



# Agenda Item

## Planning Commission

Item #: 5.1.

1/18/2021

File #: 20-332

**TO:** Chair and Members of the Planning Commission

**THRU:** Anna Pehoushek, Assistant Community Development Director

**FROM:** Chad Ortlieb, Senior Planner

### 1. SUBJECT

**Public Hearing:** Conditional Use Permit No. 3105-19, Design Review No. 4992-19, and Minor Site Plan Review No. 0992-19, Villa Ford Inventory Lot, 2457 N. Canal Street

### 2. SUMMARY

The applicant proposes to establish a permanent new car inventory storage lot on a portion of vacant property.

### 3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 02-21 entitled:

A Resolution of the Planning Commission approving Conditional Use Permit No. 3105-19, Design Review No. 4992-19, and Minor Site Plan Review No. 0992-19 for the establishment of a permanent new car inventory storage lot on a 1.13 acre portion of vacant property located at 2457 N. Canal Street.

### 4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.08.020 B.2.a. authorizes the Planning Commission to review and take final action on applications for Conditional Use Permits, Design Review, and Minor Site Plans. Footnote (b) of Table 17.08.020 of the OMC - Reviewing Bodies - states that when more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications. The Planning Commission is the highest level approving body for these applications.

### 5. PROJECT BACKGROUND

<i>Applicant:</i>	Studio IV, Inc., Franz Nalezny for Villa Ford
<i>Property Owner</i>	St. Paul's Lutheran Church
<i>Property Location</i>	2457 N. Canal Street
<i>Existing General Plan Land Use Element Designation</i>	Low Medium Residential 6-15 du/ac
<i>Existing Zoning Classification</i>	Residential Duplex 6,000 sq. ft. (R-2-6)

<i>Old Towne</i>	Not in Old Towne
<i>Specific Plan/PC</i>	None
<i>Site Size</i>	1.13 acres
<i>Circulation</i>	The project vehicular entry gate is proposed on the easterly end of the project's Heim Avenue frontage. A pedestrian gate will be located at the southerly end of the project's Canal Street frontage.
<i>Existing Conditions</i>	The site is currently utilized as a temporary vehicle storage lot on a gravel surface. The site is owned by St. Paul's Lutheran Church and is a contiguous lot to the southerly turf covered area. The project area would be leased by Villa Ford from the church.
<i>Surrounding Land Uses and Zoning</i>	North Multiple-Family Residential District and Duplex Residential District (R-3 and R-2-6) Multiple-family dwellings Northeast Multiple-Family Residential District (R-3) Multiple-family dwellings Northwest Single-Family Residential District (R-1-7) Single-family residences East Duplex Residential District (R-2-6) Single-family residences West Single-Family Residential District (R-1-7 and R-1-8) St. Paul's Lutheran Church and School South Duplex Residential District and Limited Business District-Tustin Redevelopment Project Area (R-2-6 and C-TR) A single family dwelling and contiguous lot with turf area utilized by St. Paul's Church and School followed by the Village at Orange Shopping Center
<i>Previous Applications/Entitlements</i>	Temporary Use Permit No. 0219-18 was approved for a temporary new car inventory storage lot.

## 6. PROJECT DESCRIPTION

The proposal is to establish a new vehicle inventory lot for Villa Ford on 1.13 acres of undeveloped land located at 2457 N. Canal Street. No structures are included in the proposal. The site would be improved with perimeter landscaping, fencing, asphalt surfacing, and security lighting.

The property front and side setbacks facing Heim Avenue and Canal Street would be landscaped with shrubs, trees, and groundcover in front of perimeter fencing. Existing trees at the project's east boundary would be retained. The westerly, non-street adjacent property line would utilize tall shrubs and a block wall for project buffering. The southerly project boundary that separates the project from the contiguous lot consisting of turf area used by St. Paul's Lutheran Church and School will have trees with mulch undercovering adjacent to a proposed perimeter fence.

Site walls and fencing are as follows:

- Canal Street and Heim Avenue interfaces - Six foot tall tube steel fencing and gates will be provided at the property setbacks.
- Easterly property line - An existing six foot tall block wall exists on the adjacent residential properties.
- Southwesterly property lines adjacent to the existing single family dwelling - A six foot tall block wall will be constructed to separate the project from the adjacent residence.

