RESOLUTION NO.


WHEREAS, the Anaheim City Planning Commission did receive a verified Petition for Conditional Use Permit No. 2008-05304 for certain real property situated at 905-917 East Katella Avenue in the City of Anaheim, County of Orange, State of California, as more particularly shown in Exhibit “A” attached hereto and incorporated herein by this reference; and

WHEREAS, said application seeks approval of a conditional use permit to modify the minimum structural setbacks in connection with the construction of a mixed-use project with a 138-room hotel, 12-story office building, 320-unit residential apartment complex, and a 7-story parking structure, and allow a building height over 100 feet for the proposed office building, as follows:

(a) SECTION NO. 18.20.090.010.0101 Parking Structure Adjacent to Lewis Street
(12’ setback required; 8’ setback proposed)

(b) SECTION NO. 18.20.090.010.0101 Parking Structure Adjacent to Interior Street North/South
(10’ setback required; 2’ – 5’ setback proposed)

(c) SECTION NO. 18.20.090.010.0101 Parking Structure Adjacent to Interior Street East
(10’ setback required; 2’ – 18’ setback proposed)

(d) SECTION NO. 18.20.090.010.0101 Residential Building Adjacent to Interior Street North
(10’ setback required; 5’ – 8’ setback proposed)

(e) SECTION NO. 18.20.090.010.0101 Residential Building Adjacent to Katella Avenue
(18’ setback required; 7’ – 18’ 4” setback proposed)

(f) SECTION NO. 18.20.050 Building Height 12-Story Office Building
(up to 211 feet proposed)

WHEREAS, the City Planning Commission did hold a public hearing upon said application at the City Hall in the City of Anaheim, notices of which public hearing were duly given as required by law and the provisions of Title 18 of the Anaheim Municipal Code; and
WHEREAS, said Commission, after due inspection, investigation and studies made by itself and in its behalf and after due consideration of all evidence and reports offered at said hearing, did adopt its Resolution No. PC2008-59 granting Conditional Use Permit No. 2008-05304; and

WHEREAS, said Planning Commission, by its Motion, did request that the Anaheim City Council review the Planning Commission’s action granting Conditional Use Permit No. 2008-05304 at a duly noticed public hearing; and

WHEREAS, thereafter, the City Council did set said application for such project for a de novo hearing, which public hearing was duly noticed in the manner provided by law; and

WHEREAS, at the time and place fixed for said public hearing, the City Council did duly hold and conduct such hearing and did give all persons interested therein an opportunity to be heard and did receive evidence and reports; and

WHEREAS, the City Council does find, after careful consideration of all evidence and reports submitted to the City Planning Commission and the action taken by said Commission, and all evidence and reports offered at said public hearing before the City Council, that all of the conditions and criteria set forth in the Anaheim Municipal Code are present for the following reasons:

1. That the proposed modification of minimum structural setbacks to construct a mixed use development 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 211-foot structural height for the office building is properly one for which a conditional use permit is authorized under Code Section No. 18.20.050 of the Anaheim Municipal Code.

3. That the proposed structural height will not adversely affect the adjoining land uses or the growth and development of the area in which it is proposed to be located. A shade and shadow study demonstrates that the adjacent sensitive uses would not be impacted more than 50% of the day, and would comply with required mitigation for the project.

4. 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).

5. 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.

6. 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. 153 for the project.

7. 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.

NOW, THEREFORE, BE IT RESOLVED that the Anaheim City Council does hereby grant said Conditional Use Permit, subject to the following conditions which are hereby found to be needed to preserve the health, safety and 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>
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<tbody>
<tr>
<td></td>
<td><strong>TIMING: PRIOR TO ISSUANCE OF BUILDING PERMITS</strong></td>
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<tr>
<td>1</td>
<td>That plans shall indicate compliance with the building setbacks identified in Exhibit Nos. 1 through 39 of Final Site Plan No. 2008-00001.</td>
<td>Planning</td>
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<td><strong>GENERAL CONDITIONS</strong></td>
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<td>2</td>
<td>That subject property shall be developed substantially in accordance with Development Agreement No. 2008-00002, and as conditioned herein.</td>
<td>Planning</td>
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<td>3</td>
<td>That this conditional use permit shall be valid for a period of time coinciding with the timing set forth in Development Agreement No. 2008-00002.</td>
<td>Planning</td>
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<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>Planning</td>
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BE IT FURTHER RESOLVED that the City Council 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 conditions, 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.
THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this ___ day of __________, 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: ____________________________  
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM

69294.v1/MGordon
LEWIS STREET

614.88'

590.78'

590.65'

615.73'

Source: Recorded Tract Maps and/or City GIS.
Please note the accuracy is +/- two to five feet.

Subject Property

Conditional Use Permit No. 2008-05304
Development Agreement No. 2008-00002

905-917 East Katella Avenue