

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: June 7, 2007

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Environmental and Site Planning

SUBJECT: Public Hearing on Planning Application PA060101 for Use Permit.

PROPOSAL: The Use Permit request is to establish a warehouse in the C2 "General Business" District. The use of the existing site is an abandoned dog kennel.

LOCATION: The subject property is located at 15101 Jackson Street, in the unincorporated area of Midway City.
First Supervisorial District.

APPLICANT: Steve Le

STAFF CONTACT: Jerry Mitchell, Staff Planner
Phone: (714) 834-5389 FAX: (714) 667-8344

SYNOPSIS: RDMD/PDS/Environmental and Site Planning recommends Zoning Administrator approval of Planning Application PA060101 for a Use Permit to allow construction of a warehouse facility to store building materials and supplies, subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The applicant has submitted a letter of justification (Attachment 1) requesting a Use Permit to construct a 4,000 square-foot, 28-foot high storage building at 15101 Jackson Street in Midway City (site is an abandoned dog kennel). The materials to be stored would be typical building materials and supplies, Type 5, non-rated construction materials. These include wood, metal, vinyl doors/windows, MDF (medium density fiberboard) and molding. The materials would be stored up to 11 feet high on three-foot, eight-by-eight steel racks.

Water is supplied to the site by Midway City Mutual Water. The amount of water flow, at about 300 gallons per minute, while adequate for residential purposes, is not sufficient for commercial use. The applicant has provided a "will Serve Letter" from the City of Westminster (Attachment 2) that would provide water (via a nearby fire hydrant) to meet fire flow requirements for his Midway City property, pending payment of the appropriate fees.

SURROUNDING LAND USE:

The location, size and design characteristics of this project are consistent with other commercial structures and uses found in this Midway City industrial area. The building materials used and methodologies employed would adhere to current building code standards and practices. The storage building would be constructed with a wood frame, stucco and a laminated fiber-glass shingled roof.

AERIAL PHOTO OF PROJECT SITE



Project Site

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing (Attachment 3) was mailed to all property owners of record within 300 feet of the subject site. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions. As of the writing of this staff report, no comments raising significant issues with the project have been received from other County divisions.

CEQA COMPLIANCE:

Mitigated Negative Declaration PA06-0101 (Attachment 4) was prepared for the proposed project and was posted for a 30-day public review on February 6, 2007. The negative declaration satisfies the requirements of CEQA for the project. The required CEQA Finding is included in the attached Findings (Appendix A) for the Zoning Administrator's consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

DISCUSSION/ANALYSIS:

The existing use of the property is an abandoned dog kennel. It is zoned C2 "General Business" District, which is consistent with the proposed land use. It is located at 15101 Jackson Street, in Midway City in an area served by various commercial and industrial type uses.

The Use Permit request is to allow the construction of a 4,000 square-foot, twenty-eight-foot high structure directly behind the existing 12-foot high, 1,100 square-foot building currently on the site. The existing building would remain on-site to be used as additional storage space.

The proposed project is subject to off-street parking requirements pursuant to the County of Orange Zoning Code, Section 7-9-145.6. The applicant is required to provide five off-street parking spaces: four for the proposed 4,000 square-foot warehouse storage building and one for the existing 1,100 square-foot building (one for each 1,000 square feet of gross floor area). Four off-street parking spaces would be provided in front of the existing 1,100 square-foot structure and one handicapped parking space, to meet requirements for the physically handicapped, would be dedicated within the new 4,000 square-foot structure.

As noted above, the existing site does not currently provide adequate fire flow for the proposed commercial use. Therefore, the applicant is required to install automatic fire sprinklers (Condition No. 16) and provide additional water pressure, via the nearby City of Westminster fire hydrant (see Attachment 2), as required by the Orange County Fire Authority.

Potential adverse water quality impacts will be addressed through the requirement of a Water Quality Management Plan, Condition No. 8 and Compliance with the Water Management Plan, Condition No. 9.

The proposed building project is subject to the attached Findings and Conditions of Approval, is consistent with adjacent zoning (C2) and surrounding land uses.

Staff supports the applicant's proposal and recommends approval as noted below.

RECOMMENDED ACTION:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA060101 for a Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Ronald L. Tippets, Chief
RDMD PDS/Environmental & Site Planning

APPENDICES:

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

ATTACHMENTS:

1. Applicant's Justification Letter
2. Will Serve Letter from City of Westminster
3. Notice of Public Hearing
4. Mitigated Negative Declaration PA 060101
5. Site Plan

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to Planning and Development Services.



