ITEM NO. 6

PLANNING COMMISSION AGENDA REPORT

City of Anaheim
PLANNING DEPARTMENT

DATE:      MAY 12, 2008
FROM:      PLANNING SERVICES MANAGER
SUBJECT:   CONDITIONAL USE PERMIT NO. 2007-05284
           DEVELOPMENT AGREEMENT NO. 2007-00006
           TENTATIVE TRACT MAP NO. 17241
           MISCELLANEOUS CASE NO. 2008-00246

LOCATION:  2100 East Orangewood Avenue in The Platinum Triangle.

APPLICANT/PROPERTY OWNER: The applicant is Trammel Crow Residential
of Southern California Development and the property owners are Robert Wells
Family Partnership and Twedt Family Partnership.

REQUEST:   The applicant requests approval of the Alexan Orangewood project, a
689-unit residential complex.

RECOMMENDATION: Staff recommends the Commission approve the attached
resolutions determining that the previously-certified Subsequent Environmental
Impact Report No. 334 serve as the appropriate environmental document for the
project, approve Conditional Use Permit No. 2007-05284 and Tentative Tract Map
No. 17241 and recommend that the City Council approve Development Agreement
No. 2007-00006. Staff also recommends that the Commission, by motion, approve
Miscellaneous Case No. 2008-00246 and request City Council review of the
Commission’s decisions on the Conditional Use Permit and Tentative Tract Map.

BACKGROUND: This property is zoned Industrial, Platinum Triangle Mixed Use
(PTMU) Overlay and is located in The Platinum Triangle Gateway District. The
General Plan designates this property and properties in all directions for Mixed Use
land uses.

PROPOSAL: The applicant proposes to construct a five to six-story complex
within five detached buildings with a total of 689 dwelling units. Three of the
buildings would be six stories tall with subterranean parking, and two of the
buildings would be five stories with a parking structure on the ground floor. The
project includes community indoor and outdoor recreation areas with amenities
including a fitness room, business center, pool, spa, outdoor fireplace,
barbecues, water features and fountains. The project also includes four outdoor plazas between the buildings that will include outdoor seating and landscaped areas. Each unit will have private patios and balconies. The applicant also proposes a tentative tract map for a four-lot (one lettered lot and three numbered lots) residential condominium subdivision. Although the request includes a condominium subdivision, the applicant intends for the development to initially be occupied as apartments. The applicant also proposes a Development Agreement for a period of five years. Please see the attached Project Summary table for further information.

**ANALYSIS:** The project has been evaluated against applicable development standards and is in compliance. Following is staff’s analysis and recommendations on the requested project.

**Planning Commission Review of Development Agreement:** The Platinum Triangle Mixed Use Overlay zone permits the development of a residential complex subject to the property owner entering into a standard development agreement with the City. A final site plan showing conformance with the provisions of the Platinum Triangle Master Land Use Plan and the PTMU Overlay Zone also needs to be submitted to the Planning Director for review and approval. Once approved, the final site plan is incorporated into the Development Agreement as an exhibit.

The Commission’s role in reviewing the development agreement is to consider the land use implications of the proposed development. Commission is required to make a recommendation to Council that it has determined that the project meets the following standards: that the project is compatible with the General Plan, including the goals, policies, and objectives for The Platinum Triangle; that the project is compatible with the orderly development of property in the surrounding area; and that the project will not be detrimental to the health and safety of the citizens of Anaheim.

Staff has reviewed the submitted Development Agreement and has found that it complies with the General Plan goals, policies and objectives for The Platinum Triangle and the Platinum Triangle PTMU Overlay, Gateway District requirements. The Agreement includes Final Site Plan No. 2007-00014, consisting of the proposed project site plan, elevations, landscape plans, recreational areas and a color and material board. The Final Site Plan was reviewed and recommended for approval by the City’s architectural consultant. On May 7, 2008, the Planning Director approved the Final Site Plan subject to the approval of the proposed conditional use permit and development agreement. The approved Final Site Plan is attached as Exhibit “B” to the Development Agreement.

**Miscellaneous Case No. 2008-00246 – Agreement to Delay Execution of the Development Agreement:** Development agreements are required to be signed by the property owner within 30 days of adoption by the City Council of the ordinance approving the development agreement. The timing for execution of the agreement may be extended by the mutual consent of the City Council and the applicant. Trammel Crow Residential (TCR) is requesting approval of an agreement with the City of Anaheim to delay the execution of the development agreement until they have acquired the property. The extension would not require the current property owners to comply with the terms of the development agreement. Once the agreement is executed, only TCR will be required to comply with the agreement as they will be the sole property owner. An
initial extension date of March 31, 2009 is proposed, with the provision for the applicant to request a second extension until March 31, 2010. In consideration of this extension, staff is recommending that TCR provide an extension fee of $100,000 which will be held in a trust account, with an additional $100,000 fee required for a second extension. If the development agreement is not executed by March 31, 2010, the City will initiate the termination of the development agreement.

