

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: November 7, 2000

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0061 for Use Permit

PROPOSAL: Establishment and operation of a non-denominational private elementary/junior high school for a maximum enrollment of 396 students from pre-kindergarten through eighth grade. Staff for the school includes two principals, 22 teachers and three office staff. All structures on site will be factory-built modular units. There are 14 modular classroom structures for first through eighth grade; an administration modular; pre-kindergarten and kindergarten modulares; and, modular restroom. Other uses of the site include hard surface and grass surface play areas, a soccer field and a parking area for 58 vehicles (37 required). Access to the site is from Santiago Blvd.

LOCATION: 19111 Villa Park Road, Orange, which is at the northwest corner of Villa Park Road and Santiago Blvd. Third Supervisorial District.

APPLICANT: George Adams, agent for Oakridge School, project developer
Thomas V. Reeve III, property owner

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends the Planning Commission evaluate the merits of the proposal and either; approve subject to findings and conditions, disapprove or modify Planning Application PA00-0061.

This staff report contains text revisions. The revised text areas are highlighted in this report; and, will be further discussed by staff at the public hearing.

BACKGROUND:

The subject site is a 6.7 acre County Island zoned A1 "General Agricultural" FP "Flood Plain"-2. The site is located adjacent to the cities of Villa Park to the north and west and Orange to the south and east. The site is triangular in shape, measuring approximately 772 feet along Villa Park Road, 727 feet on Santiago Blvd and 990 feet on the third side, adjacent to Santiago Creek. The site has a rise in grade elevation of approximately 25 feet from the low point in the southern corner to the high point in the western corner. The northern portion of the site, adjacent to Santiago Blvd, has a level area approximately 150 feet in

width. Access to the site is from Santiago Blvd. only. This location was selected for the placement of the modular units because a previous use of the site was as a County refuse pit. The 150 feet wide strip of land is outside the area that was use for refuse deposits.

Oakridge Private School submitted its proposal to operate a private school on this site in mid 2000. The proposal is to move 21 modular buildings onto the site to be used for classrooms, offices and restrooms. No permanent buildings with foundations are proposed. All the modulars are located in a 150 feet wide strip of land running parallel to Santiago Blvd. A parking area and drop-off area is provided at the intersection of Villa Park Road and Santiago Blvd. The proposal also includes approximately 45,000 cubic yard fill material placed in the low area of the site to create a soccer field.

The school proposes normal school operations between the hours of 7:00 a.m. to 3:30 p.m. Monday through Friday. The school operates on staged hours, with morning day care starting at 7:00 a.m. and preschool through 2nd grade from 9:00 a.m. to 3:30 p.m. After school sports for grades six through eight is proposed from 2:30 p.m. to dusk. There are no night time activities planned so there is no need to light the play area or soccer fields for night use. Security lighting is proposed. The applicant indicated to staff that the school will make the parking area and play areas available to the community for limited weekend use.

Oakridge Private School was founded in the early 1980s. It was originally located on a leased site in the City of Tustin. The school then moved to a 15 acre leased site in the City of Orange. According to the applicant, while the school was in the process of purchasing the property, the City of Orange took ownership of the site through eminent domain. The school was then re-located to Irvine School District property located within the perimeter of the now closed El Toro Marine Corps Air Station. The school district informed Oakridge that the facility will have to move out by January, 2001 because the school district has plans for the site that preclude Oakridge's continuation at this location. New modular units needed for Oakridge at the proposed location have been purchased and are in temporary storage at the manufacturer's facility.

The project site was once used for gravel mining and later as a County landfill known as the *Reeve Pit Refuse Disposal Station* (Reeve Pit). The County closed operation of the site as a refuse disposal pit sometime in the early 1960s. The site has been vacant since the facility closed. Reeve Pit was also larger in the past. Villa Park Road was constructed over a portion of the landfill leaving an undeveloped acre plus portion of the refuse pit land on the south side of Villa Park Road. As a refuse pit, Reeve Pit accepted principally ~~clean refuse and~~ household waste, hazardous waste was not to be deposited at this location. The County Integrated Waste Management Department (IWMD) operates groundwater quality monitoring wells and probes around the perimeter of the refuse pit to monitor groundwater quality the condition of the site and gas monitoring probes at a County fire station located across Villa Park Road from the project site.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were

distributed for review and comment to seven County Divisions. Comments received have been incorporated have been incorporated into the Conditions of approval.

Additionally, a copy of the planning application and the proposed site plan together with the Mitigated Negative Declaration were distributed for review and comment to the Integrated Waste Management Agency (IWMD), Regional Water Quality Control Board (RWQCB), HCA/Local Enforcement Agency (LEA), South Coast Air Quality Management Department (AQMD), the City of Villa Park and the City of Orange. Comments raising issues with the project and the negative declaration have been received from several County and State agencies including: LEA, IWMD, AQMD and RWQCB. These comments received were related both to the proposal and to the Negative Declaration that was prepared for the proposal. Please refer to the Environmental Documentation (Exhibit 2) for specific comments and County responses to those comments. All the mitigation measures that resulted from specific comments have been incorporated into recommended Conditions of Approval.

The City of Orange made numerous comments that the proposal needed to meet City building and fire regulations. Since the proposal is still under County jurisdiction and subject to County regulations, the proposal will be reviewed to meet applicable County codes, regulations and standards. Applicable State regulations and Orange County Fire Authority codes and regulations are also incorporated into the recommended Conditions of Approval. However, the City of Orange will provide sewer and water to the site. Their comments regarding sewer and water have been incorporated into the recommended Conditions of Approval.

Staff also notes that the project site is adjacent to both the City of Orange and City of Villa Park. The project site is within the sphere of influence of the City of Orange. The City of Orange will be the provider of water and sewer to the site. The City has indicated that it may annex the site at a future date. The applicant originally contacted the City of Orange to inquire if the City would be the lead agency because the project site is in its sphere of influence. The City elected to permit the County to process the application. However, the site would eventually be annexed by the City.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	A1 “General Agricultural” A1/FP “Flood Plane”-2	Vacant
North	SG “Sand and Gravel”(FP-1)	Vacant, open space (Santiago Creek)
South	City of Orange A1 “General Agricultural”	Residential and OCFA fire station Vacant
East	City of Orange	Commercial Nursery
West	SG “Sand and Gravel”(FP-1)	Vacant, open space (Santiago Creek)

CEQA COMPLIANCE:

The PDS/Environmental & Project Planning Services Division serves as the Lead Division for compliance with the California Environmental Quality Act (CEQA) for projects for which Orange County is the Lead Agency. The primary responsibility of the Lead Division is to ensure that all environmental documentation meets the requirements of the CEQA Statutes, and Guidelines and the County of Orange procedures pertaining to the environmental review process, consultation, notification and document content.

I. NEGATIVE DECLARATION SUMMARY:

A. Summary of Project Activities and Associated Approvals

Approval of Planning Application, PA 000061, will entitle the following:

- Use Permit to establish the Oakridge Private School, a private elementary school grades K through 8.
- A classroom for pre-school age children.
- A total number of students, including pre-school children, limited to a maximum of 396.
- Establishment the classrooms in modular buildings to be permanently located on the project site.
- Establishment of a play/recess area that includes basketball courts, volleyball courts, tetherball, several 4-square courts, and a handball wall over the area previously a landfill.
- Establishment of an athletic (soccer) field over the area previously utilized as a landfill.

B. Potentially Significant Impacts Avoidable Through Mitigation or Plan Redesign

Negative Declaration, PA 000061, identified the following areas of potential impact. These potential impacts will be reduced to a level less than significant, after the imposition of project redesign, Standard Conditions and/or Mitigation Measures:

- ***Water - Potential for Contaminated Nuisance Groundwater.***
- ***Hazards - Exposure of people to existing sources of health hazards.*** The proposed project is located immediately adjacent to the Reeves Pit Landfill. The landfill discontinued accepting refuse in the early 1960s. In Orange County, Title 27 of the California Code of Regulations is administered by the Local Enforcement Agency (LEA). The South Coast Air Quality Management District (SCAQMD), and the California Regional Water Quality Control Board (RWQCB), Santa Ana Region provide concurrent review concurrence. Mitigation measures 7, 13 and 14 will ensure that potential impacts will be mitigated to a level less than significant.

II. THE PUBLIC REVIEW PROCESS:

The public review period for Negative Declaration PA 000061 was from September 1, 2000 until 4:30 on October 2, 2000. Comments were received during this public review period. Responses, which included as Exhibit 2, are provided to the Planning Commission prior to the November 7th Hearing so that the decision making body can consider the whole record, including the initial study and any comments received during the public review process.

Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The subject site is zoned A1 “General Agricultural” District” with a FP “Flood Plain”-2 District overlay. The FP-2 zoned portion of the site is located westerly of the proposed location of the school buildings and does not effect the placement of the school buildings. A1 zoning permits “educational institutions” subject to the approval of a Use Permit by the Zoning Administration. Because of the sensitivity of the proposal, the Director of Planning and Development Services determined that the proposal should be reviewed by the Planning Commission as is permitted by Zoning Code Section 7-9-150.3.

As mentioned, the site was a gravel pit and later the former Reeve Pit Refuse Disposal Station. The site was in operation during the 1950s to the early 1960s and was operated consistent with regulations in place at that time. ~~Unlike controlled County sanitary landfills (such as the Frank R. Bowerman, Prima Deshecha and the now closed Coyote Canyon landfills), the Reeve Pit was uncontrolled.~~ When the site was operated as a County refuse pit, the public could drive to the site and dump refuse. It was intended that ~~clean refuse and household wastes would be deposited at the site; however, there is evidence, based upon work completed by EMCON/OWT Solid Waste Services, for the applicant, that other materials may have been deposited in the refuse pit. Air samples collected at the site by EMCON/OWT detected; benzene, vinyl chloride, chlorobenzene and toluene. that besides the household wastes. Other materials including: paints, solvents, oils, pesticides, chemicals, asbestos, etc., were also dumped in the pit.~~

~~The presence of other materials has provided the impetus for the ongoing monitoring program that IWMD conducts offsite water quality monitoring along the perimeter of the property. The monitoring program is intended to ensure that methane or other gases or leachates remain on site and do not migrate to adjacent properties.~~ In response to a methane gas migration problem which affects the nearby fire station located across Villa Park Road to the south of the subject site ~~special building foundation shielding and a sophisticated~~ an “air dam” (or air curtain) was installed to prevent methane gas concentrations within the interior of the fire station structure.

