

**CONDITIONAL USE PERMIT NO. 3039-17
CONDITIONAL USE PERMIT NO. 3054-17
DESIGN REVIEW NO. 4898-17
MINOR SITE PLAN REVIEW NO. 0896-17**

RESOLUTION NO. PC 28-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3039-17 (STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TYPE 21 LICENCE), CONDITIONAL USE PERMIT NO. 3054-17 (DRIVE-THROUGH AUTOMATIC CAR WASH), DESIGN REVIEW NO. 4898-17, AND MINOR SITE PLAN REVIEW NO. 0896-17 TO RENOVATE AN EXISTING FULL-SERVICE GAS STATION TO INCLUDE THE CONVERSION OF EXISTING SERVICE BAYS TO CONVENIENCE STORE AREA, EXPANSION OF THE CONVENIENCE STORE BUILDING, CONSTRUCTION AND OPERATION OF A NEW DRIVE-THROUGH AUTOMATIC CAR WASH, RELATED SITE IMPROVEMENTS, SALE OF ALCOHOLIC BEVERAGES UNDER A STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 21 (OFF-SALE GENERAL) LICENSE, AND MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY, LOCATED AT 2640-2658 N. SANTIAGO BOULEVARD

APPLICANT: DESIGN CONCEPTS: SHIV TALWAR

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, Section 17.08.020B.2a, Section 17.10.030.C, Section 17.10.060.D, and Section 17.10.070.B to take action, to grant or deny Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, Design Review No. 4898-17, and Minor Site Plan Review No. 0896-17, to renovate an existing full-service gas station, to include the conversion of existing service bays to convenience store area, expansion of the convenience store building, construction and operation of a new drive-through automatic car wash, related site improvements, the sale of alcoholic beverages for off-site consumption, and making a finding of public convenience or necessity, located at 2640-2658 N. Santiago Boulevard; and

WHEREAS, Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, Design Review No. 4898-17, and Minor Site Plan Review No. 0896-17 was filed by Shiv Talwar of Design Concepts in accordance with the provisions of the OMC; and

WHEREAS, the Planning Commission has authority per OMC Section 17.30.030 to take action on Conditional Use Permit No. 3039-17 for a State of California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) License within the newly remodeled convenience store and to make a finding of Public Convenience or Necessity; and

WHEREAS, Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, Design Review No. 4898-17, and Minor Site Plan Review No. 0896-17 were processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, Design Review No. 4898-17, and Minor Site Plan Review No. 0896-17 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 conversion of service bays into convenience store area, expansion of the convenience store, and construction of a car wash structure (< 10,000 SF 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 environmental public review required for a Categorical Exemption.

WHEREAS, the Planning Commission conducted one duly advertised public hearing on November 15, 2021, at which time interested persons had an opportunity to testify either in support of or opposition to Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, Design Review No. 4898-17, and Minor Site Plan Review No. 0896-17 upon property described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, Design Review No. 4898-17, and Minor Site Plan Review No. 0896-17 to renovate an existing full-service gas station to include the conversion of existing service bays to convenience store area, expansion of the convenience store building, construction and operation of a new drive-through automatic car wash, related site improvements, the sale of alcoholic beverages for off-site consumption, and making a finding of public convenience or necessity 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 within the City's General Plan Land Use and Economic Development Elements in that the sale of alcoholic beverages

for off-site consumption within the renovated convenience store and new drive-through automatic car wash promotes an existing commercial enterprise and supports a revenue generating business. Allowing the renovation of the existing gas station, construction of a new car wash facility, and sale of alcoholic beverages in conjunction with sale of fuel and convenience store merchandise allows the business to remain competitive with gas stations in the area. This in turn will help to retain the business within the commercial corridor and contribute to the economic vitality in the area. Police Department review of the ABC license and its recommendation of conditions are in support of the General Plan Public Safety Element Goals that require the City to maintain an adequately manned and equipped police force, maintain crime prevention programs designed to protect residents and property from crime, and involve the Police Department in the development review process.

