

RESOLUTION NO. 08-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUSTIN APPROVING CONDITIONAL USE PERMIT 07-14, DESIGN REVIEW 07-15, AND A WAIVER OF PARKING IN-LIEU FEES TO AUTHORIZE THE DEVELOPMENT OF A 7,650 SQUARE-FOOT MIXED-USE PROJECT LOCATED 170 EL CAMINO REAL

The City Council of the City of Tustin does hereby resolve as follows:

- I. The City Council finds and determines as follows:
 - A. That a proper application for Conditional Use Permit 07-014 and Design Review 07-015 was submitted by Susan Secoy, of Secoy Architects, representative for Paula Meyer, property owner, requesting authorization to construct a mixed-use project (office, retail, and residential unit) at 170 El Camino Real (APN 402-571-05);
 - B. That a public hearing was duly called, noticed, and held for said application on January 8, 2008, by the Planning Commission. The item was continued to the January 22nd meeting, and subsequently, to the February 26th public hearing.
 - C. That a public hearing was duly called, noticed, and held for said application on February 26, 2008, by the Planning Commission and the Planning Commission adopted Resolution 4080 recommending the Tustin City Council approve said project;
 - D. That a public hearing was duly called, noticed, and held on said application on January 15th City Council public hearing. The item was then continued to the February 5th meeting, and subsequently, to the March 4th meeting.
 - E. That the site is located in the Central Commercial District (C-2), Cultural Resources Overlay District (CR), and the Combining Parking Overlay District (P);
 - F. There is no substantial evidence that the project will have a significant effect on the environment. This project is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines Section 15332, Class 32, "In-Fill Development Projects" that pertains to sites less than five acres in an urban area, and the following: 1) is consistent with applicable zoning and general plan designation and regulations, 2) has no value for endangered, rare, or threatened species, 3) the site can be adequately served by all required utility and public services, and 4) approval of the project would

not result in any significant effects relating to traffic noise, air quality, or water quality.

ii. The City Council hereby makes the following findings pertaining to the approval of Design Review 07-015:

A. Pursuant to Section 9272 of the Tustin Municipal Code, the City Council finds that the location, size, architectural features, and general appearance of the proposed development will not impair the orderly and harmonious development of the area, the present or future development therein, or the occupancy as a whole. In making such findings, the City Council has considered at least the following items:

1. Height, bulk, and area of buildings.
2. Setbacks and site planning.
3. Exterior materials and colors.
4. Type and pitch of roofs.
5. Size and spacing of windows, doors, and other openings.
6. Towers, chimneys, roof structures.
7. Location, height, and standards of exterior illumination.
8. Landscaping, parking area design, and traffic circulation.
9. Location and appearance of equipment located outside an enclosed structure.
10. Location and method of refuse storage.
11. Physical relationship of proposed structures to existing structures in the neighborhood.
12. Appearance and design relationship of proposed structures to existing structures and possible future structures in the neighborhood and public thoroughfares.
13. Proposed signage.
14. Development Guidelines and criteria as adopted by the City Council.

III. The City Council hereby makes the following findings pertaining to the approval of Conditional Use Permit 07-014:

A. Pursuant to Section 9252j3 of the Tustin Municipal Code, requiring City Council approval for the mixed-use proposal: The proposed mixed-use would be a conditionally permitted use, subject to approval by the City Council, followed by a public hearing and recommendation from the Planning Commission. The City Council finds that proposed use would support the purposes of the underlying zoning district and the General Plan. The proposed project is consistent with the City's General Plan which states that the character of Old Town and First Street would be significantly enhanced by greater integration of residential uses with a unique pedestrian environment and diverse mix of goods, services, and uses.