- Southerly project boundary - no fence is proposed.

The project vehicular entry gate will occur on the easterly end of the project's Heim Avenue frontage. A pedestrian gate will be located at the southerly end of the project's Canal Street frontage.

The non-landscaped portions of the lot will receive asphalt surfacing. Parking spaces will not be striped since this is a storage lot but Fire Department access paths will be striped on the asphalt. Lighting will be reviewed by Planning and Crime Prevention staff during plan check to ensure off-site glare does not occur and that necessary on site security lighting is provided.

Details of project landscaping are in the attached Design Review Committee staff report and project plans.

### Development Standards

	Required	Proposed	Code Section
<i>Fence height</i>	6 feet	6 feet	17.14.180
<i>Landscaping</i>	<p>"Benchmark" Standards (may be alternately approved) • Landscape 4'-0" min. along all side and rear property lines • All parking visible from the streets, including front and side yard areas is to be screened with five gallon shrubs at 3'-0" on center. • Trees are required throughout the project within all parking areas and along all property lines, including side yards and backyards, 25% shall be in 24" box and 75% shall be in 15 gallon container. Larger sizes will be required on sites over one acre. • 28 trees required. • All shrubs shall be five gallon. • Landscape the entire street facing setback area or 10'-0" minimum planter width, whichever is greater. • Show any existing trees to be removed. Save existing trees whenever possible. • Parking lots have planting area requirements.</p>	<p>• At least 4 feet on side and rear property lines • All street visible storage areas are screened with five gallon shrubs. Plan check will confirm on center requirements. • Trees are throughout. There are no parking areas, only storage areas. 37% are 24" box and the remainder are 15 gallon. The site is over an acre with existing larger trees on the east. • 35 trees are provided plus 11 existing • Five gallon shrubs provided. • 15 feet of street setbacks are landscaped. • No trees to be removed. • This is an inventory storage lot. No parking lot landscaping applies.</p>	17.14.210
<i>Loading area</i>	10 feet wide 40 feet long	Compliant on-site loading area provided via the access pathway off Heim Ave.	17.34.160

<i>Lot size</i>	6,000 sq. ft.	1.13 acres as part of the contiguous lot	17.14.070
<i>Lot frontage (lease area)</i>	60 feet	122 feet Canal St. 290 feet Heim Ave.	17.14.070
<i>Lot depth (lease area)</i>	No requirement	204 feet, Heim Ave. to turf field	17.14.070
<i>Parking</i>	Not identified in the code for this use. As approved by the Planning Commission.	None provided. All vehicle inventory will be stacked on site outside of fire lanes and not in marked spaces.	17.34.060
<i>Setback, Front</i>	15 feet	15 feet	17.14.070
<i>Setback, Rear</i>	10 feet	6 feet to lease line adjacent to turf field. Complies because the turf field is part of the contiguous lot and because the setback applies to structures.	17.14.070
<i>Setback, Interior Side</i>	5 feet	5 feet to 7 feet 8 inches	17.14.070
<i>Setback, Street Side</i>	10 feet	15 feet	17.14.070

## 7. ANALYSIS AND STATEMENT OF THE ISSUES

### Issue 1: Land Use

The applicant proposes a new car inventory storage lot on property designated Residential Duplex. The property has residential uses to the north and east of the site and non-residential use of the property has the potential to cause use-compatibility conflicts with adjacent residential uses if problems were to arise from inadequate screening, lighting glare, noise, inadequate security, or vehicle loading. Additionally, use of the site for a non-residential use may hinder future residential development of the site and the site has value towards contributing to housing for meeting the City's Regional Housing Needs Assessment allocation.

New car inventory lots are not specifically identified in the Master Land Use Matrix of the Zoning Code. Orange Municipal Code Section 17.13.070 allows the Community Development Director to determine if an unlisted use is similar to that of other listed uses and to allow a Conditional Use Permit to be applied for in such scenarios. Recreational vehicle storage lots are conditionally permitted uses in residential zones, hence a determination has been made that a new car inventory lot could be a similar use and is the basis for Planning Commission consideration of this Conditional Use Permit.

