



FILE:

**DATE:** July 13, 2006

**TO:** File/Record/Applicant

**FROM:** Tim S. Neely, Director, Planning and Development Services Department

**SUBJECT:** Planning Application PA06-0030 is a privately-initiated request to construct a 48-unit plus one on-site manager unit apartment community. The Site Development Permit implements the provisions of Zoning Code section 7-9-148 "Housing Opportunities Overlay" Regulations (Ordinance No. 06-001). The project site, which is zoned CN "Commercial Neighborhood" District would be permitted residential development when such development is 100 percent affordable. The project would conform to County established affordable housing criteria.

The proposed Summer Crest Apartment project is located on the northeastern corner of Ball Road and Gilbert Street in the unincorporated area of Anaheim. The street address is 9541-9581 W. Ball Road. (Fourth Supervisorial District)

**APPLICANT:** Sequoia Standard, LLC  
 Mr. William Shuman, Project Manager

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**I. PROJECT HISTORY/NATURE OF PROJECT:**

On January 10, 2006 the Board of Supervisors adopted Ordinance 06-001, which added the Housing Opportunities Overlay District regulations to the Zoning Code (Zoning Code section 7-9-148). The new District provides the opportunity for affordable residential projects to be located in non residential zoned areas of unincorporated Orange County subject to the provisions of regulations and the guidance of the Housing Opportunities Manual. The Manual was approved by the Planning Commission on June 21, 2006.

Planning Application PA 06-0030 was submitted by Sequoia Standard in accordance with the provisions of Zoning Code section 7-9-148. The purpose of the Code section is to provide for the development of affordable rental housing projects within commercial and/or industrial districts in which all of the housing units are reserved for households which earn 80% or less of the County median income. Development of the residential project comply with the development standards of the base district; however, in accordance with State Housing law (Government Code Section 65915 et seq and the newly approved Housing Opportunities Manual a developer is accorded up to three incentives based upon the level of project affordability. Parking reductions is one incentive that is not subject to three incentive limitation.

The project site is zoned CN "Commercial Neighborhood" District. The 1.45 acre project site is currently improved with an 8,773 square foot office/retail building. The site is paved for parking and includes limited landscaping of mixed shrubs and trees. The building would be removed and the site regraded to accommodate the applicant's project.

Sequoia Standard's Project includes the following elements:

- 1) Forty-eight (48) apartment units and one (1) on site manager’s unit; total of 49 units. There would be 24 two-bedroom and 24 three-bedroom units. The two-bedroom units would be 897 square feet in size; the three-bedroom units would be 1,001 square feet in size. The manager’s unit is 1,150 square feet. The assumed household size as outlined in Housing Opportunities Manual is: two-bedroom units, 4 persons; three-bedroom units, 6 persons. Patios are incorporated into each floor plan. A wall enclosed tot lot is provided near the southwestern corner of the project. A community/recreation building is attached to the apartment building. It contains a recreation room, computer room, exercise room and laundry facilities. (Refer to sheets A-1 through A-4).

The project is applying for a 35% density bonus. The Housing Opportunities Overlay permits a base density of 25 dwelling units per acre, which results in a maximum density (without bonus) of 36 dwelling units. With the 35% density bonus the project would provide 48 units plus the manager’s unit. The project would be 100% affordable with all rents falling between 30% and 60% of the AMI. Twenty-five of the units would qualify as low income and 10 units would qualify as very low income units.

- 2) The resultant affordability, as submitted, would be as depicted in the table below:

	Two bedroom	Monthly rent	Three bedroom	Monthly rent
30%	2	\$547	3	\$632
40%	2	\$730	3	\$843
50%	12	\$912	12	\$1054
60%	8	\$1095	6	\$1256
Total	24		24	

In accordance with the Housing Opportunities Overlay manual, the apartment units must remain affordable for no less than 55 years. Occupancy each apartment unit shall not exceed two persons per bedroom plus one.