- B. That the establishment, maintenance, and operation of the proposed use will not, under the circumstances of this case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, nor be injurious or detrimental to the property and improvements in the neighborhood of the subject property, or to the general welfare of the City of Tustin in that:
- 1) The proposed use is a mixed-use development. The proposed office, retail, and residential use of this mixed-use project is consistent with uses located in the surrounding area. The operational characteristics of the proposed mixed-use unit are non-intensive and do not typically generate any noise, odor, or other environmental impacts, that would negatively affect surrounding land uses.
 - 2) The proposed height complies with the maximum height limit allowable by code, which is 50 feet.
 - 3) The proposed use satisfies all requirements of the underlying Zoning Districts and the Old Town Commercial General Plan Land Use Designation.
 - 4) The office use is on the second floor; the office use will be complementary in terms of hours of operation, convenience, and parking demand with its companion residential use; and the mixed use will be beneficial, complementary and compatible with surrounding neighborhood and adjacent uses.
 - 5) The proposed ground floor retail area is consistent with the intent of the C-2 Zoning District to establish ground floor retail uses for properties fronting onto El Camino Real.
 - 6) The proposed mixed use supports the purpose of the Cultural Resources District because the new construction will be compatible with the character of the district, enhance property values and increase economic and financial benefits to the City and its inhabitants, and enhance the visual character and diversity of architectural styles in the area.


IV. Pursuant to Resolution 02-29, City Council adoption of the Old Town Fee Waiver Policy, the City Council finds that a waiver of parking in-lieu fees from the applicant is appropriate and consistent with the intent and purposes of the Fee Waiver Policy and here hereby approves a waiver of parking in-lieu fees for up to nine (9) parking spaces as follows:

- A. The City Council approved a fee waiver policy in 1996 to promote the commercial development and revitalization of the Old Town and Town Center commercial areas. The proposed project would promote other development in Old Town, which is consistent with the intent of the fee waiver policy to attract new businesses and promote commercial development in the Old Town area.
 - B. The project site has been vacant. Due to the physical limitations of the lot (e.g. small lot size, narrow lot width, and narrow street frontage), it is difficult to develop on the property. Supporting development on the property, by waiver of fees, would allow development of a mixed-use project that is consistent with General Plan goals to encourage a mix of uses and revitalize Old Town.
 - c. The City has initiated a parking study for Old Town Tustin to identify strategies to better utilize existing parking facilities and to recommend parking improvements to support economic redevelopment of Old Town Tustin. The study finds that the existing parking supply is generally adequate and not heavily utilized in many areas with the Parking Overlay District. In addition, on February 19, 2008, the City Council directed staff to pursue development and implementation of additional parking management techniques to encourage more economic development in Old Town. The waiver of fees to support the proposed mixed-use development may be consistent with some of the general recommendations made in the study to encourage mixed-use developments in order to make better use of available parking for present and future uses and to promote activity level in Old Town.
 - D. General Plan Policy 10 encourages pedestrian oriented development and a diverse mix of uses for Old Town. The proposed use is a mixed-use development, and the office spaces would generate new jobs and pedestrian activity in Old Town.
 - E. The waiver of parking in-lieu fee would allow the owner to develop the site, provide a ground floor retail component, reside in the residential unit, and utilize the second floor office business. The waiver of the parking in-lieu fee will serve the residential, retail, office use, and Old Town Tustin as a whole.
- V. The development standards and fee waivers recommended for this project apply only to this project site. Subsequent projects within the CR Overlay District shall be considered on a case-by-case basis and shall be based on their own merit. VI. The City Council hereby approves Conditional Use Permit 07-014, Design Review 07-015, and a fee waiver for parking in-lieu fees for up to nine (9) parking spaces for development of a mixed-used project on a 0.17-acre site located at 170 El Camino Real, subject to the conditions contained in Exhibit A attached hereto.

PASSED AND ADOPTED at a regular meeting of the Tustin City Council held on the 4th day of March, 2008.



JERRY AMANTE,
Mayor



PAMELA STOKER
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF TUSTIN)

I, Pamela Stoker, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, do hereby certify that the whole number of the members of the City Council of the City of Tustin is five; that the above and foregoing Resolution No. 08-06 was duly passed and adopted at a regular meeting of the Tustin City Council, held on the 4th day of March, 2008, by the following vote:

COUNCILMEMBER AYES:	<u>Amante, Davert, Bone, Kawashima, Palmer</u>	(5)
COUNCILMEMBER NOES:	<u>None</u>	(0)
COUNCILMEMBER ABSTAINED:	<u>None</u>	(0)
COUNCILMEMBER ABSENT:	<u>None</u>	(0)