**Conditional Use Permit:** The applicant requests a conditional use permit to modify the building and landscape setbacks. Building and landscape setbacks meet code requirements with the exception of the following modifications:

<table>
<thead>
<tr>
<th>Adjacent to:</th>
<th>Required Setback</th>
<th>Type of Encroachment</th>
<th>Proposed Encroachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Property Line (Building Four)</td>
<td>5 feet</td>
<td>Upper Story Balconies</td>
<td>3 feet</td>
</tr>
<tr>
<td>Private Connector Street (Buildings One and Two)</td>
<td>10 feet</td>
<td>Building Upper Story Balconies</td>
<td>9 feet 4 inches 5 feet 11 inches</td>
</tr>
<tr>
<td>Northwest Property Line (Building One)</td>
<td>5 feet (fully landscaped)</td>
<td>Paved Walkway</td>
<td>26 inches</td>
</tr>
</tbody>
</table>

Modifications to the setback requirements are consistent with the urban development standards established for this project and will not be detrimental to the design or function of the buildings. Staff believes the requested setback modification for the Building Four upper-story balconies will not be detrimental to the residential development to the south (Archstone Gateway). There will be a minimum 30-foot separation between the balconies and adjacent residential buildings.

The setback modification adjacent to the northwest property line is for a paved walkway which will provide pedestrian access into the project. The walkway is intended to be the primary access for the ground-floor townhomes in Building One. Ground-floor residential with street pedestrian access is consistent with the goals of The Platinum Triangle. The proposed 34-inch planter adjacent to the northwest property is adequate for groundcover and clinging vines to screen the proposed wrought iron fence between the properties. Planters are proposed adjacent to the building between the entry stoops to buffer the building.

**Tentative Tract Map:** The applicant has submitted a tentative tract map to establish a four-lot, 689-unit airspace residential condominium subdivision. Buildings One and Two will be on separate lots. Buildings Three, Four and Five will be located on the same lot, and the private connector street within the project will be a fourth lot. The tract map conforms with the provisions of the PTMLUP and PTMU Overlay Zone and is consistent with the goals and policies of the General Plan Mixed Use land use designation.
CONCLUSION: The proposed Alexan Orangewood project is in conformance with the PTMLUP and PTMU Overlay Zone and will contribute to the goals of The Platinum Triangle as set forth in the General Plan. Therefore, staff recommends approval of this request.

Respectfully submitted, Concurred by,

Principal Planner Planning Services Manager

Attachments:
1. Project Summary
2. Site Plan
3. Final Site Plan Memorandum
4. Draft Resolution – Conditional Use Permit
5. Draft Resolution – Development Agreement
6. Draft Resolution – Tentative Tract Map
7. Draft Agreement to Extend Execution of the Development Agreement

The following attachments were provided to the Planning Commission and are available for public review at the Planning Services Division at City Hall.
8. Development Agreement No. 2007-00006 (CD)
9. Final Site Plans
RESOLUTION NO. PC2008-***

A RESOLUTION OF THE ANAHEIM PLANNING COMMISSION
DETERMINING THAT PREVIOUSLY-CERTIFIED FINAL SUBSEQUENT
ENVIRONMENTAL IMPACT REPORT NO. 334 IS APPROPRIATE TO SERVE AS THE
ENVIRONMENTAL DOCUMENT FOR THE PROJECT AND
APPROVING CONDITIONAL USE PERMIT NO. 2007-05284
(2100 EAST ORANGEWOOD AVENUE)

WHEREAS, the Anaheim Planning Commission did receive a verified Petition for
Conditional Use Permit for certain real property situated in The Platinum Triangle of the City of
Anaheim, County of Orange, State of California, shown on Exhibit A, attached hereto and
incorporated herein by this reference; and

WHEREAS, the PTMU Overlay Zone, Chapter 18.20 of the Anaheim Municipal
Code, does provide for the modification of setback requirements in connection with a conditional
use permit; and

WHEREAS, the Anaheim Planning Commission did receive a verified Petition for
Conditional Use Permit to modify the minimum structural and landscape setbacks to construct a 689
residential units for certain real property; and

WHEREAS, Conditional Use Permit No. 2007-05284 is proposed in connection with
Development Agreement No. 2007-00006, Tentative Tract Map No. 171241 and Miscellaneous
Case No. 2008-00246; and

WHEREAS, the Planning Commission did hold a public hearing at the Civic Center
in the City of Anaheim on May 12, 2008 at 2:30 p.m., notice of said public hearing having been
duly given as required by law and in accordance with the provisions of the Anaheim Municipal
Code, Chapter 18.60 “Procedures”, to hear and consider evidence for and against said proposed
project actions, including Conditional Use Permit No. 2007-05284, and to investigate and make
findings and recommendations in connection therewith; and

WHEREAS, said Commission, after due inspection, investigation and study made by
itself and in its behalf, and after due consideration of all evidence and reports offered at said
hearing, does find and determine the following facts:

1. That the proposed modification of minimum setbacks to construct 689
residential units is properly one for which a conditional use permit is authorized under Code Section
No. 18.20.090.050 of the Anaheim Municipal Code.