Through a combination of project design and conditions, the project would have perimeter walls and fencing, perimeter landscaping that obscures view of the storage lot and provides transition with the neighborhood property frontages, lighting would be addressed as discussed in Issue 3, security would be provided for by perimeter fencing and locked gates when not in use, the use would be

required to adhere to the noise standards of the OMC, loading and unloading would be accommodated within the site or along excess street right-of-way during designated hours. For these reasons, use conflicts are anticipated to be overcome.

No structures will be constructed on-site and the property is being leased for five years from St. Paul's Lutheran Church and School. Although the Conditional Use Permit would run with the life of the land, there is no certainty that the use would occur for a long period of time or that the church and school would not resume continued use of the lot as a parking area in the future. Given that the project lease area is part of a contiguous lot where the turf field is located and no structures would be placed on the property, the use would not significantly hinder the potential for future residential development of the property.

#### Issue 2: Site Screening

The new vehicles stored on site will need proper screening from the right-of-way, as would a parking lot. The Orange Municipal code requires parking lots to be screened with hedges or earth mounding. Furthermore, screening of the site from adjacent residential uses is necessary. This issue is resolved by the project's use of a combination of trees, shrubs, walls, and fences along the project perimeter. A project condition is recommended to ensure that landscape maintenance and replacement of dead or dying plants occur.

#### Issue 3: Site Lighting

The project will need lighting per the City's Security Ordinance. The lighting will have the potential to create glare and off-site spill onto adjacent properties. This issue would be resolved during building plan check by review of light standard height, location, and photometrics during building plan check by crime prevention and planning staff. Lighting will be minimized to the only the intensity needed for site security. Light poles would be no higher than 15 feet tall and glare restrictors would be used on lights.

## **8. PUBLIC NOTICE**

On December 23, 2020, the City sent a Public Hearing Notice to a total of 276 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. The project site has been posted in two locations and notice was placed on the City website and at City Hall with the notification on that same date.

## **9. ENVIRONMENTAL REVIEW**

**Categorical Exemption:** Categorically Exempt per State CEQA Guidelines Section 15332 (Class 32) In-Fill Development Projects. The project involves minor site modifications such as paving, landscaping, and security lighting. The property has no value as habitat for rare or endangered species, as it was already utilized as a temporary vehicle storage lot on gravel with the remaining portion of the area being turf, with no natural habitat remaining. The storage use would not use a significant amount of hazardous substances, the project site is served by all necessary public services, and the surrounding area is not environmentally sensitive. The project does not trigger the exceptions listed in CEQA Guidelines Section 15300.2 because the project does not have cumulative impacts, cause a significant effect on the environment due to unusual circumstances, is not near a scenic highway, is not located on a hazardous waste site, and does not contain historic resources.

## **10. ADVISORY BOARD ACTION**

**Staff Review Committee:**

The City Streamlined Multi-Disciplinary Accelerated Review Team (SMART) reviewed the project on November 6, 2019, March 11, 2020, and June 17, 2020, ultimately leading to the application being deemed complete with a recommendation for the project to proceed to the City's reviewing bodies.

**Design Review Committee:**

The Design Review Committee reviewed the subject proposal at the December 2, 2020 meeting and recommended that the Planning Commission approve the project subject to recommended conditions which include:

- Retention of existing landscaping and replacement if dead or dying.
- 15 foot spacing of trees along the east property line.
- Easterly parking lot interface to be coordinated with the project civil engineer so that tree roots will not be damaged by parking surface interface.
- Coordination of the civil plans shall occur with all other plans, including sections.
- Landscape shall be maintained to comply with the requirements for Police visibility and screening requirements of the OMC.

These conditions are included in condition numbers 18-24 in Planning Commission Resolution No. 02-21.

## **11. ATTACHMENTS**

- Attachment 1 - Planning Commission Resolution No. 02-21
- Attachment 2 - Vicinity Map
- Attachment 3 - Site Photographs
- Attachment 4 - Design Review Committee Staff Report Dated December 2, 2020
- Attachment 5 - Design Review Committee Draft Meeting Minutes Dated December 2, 2020
- Attachment 6 - Project Plans