DESIGN REVIEW COMMITTEE
AGENDA ITEM

AGENDA DATE:	FEBRUARY 6, 2013
TO:	Chair Woollett and Members of the Design Review Committee
THRU:	Leslie Aranda Roseberry, Planning Manager
FROM:	Anna Pehoushek, Principal Planner
SUBJECT:	MAJOR SITE PLAN REVIEW NO. 0704-12, MITIGATED NEGATIVE DECLARATION NO. 1831-12, VARIANCE NO. 2222-12, AND DESIGN REVIEW NO. 4652-12 FOR A NEW 334 MULTIFAMILY RESIDENTIAL DEVELOPMENT AND ASSOCIATED PARKING STRUCTURE.

SUMMARY

The applicant is proposing to redevelop an existing surface parking lot with a new 334-unit apartment development, leasing office, clubhouse (with fitness center, club room lounge, business center), two courtyards (with swimming pool, and outdoor lounge areas), and two abutting 7-level parking structures; one will serve the residential development (610 spaces), while the other will provide replacement parking for the Doubletree Hotel (494 spaces) that is presently provided in the surface parking lot. The residential units will be oriented to area streets and arranged around the two courtyards.

RECOMMENDATION – RECOMMENDATION TO THE PLANNING COMMISSION

Staff recommends that the Design Review Committee (DRC) review the project, including the MND, and make a recommendation for Planning Commission.

BACKGROUND INFORMATION

Applicant:	Nate Carlson, AMLI Residential
Owner:	AMLI Residential
Property Location:	3537 The City Way (south of Doubletree Hotel)
General Plan Designation:	Urban Mixed Use (UMIX) (30-60 dwelling units/acre; 1.5-3.0 FAR)
Zoning Classification:	Urban Mixed Use (UMU)
Existing Development:	Surface parking lot (494 spaces) for the Doubletree Hotel.
Property Size:	5.57-acre site
Associated Applications:	MJSP No. 0704-12, ENV No. 1831-12, VAR No. 2222-12, and DRC No. 4652-12

Previous DRC Review: The proposed project received preliminary review from the DRC on December 5, 2012. Meeting Minutes are provided in Attachment 6 to this report.

PUBLIC NOTICE

A Notice of Intent to Adopt a Mitigated Negative Declaration was sent to 239 property owners within a 300' radius of the project site, adjacent cities, and other potentially affected public agencies and utility service providers. This notification also appeared in the Orange County Register on January 23, 2013, is on file with the Orange County Clerk Recorder, and was posted at the site. Additional notification and posting of the site will occur in preparation for the Planning Commission public hearing.

ENVIRONMENTAL REVIEW

The proposed project is subject to environmental review per the provisions of the California Environmental Quality Act (CEQA). Mitigated Negative Declaration No. 1831-12 has been prepared for this project and is provided for the DRC's review and consideration. The role of the DRC is to provide a recommendation to the City Council on this project and the DRC's comments may pertain to any environmental impacts perceived in the proposal. Comments provided by the DRC will be included in the Planning Commission staff report.

Mitigated Negative Declaration No. 1831-12 (MND) tiers off of the General Plan EIR No. 1815-09 (certified on March 9, 2010), which evaluated potential environmental impacts of the City's 2010 General Plan buildout. While the General Plan EIR considers the broad impacts of General Plan buildout, MND No. 1831-12 provides focused project-specific analysis of key environmental issues where warranted. Mitigation Measures from the General Plan EIR are identified in the subject MND that reduce potential impacts to Aesthetics, Air Quality, Hydrology and Water Quality, Noise, Public Services, Transportation and Traffic, and Utilities and Service Systems to less than significant levels. MND 1831-12 analyzes the physical environmental impacts of the project and, as it currently exists, has concluded that impacts of the project are less than significant with the incorporation of additional project-specific mitigation measures (to supplement General Plan EIR Mitigation Measures) related to the following:

- The Cultural Resources section of the MND includes mitigation measures to address potential impacts associated with the discovery of archaeological deposits or paleontological resources during project grading. With the proposed mitigation measures, potential impacts to cultural resources will be less than significant.