2. That the proposed use will not adversely affect the adjoining land uses or the
growth and development of the area in which it is proposed to be located because the proposed
project is compatible with existing and surrounding land uses and the minor deviations from the
Code would still achieve a project with architecturally enhanced elevations and layered landscaping,
and further provide a project that is compatible and consistent with the General Plan Mixed-Use
land use designation and The Platinum Triangle Master Land Use Plan (PTMLUP).
3. That the size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to either the particular area or to the health and safety of the citizens of the City of Anaheim.

4. That the traffic generated by the proposed use will not impose an undue burden upon the streets and highways designed and improved to carry the traffic in the area as the proposed project has been analyzed in a Traffic Impact Analysis dated February 2008, reviewed and approved by the City Traffic and Transportation Manager and that the required infrastructure improvements along the adjacent streets will be constructed in connection with the project and the project will comply with the mitigation measures set forth in Mitigation Monitoring Plan No. 152 for the project.

5. That the granting of the conditional use permit under the conditions imposed will not be detrimental to the health and safety of the citizens of the City of Anaheim.

6. That *** indicated their presence at said public hearing in opposition; and that *** correspondence was received in opposition to the subject petition.

WHEREAS, the City Council certified Final Subsequent Environmental Impact Report No. 334 in connection with The Platinum Triangle Expansion Project in April 2008. The Council also approved a Statement of Findings and Fact and Overriding Considerations and the Updated and Modified Mitigation Monitoring Program No. 106B (MMMP No. 106) in conjunction with the Final SEIR. The Final SEIR addressed the environmental impacts and mitigation measures associated with those activities that would be undertaken pursuant to and in furtherance of The Platinum Triangle Expansion Project. Mitigation Monitoring Plan No. 152 includes mitigation measures from MMMP 106B that are applicable to the proposed project. Therefore, FSEIR No. 334, together with Mitigation Monitoring Plan No. 152, are adequate to serve as the required environmental documentation for this proposal and satisfy all of the requirements of CEQA, and that no further environmental documentation need be prepared for the proposed project actions.

NOW, THEREFORE, BE IT RESOLVED that the Anaheim Planning Commission does hereby approve Conditional Use Permit No. 2007-05284, upon the following conditions which are hereby found to be a necessary prerequisite to the proposed use of the subject property in order to preserve the health, safety and general welfare of the Citizens of the City of Anaheim:

<table>
<thead>
<tr>
<th>No.</th>
<th>Conditions of Approval</th>
<th>Responsible for Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>That plans shall indicate compliance with the building setbacks identified in Exhibit Nos. 2 through 7 of Final Site Plan No. 2007-000014.</td>
<td>Planning</td>
</tr>
<tr>
<td>2</td>
<td>That subject property shall be developed substantially in accordance with Development Agreement No. 2007-00006, and as conditioned herein.</td>
<td>Planning</td>
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<tr>
<td>3</td>
<td>That this conditional use permit shall be valid for a period of time</td>
<td>Planning</td>
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<td></td>
<td>coinciding with the timing set forth in Development Agreement No. 2007-00006.</td>
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<td>----------------------------------------------------------------------------</td>
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<tr>
<td>4</td>
<td>That approval of this application constitutes approval of the proposed request only to the extent that it complies with the Anaheim Municipal Zoning Code and any other applicable City, State and Federal regulations. Approval does not include any action or findings as to compliance or approval of the request regarding any other applicable ordinance, regulation or requirement.</td>
<td></td>
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</tbody>
</table>

BE IT RESOLVED that the Anaheim Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon applicant's compliance with each and all of the conditions hereinabove set forth. Should any such condition, or any part thereof, be declared invalid or unenforceable by the final judgment of any court of competent jurisdiction, then this Resolution, and any approvals herein contained, shall be deemed null and void.

AND BE IT FURTHER RESOLVED that the property owner/developer is responsible for paying all charges related to the processing of this discretionary case application within 15 days of the issuance of the final invoice or prior to the issuance of building permits, whichever occurs first. Failure to pay all charges shall result in delays in the issuance of required permits or the revocation of the approval of this application.

THE FOREGOING RESOLUTION was adopted at the Planning Commission meeting of May 12, 2008. Said resolution is subject to the appeal provisions set forth in Chapter 18.60, “Procedures” of the Anaheim Municipal Code pertaining to appeal procedures and may be replaced by a City Council Resolution in the event of an appeal.

CHAIRMAN, ANAHEIM PLANNING COMMISSION

ATTEST:

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION
STATE OF CALIFORNIA  )
COUNTY OF ORANGE    ) ss.
CITY OF ANAHEIM     )

I, Grace Medina, Senior Secretary of the Anaheim Planning Commission, do hereby certify that the foregoing resolution was passed and adopted at a meeting of the Anaheim Planning Commission held on May 12, 2008, by the following vote of the members thereof:

AYES:                  COMMISSIONERS:
NOES:                  COMMISSIONERS:
ABSENT:                COMMISSIONERS:

IN WITNESS WHEREOF, I have hereunto set my hand this ________ day of
________________, 2008.