- 3) Parking is based upon the provision of Government Code Section 65915 et seq. Under this government code section, parking for affordable housing projects is generated based upon the number of bedrooms in a dwelling unit. The parking ratio for two and three bedroom units is two parking spaces per unit or 98 parking spaces. The Government Code permits a project to provide fewer than the required number of parking spaces as an incentive for affordable housing. The Summer Crest apartment project employs this incentive; and consequently, would provide would be required to provide 88 total parking stalls, 48 of the spaces would be covered in carports.
- 4) The building is three-story and a maximum height of approximately 35 feet. Building materials include the use of stucco exterior with details at the gabled ends of the buildings and surrounding the windows. Roof material incorporates concrete ‘S’ tile. Painting details indicate the use of earth tones that would promote neighborhood compatibility. (Refer to Sheet A-5).

- 5) Landscaping details are depicted on Sheet A-7. The plans indicate a plant palette that uses shrubs and tree species and sizes to promote design and community compatibility. The landscaping plans indicate that at maturity the landscaping will filter views of the building from surrounding streets.
- 6) The project conforms to the development standards of the base district. The CN district requires all development setbacks be 20 feet from either right-of-way or property line as applicable. There is a minor encroachment for the patios into the front setback (Ball Road) which is permitted under Zoning Code Section 7-9-128.6. The principal point of access is from the Gilbert Street driveway, a second access is from Harvest Lane. The Orange County Fire Authority reviewed the project and offered comments related to fire safety matters. They noted that adequate fire access exists but require the project provide fire sprinklers.

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**II. REFERENCE:** (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code section 7-9-148 "Housing Opportunities Overlay" Regulations (Ordinance No. 06-001) and section 7-9-150 "Discretionary Permits and Procedures"

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**III. ENVIRONMENTAL DOCUMENTATION:**

The proposed project is categorically exempt, Class 32 (Guidelines section 15332), "In-Fill Development Projects" from the requirements of CEQA.

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**IV. CERTIFICATION:**

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Tim S. Neely, Director  
Planning and Development Services Department

By: \_\_\_\_\_

Charles M. Shoemaker, Chief  
CPD/Site Planning Section

2006 Planning Projects FOLDER:

**ATTACHMENTS:**

Appendix A - Findings

Appendix B - Conditions of Approval



## Appendix A Findings PA060030

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1	<b>GENERAL PLAN</b>	<b>PA060030 (Custom)</b>
	The project is consistent with the General Plan and Zoning Code.	
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2	<b>ZONING</b>	<b>PA060030 (Custom)</b>
	The project complies with the Housing Opportunities Overlay Regulations and other applicable codes and ordinances.	
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3	<b>COMPATIBILITY</b>	<b>PA060030 (Custom)</b>
	The design of the project complies with the Housing Opportunities Manual..	
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4	<b>COMPATIBILITY</b>	<b>PA060030 (Custom)</b>
	The design of the project is compatible with the scale and character of the existing neighborhood and nearby land uses.	
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5	<b>CATEGORICALLY EXEMPT</b>	<b>PA060030 (Custom)</b>
	That the proposed project is Categorically Exempt (Class 32, section 15332) from the provisions of CEQA.	



## Appendix B Conditions of Approval PA060030

**1 CP CP NA BASIC/ZONING REG PA060030**

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

**2 CP CP NA BASIC/TIME LIMIT PA060030**

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

**3 CP CP NA BASIC/PRECISE PLAN PA060030**

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, 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, he may approve the changed plan without requiring a new public hearing.

**4 CP CP NA BASIC/COMPLIANCE PA060030**

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

**5 CP CP NA BASIC/OBLIGATIONS PA060030**

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

**6 CP CP NA BASIC/APEAL EXACTIONS PA060030**

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

**7 CP CP/HCS BP AFFORDABLE HOUSING CONDITION PA060030 (Custom)**

Prior to issuance of a building permit, an Affordable Housing Agreement meeting the approval of the Director of Planning and the Director of Housing and Community Services shall be recorded and shall be binding on all future owners and successors in interest. The Affordable Housing Agreement shall include, at a minimum, the following:

1. The total number of units approved for the Qualified Housing Development, including the number of Affordable Units, the location, unit sizes (square feet), and number of bedrooms of each of the Affordable Units;
2. The standards for determining the Affordable Rent for each Affordable Unit;
3. A term of at least fifty-five years;
4. A description of the Density Bonus, Parking Incentive and Development Incentive(s), if any, being provided by the County;
5. If the Qualified Housing Development has received a Parking Incentive, a plan for parking management, which shall include a map depicting which parking spaces are reserved and which are not, and shall include procedures for removal of inoperable vehicles and a limitation on the aggregate number of vehicles permitted in the Qualified Housing Development;
6. The obligation of the owner to provide for Professional On-Site Management of the Qualified Housing Development including maintenance thereof. On-Site Management shall also monitor the use of parking spaces within the Development to assure that the parking spaces are provided, maintained and used in accordance with the terms of the

Affordable Housing Agreement;

7. The obligation of the owner to pay the costs of monitoring the continued affordability of the project by Housing and Community Services. The monitoring program and associated fees shall be established by Housing and Community Services.

8. A limitation on occupancy of each unit in the Qualified Housing Development not to exceed more than such number of persons as is equal to the sum of the number of bedrooms in the unit, multiplied by two, plus one;

9. The obligation of the owner to comply with a management plan approved by the Director, Housing and Community Services setting forth the owner's policies and procedures for renting, managing, maintaining and operating the Qualified Housing Development to assure a healthy and secure living environment for the residents; which is consistent with reasonable business practices and property management standards established in Orange County, California, which shall be attached to the Affordable Housing Agreement;

10. A description of remedies for breach of the agreement by either party (the County may identify tenants as third party beneficiaries under the agreement); and

11. Other provisions to ensure implementation and compliance with the Orange County Housing Opportunities Overlay Regulations, the Housing Opportunities Manual, matters addressed in the application, and the Affordable Housing Agreement.

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**8 F F SB ARCHITECTURAL BUILDING PLANS PA060030 (Custom)**  
**[Com] Service Codes: 1.14-1.17**

Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the "Orange County Fire Authority Plan Submittal Criteria Form." Please contact the Orange County Fire Authority at (714) 573-6100 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.

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**9 F F GBU FIRE HYDRANTS PA060030 (Custom)**  
**[Res] Service Code: 1.12.1, 1.29, 1.30**

A. Prior to the issuance of any building permits, the applicant shall submit a fire hydrant location plan to the Fire Chief for review and approval.

B. Prior to the issuance of any certificate of use and occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website for a copy of the "Guideline for Installation of Blue Dot Hydrant Markers."

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**10 F F B WATER AVAILABILITY PA060030 (Custom)**  
**[Res] Service Code: 1.12.1**

Prior to the issuance of any building permit, 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.

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**11 F F B WATER AVAILABILITY PA060030 (Custom)**  
**[Res] Service Code: 1.12.1**

A. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact OCFA at (714) 573-6100 for additional information.

B. Prior to issuance of a certificate of occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.

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**12 F F RG FIRE ACCESS ROADS PA060030 (Custom)**  
**[Res] Service Code: 1.12.1**

A. Prior to the issuance of a building permit, 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 every structure on site. Please contact the Orange County Fire Authority at (714) 573-6100 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Access."

B. Prior to the issuance of a building permit, the applicant shall submit and obtain approval of the Fire Chief and the Manager, Subdivision and Grading Services of plans for all public or private access roads, streets and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. Applicable CC&Rs or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Chief is granted. Please contact the Orange County Fire Authority at (714) 573-6100 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Access."

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13 **F F BU** **STREET MARKINGS** **PA060030 (Custom)**  
**[Res] Service Code: 1.12.2**

A. Prior to the issuance of any building permits, the applicant shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads less than 36 feet in width. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the Orange County Fire Authority at (714) 573-6100 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements," or Bulletin 06-99, "Fire Lane Requirements on Private & Public Streets Within Residential Developments."

B. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan. The CC&Rs or other approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes, and an enforcement method.

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14 **F F B** **COMBUSTIBLE CONSTRUCTION LETTER** **PA060030 (Custom)**  
**[Res] No OCFA Service Code (Usually Received with 1.12.1)**

Prior to the issuance of a building permit for combustible construction, the builder shall submit a letter on company letterhead stating that water for fire-fighting purposes and all-weather fire protection access roads shall be in place and operational before any combustible material is placed on site. *Building permits will not be issued without Orange County Fire Authority approval obtained as a result of an on-site inspection.* Please contact the Orange County Fire Authority at (714) 573-6100 to obtain a copy of the standard combustible construction letter.

