

**CONDITIONAL USE PERMIT NO. 3105-19
DESIGN REVIEW NO. 4992-19
MINOR SITE PLAN REVIEW NO. 0992-19**

RESOLUTION NO. PC 02-21

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3105-
19, DESIGN REVIEW NO. 4992-19, AND MINOR SITE PLAN REVIEW
NO. 0992-19 FOR A NEW CAR INVENTORY STORAGE LOT ON 1.13
ACRES LOCATED AT 2457 N. CANAL STREET**

APPLICANT: STUDIO IV, INC., FRANZ NALEZNY FOR VILLA FORD

Moved by Commissioner _____ and seconded by Commissioner _____ that the following resolution be adopted:

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Section 17.08.020.B.2.a. to review and take final action on Conditional Use Permit No. 3105-19, Design Review No. 4995-19, and Minor Site Plan No. 0992-19 to allow a new car inventory storage lot at 2457 N. Canal Street; and

WHEREAS, Conditional Use Permit No. 3105-19, Design Review No. 4995-19, and Minor Site Plan No. 0992-19 were filed by Studio IV, Franz Nalezny for Villa Ford in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3105-19, Design Review No. 4995-19, and Minor Site Plan No. 0992-19 are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15331 (Class 32 - In-Fill Development Projects) because the project involves minor site modifications such as paving, landscaping, and security lighting on 1.13 acres of vacant land in an urban environment; and

WHEREAS, Conditional Use Permit No. 3105-19, Design Review No. 4995-19, and Minor Site Plan No. 0992-19 were processed in the time and manner prescribed by state and local law; and

WHEREAS, on June 17, 2020, the City's interdepartmental Streamlined Multi-Disciplinary Accelerated Review Team reviewed the proposed project and recommended that the project proceed to Design Review Committee; and

WHEREAS, on December 2, 2020, the Design Review Committee reviewed the design of the project and recommended that the project be approved subject to conditions; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on Monday, January 18, 2021, at which time interested persons had an opportunity to testify either

in support of or opposition to Conditional Use Permit No. 3105-19, Design Review No. 4995-19, and Minor Site Plan No. 0992-19 to allow a new car inventory storage lot upon 1.18 acres of property at 2457 N. Canal Street as positioned and dimensioned on the approved site plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 3105-19, Design Review No. 4995-19, and Minor Site Plan No. 0992-19 based on the following findings:

SECTION 1 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA per state CEQA Guidelines Section 15332 (Class 32 - In-Fill Development Projects) because the project involves minor site modifications such as paving, landscaping, and security lighting on a site of 1.13 acres. The property has no value as habitat for rare or endangered species, as it already utilized as a temporary vehicle storage lot on gravel with the remaining portion of the area being turf, with no natural habitat remaining. The storage use would not use a significant amount of hazardous substances, the project site is served by all necessary public services, and the surrounding area is not environmentally sensitive. The project does not trigger the exceptions listed in CEQA Guidelines Section 15300.2 because the project does not have cumulative impacts, cause a significant effect on the environment due to unusual circumstances, is not near a scenic highway, is not located on a hazardous waste site, and does not contain historic resources.

SECTION 2 – FINDINGS

General Plan

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

The project will balance the economic gain of the use while preserving the privacy, residential character, and context of adjacent neighborhoods through the use of adequately landscaped setbacks and perimeter walls and fencing which accomplish an adequate buffer. The project assists a revenue generating land use and will further promote the City as a place to conduct business. Project perimeter landscaping enhances the streetscape, accomplishes reduction of pollutant runoff from the site, and is supported by efficient irrigation. Project fencing and lighting accomplish crime prevention with natural surveillance characteristics. Noise from operations and deliveries would be sensitive to adjacent residential uses. The new car inventory would be obscured from view via project landscaping.

Conditional Use Permit

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

Through a combination of project design and conditions, the project would have perimeter walls and fencing, perimeter landscaping that obscures view of the vehicle inventory lot and provides transition with the neighborhood property frontages, lighting would utilize minimized pole heights and blinders to address potential light nuisance. Security would be provided by perimeter fencing and locked gates when not in use. The use would be required to adhere to the noise standards of the OMC, and loading and

unloading would be accommodated within the site or along excess street right-of-way during designated hours. The use would support Villa Ford vehicle inventory which contributes to consumer vehicle choice and service to the community, fleet vehicle sales and service for business and industry, and sales tax revenue for the City.

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

The project contains project design features and has conditions to eliminate any foreseen detrimental effects or problems to adjacent residential land uses. Specifically, the project would have perimeter walls and fencing, perimeter landscaping that obscures view of the vehicle inventory lot and provides transition with the neighborhood property frontages. Lighting would utilize minimized pole heights and blinders to address potential light nuisances. Security would be provided by perimeter fencing and locked gates when not in use. The use would be required to adhere to the noise standards of the OMC, and loading and unloading would be accommodated within the site or along excess street right-of-way during designated hours.

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.*

In addition to the project design features and conditions addressed in finding number 2 above, the project site is located on a site that transitions from the Village at Orange, a commercial center, a turf field, and a church and school to multi and single-family residential neighborhoods. The use is anticipated to be a low-intensity transitional use designed to be innocuous to the neighborhood.

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

Conditions have been placed on the project to address potential project nuisances and impacts to adjacent residential neighborhoods related to landscape maintenance, lighting, noise, hours of loading, and for the restriction of access to the site.

Design Review

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

Although the project site has no specific plan or particular design standards, the project complies with the OMC requirements for site screening and accomplishes a landscaped street frontage to buffer the use from adjacent residential areas, and includes perimeter fencing and walls. The use of the landscaping will provide an appropriate residential frontage aesthetic for the neighborhood and the use of perimeter trees will help reduce the appearance of lighting off the site. Pursuant to conditioning, lighting will be installed in compliance with the OMC for security needs and in a manner that prevents off-site glare.

Minor Site Plan Review

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

The project site is located on a site that transitions from the Village at Orange, a commercial center, a turf field, and a church and school to multi and single-family neighborhoods. The use is anticipated to be a low-intensity transitional use designed to be innocuous to the neighborhood. Through a combination of project design and conditions, the project would have perimeter walls and fencing, perimeter landscaping that obscures view of the vehicle inventory lot and provides transition with the neighborhood property frontages. Lighting would utilize minimized pole heights and blinders. Security would be provided by perimeter fencing and locked gates when not in use. The use would be required to adhere to the noise standards of the OMC, and loading and unloading would be accommodated within the site or along excess street right-of-way during designated hours.

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

Upon approval of a Conditional Use Permit to allow the use, the project will conform to all City development standards for a new vehicle inventory storage lot.

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

The site is accessed via an entrance from Heim Avenue. Pedestrians are not likely to visit the site since only vehicle inventory storage is provided; however, sidewalk curb and gutter aligns the Heim Avenue and Canal Street sides of the property. Vehicle storage and employees visiting the site would park in the site. The City's emergency service providers have determined that the site design can accommodate adequate emergency vehicle access per the approved site plan. The use and related activity will not obstruct sidewalks and the proposed vehicle loading/unloading will occur in a manner that doesn't obstruct traffic.

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

All services needed for the site are accommodated by existing City infrastructure. The project would not result in significant impacts to police, fire, park, or utility services. Project conditions require the business to remove waste and refuse from the site.

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

With project design features and conditions of approval, no significant environmental effects are identified for the project. The project will utilize landscape screening to buffer view of the use from surrounding residential neighborhoods. Perimeter fencing and locked gates when not in use, will aid in site security. Site lighting will utilize minimized light pole heights and light glare guards, and photometrics will be evaluated in plan check and on-site for compliance with OMC standards. Stormwater will be captured in the project landscape areas. Project operations will comply with OMC noise standards.

SECTION 3– CONDITIONS OF APPROVAL

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

1. The project shall conform in substance and be maintained in general conformance with plans and exhibits date stamped January 18, 2021, including any modifications required by conditions of approval, and as approved by the Planning Commission. Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 3105-19, Design Review No. 4992-19, and Minor Site Plan Review No. 0992-19 shall require an application for a new or amended Conditional Use Permit.
2. 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.
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. Conditional Use Permit No. 3105-19, Design Review No. 4992-19, and Minor Site Plan Review No. 0992-19 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
5. Any modifications to the plans including, but not limited to, landscaping as a result of other Department requirements such as Building Codes, Fire Codes, water quality, or Police shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
6. Except as otherwise provided herein, this project is approved as a precise plan. 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 hearing.
7. Building permits shall be obtained for all construction work, as required by the Community Development Department's Building Division. Failure to obtain the required Building Permits may be cause for revocation of this entitlement.
8. 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 ninety (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.

9. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
10. 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.
11. No sales or customer inspections may occur from the site and only employees shall be allowed to be at the site for purposes of delivering and maintaining stored new vehicle inventory.
12. On site storage shall be limited to new vehicle inventory only.
13. No business identification signage shall occur on-site.
14. New vehicle inventory deliveries to and from the site shall only occur between the hours of 7:00 a.m. and 8:00 p.m. Vehicle loading and unloading shall occur on the project site or may occur from the adjacent public right-of-way only if the delivery vehicle is not parked in a driving lane. The ability to use the public right-of-way for delivery may be revoked at any time at the discretion of the Director of Public Works.
15. No vehicle inventory shall be parked in the fire access pathway designated in Note 22 of Sheet A1.1 on the approved site plan. Prior to final inspection, all emergency vehicle pathways shall be striped.
16. Plans submitted for building and grading plan check shall show that the existing curb cut/driveway on Canal Street shall be reverted to gutter, curb, and sidewalk. The plans shall also show that ADA-compliant curb and sidewalk will be provided for the driveway off Heim Ave.
17. The project shall provide street trees and street lighting adjacent to its public right-of-way interfaces, at the discretion of the Public Works Director. Plans submitted for building plan check shall be coordinated with the Public Works Department and shall designate the locations where street trees and street lighting are deemed necessary. Installation of any required street trees and lighting shall occur at the applicant's cost and to the satisfaction of the Public Works Director prior to final inspection.
18. Plans provided for building plan check shall include a revised photometric plan demonstrating compliance with the OMC. Lighting levels shall be via controllable LED fixtures with dimmable lighting control reduction during the evening based on time of evening. Prior to final inspection a light meter reading of site photometrics shall pass a Police Department Crime Prevention Division inspection. Lighting fixtures shall utilize glare shields to prevent off site glare.
19. All the existing and installed trees and shrubs shall be retained in perpetuity and if any are damaged or dying, they shall be replaced in kind.
20. Plans submitted for building plan check shall show that Brisbane box trees shall be added along the eastern property line to achieve a 15' to 20' spacing.
21. Plans submitted for building plan check shall show that the Brisbane box trees along the southern property line, adjacent to the residences, shall be set at 15' spacing instead of 30'.

22. Plans submitted for building plan check shall show that the curb along the east edge of the parking lot is revised in coordination with the City Engineer to ensure that the trees are not damaged and that a 2' by 4' asphalt edge is provided.
23. Prior to Building Permit issuance, the drawings shall be coordinated to show the proposed landscape conditions in the civil plans, including their sections, to ensure that the design intent is communicated to the contractors performing the installation.
24. Project landscaping shall be maintained to comply with the requirements for Police visibility and screening requirements of the OMC.
25. Certification from the Landscape Architect of record shall be filed that final landscaping was completed in compliance with approved landscape and irrigation plan. City staff shall inspect and approve the landscape prior to ~~release~~ final inspection of any building permit.
26. Staff may inspect the site at any time and, if a waste and/or refuse problem is noted, the project proponent or successor in business ownership may be required to arrange for waste hauler trash service to the site.
27. Prior to any site grading, 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.
28. Prior to initiating grading activity, the applicant shall prepare a dust control plan for review and approval by the Public Works Director.
29. Prior to the issuance of any grading permits the applicant shall submit a Priority Project Water Quality Management Plan (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 Water Quality Management Plan and Technical Guidance Document,
 - c. Maintains the hydrologic characteristics of the site by matching time of concentration, runoff, velocity, volume and hydrograph for a 2-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 5 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.
30. Prior to the issuance of certificates for use 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.
31. Prior to the issuance of certificates for use of occupancy or final signoff by the Public Works Department, the applicant shall demonstrate to the satisfaction of the Public Works Director or designee, 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.
32. Prior to issuance of 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.
33. 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 City Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.
34. If the soil disturbance exceeds one acre, prior to the issuance of a grading permit (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) 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 SWPPP required by the General Permit shall be kept at the project site and be available for review by City representatives upon request.

35. 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 any proposed storm water treatment BMPs such as bioretention planters, drywells, permeable pavers, or any other proposed surface water quality BMPs.
36. Prior to final inspection, at the discretion of the Fire Department, the applicant shall dedicate easements over the project's emergency vehicle pathways to the City for the right to enter.
37. The applicant shall not grant an easement(s) over any property subject to a requirement of easement, dedication, or irrevocable offer of dedication to the City, unless such easements are expressly made subordinate to the easements or dedication rights of the City. Prior to granting any such easements, the applicant shall furnish a copy of the proposed easement to the Planning Manager, Water Division Manager, and Public Works Director for review and approval. Further, a copy of the approved easement shall be furnished to the Planning Manager, Water Division Manager and Public Works Director prior to the issuance of any certificate of use and occupancy.
38. Any manual gate secured by a locking device shall have a Knox box with keys inside to the gate's locking mechanism. The Knox box shall be keyed for Police and Fire access.

I hereby certify that the foregoing Resolution was adopted on January 18, 2021, by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dave Simpson, Planning Commission Chair

Date

ATTACHMENT A
PROCEDURAL REQUIREMENTS

1. If not utilized, project approval expires twenty-four months from the approval date. Extensions of time may be granted in accordance with OMC Section 17.08.060. The Planning entitlements expire unless Building Permits are pulled within 2 years of the original approval.
2. Construction permits, including Building Permits, as required by the City, shall be obtained for all construction work, as required by the Community Development Department's Building Division and Public Works Grading Division. Failure to obtain the required Building Permits may be cause for revocation of this entitlement.
3. In conjunction with construction, all activity in connection with construction 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.
4. 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.
5. Prior to Building Permit issuance, security and design measures that employ Defensible Space concepts in accordance with the City's Building Security Guidelines shall be integrated into construction plans in coordination with the Police department.
6. Prior to issuance of 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.
15. All work within public right-of-way and public utility easements will require Encroachment Permits, including sidewalk and driveway constructions and utility main and lateral constructions.
16. All public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with City of Orange Standard Plans and Specifications.
17. Utilities serving the development, such as electric, street lighting and communications shall be installed underground, completed and approved by the appropriate utility provider.
18. Prior to Building Permit issuance, 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 Director of Community Development and Community Services Director.
19. Prior to Building Permit issuance 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 BMPs in landscaped areas.
20. Prior to Building Permit issuance, 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.
21. The final landscape plan shall include a note that a fully automated irrigation system will be provided.

22. Prior to Building Permit issuance, City-required irrigation and landscape inspection notes shall be placed on the final landscape plan, to the satisfaction of the Community Services Director.
23. Prior to Building Permit issuance, the applicant shall pay any outstanding monies due to the City for Planning Division entitlement activities related to this project.
24. In conjunction with the operation of the (business or residence) the property owner shall be responsible to maintain the property to a level deemed adequate by the Community Development. This includes, but is not limited to, the landscaping, storage lot area, address signage, utilities, property walls, and gates.
25. The term "applicant" shall refer to the entity that requests approval of this action or any successor in interest to this approval.
26. The applicant, in coordination with the contractor, shall ensure that grading and construction activities comply with the following requirements:
 - a. All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;
 - b. All operations shall comply with City ordinances with respect to hours of construction activity to minimize noise impacts;
 - c. During construction, best efforts shall be made to locate stockpiling and/or vehicle staging areas as far as practicable from surrounding residences.