______________________________
SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION
RESOLUTION NO. PC2008-***

A RESOLUTION OF THE ANAHEIM PLANNING COMMISSION
RECOMMENDING CITY COUNCIL DETERMINING THAT
PREVIOUSLY-CERTIFIED FINAL SUBSEQUENT ENVIRONMENTAL
IMPACT REPORT NO. 334 IS APPROPRIATE TO SERVE AS THE
ENVIRONMENTAL DOCUMENT FOR THE PROJECT
AND RECOMMENDING CITY COUNCIL
APPROVAL OF DEVELOPMENT AGREEMENT NO. 2007-00006 BY AND BETWEEN
THE CITY OF ANAHEIM AND ROBERT WELLS FAMILY PARTNERSHIP,
A CALIFORNIA LIMITED PARTNERSHIP, AND
TWEDT FAMILY PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP,
AS TENANTS-IN COMMON, AND
TCRSC DEVELOPMENT LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP
(2100 EAST ORANGEWOOD AVENUE)

WHEREAS, Article 2.5 of Chapter 4 of Division 1 of Title 7 (commencing with
Section 65864) of the Government Code of the State of California (hereinafter the "Statute")
authorizes a city to enter into a contract which is called a development agreement in order to
establish with certainty what regulations will govern the construction of a development; and

WHEREAS, the City of Anaheim (hereinafter the "City"), as a charter city,
heretofore enacted Ordinance No. 4377 (hereinafter the "Enabling Ordinance") on November 23,
1982, making the City subject to the Statute; and

WHEREAS, pursuant to subdivision (c) of Section 65865 of the Statute, the City
heretofore on November 23, 1982, adopted Resolution No. 82R-565 (hereinafter the "Procedures
Resolution") establishing procedures and requirements for the consideration of development
agreements upon receipt of an application by the City; and

WHEREAS, on May 25, 2004, the Anaheim City Council approved General Plan
Amendment No. 2004-00419 setting forth the City’s vision for development of the City of Anaheim
(“The Platinum Triangle”), and certified Final Environmental Impact Report No. 330, adopting
Findings of Fact and a Statement of Overriding Considerations, and associated Mitigation
Monitoring Plans (“FEIR No. 330”), in conjunction with its consideration and approval of the
General Plan Amendment, amendment of the City’s zoning code, and a series of related actions; and

WHEREAS, the General Plan sets forth a vision for development of Mixed Uses,
Office High, Office Low, Industrial and Institutional land uses within an approximately 820-acre
area generally bounded by the Santa Ana River on the east, the Anaheim City limits on the south,
the Santa Ana Freeway (Interstate 5) on the west, and the Southern California Edison Company
Easement on the north (“The Platinum Triangle”); and

WHEREAS, in order to carry out the goals and policies of the General Plan for The
Platinum Triangle, on August 17, 2004, the City Council adopted Resolution No. 2004-177,
approving The Platinum Triangle Master Land Use Plan, setting forth the new vision for The Platinum Triangle; and

WHEREAS, to further implement the goals and policies of the General Plan for The Platinum Triangle and pursuant to the procedures set forth in Chapter 18.76 of the Anaheim Municipal Code, on August 24, 2004, the City Council adopted Ordinance No. 5935 amending Title 18 of the Anaheim Municipal Code to establish zoning and development standards for the Platinum Triangle Mixed Use (PTMU) Overlay Zone (the “PTMU Overlay Zone”) and Ordinance No. 5936, amending the zoning map to reclassify approximately three hundred and seventy-five acres within The Platinum Triangle into the PTMU Overlay Zone as depicted in The Platinum Triangle Master Land Use Plan to provide opportunities for high quality, well-designed development projects that could be stand-alone projects, or combined residential and non-residential uses including office, retail, business services, personal services, public spaces and uses, and other community amenities within the area; and

WHEREAS, the PTMU Overlay Zone requires a Development Agreement between the property owner and the City of Anaheim to implement all development in the Katella, Gene Autry, Gateway and Orangewood Districts of the PTMU Overlay Zone, except as otherwise exempt under Code; and

WHEREAS, on August 17, 2004, the City Council adopted Resolution No. 2004-179, approving the form of the Standard Development Agreement for the PTMU Overlay Zone; and

WHEREAS, on October 25, 2005, the City Council certified Final Subsequent Environmental Impact Report No. 332 (FSEIR No. 332) and the Updated and Modified Mitigation Monitoring Program No. 106A in connection with its consideration of General Plan Amendment No. 2004-00420, Zoning Code Amendment No. 2004-00036, Miscellaneous Case No. 2004-00089 to amend The Platinum Triangle Master Land Use Plan, Miscellaneous Case No. 2005-00114 to amend The Platinum Triangle Standardized Development Agreement, Miscellaneous Case No. 2005-00115 to rescind, in part, the Resolution of Intent pertaining to reclassification of the North Net Training Center site and Reclassification No. 2004-00134; and