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15 **F F BU** **FIRE ALARM SYSTEM** **PA060030 (Custom)**  
**[Res] Service Codes: 1.36-1.38**

A. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 573-6100 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems."

B. This system shall be operational prior to the issuance of a certificate of use and occupancy.

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16 **SG SG G** **GEOLOGY REPORT** **PA060030**

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the Grading Manual.

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17 **SG SG/BI GU** **PRIVATE LANDSCAPING** **PA060030**

A. Prior to the issuance of precise grading permits, the applicant shall prepare a detailed landscape plan for the project area which shall be approved by the Manager, Subdivision and Grading. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, water conservation measures contained in Board Resolution 90-487, and Board Resolution 90-1341 (Water Conservation Implementation Plan).

B. Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the issuance of any certificates of use and occupancy, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Building Inspection Services

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18 **EP BP B** **LIGHT AND GLARE** **PA060030**

Prior to issuance of any building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Building Permit Services.

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19 **BP BP RGB** **RESIDENTIAL NOISE** **PA060030**

The applicant shall sound attenuate all residential lots and dwellings against present and projected noise (which shall be the sum of all noise impacting the project) so that the composite interior standard of 45 dBA CNEL for habitable rooms and a source specific exterior standard of 65.dBA CNEL for outdoor living areas is not exceeded. The applicant shall provide a report prepared by a County-certified acoustical consultant, which demonstrates that these standards will be satisfied in a manner consistent with Zoning Code Section 7-9-137.5, as follows:

A. Prior to the recordation of a subdivision map or prior to the issuance of grading permits, as determined by the Manager, Building Permits Services, the applicant shall submit an acoustical analysis report to the Manager, Building Permits Services, for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy "B" below.

B. Prior to the issuance of any building permits for residential construction, the applicant shall submit an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards to the Manager, Building Permits Services, for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.

C. Prior to the issuance of any building permits, the applicant shall show all freestanding acoustical barriers on the project's plot plan illustrating height, location and construction in a manner meeting the approval of the Manager, Building Permits Services.

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**20 BP BP G CONSTRUCTION NOISE PA060030**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

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**21 CP CP G SOLID WASTE PA060030**

Prior to the issuance of any precise grading permit, the applicant shall obtain approval from the Manager, Current Planning Services of a site plan delineating the capacity, number, and location of all proposed solid waste and recyclable collection areas.

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**22 SG SG G SIGHT DISTANCE PA060030**

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

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**23 BI BI RGB WATER QUALITY MANAGEMENT PLAN PA060030**

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Inspection Services Division, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine structural and non-structural measures specified in the current Drainage Area Management Plan (DAMP). The WQMP must also:

- Address 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;
- Incorporate applicable Routine Source Control BMPs as defined in the DAMP;
- Include an Operation and Maintenance (O&M) Plan that identifies the mechanism(s) by which long-term O&M of all structural BMPs will be provided.

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**24 BI BI RGB WQMP FOR PRIORITY PROJECTS PA060030**

Prior to the issuance of any grading or building permits, the applicant shall include in the WQMP the following additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division:

- Include post-construction Treatment Control BMP(s) as defined in the DAMP;
- For applicants relying on Regional Treatment Controls, discuss applicable regional water quality and/or watershed program;
- Include a Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).

**25 BI BI U COMPLIANCE WITH THE WQMP PA060030**

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Inspection Services Division, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the project's WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the incoming occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan; and
- Demonstrate that the applicant has agreed to and recorded one of the following: 1) the CC&R's (that must include the approved WQMP and O&M Plan) for the project Home Owner's Association; 2) a water quality implementation agreement that has the approved WQMP and O&M Plan attached; or 3) the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

**26 BI BI GB STORMWATER POLLUTION PREVENTION PLAN PA060030**

Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Building Permit Services. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request.

**27 BI BI GB EROSION AND SEDIMENT CONTROL PLAN PA060030**

Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMP's will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.