

**CONDITIONAL USE PERMIT NO. 3136-21
DESIGN REVIEW NO. 5026-21
MINOR SITE PLAN REVIEW NO. 1038-21
ADMINISTRATIVE ADJUSTMENT NO. 0281-21**

RESOLUTION NO. PC 21-21

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ORANGE APPROVING CONDITIONAL USE
PERMIT NO. 3136-21, DESIGN REVIEW NO. 5026-21,
MINOR SITE PLAN REVIEW NO. 1038-21, AND
ADMINISTRATIVE ADJUSTMENT NO. 0281-21 TO
REDEVELOP A FORMER FULL-SERVICE RESTAURANT
SITE WITH A NEW 2,344 SQUARE FOOT DRIVE-
THROUGH RESTAURANT AND RELATED SITE
IMPROVEMENTS WITH A REDUCTION OF REQUIRED
PARKING, LOCATED AT 584 N. TUSTIN STREET**

APPLICANT: PETROSSI & ASSOCIATES, INC.

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

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Table 17.08.020, and Sections 17.10.030.C and 17.13.030 to take action to grant or deny Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21, to redevelop an existing full-service restaurant site with a new drive-through restaurant, and related site improvements, located at 584 N. Tustin Street; and

WHEREAS, Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 were filed by Petrossi & Associates, Inc. in accordance with the provisions of the OMC; and

WHEREAS, Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 were processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 were reviewed by the Design Review Committee on July 21, 2021, which recommended project approval with conditions to the Planning Commission by a 4-0 vote.

WHEREAS, Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 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 (<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; and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on May 17, 2021, at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 upon property described below:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THE SOUTHERLY 100.00 FEET OF THE NORTHERLY 150.00 FEET OF THE WESTERLY 200.00 FEET OF THE EASTERLY 250.00 FEET OF THAT PORTION OF LOT 8 IN BLOCK E OF THE CHAPMAN TRACT, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 102, PAGE 15 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 8, DISTANT NORTH 0° 25' 57" EAST 293.60 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 0° 25' 57" EAST 364.65 FEET TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF TRACT NO. 3322, AS PER MAP RECORDED IN BOOK 102, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE NORTH 89° 39' 31" WEST 660.29 FEET TO THE SOUTHWEST CORNER OF SAID TRACT NO. 3322, THENCE SOUTH 0° 24' 26" WEST 364.92 FEE ALONG THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID TRACT NO. 3322 TO A POINT DISTANT NORTH 0° 24' 26" EAST 293.60 FEET FROM THE SOUTH LINE OF SAID LOT 8; THENCE SOUTH 89° 40' 59" EAST 660.13 FEET TO THE POINT OF BEGINNING.

Assessor's Parcel Number: 386-191-07

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 to redevelop an existing full-service restaurant site with a new 2,344 square foot drive-through restaurant, and related site improvements, 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 goals and policies stated in the City's General Plan Land Use and Economic Development Elements in that the redevelopment of an existing, vacant restaurant site with a newly constructed drive-through restaurant and site improvements will increase the economic viability of the business through aesthetic enhancement and the elimination of physical deterioration. In addition, redevelopment of the site will not only support a revenue generating business, but will also allow it to be competitive with other drive-through restaurants in the area, which will in turn contribute to the economic vitality and jobs in the area.

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 granting of this Conditional Use Permit is based upon sound principles of land use and in response to services required by the community in that consideration has been given to whether the proposed use will detrimentally affect adjacent land uses. The subject property is presently vacant. The site is developed with a full-service restaurant building on a heavily traveled commercial corridor that offers a wide variety of retail and restaurant services to City residents and persons traveling to the area. The project site will remain a restaurant use and provide a new drive-through lane with a sufficient queuing stacking of vehicles. The drive-through ordering systems speakers include an automatic volume control feature to minimize noise. Also, placement of order speakers are 100 feet from residential buildings to the west and the speaker is oriented to the south toward adjacent commercial property. New trees and landscaping will provided a visual buffer for the residential properties to the west that has not existed under the previous use. Granting a permit in this instance is therefore based upon sound land use principles and responds to the needs of the community at-large.