Conditional Use Permit Required 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 currently a gas station with a small convenience store, located on the west side of Santiago Boulevard between Nohl Ranch Road to the north and Robinhood Place to the south, a heavily traveled commercial corridor which serves City residents and persons traveling to the area. The proposed car wash facility expands the types of services offered at this location by providing a fast, convenient, drive-through service. The sale of alcoholic beverages within the expanded convenience store is considered an accessory use and is a service typically expected by the public, particularly in conjunction with the sale of gas and convenience store merchandise. Strong consideration was given to the manner in which the business operates, the manner in which it conducts its security, and the fact that the existing business has not created a nuisance to the community or a burden on police services in its previous years of operation. The Police Department and Staff support the request because it is anticipated through the analysis and review that the operation of the business as proposed, will not increase or contribute to the crime rate in the reporting district or to the City overall.

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 proposed project is not expected to detrimentally affect adjacent land uses or create special problems for the area. The new drive-through car wash will be located on a portion of the site that is currently underutilized. All required on-site parking, and queuing for the drive-through car wash has been analyzed by a Traffic Engineer in a study submitted and deemed acceptable by the Traffic Engineer.

The proposal to sell alcohol within the gas station convenience store is not anticipated to have any adverse impacts on surrounding land uses or create a special problem because the site is located in an area with predominantly commercial uses. The Conditions of Approval should minimize the impact of the sale of alcohol in conjunction with the operation of the gas station/convenience store/car wash establishment. There are residential properties within 600 feet of the subject parcel; however, the properties do not have direct access to the project site and the sale of alcohol would be an accessory use to the sale of non-alcoholic retail products. Alcoholic beverage sales are only offered as a convenience for customers.

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 exterior modifications to the existing convenience store/service bay building, new car wash building and associated site and landscape improvements generally satisfy the development standards for this area. The new car wash building complements the architectural design of the existing gas station and multi-tenant retail building and all right-of-way improvements and 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.

The selling of alcoholic beverages from the project site is not anticipated to have an adverse impact on neighboring land uses. There are residential land uses within 600 feet of the site; however, they do not have direct access to the project site and the sale of alcohol would be an accessory use to the sale of non-alcoholic retail products. Strong consideration was given to the manner in which the business has operated, the manner in which it conducts its security, and that it has not created a nuisance to the community or a burden on police services in its previous years of operation.

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, prevent glare, allow for fee collection to offset use, provide for site maintenance, address water quality, accommodate disabled person site access, protect or improve the public right of way, protect or improve utilities and accommodate aesthetics.

The Police Department has reviewed the proposal to sell alcoholic beverages within the gas station convenience store and did not express any concerns with the hours of operation, floor plans, and building entry. Strong consideration was given to the manner in which the business has operated, the manner in which it conducts its security, and that

it has not created a nuisance to the community or a burden on police services in its previous years of operation.

The Police Department conditions include a review of the operation and police records for excessive calls one year after the beginning of the sale of alcoholic beverages (Condition No. 42). If the Police Department finds that the retail store is not operating as required, or there is a history of criminal or nuisance behavior, the Department will recommend that the Planning Commission consider modifying this application.

Design Review Required 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 17.10.07.F.3).*

The project is not located within a specific plan; however, it is located within Thematic District #1 of the Tustin Street Design Standards. This area is isolated from Tustin Street by the State Route (SR) 55 freeway. The property is visible from the freeway, and the uses generally serve residential developments to the east and freeway motorists. The design guidelines of the document indicate that “building scale, materials and plant materials shall relate to residential uses.”

Modifications to the existing convenience store/service bay building, multi-tenant building, new car wash building, and associated landscaping and site improvements are generally in conformance with the Tustin Street Design Standards for Thematic District #1 and complement the existing commercial site. The simple one-story architectural design with hip style terra cotta roofing, painted stucco finish and wood trim details, as well as project landscaping, blends with the adjacent residential neighborhoods to the east. The project provides an updated, internally consistent, and integrated design theme which upholds community aesthetics.

Minor Site Plan Review Required 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 and south, single-family residential uses to the east and the SR 55 freeway to the west. The project will provide a revitalized architectural and landscaped appearance to the Santiago Boulevard 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 Limited Business Tustin Redevelopment Project Area (C-TR) zoning district. The project is not located within a specific plan; however, it is located within Thematic District #1 of the Tustin Street Design Standards. The design guidelines of the document indicate that “building scale, materials and plant materials shall relate to residential uses.” Modifications to the existing convenience store/service bay building, multi-tenant building, new car wash building, and associated landscaping and site improvements are generally in conformance with the Tustin Street Design Standards for Thematic District #1 and complement the existing commercial site.

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 has safe and adequate access and circulation for vehicles and pedestrians from Santiago Boulevard. The on-site circulation has been designed to accommodate all access needs to parking spaces and for emergency vehicles. 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.

SECTION 2 – FINDING OF CONVENIENCE OR NECESSITY

The ABC establishes an over concentration of alcohol licenses based on the average number of alcohol licenses versus the population in a given census tract. However, the ABC and the City recognize that licenses should be reviewed on a case-by-case basis to ensure that such sales will not adversely affect surrounding residents, businesses, and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. This site is located within an area in the City, where it is expected to have an over-concentration of alcohol licenses. The Planning Commission finds that the sale of alcoholic beverages for off-site consumption within a gas station convenience store setting is an appropriate accessory use and is a service typically expected by the public.

SECTION 3 – ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions CEQA per State CEQA Guidelines Section 15303 (Class 3 - New Construction or Conversion of Small Structures)

because it consists of the conversion of service bays into convenience store area, expansion of the convenience store, and construction of a new car wash structure (< 10,000 SF 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 environmental public review required for a Categorical Exemption.

SECTION 4– CONDITIONS OF APPROVAL

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

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. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled as Attachment 10 in the staff report (date stamped October 22, 2021), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee and Planning Commission.
3. 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 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 Director may approve the changed plan administratively.
4. 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.
5. 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.
6. Any future expansion in area or in the nature and operation of the approved use by Conditional Use Permit No. 3039-17, Conditional Use Permit No. 3054-17, Design Review No. 4898-17, and Minor Site Plan Review No. 0896-17 shall require new or amended applications.

7. 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.
8. Building permits shall be obtained for all future construction work, as required by the Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
9. All signage shall comply with OMC Chapter 17.36 - Sign Regulations.
10. 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.
11. 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.
12. All other construction activities shall conform to the City's Noise Ordinance, OMC Chapter 8.24, and shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays.
13. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
14. 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.
15. Any new 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.
16. 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.
17. Prior to building permit issuance, all required parking spaces shall be shown on construction documents as doubled striped to City standards.
18. 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.

19. 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.
20. 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.
21. 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).
22. 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.
23. 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.
24. Prior to building permit issuance, the applicant shall demonstrate that the trash enclosure shall conform to City Standard Plan 409.
25. 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.
26. In conjunction with the operation of the business, all noise levels generated shall conform to the levels allowed by the OMC.
27. The hours of operation of the gas station/convenience store and car wash facility shall be as follows:

Gas Station/Convenience store: 24 hours/day

Car Wash: Monday through Sunday: 7:00 a.m. to 9:00 p.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.

28. In conjunction with the operation of the business, all loading and trash enclosure areas shall be maintained and kept clean and free of debris.
29. The project shall operate its vehicle parking, queuing, and on-site circulation in the manner as described in the Traffic Assessment Study of Parking and Queuing by Transtech Engineers, Inc., dated June 6, 2017, included as Attachment 4 to the Planning Commission Staff Report. At no time shall the operator allow vehicles of patrons 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.
30. 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.
31. Vehicles not associated with approved business uses on the subject property shall be removed, to include limousine and transport vehicles.

Design Review Committee:

32. Prior to building permit issuance, the applicant shall replace the Chinese Elm Trees that are located on the lower slope with Arbutus Marina Trees.
33. Prior to building permit issuance, a landscape maintenance plan shall be provided.
34. 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.

Fire:

35. 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. On-site Fire Department access will require easement recording prior to issuance of building permits and shall be reviewed by the Fire Department prior to approval.

Police General:

36. 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.

37. 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 consideration such as placement and orientation of structures, access and visibility of common areas, placement of doors, windows, addressing and landscaping.
38. 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. 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, such as adjacent residences.
39. 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.

Police: Conditional Use Permit No. 3039-17 – ABC Type 21 License:

40. In conjunction with the ongoing operation of the business, the premises shall comply with all requirements placed upon it by the State Alcoholic Beverage Control (ABC) Board.
41. The activity level of the business shall be monitored by the Police Department to establish the level of police services used for the business. Should the level of police services demonstrate that the permittee has not controlled excessive, or unnecessary activity resulting in high use of police services, then this Conditional Use Permit may be reviewed for consideration of further conditions, modifications or revocation.
42. This Conditional Use Permit shall be reviewed one year from the date of approval and may be reviewed each year thereafter. The review shall be conducted jointly by the Community Development Director and Police Chief or designees. The purpose of this review shall be to identify uniquely adverse issues such as curfew, loitering, vandalism, criminal activity, noise, or nuisance resulting from approval of the Conditional Use Permit. If such issues are identified, the Conditional Use Permit may be presented to the Planning Commission for their consideration of conditions, modifications or revocation.
43. The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

44. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
45. No sale of alcoholic beverages shall be made from a drive-up window.
46. The hours of operation of the gas station/convenience store shall be 24 hours, 7 days a week. The hours of operation for alcohol services shall be 7 days a week, 6:00 a.m. until 2:00 a.m.
47. Employees and/or contract security personnel shall not consume any alcoholic beverages prior to or during their work shift. Any and all security officers provided shall comply with all state and local ordinances regulating their services, including without limitation, Chapter 11.5 of Division 3 of the California Business and Professions Code.
48. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of merchant items that include food within the convenience store during the same time period. Fuel purchases are excluded from the gross sales of merchant related items. The permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept on a quarterly basis and shall be made available upon request.
49. The sale of beer, malt beverages, and wine coolers in quantities of 22 ounces, 32 ounces, 40 ounces, or similar size containers is prohibited. Beer, malt beverages, and wine coolers in containers of 16 ounces or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
50. The sale of alcoholic beverages for off-site consumption shall be incidental to the operation of the store. No more than 15 percent of the gross floor area shall be dedicated to the sale of alcoholic beverages.
51. No wine shall be sold with an alcoholic content greater than 15% by volume.
52. No wine coolers shall be sold in less than a four-pack quantity.
53. No alcoholic beverages shall be sold from any temporary locations on the premises such as ice tubs, barrels, or any other containers.
54. All containers of alcoholic beverages that are displayed for sale shall be secured against public access between the hours of 2:00 a.m. to 6:00 a.m.
55. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the Community Development Director and the Police Department's Vice Unit at least one month in advance of the event.
56. There shall be no coin operated games maintained upon the premises at any time.

57. The business may utilize a token coin system to reduce the likelihood of theft and burglaries for U.S. currency in coin operated machines. Should the token system be implemented, the requirements for a burglary alarm system may be waived.
58. All coin change machines, dollar bill change machines, or token machines that accept and retain U.S. Currency shall meet the following:
 - A. The machine is to be designed and constructed to be resistant to unauthorized forced entry attempts from any accessible side of the machine.
 - B. The machine is to be installed and secured to prevent its removal from the point of installation within the business.
59. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
60. The permittee shall install and maintain a closed circuit television system capable of readily identifying facial features, and stature of all patrons entering the establishment during hours of operation and monitoring the rear of the premises. The camera system shall keep a minimum 30 day library of events, which shall be available for downloading and inspection by the Police Department.
61. The use of any amplifying systems, outdoor sound system and paging system or any other such device is prohibited on the licensed premises.
62. The permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
63. There shall be no exterior advertising of any kind or type, including on motor fuel islands, advertising directed to the exterior from within, promoting or indicating the availability of a specific brand of alcohol or alcoholic beverages. Interior displays of alcoholic beverages that are clearly visible to the exterior shall constitute a violation of this condition.
64. Exterior doors and windows, as well as the interior of the business, shall be protected by an approved alarm system, which shall detect an attempted entry or presence of people within the business during closing hours.
65. Provide an interior night light to illuminate the interior, and maintain the unobstructed view through storefront windows to provide police patrol officers the ability to observe unlawful activity within the business.

66. The business shall prohibit the admission of, or allow any person under the age of 18 years to remain upon the premises after the hour of 10:00 p.m., unless accompanied by an adult.

Community Services:

67. 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 Community Development Director and Community Services Director.
68. 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 Best Management Practices (BMPs) in landscaped areas.
69. 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.
70. 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.
71. Prior to building permit issuance, the final landscape plan shall include a note that a fully automated irrigation system will be provided.
72. 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.
73. 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.
74. Prior to building permit issuance, landscape plans shall include landscape area calculations needed for State landscape water use reporting.
75. 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.

Subdivision:

79. Prior to grading and building plan check submittal, a Lot Line Adjustment to combine the two lots shall be recorded.

80. Prior to grading permit issuance, the grading plan shall include details of grading on the back slope, surface drainage patterns for the entire site with flow arrows, and all drainage devices. A grading plan sheet shall be included in the building plan set for building permit review.
81. Prior to encroachment permit issuance, all work within the public right-of-way and public utility easements will require encroachment permits, including sidewalk and driveway construction and utility main and lateral construction.
82. Prior to encroachment permit issuance, all public infrastructures, including street sections, sidewalk, driveway apron, and utilities shall comply with City of Orange Standard Plans and Specifications.
83. Prior to encroachment permit issuance, 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.
84. Prior to encroachment permit issuance, driveway aprons shall conform to Public Works Standard Plan 115 for commercial driveways with ADA accessibility.
85. Prior to encroachment permit issuance, all driveway approaches shall conform to ADA standards for wheelchair access conforming to Public Works Standard Plans 115 and 116.
86. Prior to encroachment permit issuance, an unobstructed pedestrian access way of 5 feet wide shall be maintained at all times for the sidewalk. The unobstructed access shall increase to 6 feet when there is no planting strip between the sidewalk and the street curb.
87. Prior to certificate of occupancy, the applicant shall repair any cracked, uneven, or damaged public sidewalk, curb and gutter along property frontage.
88. Prior to certificate of occupancy, the sanitary sewer system connecting from the buildings to the public mainline shall be private and maintained by the property owner.
89. The applicant shall submit a grading plan (24" x 36" plan size) in compliance with City standards for review and approval by the Public Works Director. The grading plan shall show the site drainage pattern leading to water quality BMP's and existing to public streets or approved outlet points. 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.
90. The contractor shall obtain a grading permit from the Public Works Department prior to start of any site demolition, clearing and grubbing, and grading.
91. Prior to grading permit issuance, any soil imported or exported shall require a Transportation Permit from the Public Works Traffic Division.

92. Prior to grading permit issuance, and upon submittal for plan check, the applicant shall pay a deposit to cover plan check and inspection services related to the project activities.
93. Prior to grading permit issuance, the grading plan shall detail all of the locations where retaining walls will be constructed. Geometric details of retaining walls shall be shown on the grading plan, including material type, dimensions, backfill, and sub drains. A building permit is also required for retaining walls over 4-feet in height, as 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 separate documents and will be reviewed and permitted by the Building Division, prior to issuance of a grading permit.
94. Prior to grading permit issuance, any grading outside of the owner's property boundaries shall require the applicant to either obtain a temporary construction easement or permission by adjacent property owners in a form suitable to the Public Works Director.
95. Prior to grading permit issuance, 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.
96. Prior to grading permit issuance, 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 the grading plan for reference.
97. Prior to grading permit issuance, all structural BMP's for water quality purposes shall be shown on the grading plan. Water quality features shown on the grading plan must match the Water Quality Management Plan (WQMP).
98. Prior to certificate of occupancy, the property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel.
99. Prior to building permit issuance and prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to the Public Works Construction Inspector demonstrative that the site grading and pad elevation are completed according to the grading plan.

Traffic Division:

100. Prior to building permit issuance, Transportation System Improvement Program (TSIP) fees are required for the car wash facility.

Water Quality:

101. Prior to issuance of any building or grading permits, the applicant shall submit a Non-priority Project WQMP for review and approval to the Public Works Department that:

- Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, and conserving natural areas;
 - Incorporates the applicable routine structural and non-structural source control BMPs, as defined in the Drainage Area Management Plan (DAMP);
 - Identifies the location of the grease control device for the communal kitchen area and provides evidence to the Building Official that the design meets and is consistent with the City’s latest adopted building codes;
 - Generally describes the long-term operation and maintenance requirements for structural control BMPs;
 - Identifies the entity responsible for long-term operation, maintenance, repair and or replacement of the BMPs;
 - Includes copies of the forms to be used in conducting maintenance and inspection activities;
 - Adheres to record keeping requirements (forms to be kept for 5 years).
102. 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.
103. Prior to the 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.
104. Prior to building permit issuance, 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.

105. 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.

Water Division:

106. All unused services shall be abandoned per Water Division standards. If existing service will be reused, a lead-free, Water Division-approved backflow prevention device is required.
107. All proposed/existing meters and services will be required to have a lead-free Water Division-approved backflow prevention device installed directly behind the meter within the nearest soft-scape on private property, behind the property line per Water Division Standards. Maintain a minimum clearance of 3 feet around all backflow prevention device(s) for access and testing.
108. 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.
109. 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.
110. 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.
111. Prior to building permit issuance, construction documents shall 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 shall review and approve the construction documents.
112. 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.
113. 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.

114. Prior to building permit issuance for the first phase of work, the applicant shall be responsible for obtaining approval all of the necessary encroachment permits from affected agencies for all public water construction work.
115. 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.
116. Prior to the issuance of any 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.
117. 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.
118. 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.
119. At least fourteen 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.
120. Prior to issuance of certificate of occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty-pounds per square inch.

I hereby certify that the foregoing Resolution was adopted on November 15, 2021 by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

RECUSED:

ABSENT:

Dave Simpson, Planning Commission Chair

Date

Exhibit A

APN: 361-401-23 AND 361-401-25

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

PARCEL A:

PARCEL 2, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 40, PAGE 7 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THOSE PORTIONS OF SAID LAND DESCRIBED AS PARCELS 101579-1 AND 101579-2 IN THE FINAL ORDER OF CONDEMNATION, A CERTIFIED COPY THEREOF BEING RECORDED OCTOBER 18, 1999 AS INSTRUMENT NO. 19990730949, OFFICIAL RECORDS.

ALSO EXCEPT FROM THE NORTHEASTERLY PORTION OF SAID LAND, AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE SUBSURFACE OF SAID LAND, LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF, AS GRANTED TO ELIZABETH HILLMAN MCNAMARA, BY DEED RECORDED JANUARY 24, 1952 IN BOOK 2278, PAGE 356, OFFICIAL RECORDS, BUT WITHOUT THE RIGHT TO ENTER UPON THE SURFACE THEREOF, AS PROVIDED BY DEED RECORDED JULY 27, 1964 IN BOOK 7151, PAGE 576, OFFICIAL RECORDS.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF PARCEL 1, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 40, PAGE 7 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89° 26' 47" WEST ALONG THE NORTH LINE THEREOF, 50.00 FEET; THENCE SOUTH 68° 35' 13" EAST 53.45 FEET TO THE EAST LINE OF SAID PARCEL 1 (ONE); THENCE NORTH 00° 40' 09" EAST ALONG SAID EAST LINE, 20.00 FEET TO THE POINT OF BEGINNING.

APN'S: 361-401-23 AND 361-401-25

THE ABOVE DESCRIBED PARCEL OF LAND IS THE SAME AS THE PROPERTY DESCRIBED IN THE OLD REPUBLIC TITLE COMPANY PRELIMINARY REPORT CRDRER NO.: 2676017568-48 DATED AS OF JUNE 29, 2020

APN: 361-401-27

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

PARCEL A:

PARCEL 1, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 40 PAGE 7 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS PARCEL 101578-1 IN THE FINAL ORDER OF CONDEMNATION, A CERTIFIED COPY THEREOF BEING RECORDED JANUARY 26, 2000 AS INSTRUMENT NO. 20000045629, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL RIGHT, TITLE AND INTEREST IN AND TO ANY OIL, GAS, AND OTHER MINERALS (INCLUDING, WITHOUT LIMITATION, HELIUM, LIGNITE, SULPHUR, PHOSPHATE AND OTHER SOLID, LIQUID AND GASEOUS SUBSTANCES), REGARDLESS OF THE NATURE THEREOF AND WHETHER SIMILAR OR DISSIMILAR BUT ONLY TO THE EXTENT ANY OF THE FOREGOING IS IN ITS NATURAL STATE AND NATURAL LOCATION AND NOT SUBJECT TO THE DOMINION AND CONTROL OF ANY PERSON, AND THE RIGHT TO EXPLORE FOR, DEVELOP AND PRODUCE SAME, AS WELL AS THE RIGHT TO LEASE SUCH PORTION OF THE PROPERTY HEREBY RESERVED FOR SUCH PURPOSES, AND ALL MINERAL AND ROYALTY RIGHTS WHATSOEVER IN, ON, UNDER AND PERTAINING TO THE PROPERTY; BUT THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT TO USE, OR RIGHT OF INGRESS TO OR EGRESS FROM ANY PART OF THE SURFACE OF THE PROPERTY FOR EXPLORATION AND PRODUCING PURPOSES; AND ANY OIL AND GAS DRILLING OPERATIONS SHALL BE CONDUCTED BY MEANS OF WELLS, THE SURFACE LOCATIONS OF WHICH ARE ON OTHER LANDS AND WHICH MAY BE DRILLED INTO AND BOTTOMED IN OR UNDER THE PROPERTY. THE GRANTOR SHALL EXERCISE ITS RIGHTS UNDER THE FOREGOING MINERAL, OIL AND GAS RESERVATION SO AS NOT TO DISTURB ANY IMPROVEMENTS, INSTALLATIONS, PETROLEUM OR OTHER PRODUCTS CONTAINED IN SUCH IMPROVEMENTS OR INSTALLATIONS OR SURFACE ACTIVITIES ON THE PROPERTY. THE GRANTOR IS TO RECEIVE AND RETAIN ALL BONUSES, RENTALS AND ROYALTIES PAYABLE UNDER ANY SUCH MINERAL, OIL AND GAS LEASE OR LEASES, AS RESERVED IN THE DEED FROM TEXACO REFINING AND MARKETING INC., A DELAWARE CORPORATION RECORDED JULY 30, 1998 AS INSTRUMENT NO. 19980491383, OFFICIAL RECORDS.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF PARCEL 2, IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 40 PAGE 7 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH 150 FEET OF THE LAND DESCRIBED AS PARCEL 1 IN THE DEED TO TEXACO, INC., A DELAWARE CORPORATION, RECORDED JULY 13, 1971 IN BOOK 9716 PAGE 821 OF OFFICIAL RECORDS, AND RUNNING THENCE SOUTH 89° 26' 47" WEST, ALONG THE NORTH LINE THEREOF 50 FEET; THENCE NORTH 67° 49' 01" EAST 54.25 FEET TO THE EAST LINE OF PARCEL 1 IN SAID DEED TO TEXACO, INC.; THENCE SOUTH 0° 40' 09" WEST, ALONG SAID EAST LINE, 20 FEET TO THE POINT OF BEGINNING.

361-401-27

THE ABOVE DESCRIBED PARCEL OF LAND IS THE SAME AS THE PROPERTY DESCRIBED IN THE OLD REPUBLIC TITLE COMPANY PRELIMINARY REPORT ORDER NO.: 2676017569-48 DATED AS OF JULY 17, 2020