APPENDIX A
Steve Le, Warehouse PA060101
15101 Jackson Street, Midway City

Findings

1. [AA01] General Plan

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

2. [AA02] Zoning

That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

3. [AA03] Compatibility

That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

4. [AA04] General Welfare

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

5. Mitigated Negative Declaration (Custom)

Mitigated Negative Declaration PA 060101 satisfies the requirements of CEQA and is adopted for the proposed project based upon the following additional findings pursuant to Section 21080(c) of the Public Resources Code and CEQA Guidelines Section 15074:

- a. Mitigated Negative Declaration PA 060101 reflects the independent judgment of the Environmental Planning Services Division, of the County of Orange; and

- b. The Mitigated Negative Declaration and comments on the Negative Declaration during the public review process were considered and the Negative Declaration was found adequate in addressing the impacts related to the project; and
 - c. There is no substantial evidence in the entire record to support a fair argument that the project, with the implementation of mitigation measures included in the Negative Declaration, will have a significant effect on the environment; and
 - d. All mitigation measures are found to be fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have been adopted as conditions of the project.
- 6.** Applicable off-street parking requirements may be excessive or inappropriate due to the low-keyed nature of the specific use (warehouse facility) involved and because of special circumstances applicable to the property; such as, the low volumes of traffic associated with this area and because of the common practice of adjacent and surrounding property owners allowed to back into the street for ingress and egress.
- 7.** The proposed off-street parking facilities comply with the intent of these regulations as specified by section 7-9-145.1.



APPENDIX B
Steve Le, Warehouse PA060101
15101 Jackson Street, Midway City.

Conditions of Approval

1. [Z01] BASIC/ZONING REG

Approval: CP CP NA

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. [Z02] BASIC/TIME LIMIT

Approval: CP CP NA

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. [Z03] BASIC/PRECISE PLAN

Approval: CP CP NA

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. [Z04] BASIC/COMPLIANCE

Approval: CP CP NA

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 Zoning Administrator.

5. [Z05] BASIC/OBLIGATIONS**Approval: CP CP NA**

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. [Z06] BASIC/APPEAL EXACTIONS**Approval: CP CP NA**

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. [N10] CONSTRUCTION NOISE**Approval: BP BP G**

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.

8. [WQ01] WATER QUALITY MANAGEMENT PLAN**Approval: BI BI RGB**

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.

9. [WQ03] COMPLIANCE WITH THE WQMP

Approval: BI BI U

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.

10. [WQ05] EROSION AND SEDIMENT CONTROL PLAN

Approval: BI BI GB

Prior to the approval of any grading permit, the applicant shall submit an 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.

11. [D01b] DRAINAGE STUDY

Approval: SG SG G

Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Subdivision and Grading:

- A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
- B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
- C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

12. [D02b] DRAINAGE IMPROVEMENTS

Approval: SG SG G

A. Prior to the issuance of any grading permits, the applicant shall in a manner meeting the approval of the Manager, Subdivision and Grading:

- 1) Design provisions for surface drainage; and
 - 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
 - 3) Dedicate the associated easements to the County of Orange, if determined necessary.
- B. Prior to the issuance of any certificates of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, Construction.

13. [D03a] DRAINAGE OFFSITE

Approval: SG SG G

Prior to the issuance of any grading permit, and if determined necessary by the Manager, Subdivision and Grading, the applicant shall record a letter of consent, from the upstream and/or downstream property owners permitting drainage diversions and/or unnatural concentrations. The form of the letter of consent shall be approved by the Manager, Subdivision and Grading Services prior to recordation of the letter.

14. [G01] GEOLOGY REPORT

Approval: SG SG G

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.

15. Fire Master Plan

Service Codes: 2.12

Prior to the issuance of any grading permits, the applicant shall submit a fire master plan to the Fire Chief for review and approval. This plan shall include all fire department access; fire hydrant distribution; fire lane markings; combustible construction letter; water availability for fire flow; and gates blocking fire department access. *Per the correction document dated January 23, 2007, the proposed building is deficient for fire department access by approximately 60 feet. An Alternate Materials and Methods (AM&M) is required.*

16. Automatic Fire Sprinkler Systems

Service Codes: 2.18 (Commercial Sprinkler System)

Prior to the issuance of a building permit, the applicant shall submit plans for the required automatic fire sprinkler system in these structures to the Fire Chief for review and approval.

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

17. Fire Alarm System

Service Codes: 2.38 (Fire Sprinkler Monitoring Reviews)

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.

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

18. CUSTOM OFF-STREET PARKING

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Land Use Planning, or designee, a modified site plan demonstrating compliance with Section 7-9-145 of the County of Orange Zoning Code requirements for off-street parking, including compliance with the Americans With Disabilities Act for handicapped parking.