

The request to have a financial institution at the proposed location is not anticipated to have any adverse effects to bordering land uses or create special problems, because the site is located within the Limited Business Tustin Redevelopment Project Area (C-TR) zoning district, which is intended to have commercial land uses that support the local community.

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

The proposed financial institution will offer essential financial services to local businesses and residents, enhancing community convenience. The drive-through feature enables customers to efficiently access banking services, consistent with the high-traffic commercial nature of Tustin Street.

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.*

All project conditions maintain a purpose of preserving the general welfare of the City and community. Conditions specifically serve to manage project construction impacts, 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. Although the proposed parking layout includes a loading zone that deviates from the zoning code requirements in terms of size, the loading zone size is adequate and functional given the specific nature of the delivery vehicles associated with the bank use. Similarly, while the proposed parking layout omits a turnaround or backup area in the northwest corner of the parking lot as required by code, the limited use of the loading zone for short-term bank deliveries supports the dual function of the loading zone as a parking backup area.

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.*

The subject property is located along North Tustin Street and is subject to the Tustin Street Design Standards. The project has been reviewed and determined to be consistent with the Tustin Street Design Standards. The project was also reviewed by the Design Review Committee, which recommended Planning Commission approval subject to conditions.

Minor Site Plan Review Findings:

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

The surrounding development consists of commercial uses on all adjacent property lines. The proposed project will provide new landscaping and a new contemporary building design that enhances the Tustin Street corridor and complies with the North Tustin Street Design Standards.

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

The project deviates from the City's development standards due to the non-standard dimensions of the loading area and the absence of a designated turnaround or backup area within the parking lot. However, the proposed loading area is sufficiently sized to accommodate the intended land use and typical size of delivery vehicles associated with banks, while also functioning effectively as a backup area for the parking lot. Based on this determination, the site is deemed to provide safe and efficient access for both vehicles and pedestrians.

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

The site currently deviates from the standard loading space and parking lot turnaround or backup requirements. However, the proposed loading area is sufficiently sized to accommodate the intended land use and typical size of delivery vehicles associated with banks, while also functioning effectively as a backup area for the parking lot. Based on this determination, the site is deemed to provide safe and efficient access for both vehicles and pedestrians.

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

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

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

No environmental effects have been identified for the project. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures) because the project consists of the construction of a new, small (<10,000 square foot in urbanized area) structure zoned for such use, not involving the significant use of hazardous substances, where all necessary public services are available, and where the area is not environmentally sensitive.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures) because the project consists of the construction of a new, small (<10,000 square foot in urbanized area) structure zoned for such use, not involving the significant use of hazardous substances, where all necessary public services are available, and where the area is not environmentally sensitive. There is no environmental public review or notice required for a categorical exemption.

SECTION 3 – APPROVAL AND CONDITIONS OF APPROVAL

The Planning Commission hereby approves Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan Review No. 1174, with the following conditions:

General Conditions:

1. This project is approved as a precise plan. All work shall conform in substance and be maintained in general conformance with the plans (date stamped approved June 2, 2025, and in the project case file), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee. After the 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 without requiring a new public meeting. If the Community Development Director determines that any proposed change is substantial, he may refer the plans to the Design Review Committee for subsequent review and determination.