WHEREAS, on April 8, 2008, the City Council certified Final Subsequent Environmental Impact Report No. 2006-00334 (FSEIR No. 334) and the Updated and Modified Mitigation Monitoring Program No. 106B in connection with its consideration of General Plan Amendment No. 2007-00454, Amendment to the Platinum Triangle Master Land Use Plan Miscellaneous Case No. 2006-00188, Zoning Code Amendment No. 2007-00056, Zoning Reclassification No. 2007-00196, Amendment to the Platinum Triangle Standardized Development Agreement Form Miscellaneous Case No. 2007-00203 and Water Supply Assessment Miscellaneous Case No. 2007-00218; and

WHEREAS, on October 16, 2007, pursuant to the Statute, the Enabling Ordinance, and the Procedures Resolution (hereinafter collectively referred to as the “Development Agreement Law”), TCRSC Development Limited Partnership, representing the Robert Wells Family Partnership and Twedt Family Partnership (hereinafter “Applicant”), submitted an application to the Planning Department for approval of Development Agreement No. 2007-00006 (hereinafter the
“Application”), which included a proposed development agreement (hereinafter the “Development Agreement”) prepared in conformance with the Standard Development Agreement for The Platinum Triangle to vest certain project entitlements and address the implementation of the Alexan Orangewood Project; and

WHEREAS, in conjunction with the Development Agreement, the Applicant also requested approval of Conditional Use Permit No. 2007-05284, Tentative Tract Map No. 17241 and Miscellaneous Case No. 2008-00246; and

WHEREAS, the Development Agreement pertains to approximately 6.93 acres of real property in the City of Anaheim, owned by the Applicant, commonly known as 2100 East Orangewood Avenue, as more particularly shown on Exhibit A, attached hereto and incorporated herein by this reference, which is located in The Platinum Triangle and within the Industrial (I) zone and the Gateway District of the PTMU Overlay; and

WHEREAS, the Applicant desires to develop the property with a 689-unit residential project, as more particularly set forth in Exhibit “B” of the Development Agreement (the “Final Site Plan”), Conditional Use Permit No. 2007-05284, and Tentative Tract Map No. 17241 (hereinafter collectively referred to as the “Alexan Orangewood Project”);

WHEREAS, on May 7, 2008, the Planning Director approved Final Site Plan No. 2007-00014 to provide for the development of the Alexan Orangewood Project, contingent upon the approval of Development Agreement No. 2007-00006, Conditional Use Permit No. 2007-05284 and Tentative Tract Map No. 17241; and

WHEREAS, the Planning Commission did hold a public hearing at the Civic Center in the City of Anaheim on May 12, 2008, at 2:30 p.m., notice of said public hearing having been duly given as required by law and in accordance with the provisions of the Anaheim Municipal Code, Chapter 18.60, to hear and consider evidence for and against said Development Agreement and to investigate and make findings and recommendations in connection therewith; and

WHEREAS, the Applicant has demonstrated that the Project meets the eligibility requirements of the Procedures Resolution to enter into the Development Agreement by showing that, upon completion, the Project will result in the construction of a residential project containing 689 residential apartments and or condominiums within a period of not more than five (5) years; and

WHEREAS, said Commission, after due inspection, investigation and study made by itself and in its behalf, and after due consideration of and based upon all of the evidence and reports offered at said hearing, does find and determine that the Development Agreement meets the following standards set forth in the Procedures Resolution:

1. That the Project is consistent with the City’s General Plan in that it is in conformance with the General Plan Mixed Use land use designation and with the goals, policies and objectives for The Platinum Triangle as set forth in the General Plan.
2. That the Project is compatible with the uses authorized in and the regulations prescribed for the applicable zoning district in that the Project is in compliance with the PTMU Overlay Zone requirements as set forth in the Final Site Plan, Conditional Use Permit 2007-05284 and Tentative Tract Map No. 17241.

3. That the Project is compatible with the orderly development of property in the surrounding area in that it is in conformance with and implements The Platinum Triangle Master Land Use Plan and the PTMU Overlay Zone requirements.

4. That the Project is not otherwise detrimental to the health and safety of the citizens of the City of Anaheim.

5. That the Development Agreement constitutes a lawful, present exercise of the City's police power and authority under the Statute, the Enabling Ordinance and the Procedures Resolution.

6. That the Development Agreement is entered into pursuant to and in compliance with its charter powers and the requirements of Section 65867 of the Statute, the Enabling Ordinance and the Procedures Resolution.

7. That *** indicated their presence at said public hearing in opposition; and that *** correspondence was received in opposition to the subject petition.

WHEREAS, at the public hearing the Planning Commission added a condition of approval to Exhibit C-1 of the development agreement requiring site screening for the project if the project ceases construction for a minimum of one year; and

WHEREAS, the City Council certified Final Subsequent Environmental Impact Report No. 334 in connection with The Platinum Triangle Expansion Project in April 2008. The Council also approved a Statement of Findings and Fact and Overriding Considerations and the Updated and Modified Mitigation Monitoring Program No. 106B (MMMP 106) in conjunction with the Final SEIR. The Final SEIR addressed the environmental impacts and mitigation measures associated with those activities that would be undertaken pursuant to and in furtherance of The Platinum Triangle Expansion Project. Mitigation Monitoring Plan No. 152 includes mitigation measures from MMMP No. 106B that are applicable to the proposed project. Therefore, FSEIR No. 334, together with Mitigation Monitoring Plan No. 152, are adequate to serve as the required environmental documentation for this proposal and satisfy all of the requirements of CEQA, and that no further environmental documentation need be prepared for the proposed project actions.