Tests for landfill gas at the site and adjacent to the site are ongoing through *IWMD’s Closed Landfill Environmental Assessment and Response Project (CLEAR)*. The CLEAR project studies potential gas migration based upon current land use and not in relation to the Oakridge School request. In a recent test conducted during the week of September 11, 2000 by consultants for IWWD using probes at depths of 70 feet, resulted in readings of methane gas at five percent by volume in the air. The test results were reported to both LEA and the applicant. Methane gas in this concentration in a confined space can become explosive. Based on this information, the LEA will determine any further course of action.

The applicant is aware of the methane gas migration situation and has had numerous studies and testing performed at the site by professionals. Included with Exhibit 1 is report prepared by EMCON/OWT Solid Waste Services on behalf of the applicant to address the environmental issues related to the proposal. The applicant's proposal calls for the all the modular units to positioned in such a manner so that an air space is created under each unit. The applicant asserts that by providing an air space under every modular unit, any methane gas that may leak from the landfill will dissipate before infiltrating into a modular unit. In addition, other mitigation measures such as providing special seals for electrical conduits, equipping each modular with a gas monitoring system and an alarm to warn of any gas build-up and providing additional probes between the units and the edge of the landfill to provide early warning of any gas migration. The applicant is convinced that through the application of mitigation, the site can be made safe for the proposed school. The applicant has also stated to staff that the parents of the students are aware that the proposed site is an old refuse pit and that methane gas has been detected.

Besides the concerns related to siting the school so near to the refuse pit, staff has concerns related to the compatibility with the adjacent retail/wholesale nursery located on the easterly side of Santiago Blvd. directly across from the proposed location of the modular school buildings. The applicant proposes to locate the modular buildings outside the boundary of the refuse pit. In order to do this; the modulars must be placed within a narrow 150 feet wide strip of land five feet from the side property line nearest the nursery. Five feet is the side setback requirement for the A1 District. Santiago Blvd. serves as the main entrance to the nursery. Large tractor-trailer trucks and other nursery-related vehicles travel this dead-end street. Also the nursery conducts nursery-related activities adjacent to the street, including log splitting and some vehicle maintenance. In addition, customer parking is located perpendicular to Santiago Blvd. Staff is concerned that the amount of vehicle traffic and activity of the nursery poses a conflict with the proposed school. Staff is concerned that vehicles could back across Santiago Blvd. or maneuver in such a way as to threaten the modular buildings. Also, the noise generated by trucks and nursery equipment so close to the school does not appear conducive to learning. To address each concern, staff has prepared two conditions of approval. One Condition of Approval requires the applicant to design and install some type of safety guardrail system between the classroom modulars and the Santiago Blvd. right-of-way. To address the noise concern, staff has recommended the standard noise conditions requiring the applicant to show that the classroom units are sound attenuated to standard County interior noise levels.

CONCLUSION:

The Oakridge Private School proposal is an extremely unique project created by its proposed location adjacent to a closed refuse pit and to a wholesale/retail nursery. In this report, staff have discussed the site concerns and reported that technical reviewers such as LEA, AQMD and RWQCB have been contacted to comment on the application. None has commented that a private school is prohibited under their regulations from being located as proposed. Each as offered various conditions of approval for monitoring and mitigating possible impacts. The exact extent of these monitoring programs is not know at this time. Staff notes that the State Education Code (Section 17213) does not permit the location of a public school atop a landfill.

Staff has express its reservations concerning the compatibility of the school with the operations of the adjacent nursery. We recognize that the applicant has expressed a willingness to comply with all the various monitoring and mitigation required by the regulatory agencies. Despite their earnestness, staff is

not able to make a favorable recommendation because the cost, extent and oversight aspects of these monitoring and mitigation programs are unknown. Staff has attempted in this report to present the facts of this request supported by the Mitigated Negative Declaration and other attendant materials. We request the Planning Commission consider those materials and public testimony at the November 7, 2000 public hearing; and evaluate the merits of the project and take the appropriate action to: approve, disapprove, or modify the proposal.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Evaluate the merits of the proposal and either; approve (with the findings and conditions included), disapprove or modify Planning Application PA00-0061.

Respectfully submitted,

John B. Buzas, Manager
Current Planning Services Division

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation and a report prepared by EMCON/OWT Solid Waste Services
2. Environmental Documentation
3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.