2. The applicant agrees, as a condition of City's approval of Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan No. 1174, to indemnify, defend, and hold harmless, at applicant's expense, the City, its officers, agents, and employees ("City") from and against any claim, action or proceeding brought against the City, including, but not limited to, any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the City's approval, to challenge the determination made by the City under the California Environmental Quality Act ("CEQA") or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify applicant of any such claim, action or proceeding to which the City receives notice and to cooperate fully with the applicant in the defense thereof. Applicant shall reimburse the City for any and all costs and expenses, including, but not limited to, court costs and attorney's fees that the City may be required to pay, including any expenses ordered by a court or expenses incurred through the Office of the City Attorney in connection with said claim, action or proceeding. City may, in its sole discretion, participate in the defense of any claim, action or proceeding but such participation shall not relieve applicant of the obligations of this condition. In the event the applicant is required to defend City in connection with such claim, action or proceeding, City shall have the right to approve counsel to so defend the City, approve all significant decisions concerning the manner in which the defense is conducted and approve any all settlements, which approval(s) shall not be unreasonably withheld. The obligations set forth herein remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgment rendered in the proceeding. Further, applicant agrees to indemnify, defend and hold harmless the City for all costs and expenses incurred in enforcing this provision.
3. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use may be cause for revocation of this permit.
4. The final approved conditions of approval shall be reprinted on the construction documents when submitting to the Building Division for the plan check process.
5. Building permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building and Safety Services. Failure to obtain the required building permits may be cause for revocation of this entitlement.
6. In conjunction with construction, all activity will be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays.
7. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.

8. Glare from any new or remodeled lighting on the premise shall be installed in such a way to direct, control, and screen the lighting to prevent off site light spillage onto adjoining properties and shall not be a nuisance to any point beyond the exterior boundaries of the property or cause illumination in residential districts in excess of 0.5 foot-candles. 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.
9. In conjunction with the operation of the business, all loading areas and the trash enclosure shall be maintained and kept clean and free of debris.
10. Conditional Use Permit No. 3230, Design Review No. 5151, and Minor Site Plan No. 1174 shall become void if not vested within two years from the date of approval. Time extensions may be granted as specified in Title 17 of the Orange Municipal Code.

Police Department:

11. Security and design measures that employ defensible space concepts shall be utilized in development and construction plans. These measures incorporate the concepts of Crime Prevention through Environmental Design (CPTED), which involves considerations such as placement and orientation of structures, access and visibility of common areas, placement of doors, windows, addressing, and landscaping. CPTED promotes public safety, physical security and allows citizens the ability to monitor activity. It is based on five concepts to provide non-invasive and permanent measures to prevent and reduce crime: territoriality, natural surveillance, access control, activity support, and maintenance. The project shall also comply with the requirements contained in the City of Orange Municipal Code Chapter 15.52, Building Security Construction Standards reference Ordinance #6-22.

Subdivision:

12. 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. (prior to grading permit)
13. All structural BMPs for water quality purposes shall be shown on the Grading Plan prior to issuance of grading permit. Water quality features shown on the Grading Plan must match WQMP.
14. Prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to Public Works Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.
15. An arborist report and tree removal permit shall be required prior to any tree removal.
16. The applicant shall show all sewer and storm drain lines on the Grading Plan prior to issuance of grading permit. Other utility lines, such as water lines, may also be shown on Grading Plan for reference.

17. Trash receptacle locations and details shall be included on the Grading Plan prior to issuance of grading permits. The trash storage area shall be constructed per Public Works Standard Plan 409.
18. Upon submittal of the grading plan for plan check, the applicant shall make a deposit to cover plan check and inspection services related to the grading activities.
19. Any soil imported or exported shall require a Transportation Permit from Public Works Traffic Division prior to issuance of grading permit.
20. The contractor shall obtain a Grading Permit from Public Works Department prior to start of any site demolition, clearing and grubbing, and grading.
21. Prior to grading permit issuance, a Drainage Assessment Letter shall be submitted for review and approval by Public Works. The Hydrology Study/Report shall comply with the Orange County Hydrology Manual and Addenda (OCHM). Design Storm Frequency at a minimum, shall be 10-year 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.
22. Prior to issuance of grading permit plans preparation and submittals shall be per Development Services Plan Preparation Guidelines and Checklist, and Checklist for Submittal Packages.
23. The applicant shall submit a grading plan in compliance with City standards for review and approval by the Public Works Director prior to issuance of grading permit. All grading and improvements on the subject property shall be made in accordance with the Manual of Grading and Standard Plans and Specifications to the satisfaction of the Public Works Director. The applicant may be required to include Phased Erosion and Sediment Control Plans, Site Demolition Plan, and Utility Plan as parts of the grading plan.
24. Pavement restorations on streets, under Moratorium or with a Pavement Condition Index of 75 or greater, shall be done per Instruction 15 of the Encroachment Permit prior to issuance of certificate of occupancy.
25. The plans shall show that sanitary sewer system connecting from the buildings to public mainline shall be private and maintained by the property owner prior to building permit issuance.
26. The applicant shall repair any cracked, uneven, or damaged public sidewalk, curb and gutter along property frontage prior to issuance of certificate of occupancy.
27. All private ways shall conform to Engineering Standard Plan 108 and be documented on plans prior to issuance of grading permit.

28. 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 prior to issuance of certificate of occupancy.
29. All works within public right-of-way and public utility easements will require Encroachment Permits, including sidewalk and driveway constructions and utility main and lateral constructions prior to issuance of grading permit.

Water:

30. Prior to issuance of encroachment permit, the applicant must 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 Standard Specifications and Plans for the Construction of Water System for review and approval.
31. Plans submitted during plan check must 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 must coordinate their plans with the consultants preparing the landscape, architectural, surface water quality management, fire master and/or fire suppression plans so that all designs are consistent.
32. Plans submitted during plan check must 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 must coordinate their plans with the consultant preparing the fire suppression plans and/or fire master plan so that their designs concur.
33. Prior to approval of a water improvement plan, the applicant must satisfy all water main connection, plan check, and inspections charges as determined by the Water Division.
34. Prior to issuance of building permit, for the first phase of work, the applicant will be responsible for obtaining approval of all necessary encroachment permits from affected agencies for all public water construction work.
35. Prior to issuance of building permit, construction documents must 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.
36. Prior to issuance of building permit, the applicant must submit construction documents that 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 will review and approve the construction documents.
37. Prior to issuance of building permit, the applicant must submit construction documents that show that a six-foot minimum horizontal clearance and a one-foot minimum vertical clearance would be maintained between City water mains, laterals, services, meters, fire hydrants and all

other utilities, except sewer. The Water Division will review and approve the construction documents.

38. Prior to issuance of building permit, the applicant must submit construction documents that show that the installation of sewer mains in the vicinity of water mains is done per the Department of Public Works Water Division Standard No. 113 and will be approved by the Water Division.
39. Prior to issuance of building permit, the Water Division shall approve the type and location of landscaping services, fire services, and backflow prevention devices for proposed City services.
40. Prior to issuance of certificate of occupancy, the applicant shall be responsible for the installation of necessary fire hydrants and fire services as approved by the Fire Department and Water Division.
41. Prior to issuance of any grading permit or building permit, 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.
42. Prior to issuance of any grading permit, the applicant must construct all public and/or private improvements to the satisfaction of the Water Division. The applicant may be required to enter into an agreement with the City of Orange, and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.
43. Prior to issuance of any grading permit or building permit, the applicant must submit improvement plans to the Water Division for review and approval for any new fire hydrants, domestic water services, fire services, landscape services, backflow prevention devices, and any other proposed improvements or relocations affecting the public water system facilities.

Traffic:

44. In addition to other impact fees that may be applicable, the proposed project will be responsible for paying Transportation Systems Improvement Program (TSIP) fees based on the net change in land uses (proposed project minus existing credits), prior to issuance of building permit. For a complete list of development fees that may be applicable, please visit the City of Orange website: <https://www.cityoforange.org/our-city/departments/community-development/building-and-safety-services/forms-717>

Design Review Committee:

45. 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.
46. The applicant shall work with staff to revise the preliminary landscape plans to substitute the existing landscaping with different species.

ADOPTED this 2nd day of June 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 2nd day of June 2025, by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Anna Pehoushek, FAICP
Assistant Community Development Director