NOW, THEREFORE, BE IT RESOLVED that based upon the aforesaid findings and determinations, the Anaheim Planning Commission does hereby recommend to the City Council the approval of the Application and the Development Agreement.

THE FOREGOING RESOLUTION was adopted at the Planning Commission meeting of May 12, 2008.

-4-        PC2008-***
CHAIRMAN, ANAHEIM PLANNING COMMISSION

ATTEST:

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION

STATE OF CALIFORNIA  )
COUNTY OF ORANGE     ) ss.
CITY OF ANAHEIM       )

I, Grace Medina, Senior Secretary of the Anaheim Planning Commission, do hereby certify that the foregoing resolution was passed and adopted at a meeting of the Anaheim Planning Commission held on May 12, 2008, by the following vote of the members thereof:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

IN WITNESS WHEREOF, I have hereunto set my hand this ________ day of
_____________, 2008.

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION
RESOLUTION NO. PC2008-***

A RESOLUTION OF THE ANAHEIM PLANNING COMMISSION
DETERMINING THAT PREVIOUSLY-CERTIFIED FINAL SUBSEQUENT
ENVIRONMENTAL IMPACT REPORT NO. 334 IS APPROPRIATE TO SERVE
AS THE ENVIRONMENTAL DOCUMENT FOR THE PROJECT AND
APPROVING TENTATIVE TRACT MAP NO. 17241
(2100 EAST ORANGEWOOD AVENUE)

WHEREAS, the Anaheim Planning Commission did receive a verified Petition for
Tentative Tract Map for certain real property situated in The Platinum Triangle area of the City of
Anaheim, County of Orange, State of California, shown on Exhibit A, attached hereto and
incorporated herein by this reference; and

WHEREAS, Tentative Tract Map No. 17241 is proposed to establish a four-lot 689-
unit airspace residential condominium subdivision; and

WHEREAS, Tentative Tract Map No. 17241 is proposed in connection with
Conditional Use Permit No. 2007-05284, Development Agreement No. 2007-00006 and
Miscellaneous Case No. 2008-00246; and

WHEREAS, the Planning Commission did hold a public hearing at the Civic Center
in the City of Anaheim on May 12, 2008, at 2:30 p.m., notice of said public hearing having been
duly given as required by law and in accordance with the provisions of the Anaheim Municipal
Code, Chapter 18.60 "Procedures", to hear and consider evidence for and against said proposed
project actions, including Tentative Tract Map No. 17241, and to investigate and make findings and
recommendations in connection therewith; and

WHEREAS, said Commission, after due inspection, investigation and study made by
itself and in its behalf, and after due consideration of all evidence and reports offered at said
hearing, does find and determine the following facts:

1. That the proposed tentative tract map, including its design and improvements, is
   consistent with the Anaheim General Plan and The Platinum Triangle Master Land Use Plan.

2. That the site is physically suitable for the proposed type of development at the
   proposed density and therefore, would not cause public health or safety problems or environmental
damage.

3. That *** indicated their presence at said public hearing in opposition; and that ***
   letters were received in opposition to the subject petition.

WHEREAS, the City Council certified Final Subsequent Environmental Impact
Report No. 334 in connection with The Platinum Triangle Expansion Project in April 2008. The
Council also approved a Statement of Findings and Fact and Overriding Considerations and the
Updated and Modified Mitigation Monitoring Program No. 106B (MMMP No. 106) in conjunction
with the Final SEIR. The Final SEIR addressed the environmental impacts and mitigation measures
associated with those activities that would be undertaken pursuant to and in furtherance of The Platinum Triangle Expansion Project. Mitigation Monitoring Plan No. 152 includes mitigation measures from the MMMP No. 106B that is applicable to the proposed project. Therefore, FSEIR No. 334, together with Mitigation Monitoring Plan No. 152, are adequate to serve as the required environmental documentation for this proposal and satisfy all of the requirements of CEQA, and that no further environmental documentation need be prepared for the proposed project actions.