PAMELA STOKER
CITY CLERK

**EXHIBIT A
CONDITIONAL USE PERMIT 07-14
DESIGN REVIEW 07-15
RESOLUTION NO. 08-06
CONDITIONS OF APPROVAL**

GENERAL

- (1) 1.1 The proposed project shall conform with the Tustin City Code and Tustin Design Guidelines and standards and be consistent with submitted plans for the project date stamped March 4, 2008, on file with the Community Development Department, except as herein modified, or as modified by the Director of Community Development in accordance with this Exhibit. The Director of Community Development may also approve minor modifications to plans during plan check if such modifications are consistent with the provisions of the Tustin City Code and other applicable codes.
- (1) 1.2 Unless otherwise specified, the conditions contained in this Exhibit shall be complied with as specified or prior to the issuance of any building permits for the project, subject to review and approval by the Community Development Department.
- (1) 1.3 The subject project approval shall become null and void unless permits for the proposed project are issued and substantial construction is underway within twelve (12) months. All time extensions may be considered if a written request is received within thirty (30) days prior to the expiration date.
- (1) 1.4 Approval of Conditional Use Permit 07-014 and Design Review 07-015 is contingent upon the applicant returning to the Community Development Department a notarized "Agreement to Conditions Imposed" form and the property owner signing and recording with the County Clerk-Recorder a notarized "Notice of Discretionary Permit Approval and Conditions of Approval" form. The forms shall be established by the Director of Community Development, and evidence of recordation shall be provided to the Community Development Department prior to issuance of building permits.

SOURCE CODES

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| (1) STANDARD CONDITION | (5) RESPONSIBLE AGENCY REQUIREMENT |
| (2) CEQA MITIGATION | (6) LANDSCAPING GUIDELINES |
| (3) UNIFORM BUILDING CODE/S | (7) PC/CC POLICY |
| (4) DESIGN REVIEW | *** EXCEPTION |

- (1) 1.5 The applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, the Planning Commission, or any other decision-making body, including staff, concerning this project. The City agrees to promptly notify the applicant of any such claim or action filed against the City and to fully cooperate in the defense of any such action. The City may, at its sole cost and expense, elect to participate in defense of any such action under this condition.
- (1) 1.6 Prior to the issuance of a building permit, the applicant shall seek approval from the Orange County Sanitation District for encroachment of the trash enclosure into the existing sewer easement. The applicant shall redesign plans to modify the trash enclosure as required by the City's Engineering Division and the Orange County Sanitation District.
- (1) 1.7 To satisfy the City's parking requirements, due to a deficiency of seven (7) parking stalls, the applicant shall pay parking in-lieu fees unless waived by the Tustin City Council. The applicant shall deposit with the City an amount that is equal to four (4) times the assessed value as determined from the latest assessment roll of the County Assessor, of 200 square feet of land within the area, for each required parking space not otherwise provided. Staff has requested a fee waiver by the City Council.

BUILDING PLAN SUBMITTAL

- (3) 2.1 Building plan check submittal shall include the following:
 - Seven (7) sets of construction plans, including drawings for mechanical, plumbing, and electrical.
 - Two (2) copies of structural calculations.
 - Two (2) copies of Title 24 energy calculations.
 - Three (3) copies of the soil reports.
- (3) 2.2 Define the building use on the plans and identify occupant load.
- (3) 2.3 Exterior walls are required to be one-hour fire resistive of construction where exterior walls are less than twenty (20) feet from property lines, 2001 California Building Code (Table 5-A).

- (3) 2.4 A level floor or landing shall be provided at all doors (i.e. at the stairway). This area shall have a minimum length of 60 inches in the direction of the door swing and 48 inches in the opposite direction of the door swing.
- (3) 2.5 Provide area analysis for all buildings and show compliance with allowable floor areas based on 2007 UBC Code.
- (3) 2.6 Prior to issuance of grading permits, the applicant shall submit a copy of the Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity from the State Water Resources Control Board. Evidence that the NOI has been obtained shall be submitted to the Building Official. In addition, the applicant shall include notes on the grading plans indicating that the project will be implemented in compliance with the Statewide Permit for General Construction Activities.