- The Hazards and Hazardous Materials section of the MND includes mitigation measures to address potential impacts associated with construction-related interference with the use of The City Drive as an evacuation corridor in the event of an emergency. With the proposed mitigation measure, potential impacts will be less than significant.

- The Noise section of the MND includes mitigation measures reflecting the findings of the project's acoustical engineer to address potential impacts associated with the exposure of

persons or generation of high noise levels from area freeways, roadways, and sports/entertainment venues, and substantial construction-related increases in ambient noise. With the proposed mitigation measures, potential impacts will be less than significant.

- The Transportation and Traffic section of the MND contains mitigation measures to address potential project-related impacts to the left-turn pocket at Chapman Avenue and Manchester Avenue, and construction-related impacts to the use of The City Drive as an evacuation corridor in the event of an emergency. With the mitigation measures, potential impacts are less than significant.

The MND was made publicly available on the City's website, at all City libraries, at the Community Development Department, and at the City Clerk's office.

PROJECT DESCRIPTION

The proposed project consists of a four-story, 334-unit apartment complex (60 dwelling units/acre; 1.6 FAR) leasing office, clubhouse (with fitness center, club room lounge, business center), and two landscaped courtyards (with swimming pool, and outdoor lounge areas). The residential units will be oriented to area streets and arranged around the two courtyards.

Parking for the development would be provided in two abutting 7-level (56'8") parking structures (1,104 spaces combined); one structure provides parking for the residential units, while the other provides replacement parking for the Doubletree Hotel that will be lost as a result of project construction. One level of the parking structure will be subterranean. The parking structure will be wrapped on two sides by the residential units.

As part of the project, the applicant is proposing streetscape enhancements that include landscaped parkways, the planting of canopy trees along the sidewalks that surround the site, and rehabilitation of the roadway medians along The City Drive and Manchester Avenue. The intention of the streetscape program is to respond to existing and anticipated future patterns of pedestrian activity in the area.

EXISTING SITE AND AREA CONTEXT

The 5.57-acre site is presently developed with surface parking spaces, and is surrounded by the Doubletree Hotel to the north, UC Irvine Medical Center to the east, a high-rise office building to the west, and an Outlets at Orange surface parking lot to the south. The site presently provides 494 parking spaces for the Doubletree Hotel. The site has street frontage on three sides: The City Drive on the east, Manchester Avenue on the west, and The City Way on the south.

EVALUATION CRITERIA

Orange Municipal Code (OMC) Section 17.10.070 establishes the general criteria the Design Review Committee should use when reviewing the project. This section states the following:

The project shall have an internally consistent, integrated design theme, which is reflected in the following elements:

1. **Architectural Features**.
   a. The architectural features shall reflect a similar design style or period.
   b. Creative building elements and identifying features should be used to create a high quality project with visual interest and an architectural style.
2. **Landscape**.
   a. The type, size and location of landscape materials shall support the project's overall design concept.
   b. Landscaping shall not obstruct visibility of required addressing, nor shall it obstruct the vision of motorists or pedestrians in proximity to the site.
   c. Landscape areas shall be provided in and around parking lots to break up the appearance of large expanses of hardscape.
3. **Signage**. All signage shall be compatible with the building(s) design, scale, colors, materials and lighting.
4. **Secondary Functional and Accessory Features**. Trash receptacles, storage and loading areas, transformers and mechanical equipment shall be screened in a manner, which is architecturally compatible with the principal building(s).

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Building Architecture:

The proposed project features a 4-story (52'6") contemporary building design that is intended to convey an urban housing aesthetic. Based on the City's mixed use land use program for this area of the City, the applicant has developed a design that considers the pedestrian activity that presently exists in the area, and is expected to increase over time as incremental infill development occurs in the area. The design breaks up the building elevations with articulated wall planes, and integrates pedestrian-scale elements such as stoops leading to unit entrances, exterior patios and balconies.

Exterior building materials consist of a combination of plaster, fiber cement siding, metal, and glass. These material choices and placement on the elevations are intended to provide visual interest for the building when viewed both from a distance and the adjacent sidewalk. Project colors are anticipated to be blues and grays, whites, and brown accented with teal and black.

The west elevation includes the leasing office, which is visually differentiated yet compatible and integrated with the overall architectural design of the project. The leasing office features an aluminum frame storefront, a metal canopy over the storefront, and a similar color and materials scheme as the apartments and parking structures.

The proposed project is located within a portion of the City that is subject to the City's *Design Standards for the Amendment to the Southwest Project Area (Southwest Design Standards)*. Uptown Orange is referenced as the "State College Thematic District" in the *Standards*. The

Southwest Design Standards call for contemporary building design, a high level of building articulation to break up the massing of large-scale development, pedestrian oriented design features, consistent architectural treatment on all visible building elevations, and the interesting use of colors and textures. The proposed project design is consistent with this guidance.

Preliminary DRC Feedback:

During preliminary review, the DRC provided feedback to the applicant suggesting that the interface between the ground floor residential units and sidewalk be studied further to provide greater privacy and separation between the public right-of-way and residences in order for the ground floor units to have the greatest potential for having an "interactive" relationship with the sidewalk area rather than one necessitating a "blinds closed" condition. Specific suggestions included integrating architectural features that provided greater dimension, an edge wall or changes in the use of glass at the ground level of the buildings.

Resolution—Ground Floor Unit Treatment:

In response to DRC feedback, the applicant has made slight modifications to the ground level building elevations. As a means of providing enhanced privacy and greater sense of separation between the apartments and sidewalk area, the applicant is proposing to replace the originally proposed open railings around the sidewalk facing patios with solid walls. The wall surface would be either brown fiber cement or gray plaster, and vary from unit to unit. Openings are integrated into the enclosure walls to create visual interest and enhance their design. Proposed patio wall height ranges from 3'6" to 6' above finished grade (most are 4'6" to 5'), and 3'6" from the finished floor of the patio. The patio enclosures are adjacent to 6' deep entry stoops that vary in height from 12" to 18" above grade.

At the two southern project corners, a planter wall has been added to the landscape area integrated into the façade. This wall measures 24' in height at the southeast corner of the project and 42" at the southwest corner. Additionally, the size of the corner windows has been reduced by raising the lower edge of the large window openings. Staff believes that this design refinement is compatible with the overall architectural design of the project, adds to the interest of the building/sidewalk interface, and achieves a greater level of separation and privacy.

Given that the finished floor of the residential units is 3' above finished grade, and that the stoops and patios are setback 4' from the sidewalk, with the building plane an additional 6' from the sidewalk (overall 10' setback from sidewalk), staff is seeking additional feedback from the DRC regarding the applicant's proposed solution to addressing privacy and separation issues for the ground level units.

Issue 2: Parking Structure Design:

The 7-level parking structure is a significant visual feature of the proposed project, with a height of 58'. The parking structure is located at the northern portion of the site, interfacing with the Doubletree Hotel, and being highly visible from the intersection of Chapman Avenue and The City Drive. The parking structure is otherwise blocked from site by the residential units from The City Way and Manchester Avenue.

Given the visual prominence of the parking structure, the applicant is proposing an aesthetic treatment that both screens the parking structure and functions as a "branding" scheme for Uptown Orange. The applicant is proposing a system of multi-colored painted aluminum louvers spanning the height of the parking structure. The louvers are approximately 47'6" tall and 12" deep, and will be spaced 16" on center apart. They will be painted in shades of orange, blue, and white.

The louvers will be double sided so as to be visible from different angles. They will incorporate lettering that change in appearance with movement along The City Drive, as well as along the vehicular access way that separates the Doubletree Hotel from the parking structure. The lettering will read: "Uptown Orange" all in one view; "Uptown" and "Orange" in separate views; and "Hotel Parking ↓" for the eastbound view from the vehicular access between the hotel and parking structure to direct motorists to the parking structure access point. The parking structure graphics will be brought forward separately with the project signage for DRC review at a future date.

In addition to the louvers, the northeast corner of the parking structure features a frosted/tinted glass panel that screens a stairwell. The stairwell will remain visible through the frosted glass. This panel will enclose the corner of the structure and provide a location for project identification signage (review/approval by DRC at a future date).

Preliminary DRC Feedback:

At the December 5th meeting, the DRC requested additional detail about the louver spacing and installation. Questions were asked about the effectiveness of the louvers in screening the parking structure while simultaneously providing limited visibility into the structure. The DRC also requested additional information about the intended approach to lighting the parking structure and louvers.

Resolution:

In response to the DRC's request, a louver detail has been prepared and is provided as Attachment 5. Sheet L6 has also been added to the plans, presenting the proposed method of exterior illumination for the parking structure. The parking structure is intended to be up-lit with ground mounted architectural flood lights along the north elevation and axial flood lights along the east elevation of the structure. The fixtures would be spaced 10' on center along each elevation.

Issue 3: Streetscape Treatment:

The applicant proposes sidewalk landscaping that softens the interface between the proposed apartments and surrounding streets, and establishes and urban streetscape aesthetic for the area that incorporates components commonly found in urban mixed use districts. The landscape program includes street tree and parkway planting that goes beyond simply planting City street trees. The design is intended to provide an appealing pedestrian experience through the planting of alternating canopy trees and palm trees along The City Drive, palm trees along The City Way in response to the palm trees that presently exist on the south side of The City Way, and canopy

trees along Manchester Avenue. The passageway between the proposed project and the Doubletree Hotel would also receive concentrated street tree planting given the volume of pedestrian activity that this corridor experiences today, and can be expected in the future.

Due to the scale of The City Drive and volume of traffic that street carries, the applicant is also proposing to install a landscaped parkway to provide a separation between vehicle lanes and the sidewalk to provide a more comfortable and useable pedestrian space. This landscaped parkway treatment continues around all three street frontages of the proposed development. Because the proposed street tree and parkway planting include elements that go beyond the City's standard sidewalk and tree planting specifications, the applicant would enter into a maintenance agreement with the City to assume responsibility for its care and condition (Condition #34).

In addition to addressing the sidewalk areas surrounding the site, the applicant is also proposing improvements to the medians on Manchester Avenue that include reconfiguration for traffic safety and landscaping. Proposed landscaping consists of a combination of ornamental grasses and large-scale canopy trees. Similar to the streetscape planting, the applicant would contribute to long-term maintenance costs of the median (Condition #35).

The *Southwest Design Standards* address the importance of providing pedestrian linkage, landscape buffers between buildings and adjacent arterials, and creating a "sense of place". The proposed streetscape treatment is consistent with the *Design Standards*.

Preliminary DRC Feedback:

During preliminary review, the DRC suggested that greater consideration be given to the tree selection with respect to the project's relationship to the street trees at the Outlets of Orange, vertical clearance of tree canopies, visibility of parking structure louver graphics, and soil/planting conditions with respect to long-term landscape viability.

<u>Resolution</u>

In response to DRC feedback, the applicant has modified the proposed tree palette with respect to species and planting size:

- **The City Drive:** Change in tree selection from *Tipuana tipu* (Tipu Tree) and *Washingtonia filifera* (California Fan Palm) to *Magnolia grandiflora* (Southern Magnolia) and *Washingtonia robusta* (Mexican Fan Palm), along with increase in box size and brown trunk height (BTH).

- **The City Way:** Tree selection the same, but box size and BTH increased.

- **Manchester Avenue (a.k.a. City Boulevard East):** Change in tree selection from *Alnus rhombifolia* (White Alder) to *Tipuana tipu* (Tipu Tree) (no change in box size). The same trees are proposed for both the sidewalk and median areas.

- **Hotel Access Road:** Change in tree selection from *Magnolia grandiflora* (Southern Magnolia) to *Cassia leptophylla* (Gold Medallion) (no change in box size).

- **Perimeter Trees:** Change in tree selection from *Populus nigra 'Italica'* (Lombardy Poplar) to *Hymenosporum flavium* (Sweet Shade) along with an increase in box size.

- **Courtyard Trees:** Maintain *Phoenix dactylifera* (Date Palms) and *Magnolia grandiflora 'TMGH'* (Alta Southern Magnolia), but change from *Prunus conferta 'Krauter Vesuvius'* (Purple Leaf Plum) to *Lyonothamnus floribundus* (Catalina Ironwood) and *Acer macrophyllum* (Big Leaf Maple) to *Ficus rubignosa* (Rusty Leaf Fig) with an increase in box size for the two new tree choices.

- **Entry Trees:** Maintain *Phoenix dactylifera* (Date Palms), but change tree selection from *Magnolia grandiflora 'MGTIG'* (Greenback Southern Magnolia) to *Populus nigra 'Italica'* (Lombardy Poplar) (no change in box size or BTH).

In addition to the modifications to the tree palette, the placement of trees has also been revised to address visibility of proposed parking structure louver graphics by eliminating canopy trees along the parking structure elevations in exchange for a uniform planting of Mexican Fan Palms. The concentration of canopy trees has also been reduced on The City Drive to address potential tree canopy-vehicle conflicts, integrating additional palm trees and large specimen canopy trees to achieve the desired streetscape environment at the time of planting. The planting pattern of alternating canopy and palm trees has been continued along The City Way and Manchester Avenue streetscapes for continuity, as well as to provide a visual relationship with the street trees on the south side of The City Way and Outlets of Orange property.

Among the tree choices suggested by the DRC was the Mexican Sycamore as a means of providing a tie-in with the median tress on The City Drive. The refined landscape plans do not incorporate Mexican Sycamores. Staff is seeking direction from the DRC regarding the need to revisit the revised tree palette.

Along with the revised tree palette, the applicant has prepared additional sidewalk details depicting the integration of tree grates into the sidewalk. As presented, the proposed sidewalk/tree grate configuration provides for a 4' planting strip between the curb and sidewalk with an additional 3' of grate-covered tree well as a means of maximizing the exposure of the root ball and soil to open air conditions. At the narrowing point of the tree wells, 4'6" clear passage for pedestrians is maintained along the otherwise 6' wide sidewalk.

Given the site constraints and significant street widths and volumes surrounding the project site, staff believes that the proposed landscape design leverages the available right-of-way area to the maximum extent possible to achieve an appealing residential and pedestrian atmosphere. Staff is seeking confirmation from the DRC regarding the applicant's approach to accommodating trees and their long-term viability. Additionally, staff is recommending Condition #30 which calls for the use of structural soil and appropriate soil amendments for street tree and overall landscape installation.

Issue 4: On-Site Landscaping:

Existing landscaping at the project site consists of one mature Coral tree at each of the northwest, southwest, and southeast street level corners of the site. The perimeter of the site is lined with a dense hedge and evenly spaced mid-sized canopy trees. Similar trees and hedges are planted in landscape planters interspersed throughout the existing parking lot. Because the existing parking lot is at a depressed elevation from street grade, the parking lot tree canopies are most visible from the street level, but are partially obscured by the perimeter hedge. The existing plant material will be removed and replaced in its entirety with implementation of the proposed project. Staff has explored the possibility of retaining and/or relocating the corner specimen trees with the applicant. Due to site grading, the footprint of the proposed buildings, and utility improvements/relocations, preserving these trees in place is not a viable option. While removal of these trees is not subject to the City's Tree Preservation Ordinance, the trees are presently a visually prominent feature of the site. Staff believes that the proposed streetscape and landscape program and material sizes represents significant overall improvement of the appearance of the site, and implements the streetscape environment desired by the City in the mixed use districts. Staff is seeking feedback from the DRC on the need for further exploration of specimen tree relocation by the applicant.

The proposed landscaping exceeds the City's landscape requirements for the site. On-site landscaping includes an entry statement at the Manchester Avenue project frontage and leasing office/clubhouse area featuring decorative paving, multi-colored free-standing vertical decorative "fins" that provide a visual reference to the parking structure louvers, palm trees, low shrubs, and ground cover. Similar and complementary plant material continues around the street side setback areas, and at entry stoops. Decorative paving is also incorporated at key project access points around the perimeter of the project site.

The residential units are largely arranged around two courtyards; one being the location of a swimming pool, cabanas, and bocce ball/billiards green, with the other being a passive landscaped area with a yoga dome, pathways and seating areas. The plant palette for the swimming pool courtyard includes of a combination of canopy and palm trees, along with a variety of drought-tolerant shrubs, groundcover and vine. The passive courtyard similarly features canopy trees and palms.

Preliminary DRC Feedback:

The DRC discussed shade and shadow implications on the landscaping and overall usability of the recreational courtyard space included in the project, and particularly the swimming pool area.

Resolution—Shade and Shadow:

The applicant has provided a shade and shadow study in response to the DRC's interest in sun exposure for the pool courtyard. The study provides information about summer and winter solstice conditions. As depicted on Sheet L5 of the plans, during summer conditions nearly all areas of the courtyard receive sun exposure at some point during the day, with the exception of southwestern and southeastern corners. During the winter, much of the courtyard is shaded during the day, with the northeastern and northwestern portions receiving the greatest level of

sun exposure under mid-day conditions. Staff is seeking feedback from the DRC on the appropriateness of the propose plant material with respect to the anticipated sun exposure in the courtyard.

Issue 5: Signage

Signage for the proposed development will be brought to the DRC for approval separately from the architectural and landscape design.

ADVISORY BOARD RECOMMENDATION

The Staff Review Committee determined that the content of the Mitigated Negative Declaration was satisfactory and recommended Planning Commission approval of the project on January 16, 2013.

STAFF RECOMMENDATION AND REQUIRED FINDINGS

The courts define a "Finding" as a conclusion which describes the method of analysis decision makers utilize to make the final decision. A decision making body "makes a Finding," or draws a conclusion, through identifying evidence in the record (i.e., testimony, reports, environmental documents, etc.) and should not contain unsupported statements. The statements which support the Findings bridge the gap between the raw data and the ultimate decision, thereby showing the rational decision making process that took place. The "Findings" are, in essence, the ultimate conclusions which must be reached in order to approve (or recommend approval of) a project. The same holds true if denying a project; the decision making body must detail why it cannot make the Findings.

The Findings are applied as appropriate to each project. Based on the following Findings and statements in support of such Findings, staff recommends the DRC approve the project with recommended conditions.

1. *In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the DRC or other reviewing body for the project (OMC 17.10.070.F.1).*

   This project site is not within the Old Towne Historic District; therefore, this finding does not apply.

2. *In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines (OMC 17.10.07.F.2).*

   This project site is not within the National Register Historic District; therefore, this finding does not apply.

3. *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 located within the Orange Amended Redevelopment area, and is subject to the City's *Design Standards for the Amendment to the Southwest Project Area (Southwest*

Design Standards). The Uptown Orange area of the City is characterized by an eclectic mix of contemporary architectural styles applied to retail, office, institutional, and residential structures. The architecture and landscape design of the proposed project complements and enhances the aesthetics of Uptown Orange, and reinforces the urban fabric by replacing a surface parking lot with a larger scale development project that off-sets the scale of adjacent high-rise structures and area roadways. The project design addresses the design directives of the *Southwest Design Standards* by providing varied and articulated building elevations, streetscape enhancements that provide an appealing pedestrian environment to encourage pedestrian activity and linkage between the project and surrounding uses, and enhances the "sense of place" in Uptown Orange by replacing a surface parking lot with residential development that is compatible with the contemporary architectural aesthetics of the area.

4. *For infill residential development, as specified in the City of Orange Infill Residential Design Guidelines, the new structure(s) or addition are compatible with the scale, massing, orientation, and articulation of the surrounding development and will preserve or enhance existing neighborhood character (OMC 17.10.07.F.4).*

   This project is not an infill residential development subject to the City's *Infill Residential Design Guidelines*; therefore, this finding does not apply.

CONDITIONS

Staff is recommending that the Design Review Committee recommend approval of the project design, excluding signage, to the Planning Commission with the conditions of approval presented below. The DRC may provide additional conditions or modifications to conditions to support the required findings and ensure the preservation of community aesthetics.

1. The project shall conform in substance and be maintained in general conformance with plans and exhibits date stamped January 28, 2013 including any modifications required by conditions of approval, and as approved by the Planning Commission. Any future expansion in area or in the nature and operation of the use approved by Major Site Plan Review No. 0704-12, Mitigated Negative Declaration No. 1831-12, Variance No. 2222-12, and Design Review No. 4652-12 shall require an application for a new or amended Site Plan Review.
2. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permits, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
3. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
4. Major Site Plan Review No. 0704-12, Mitigated Negative Declaration No. 1831-12, Variance No. 2222-12, and Design Review No. 4652-12 shall become void if not vested

within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.

5. Any modifications to the plans including, but not limited to, 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. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plan, the Community Development Director may approve the changed plan without requiring a new public hearing.

7. Any future expansion in area or in the nature and operation of the approved use by Major Site Plan Review No. 0704-12, Mitigated Negative Declaration No. 1831-12, Variance No. 2222-12, and Design Review No. 4652-12 shall require a new or amended Site Plan application.

8. Building permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits may be cause for revocation of this entitlement.

9. 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.

10. In conjunction with construction, all activity will be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays.

11. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.

12. 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.

13. Prior to issuance of a 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.

14. Glare from 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 or cause illumination in residential districts in excess of 0.5 foot-candles. Prior to issuance of a Certificate of Occupancy, the applicant shall contact the Orange Police Crime Prevention Bureau and set an appointment on-site to test all lighting to ensure it meets OMC standards.
15. 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 modifications shall be reviewed and approved by the Design Review Committee.
16. Prior to building permit issuance, the applicant shall submit a color palette and sample materials to demonstrate that all proposed colors and materials match the DRC approvals and if applicable, existing colors and materials on the subject building.
17. Prior to building permit issuance, the applicant shall demonstrate to the satisfaction of the Community Development Director that new mechanical equipment screening shall be installed that architecturally matches the building.
18. 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.
19. Prior to building permit issuance, construction plans shall show that all structures shall comply with the requirements of Municipal Code (Chapter 15.52 Building Security Standards), which relates to the use of specific hardware, doors, windows, lighting, etc (Ord. No. 7-79). Architect drawings shall include sections of the Ordinance that apply under "Security Notes". An "Approved Products List 1/08" of hardware, windows, etc is available upon request.
20. 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.
21. All <u>residential</u> dwellings shall display a street number in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four inches in height and shall be of a contrasting color to the background to which they are attached. Single family dwellings shall have these numerals illuminated during the hours of darkness.
22. 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.

23. 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 in landscaped areas.

24. Prior to building permit issuance, the final landscape plan shall be reviewed and approved by the Orange Fire Department if landscaping is proposed in areas subject to Fire Department jurisdiction, which may include, but is not limited to, fuel modification areas.

25. Prior to building permit issuance, final landscaping plans for the project shall be designed to comply with the City's Water Efficient Landscape Guidelines as described in Section IX et al of the City of Orange Landscape Standards and Specifications.

26. The applicant shall verify street tree requirements with the Public Works Department and shall note so on the landscape plan.

27. All landscaping located within public areas 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.

28. The final landscape plan shall include a note that a fully automated irrigation system will be provided.

29. 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.

30. Prior to the issuance of a building permit for the parking structure, the applicant shall submit a final landscape to the City for review and approval by the Design Review Committee. The landscape plan shall include structural soil and tree grate details, a detailed planting and irrigation plan, and information about the use of other soil amendments.

31. Prior to submittal of the final landscape plan for Design Review Committee review and approval, the applicant shall coordinate with the Community Services Department on the design of the Manchester Avenue medians. The landscape and irrigation design shall include the Calsense irrigation control system including remote communication, flow sensor and master value components. The median landscape design shall also comply with the City's Landscape Water Efficiency Ordinance (OMC 16.50.040).

32. Prior to the issuance of a building permit for the parking structure, the applicant shall submit a final lighting plan to the City for review and approval by the Design Review Committee.

33. The applicant shall enter into a Decorative Improvement Agreement with the City prior to approval of the final Public Works system.

34. Prior to the issuance of building permits for the apartments, the applicant shall enter into landscape maintenance agreement with the City for streetscape landscaping including parkway plantings (between curb and sidewalk) and street trees. The content of this

agreement shall be developed in consultation with the Public Works Department and Community Services Department.

35. Prior to the issuance of building permits for the apartments, the applicant shall enter into a maintenance agreement or equivalent appropriate instrument specifying a long-term contribution toward the maintenance of the median landscaping on Manchester Avenue. The content of this agreement shall be developed in consultation with the Public Works and Community Services Department.

ATTACHMENTS

1. Vicinity Map
2. Site Photos
3. Project Plans dated January 28, 2013
4. Mitigated Negative Declaration No. 1831-12
5. Parking structure louver detail dated January 18, 2013
6. Design Review Committee Minutes, December 5, 2012

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