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 project is not expected to detrimentally affect adjacent land uses or create special problems in the area. The site is surrounded by commercial development to the north, east and south, and is bordered by single-family residences on the west. The proposed site layout will alter existing driveway access but will not interfere with parking or drive aisles on the adjacent properties, or change fire or refuse service access on any of the bordering properties. A queuing analysis for vehicle stacking for the project has been analyzed and deemed acceptable by the City's Traffic Engineer. The applicant is providing a contingency plan for the event the queue exceeds ten vehicles, allowing for nine vehicle overflow, having employees monitor vehicle queue stacking, and directing vehicles for mobile order pick-up to park on-site, thereby preventing spill out onto Tustin Street. The Noise Study for the project analyzed the potential impacts resulting from the menu-ordering speaker associated with idling vehicles in the drive-through lane. The study concluded that the new

drive-through restaurant will operate within daytime and nighttime noise level limits of the OMC.

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).*

The new restaurant facility will replace a vacant full-service restaurant with one that will better serve the community. The new building and associated landscaping improvements generally satisfy the development standards for the Limited Business (C-1) zone. The project brings a contemporary character to an area comprised of commercial buildings and the proposed design incorporates a one-story scale along the street frontage that takes into consideration pedestrians and adjacent commercial properties. The proposed landscaping will complement the project design and will refresh and integrate well with landscaping along the North Tustin Street corridor. Given the present condition of the site is largely devoid of landscaping the project will provide a significant improvement in the appearance of the site and its interface with surrounding properties. All right-of-way improvements including accessibility requirements have been satisfied. Therefore, the effects on the community within this area of the City have been considered and appropriately addressed and any specific requirements are included as conditions to be satisfied prior to permit issuance.

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 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. In addition, conditions have been included to prevent drive-through queuing impacts on Tustin Street, and to ensure the noise associated with the drive-through restaurant is in compliance with the City's noise regulations.

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 subject property is not within a specific plan area or established district with applicable design standards. The proposed drive-through restaurant improves the appearance of the site and streetscape by bringing a new building and significant amount of new landscaping to the property site. The exterior design, including colors and materials, provides an internally consistent and integrated design theme that upholds community aesthetics. The proposed design has incorporated a one-story scale along the street frontage that takes into consideration pedestrians and adjacent commercial and residential properties. The

proposed landscaping, including trees, shrubs and ground cover will complement the project design and integrate well with neighboring commercial properties along the North Tustin Street commercial corridor. Additionally, lighting and other site features have been planned to minimize potential conflicts with neighboring residences.

Minor Site Plan Review Findings:

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

The surrounding development and neighborhood consists of commercial uses to the north east and south, and single-family residential uses to the west. The project will provide a revitalized architectural and landscaped appearance to the Tustin Street corridor, consistent with surrounding development in its massing, scale, design and function.

2. *Minor 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 project as proposed will conform to City development standards for the C-1 zoning district except for parking; however, the applicant requested a reduction of parking of one stall which is well under the 10% reduction allowed by an administrative adjustment. There are no special design guidelines or specific plans affecting the property. Furthermore, an update to the City's commercial parking standards is nearing final adoption with an expected effective date in October 2021. Under the proposed parking code amendment, the proposal will be required to have 11 parking spaces. The proposed 22 spaces exceeds the new standard.

3. *Minor 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 provides safe and adequate access and circulation for vehicles and pedestrians from Tustin Street. The on-site circulation has been designed to accommodate all access needs for parking spaces and for emergency vehicles. There is sufficient queue stacking for ten vehicles with an overflow of nine vehicle spaces before any vehicles would spill out onto the public street. In addition, the study provides for a contingency plan to be activated should there be periods where longer queues form that could impact traffic flow on Tustin Street. The contingency plan would include monitoring of the queue if it reaches 10-15 vehicles and advance mobile ordering for pick up where customers can park as directed by employees. Disabled parking and access has been designed to accommodate building code requirements.

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

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. *Minor 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).*

No environmental effects have been identified for the project. The OMC will adequately manage construction and use regulation needs of the project.

Administrative Adjustment Findings:

1. *That 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 granting of this reduction in standards will reduce the required parking by one stall and 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. Furthermore, the City is nearing final adoption of a parking code update with modified requirements for drive-through restaurants that would no longer warrant an Administrative Adjustment for the project.

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

In reviewing the proposal staff finds that the request does not compromise the intent of the code related to administrative adjustments. The granting of the requested Administrative Adjustment would allow the applicant to deviate from the established code requirements for parking without having to go through a complete variance process.

SECTION 2 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of CEQA per State CEQA Guideline 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– CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that the following conditions are imposed:

General:

1. 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 permit, 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.
2. The applicant shall comply with all conditions of approval contained within Planning Commission Resolution No. PC 21-21 associated with Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21.
3. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled as Attachment 6 in the staff report (date stamped received August 13, 2021), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee and Planning Commission.
4. 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 plot plan, the Community Development Director may approve the changed plan administratively.
5. Subsequent modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the Director may refer the review to the Design Review Committee.
6. 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 or designee. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
7. Any future expansion in area or in the nature and operation of the approved use by Conditional Use Permit No. 3136-21, Design Review No. 5026-21, Minor Site Plan Review No. 1038-21, and Administrative Adjustment No. 0281-21 shall require new or amended applications.
8. 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.

9. If not utilized, project approval expires twenty-four 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 two years of the original approval.
10. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
11. Prior to the operation of the 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 be cause for revocation of this approval.
12. Prior to building permit issuance, 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 and painted to match the walls of the building.
13. Prior to building permit issuance, all required parking spaces shall be shown on construction documents as doubled striped to City standards.
14. 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.
15. Prior to issuance of 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.
16. 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.
17. In conjunction with the operation of the business, the 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, on-site landscaping, trash areas, signage, utilities, property walls, and gates (if applicable).
18. 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.
19. Prior to building permit issuance, the applicant shall demonstrate that the trash enclosure and accessory structure utilize similar materials, colors, and finishes as the restaurant building, including any roofing.

20. Prior to building permit issuance, 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.
21. In conjunction with the operation of the business, all noise levels generated shall conform to the levels allowed by the OMC.
22. The hours of operation of the restaurant shall be Sunday – Thursday, 10:00 a.m. to 11:00 p.m. and Friday – Saturday, 10:00 a.m. to 1:00 a.m. These hours do not restrict employees from being on the premises before opening for preparations and deliveries or after closing for clean-up. Any modification to these operational hour limits shall be subject to review and approval by the Community Development Director and/or may be referred to the Planning Commission at his/her discretion.
23. In conjunction with the operation of the business, all loading and trash enclosure areas shall be maintained and kept clean and free of debris.
24. Odor scrubbers shall be installed in the venting system to address cooking odors emanating from the building.
25. The restaurant shall operate its vehicle queuing and on-site circulation in the manner as described in the drive-through Queuing Analysis. At no time shall the operator allow vehicles of customers to straddle the public right-of-way (sidewalk, driveway, street) and shall employ measures to direct customers from causing any such conflict with keeping the public right-of-way clear by ensuring a maximum queue stacking of 15 vehicles and advance mobile ordering for pick up where customers can park as directed by employees.
26. In conjunction with the operation of the business, 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 Conditional Use Permit shall be presented to the Planning Commission for its consideration of further conditions and modifications.
27. Vehicles exiting the one-way drive-through aisle shall be restricted to right-out only and appropriate directional signage shall be placed on-site to that result.
28. In conjunction with the operation of the business, all loading and unloading (i.e. deliveries) activities shall only occur in the designated loading zone on the subject site. These activities shall only occur during the hours of 7:00 a.m. to 10:00 a.m. when the business is closed to the public.

Design Review Committee:

29. Prior to building permit issuance, the Heavenly Bamboo on the landscape plan shall be replaced with a non-toxic species.
30. Prior to building permit issuance, the applicant shall substitute three trees with alternate tree species with a canopy of larger scale and height.

In addition to the above conditions, procedural requirements are contained herein as Attachment A to this Resolution.

I hereby certify that the foregoing Resolution was adopted on September 8, 2021 by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Dave Simpson, Planning Commission Chair

Date

ATTACHMENT A PROCEDURAL REQUIREMENTS

1. Construction permits, including building permits, including grading permits, as required by the City, shall be obtained in advance 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.
2. In conjunction with construction, all activity in connection with construction, other than grading, 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.
3. 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.
4. Plans submitted for Building Plan Check 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 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.
7. 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.

Community Services:

8. 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.

9. Prior to building permit issuance, the applicant shall review the approved Water Quality Management Plan (WQMP) and ensure the proposed landscape plans are consistent with the project grading plans. The plans must show any proposed storm water treatment Best Management Practices (BMP) such as bioretention planters, drywells, permeable pavers, or any other proposed surface water quality BMPs.
10. 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 of the City of Orange Landscape Standards and Specifications.
11. Prior to building permit issuance, 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.
12. Prior to building permit issuance, the final landscape plan shall include a note that a fully automated irrigation system will be provided.
13. 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.
14. 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.
15. Prior to building permit issuance, landscape plans shall include landscape area calculations needed for State landscape water use reporting.
16. Prior to issuance of 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.