NOW, THEREFORE, BE IT RESOLVED that the Anaheim Planning Commission for the reasons hereinabove stated does hereby approve Tentative Tract Map No. 17241 to permit a four-lot (one lettered lot and three numbered lots) residential condominium subdivision upon the following conditions which are hereby found to be a necessary prerequisite to the proposed use of the subject property in order to preserve the health, safety and general welfare of the Citizens of the City of Anaheim:

<table>
<thead>
<tr>
<th>No.</th>
<th>Conditions of Approval (MM means Mitigation Measure)</th>
<th>Responsible for Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TIMING: PRIOR TO APPROVAL OF FINAL TRACT MAP</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>That street names for new private streets shall be reviewed and approved.</td>
<td>Building</td>
</tr>
<tr>
<td>2</td>
<td>That the property owner/developer shall be responsible for ensuring that all existing structures within the boundaries of the Final Tract Map shall be demolished. The property owner/developer shall obtain a demolition permit from the Building Division of the Planning Department. Plans submitted for the demolition permit shall include a demolition recycling plan which shall be reviewed and approved by the Public Works Department, Streets and Sanitation Division. The demolition recycling plan shall indicate type of material to be demolished, anticipated tonnage diverted and anticipated tonnage landfilled. Inert demolition material (dirt, concrete, masonry, asphalt, etc.) shall be disposed of in an inert reclamation site, or diverted by other means rather than landfilled.</td>
<td>Building, PW - Sanitation</td>
</tr>
<tr>
<td>3</td>
<td>That the Final Tract Map shall encompass the entire 6.93-acre project site and shall include irrevocable offers of dedication, including necessary construction easements and easements for street, public utility and other public purposes, for the ultimate right-of-way improvements for the arterial highways along Orangewood Avenue. Irrevocable offers of dedication shall be made prior to recordation of the Final Tract Map.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>4</td>
<td>That the property owner/developer shall submit mass grading, street, sewer, storm drain and landscape (including street tree) improvement plans for the public improvements along Orangewood Avenue prepared to the satisfaction of the City Engineer.</td>
<td>PW - Dev Svcs</td>
</tr>
</tbody>
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<thead>
<tr>
<th>No.</th>
<th>Conditions of Approval (MM means Mitigation Measure)</th>
<th>Responsible for Monitoring</th>
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<tbody>
<tr>
<td>5</td>
<td>That improvement bonds shall be posted in amounts approved by the City Engineer and a form approved by the City Attorney prior to approval of the Final Tract Map.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>6</td>
<td>That the property owner/developer shall post a bond to the City for all required sewer improvements/upgrades, including the removal of any abandoned lines and/or off site improvements.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>7</td>
<td>That the property owner/developer shall execute a Subdivision Agreement, in a form approved by the City Attorney, to complete the required public improvements at the property owner/developer's expense. Said agreement shall be approved by the City Attorney and City Engineer and then recorded concurrently with the Final Tract Map.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>8</td>
<td>That the property owner/developer shall submit a maintenance covenant (the &quot;Covenant&quot;) to be approved as to form by the City Attorney’s Office. The Covenant shall include provisions for maintenance of public and private facilities as identified in Exhibit “E”, &quot;Development Requirements and Maintenance Obligations” of the Development Agreement, including compliance with an approved Water Quality Management Plan, provisions for maintenance of all special surface improvements within the public right-of-way, and a maintenance exhibit showing the boundaries of the maintenance area.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>9</td>
<td>That the property owner/developer shall pay the current City of Anaheim Arterial Highway beautification/aesthetics impact fee.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>10</td>
<td>That the current City of Anaheim Platinum Triangle Drainage Impact Fee shall be paid.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>11</td>
<td>Prior to approval of a final subdivision map or issuance of a grading or building permit, whichever occurs first, the City Engineer shall review the location of each project to determine if it is located within an area served by deficient drainage facilities, as identified in The Platinum Triangle Drainage Study. If the project will increase storm-water flows beyond those programmed in the appropriate master plan drainage study for the area or if the project currently discharges to an existing deficient storm drain system or will create a deficiency in an existing storm drain, the property owner/developer shall be required to guarantee mitigation of the impact to adequately serve the area to the satisfaction of the City Engineer and City Attorney’s Office. The property owner/developer shall be required to install the drainage facilities, as required by the City Engineer to mitigate the impacts of the proposed development based upon the</td>
<td>PW - Dev Svcs</td>
</tr>
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<td>Development Mitigation within Benefit Zones (Appendix E of The Platinum Triangle Drainage Study), prior to acceptance for maintenance of public improvements by the City or final Building and Zoning inspection for the building/structure, whichever occurs first. Additionally, the property owner/developer shall participate in the Infrastructure Improvement (Fee) Program, if adopted for the Project Area, as determined by the City Engineer, which could include fees, credits, reimbursements, construction, or a combination thereof.</td>
<td></td>
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<tr>
<td>12</td>
<td>The City Engineer shall review the location of each project to determine if it is located within an area served by deficient sewer facilities, as identified in The Platinum Triangle Sewer Study. If the project will increase sewer flows beyond those programmed in the appropriate master plan sewer study for the area or if the project currently discharges to an existing deficient sewer system or will create a deficiency in an existing sewer line, the property owner/developer shall be required to guarantee mitigation of the impact to adequately serve the area to the satisfaction of the City Engineer and City Attorney’s Office. The property owner/developer shall be required to install the sanitary sewer facilities, as required by the City Engineer, to mitigate the impacts of the proposed development based upon the Benefit Parcels and Development Mitigation (Appendix D of The Platinum Triangle Sewer Study), prior to acceptance for maintenance of public improvements by the City or final Building and Zoning inspection for the building/structure, whichever occurs first. Prior to approval of a final subdivision map or issuance of a grading or building permit for each development project, whichever occurs first, the property owner/developer shall be required to install the sanitary sewer facilities, as required by the City Engineer, to mitigate the impacts of the proposed development based upon the latest updated sewer study for The Platinum Triangle. Additionally, the property owner/developer shall participate in the Infrastructure Improvement (Fee) Program, if adopted for the project area, as determined by the City Engineer, which could include fees, credits, reimbursements, construction, or a combination thereof.</td>
<td>PW - Dev Svcs</td>
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<tr>
<td></td>
<td>Prior to approval of a final subdivision map, the property owner/developer shall contact Orange County Sanitation District (OCSD) regarding sewer capacity. Additionally, if requested by the OCSD, the property owner/developer shall place up to three flow monitoring devices for up to a month to verify capacity and ensure consistency with the OCSD’s modeling results.</td>
<td>PW - Sanitation</td>
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<td>14</td>
<td>That the property owner/developer shall post a bond guaranteeing that all traffic related street improvements shall be completed prior to final building and zoning inspection, including, but not limited to, directional signage, striping, and median islands.</td>
<td>PW - Traffic</td>
</tr>
<tr>
<td>15</td>
<td>That vehicular access rights to Orangewood Avenue, except at street intersections, shall be released and relinquished to the City of Anaheim.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>16</td>
<td>Prior to approval of the final subdivision map, the property owner/developer shall irrevocably offer for dedication (with subordination of easements), including necessary construction easements, the ultimate arterial highway right(s)-of-way adjacent to their property as shown in the Circulation Element of the Anaheim General Plan and consistent with the adopted Platinum Triangle Master Plan.</td>
<td>PW - Dev Svcs</td>
</tr>
<tr>
<td>17</td>
<td>That the property owner/developer shall post a bond to the City for the under-grounding of all overhead electrical utility structures located on the property. All improvements/under-grounding shall be completed to coincide with the level of development that would require this improvement, to the satisfaction of the Anaheim Public Utilities Department and other utility companies.</td>
<td>Electrical</td>
</tr>
<tr>
<td>18</td>
<td>The Final Tract Map shall indicate that any existing City of Anaheim public utilities easements that conflict with potential building footprints shall be abandoned.</td>
<td>Electrical</td>
</tr>
</tbody>
</table>
GENERAL