The following requirements shall be defined on permit plan cover sheets as either general or special notes and the project shall be implemented in accordance with the notes:

- Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site.
- Discharges of material other than storm water are allowed only when necessary for performance and completion of construction practices and where they do not: cause or contribute to a violation of any water quality standard; cause or threaten to cause pollution, contamination, or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.
- Potential pollutants include, but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives, and solvents; asbestos fibers, paint flake or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water, concrete, detergent or floatable wastes; wastes from any engine equipment steam cleaning or chemical degreasing; and chlorinated potable water line flushings. During construction, disposal of such materials should occur in a specified and controlled temporary area on site, physically separated from potential storm water run-off, with ultimate disposal in accordance with local, State, and Federal requirements.

non-contaminated groundwater requires a National Pollutant Discharge Elimination System Permit from the California State Regional Water Quality Control Board.

- (3) 2.7 A note shall be provided on final plans that a six (6) foot high chain link fence shall be installed around the site prior to building construction stages. A nylon fabric or mesh shall be attached to the temporary construction fencing. Gated entrances shall be permitted along the perimeter of the site for construction vehicles.

PUBLIC WORKS/ ENGINEERING DIVISION

- (1) 3.1 Prior to issuance of a grading permit, a separate 24" x 36" street improvement plan, as prepared by a California Registered Civil Engineer, shall be required for all construction within the public right-of-way. Said plan shall include, but not be limited to, the following:

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| a) Curb and gutter | e) Domestic water facilities |
| b) Sidewalk, including curb ramps
for the physically disabled | f) Sanitary sewer facilities |
| c) Drive aprons | g) Landscape/irrigation |
| d) Remove and installation of parking
strips along El Camino Real | h) Underground utility connections |

In addition, a 24" x 36" reproducible construction area traffic control plan, as prepared by a California Registered Traffic Engineer or Civil Engineer experienced in this type of plan preparation, shall be required.

- (1) 3.2 Prior to issuance of any permit, the applicant shall submit the following plans for review and approval:

- a) The developer shall submit on-site grading plans. The submittal package shall include, at the minimum, the following:
- 1) Three (3) copies of a recent soil report provided by a civil engineer (less than one (1) year old). Expanded information regarding the levels of hydrocarbons and ground water contamination found on-site shall be provided in the soil report. All pavement "R" values shall be in accordance with applicable City of Tustin standards.
 - 2) All site drainage shall be handled on-site and shall not be permitted to drain onto adjacent properties.
 - 3) Drainage, vegetation, circulation, street sections, curbs, gutters, sidewalks, and storm drains shall comply with the on-site Private Improvement Standards.
 - 4) Two (2) sets of Hydrology and Hydraulic Report.

- b) All sanitary sewer facilities shall be submitted as required by the City Engineer and local sewer agency, and
 - c) Approval from the City's Water Services Division is required for permitting or construction of any new service connections, abandonment or relocation of existing services, or improvements that will affect City's water facilities. Water system improvements plan shall be designed by a licensed Civil Engineer in accordance with the requirements and standards of the City of Tustin Department of Public Works or American Water Work Association. A separate on-site water plan for improvements outside the street right of ways and within private property will be required for on-site improvements to be maintained by the City. Title block per Engineering Services Division's conditions is available from Engineering at (714) 573-3164. Any easements for construction of City's facilities within private property shall be recorded. Submittals of improvement plan and design specification digital (PDF) files in entirety to Water Services Engineer are needed. These items are mandatory requirements prior to sign-off by the Water Services Manager.
- (1) 3.3 Permission from property owners shall be required for any work located on adjacent properties.
 - (1) 3.4 A grading bond will be required to assure work is completed in accordance with approved plans prior to permit issuance. The engineer's estimated cost of the grading, drainage, and erosion control shall be submitted to the City for approval.
 - (1) 3.5 A Water Quality Management Plan (WQMP) shall be submitted and approved prior to issuance of grading permit. The WQMP shall be prepared using the City's WQMP Guidelines. The applicant shall submit a deposit of \$2,700.00 for the estimated cost for reviewing WQMP to the City. The actual costs will be deducted from the deposit, and the applicant shall be responsible for any additional review cost that exceeded the deposit prior to issuance of grading permits. Any unused portion of the deposit will be refunded to the applicant.
 - (1) 3.6 Prior to issuance of grading permit, the property owner(s) shall record a declaration of restrictions with the County Clerk Recorder. This declaration binds current and future owner(s) of the property regarding implementation and maintenance of the structural and non-structural BMPs as specified in the approved WQMP.
 - (1) 3.7 Existing sewer, domestic water, reclaimed water, and storm drain service laterals shall be utilized whenever possible.

- (1) 3.8 Any damage done to existing street improvements and utilities shall be repaired before issuance of a Certificate of Occupancy for the development.
- (1) 3.9 Prior to any work in the public right-of-way, an Encroachment Permit shall be obtained from and applicable fees paid to the Public Works Department.
- (1) 3.10 Prior to issuance of any permit, the applicant shall satisfy dedication and/or reservation requirements as applicable, including but not limited to dedication of all required street and flood control right-of-way easements, vehicular access rights, sewer easements, and water easements defined and approved as to specific locations by the City Engineer and other agencies.
- (1) 3.11 Current Federal Americans with Disabilities Act (ADA) requirements shall be met at the drive aprons and sidewalk.
- (1) 3.12 Prior to issuance of a building permit applicant, shall provide written approval from the Orange County Sanitation District.
- (1) 3.13 All final development plans including, but not limited to: public works improvements, private infrastructure improvements, final grading plans, and site plans are also required shall be submitted to the Public Works Department/Engineering Division in computer aided design and drafting (CADD) format. The standard file format is AutoCAD Release 2004 having the extension DWG. Likewise, layering and linetype conventions are AutoCAD-based (latest version available upon request from the Engineering Division). In order to interchangeably utilize the data contained in the infrastructure mapping system, CADD drawings shall be in AutoCAD "DWG" format (i.e., produced using AutoCAD or AutoCAD compatible CADD software). The most current version of AutoCAD is Release 2004. Drawings created in AutoCAD Release 2000 are compatible and acceptable.

The CADD files shall be submitted to the City at the time the plans are approved and updated CADD files reflecting "as built" conditions shall be submitted once all construction has been completed. The subdivision bonds will not be released until the "as built" CADD files have been submitted.

- (1) 3.14 This development shall comply with all applicable provisions of the City of Tustin Water Quality Ordinance and all Federal, State, and Regional Water Quality Control Board rules and regulations.
- (1) 3.15 Recycling/Disposal of Construction Debris:

A) The Contractor is required to salvage and recycle at least 75 percent of all construction related waste and shall submit a Waste

Management Plan identifying the amount and types of waste created by the project and compliance with this diversion requirement. In addition, the contractor shall properly document in writing to the City the amounts and types of all construction waste actually salvaged, recycled and disposed, all in compliance with the diversion, planning and reporting requirements contained in the City Code Section 4327.

B) The applicant/contractor is required to submit a Waste Management Plan to the Public Works Department in a form approved by the City and obtain approval from the Public Works prior to the issuance of a Notice to Proceed. The Waste Management Plan shall demonstrate recovery and recycling of at least 50 percent of the total waste generated by the project and shall consist of the following components:

1. An estimate of the total amount of waste to be generated for the entire duration of the project;
2. An estimate of the total amount of recyclable materials generated by the project, identified by recyclable material type; and,
3. Identification of recyclable material processing methods and facilities which will be utilized to achieve the 50 percent recycling requirements.

(1) 3.16 Recycling - Pursuant to City Code Section 9275, the Applicant, Property Owner, and/or tenant(s) are required to participate in the City's recycling program.

(1) 3.17 Improvement plans shall be reviewed and approved by the Orange County Fire Authority for fire protection purposes. The adequacy and reliability of water system design and the distribution of fire hydrants will be evaluated. The water distribution system and appurtenances shall also conform to the applicable laws and adopted regulations enforced by the Orange County Health Department.

(1) 3.18 Release/approval from the East Orange County Water District shall be obtained prior to receiving water service. Backflow prevention devices must be installed in accordance with applicable standards and codes and shall be installed within an easement of suitable size to allow for unobstructed access, inspection, testing, and maintenance. The developer shall submit a water permit application to the East Orange County Water District and is responsible for all applicable and water connection fees.

- (1) 3.20 Hydraulic analysis of the proposed water system and ability to meet OCFA fire flow demands and requirements shall be performed and certified by the developer.
- (1) 3.21 The applicant is responsible for all costs related to the relocation of existing fire hydrants and the installation of new fire hydrants if any.
- (1) 3.22 The applicant is responsible for all costs related to the abandonment, at the water main, of all existing potable water and fire service connections if any.
- (1) 3.23 The applicant shall be responsible for all costs related to the installation of new potable and fire related water services.
- (1) 3.24 Water Improvement Plan should show existing water mains on plan clearly dimensioned.
- (1) 3.25 Proposed water meter(s) shall be located within the public right-of-way.

ARCHITECTURE

- (4) 4.1 All final exterior colors and textures shall be subject to review and approval of the Community Development Department and final inspection. Colors, materials, and textures shall be noted in construction plans.
- (4) 4.2 All mechanical and electrical fixtures and equipment shall be adequately screened subject to review and approval by the Community Development Department. The screen shall be included as an element of the overall design of the project and blend with architectural design of the building. All electrical, mechanical, and electrical fixtures shall be depicted and noted on the construction drawings.
- (4) 4.3 All exterior on-site light fixtures shall consist of decorative fixtures compatible with the Old Town theme and architecture of the building. Colored cut-sheets shall be submitted for review and approval. All light fixtures shall be subject to review and approval of the Community Development Director.
- (4) 4.4 The applicant shall obtain a permit for future installation of signs on the building. Any sign proposal shall conform to Section 9401 of the Tustin Sign Regulations. In addition, the location, placement, size, number, and sign details shall be subject to the discretion of and approval by the Community Development Director.
- (4) 4.5 The trash enclosure shall be relocated adjacent to the building, along the west elevation, facing the rear of the property and shall be subject to

review and approval by the City's Planning Division, Public Works Department, and the Orange County Sanitation District (for any encroachment onto the sewer easement).

- (4) 4.6 Prior to the issuance of building permits, the applicant shall submit revised plans to embellish all exterior elevations. The final treatment details of all building elevations (e.g. details around the windows or additional brickwork) and architectural details shall be subject to review and approval by the Community Development Department. Specifically, the following elements shall be incorporated into the architecture:
- 1) Embellish the front elevation by creating greater articulation and decorative details around the windows and door with features similar to the Helm building. In addition, horizontal and vertical treatments need to be introduced around the driveway opening and at the top of the building to incorporate a pop-out adding more depth.
 - 2) Narrow the driveway entrance to enhance and soften the appearance of the front elevation.
 - 3) Relocate the trash enclosure if possible to be sensitive to adjoining properties.
 - 4) Reduce the use of the split-face block on the north elevation.
 - 5) Reduce the massing with minor adjustments such as stepping portions of the building back to the extent possible and to adjust the roof-line to balance the architectural relationship between the residential and office portion of the building.

LANDSCAPING/ HARDSCAPE

- (4) 5.1 Submit at plan check complete detailed landscaping and irrigation plans for all landscaping areas consistent with adopted City of Tustin Landscaping requirements. The plans shall include the following:
- The planting size, number, and type of the proposed trees located along the north property line shall be subject to review and approval by the Community Development Department.
 - The landscape planter box proposed above the block wall along the south property line must be irrigated and maintained in perpetuity for the lifetime of the project. The applicant may consider alternative planting materials in-lieu of the planter box. Planting materials in this area must be enhanced with planter materials such as providing a landscape vine along the wall, trees, or other high quality landscaping treatments. Final planting size, number, and type for the plant materials along the south property line shall be subject to review and approval by the Community Development Director.

- The applicant shall submit a revised site plan as well as include in landscape drawings the installation of decorative pavers on the driveway entrance. The color and material shall be compatible and complementary to the building design and shall be subject to review and approval of the Community Development Director.
 - Include a summary table identifying plant materials. The plant table shall list botanical and common names, sizes, spacing, location, and quantity of the plant materials proposed.
 - Show all property lines on the landscaping and irrigation plans, public right-of-way areas, sidewalk widths, parkway areas, and wall locations.
 - The Community Development Department may request minor substitutions of plant materials or request additional sizing or quantity of materials during plan check.
 - Add a note that coverage of landscaping and irrigation materials is subject to inspection at project completion by the Community Development Department.
 - Shrubs shall be a minimum of five (5) gallon size and shall be placed a maximum of five (5) feet on center.
 - All plant materials shall be installed in a healthy vigorous condition typical to the species and shall be maintained in a neat and healthy condition. Maintenance includes, but is not limited to, trimming, weeding, removal of litter, fertilizing, regular watering, and replacement of diseased or dead plants.
- (4) 5.2 On-site walls and fences shall be noted on the plans with specific materials, colors, and decorative treatments. The new block wall, proposed along the south property line, shall be constructed of decorative block that complements the building architecture.

USE RESTRICTIONS

- (***) 6.1 One residential unit shall be maintained.
- (***) 6.2 In the event that the City implements programs and regulations to create a parking assessment district(s), the property owner and all successors in interest shall not contest and must participate in the implementation of such programs and regulations.
- (1) 6.2 No outdoor storage is approved, except as approved by the ~~Community Development Director~~ ^{Justin} ~~Community Development Director~~. Page 15 of 17

- (4) 6.3 The ground floor retail area shall be occupied by a retail/ service business. The retail/service establishment must be a minimum of 400 square-feet exclusively used as part of the retail service/business. All or a portion of this area cannot be used for other purposes such as a hallway or lobby area for the building. A deed restriction shall be recorded to ensure the property complies with this requirement.

ORANGE COUNTY FIRE AUTHORITY

- (5) 7.1 Prior to the issuance of any building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of the structure. The applicant may contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access."
- (5) 7.2 Prior to the issuance of any building permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available, an automatic fire extinguishing system may be required in each structure affected.
- (5) 7.3 Prior to the issuance of a building permit, a note shall be placed on the fire master plan stating that if the structure exceeds 5,500 square feet (per amendment) or if the structure exceeds fire department access requirements, the building shall be protected with an automatic fire sprinkler system in a manner meeting the approval of the Fire Chief. If the structure is required to be fire sprinkled, the fire sprinkler plans can be a deferred submittal.
- (5) 7.4 Prior to the issuance of a building permit, plans for the fire alarm monitoring system (required if more than 100 sprinkler heads) shall be submitted to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems." This system shall be operational prior to the issuance of a certificate of occupancy.

FEES

- (1)(5) 8.1 Prior to the issuance of any building permits, payment shall be made for all applicable fees, including but not limited to, those listed below. Payment shall be required based upon those rates in effect at the time of payment and are subject to change.

- a) Building plan check and permit fees to the Community Development Department.
- b) Orange County Fire Authority plan check and inspection fees to the Community Development Department.
- c) Private improvement plan check and permit fees to the Community Development Department.
- d) Written approval from the Orange County Sanitation District No. 7 for Sewer Connection Fees.
- e) New development tax to the Community Development Department based upon the most current schedule.
- f) Transportation System Improvement Program (TSIP), Benefit Area "A" fees in the amount of \$5.53 per square foot of new or added gross square floor area of construction or improvements to the Community Development Department.
- g) School facilities fee to Tustin Unified School District based upon the most current schedule. Proof of payment shall be provided to the Community Development Department prior to issuance of building permits.
- h) Payment of the Major Thoroughfare and Bridge Fees in effect at the time of issuance of a building permit to the Tustin Public Works Department.
- i) Applicable parking in-lieu fees as required by TCC Section 9252J3(d)(3)c.
- j) Within forty-eight (48) hours of approval of the subject project, the applicant shall deliver to the Community Development Department, a cashier's check payable to the **COUNTY CLERK** in the amount of fifty dollars (\$50.00) to enable the City to file the appropriate environmental documentation for the project. If within such forty-eight (48) hour period the applicant has not delivered to the Community Development Department the above-noted check, the statute of limitations for any interested party to challenge the environmental determination under the provisions of the California Environmental Quality Act could be significantly lengthened.