Police:

17. The opening between the trash enclosure block wall and roof shall require security mesh or wrought iron barrier. The mesh or wrought iron shall coordinate with the design and color scheme of the trash enclosure. This shall be reflected on the construction drawings for Orange Police Department approval prior to building permit issuance. Chain link fencing material is not permitted. Trash enclosure doors shall be secured with a lock to prevent unauthorized entry.
18. Prior to building permit issuance, the project shall comply with the requirements of OMC Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. Approved structural drawings, if any, shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.

19. Prior to building permit issuance, a photometric study shall be reviewed and approved by the Police Department. A minimum of one foot candle shall be maintained on all surfaces of the parking lot, from dusk until the termination of business every operating day.
20. Prior to issuance of certificate of occupancy, the applicant shall schedule a light reading inspection with the Crime Prevention Bureau. 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. The lighting shall be tested and confirmed to determine if the lighting meets or exceeds the exterior boundary standards. The applicant shall ensure that lighting on the site shall be directed, controlled, and screened in such a manner so as to refrain from shining directly on surrounding properties. Light spillage or pollution to surrounding residential areas shall not exceed a maintained minimum of 0.5 foot-candle.

Public Works, Subdivision:

21. Prior to permit issuance, a streetlight will be required to be installed along North Tustin Street per OMC 12.52.030.A.7, as required by City of Orange Traffic Division.
22. Prior to permit issuance, the developer shall install street trees along Tustin Street as required by City of Orange Public Works Department.
23. All work within public right-of-way and public utility easements will require encroachment permits from the affected agencies, including sidewalk and driveway constructions, utility main and lateral constructions, and public water construction work.
24. All public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with City of Orange Standard Plans and Specifications.
25. 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.
26. The applicant shall remove unused driveway approaches and restored them to full height curb and gutter, including any sidewalk restoration at the driveway apron.
27. Driveway aprons shall conform to Public Works Standard Plan 115 for commercial driveway with ADA accessibility.
28. All driveway approaches shall conform to ADA standard for wheelchair access conforming to Public Works Standard Plans 115.
29. Any cracked, uneven, or damaged public sidewalk, curb and gutter along property frontage shall be repaired.
30. Sanitary sewer system connecting from the buildings to public mainline shall be private and maintained by the property owner.

31. 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 may be required to include Phased Erosion and Sediment Control Plans, Site Demolition Plan, and Utility Plan as parts of the grading plan.
32. Plans preparation and submittals shall be per Development Services Plan Preparation Guidelines and Checklist, and Checklist for Submittal Packages.
33. A geotechnical report shall accompany the grading plan review.
34. Any soil imported or exported shall require a Transportation Permit from Public Works Traffic Division.
35. 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.
36. 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 4 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 City Building Division.
37. Any grading outside of the owner's property boundary shall require the applicant to either obtain a temporary construction easement or permission from adjacent property owners in a form suitable to the Public Works Director.
38. Trash receptacle locations and details shall be included on the Grading Plan. The trash storage area shall be constructed per Public Works Standard Plan 409.
39. All sewer and storm drain lines shall be shown on the Grading Plan. Other utility lines, such as water lines, may also be shown on Grading Plan for reference.
40. All structural BMPs for water quality purposes shall be shown on Grading Plan. Water quality features shown on the Grading Plan must match WQMP.
41. The property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel.
42. 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

Public Works, Water Division:

43. Prior to building permit issuance, a dedicated irrigation service with backflow prevention device will be required for irrigation purposes.
44. Prior to building permit issuance, a dedicated domestic service with backflow prevention device will be required for domestic services.
45. Prior to building permit issuance, existing service within driveway shall be abandoned per City Water Division standards.
46. Prior to building permit issuance, meter box shall be located behind curb per City Water Division standards and a minimum of 4 feet from the top of driveway.
47. Prior to building permit issuance, 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.
48. 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.
49. Prior to building permit issuance, the Water Division shall approve the type and location of landscaping and fire service (backflow prevention) device for proposed City services.
50. Prior to building permit issuance, construction documents shall show that a six-foot minimum horizontal clearance and a one-foot minimum vertical clearance is 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.
51. Prior to building permit issuance, 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.
52. Prior to building permit issuance, 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.
53. 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.
54. Prior to issuance of a grading permit, 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.

55. If applicable, 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.
56. 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.
57. 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.
58. Prior to issuance of 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.

Water Quality:

59. Prior to issuance of a grading permit 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 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.
60. Prior to issuance of 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.
61. Prior to issuance of 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.
62. 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.
63. 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.

64. For those food service establishment projects installing Grease Interceptors: Prior to issuance of 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.