19 That this Tentative Tract Map No. 17241 is granted expressly conditioned upon approval of Development Agreement No. 2007-00006.  
Planning

20 That this Tentative Tract Map, shall be valid for a period of time coinciding with the timing set forth in Development Agreement No. 2007-00006, which provides for the Alexan Orangewood project to be developed within five (5) years from the date of adoption of the Development Agreement.  
Planning

21 That approval of this application constitutes approval of the proposed request only to the extent that it complies with the Anaheim Municipal Zoning Code and any other applicable City, State and Federal regulations. Approval does not include any action or findings as to compliance or approval of the request regarding any other applicable ordinance, regulation or requirement.  
Planning

22 That timing for compliance with conditions of approval may be amended by the Planning Director upon a showing of good cause provided (i) equivalent timing is established that satisfies the original intent and purpose of the condition(s), (ii) the modification complies with the Anaheim Municipal Code and (iii) the applicant has demonstrated significant progress toward establishment of the use or approved development.  
Planning

23 That extensions for further time to complete conditions of approval may be granted in accordance with Section 18.60.170 of the Anaheim Municipal Code.  
Planning

BE IT FURTHER RESOLVED that the Anaheim Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon applicant's compliance with each and all of the conditions hereinabove set forth. Should any such condition, or any part thereof, be declared invalid or unenforceable by the final judgment of any court of competent jurisdiction, then this Resolution, and any approvals herein contained, shall be deemed null and void.

BE IT FURTHER RESOLVED that the applicant is responsible for paying all charges related to the processing of this discretionary case application within 15 days of the issuance of the final invoice or prior to the approval of the final map for this project, whichever occurs first. Failure to pay all charges shall result in delays in the approval of the final map or the revocation of the approval of this application.

THE FOREGOING RESOLUTION was adopted at the Planning Commission meeting of May 12, 2008. Said resolution is subject to the appeal provisions set forth in Chapter
18.60, "Zoning Provisions – General" of the Anaheim Municipal Code pertaining to appeal procedures and may be replaced by a City Council Resolution in the event of an appeal.

CHAIRMAN, ANAHEIM PLANNING COMMISSION

ATTEST:

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION

STATE OF CALIFORNIA   )
COUNTY OF ORANGE   ) ss.
CITY OF ANAHEIM      )

I, Grace Medina, Senior Secretary of the Anaheim Planning Commission, do hereby certify that the foregoing resolution was passed and adopted at a meeting of the Anaheim Planning Commission held on May 12, 2008, by the following vote of the members thereof:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

IN WITNESS WHEREOF, I have hereunto set my hand this _________ day of

______________, 2008.

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION