



ITEM #4

OC DEVELOPMENT SERVICES REPORT

DATE: August 17, 2017

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning

SUBJECT: Public Hearing on Planning Application PA080054 for a Use Permit.

PROPOSAL: Use Permit to the Zoning Administrator to permit an auto body repair and paint shop which includes installation of a paint spray booth to be placed within the existing commercial building.

GENERAL PLAN DESIGNATION: 1C "Urban Residential"

ZONING: C2 "General Business" District

LOCATION: The project is located at 8301 Bolsa Avenue, Midway City, within the Second (2nd) Supervisorial District.

APPLICANT: Andrew Nguyen, Property Owner

STAFF CONTACT: Ilene Lundfelt, Planner III
Phone: (714) 667-9697
Ilene.Lundfelt@ocpw.ocgov.com

RECOMMENDED ACTION:

OC Development Service/Planning recommends that the Zoning Administrator:

- a) Receive staff report and public testimony as appropriate; and
- b) Find that on the basis of the whole administrative record there is no substantial evidence that the project, with the implementation of the mitigation measures, if any that are included in the Mitigated Negative Declaration, will have a significant effect on the environment; and
- c) Approve Use Permit (PA080054) to establish an auto body repair and paint shop, subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The subject property, Lot 20 and 21 of Tract 635 (8301 Bolsa Ave), is located on the northeast corner of Jefferson Street and Bolsa Avenue within the unincorporated community of Midway City in an area designated C2 “General Business” District. The subject site is flat in topography and rectangular in shape. The depth of the lot is approximately 120 feet while the width is approximately 108 feet, totaling 12,960 square feet in size. The site has two access points, one driveway off of Jefferson Street and another driveway off of Bolsa Avenue. There is also an 8-foot high block wall along the rear property line that abuts a 15-foot wide alley and for a portion along the western boundary.

The property is developed with an existing 3,296 square foot commercial building that has been divided into two units. The existing building on site is designed with five (5) existing service bays; Unit A is comprised of three (3) bays for an auto body repair and paint shop of which one bay is proposed to be occupied with the new spray paint booth at the west end of the building and Unit B is comprised of two bays to be used for a smog check shop at the east end of the building.

PROPOSED PROJECT

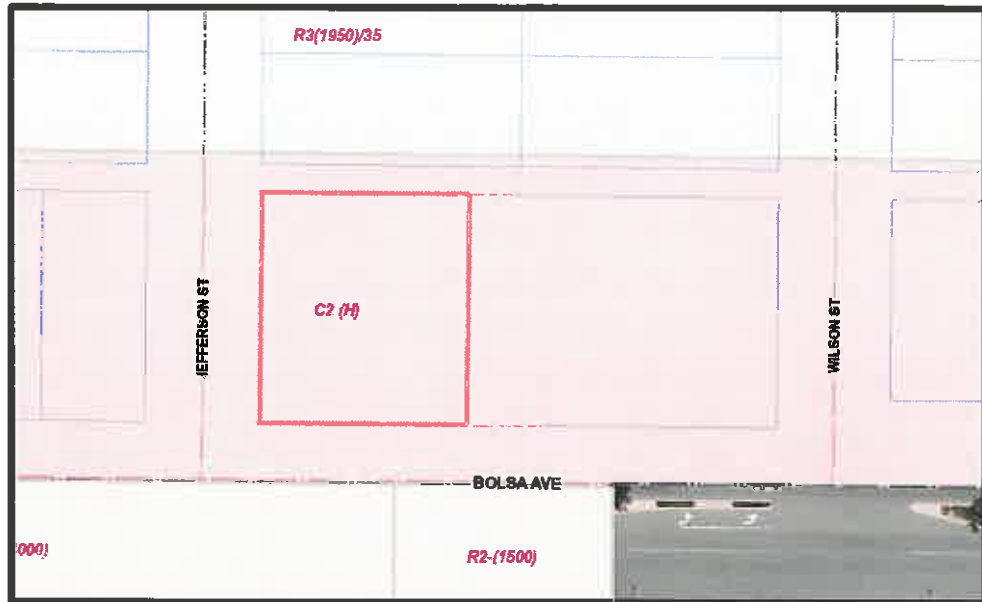
The applicant is requesting a Use Permit to establish an auto body repair and paint shop in Unit A within the existing 2,096 square foot commercial building for a new pre-fabricated paint spray booth (14 wide x 23’ long x 8.5’ high).

SURROUNDING LAND USE

The project site is commercial in nature and is surrounded by residential and commercial uses. The zoning for surrounding properties is as follows:

Direction	Zoning Description	Existing Land Use
Project Site	General Business (C2) District	Existing Commercial Building
North	Apartment (R3) District	Multi Family Dwelling
South	Multifamily Dwelling (R2) 1500 District	Mobile Home Park
East	General Business (C2) District	Auto repair shop
West	General Business (C2) District	Commercial Center

EXISTING ZONING



AERIAL OF PROJECT SITE



DISCUSSION / ANALYSIS

The following table compares the proposed project with the development standards for the (C2) "General Business" Zoning District.

**Project Comparison with C2 "General Business" Zoning District
Site Development Standards**

STANDARD	PERMITTED/REQUIRED	PROPOSED
Building Site Area	No min.	12,960
Maximum Main Building Height Sec 7-9-85.7(b)	35' maximum	(Existing)
Structural Setbacks for Main Building Sec 7-9-127.1	0' - Front 0' - Side 0' - Rear 5' - Rear (if alley)	55' - Front 5' - Right Side 0' - Left Side 33' - Rear
Trash and Storage Area Sec 7-9-85.7(h)	Enclosed with a 6' block wall; Roof required w/in 40' of Residential zone	New 6'-high block wall
Parking Sec 7-9-145.6(25)	1 space per 400 sf of GFA for auto repair; 8 parking spaces	10 – existing standard spaces (9'x18') 1 – existing handicap space (9'x18') w/passenger loading area (8'x18')
Vehicular Access Sec 7-9-84.7(d)	22 ft distance between street openings	1 opening – along Bolsa Ave. 2 opening – along Jefferson St.
Screening Sec 7-9-132.1	Abutting residential or agricultural uses	North - 8ft-high masonry wall at alley East – Not required West – Not required South – Not required
Landscaping 7-9-132.2	Boundary landscaping – equal to required setback distance or 10 ft, whichever is less	C2 zone setbacks – 0' (front, side, rear) 3 feet new landscape planter will be installed

As per Section 7-9-85, C2 "General Business" District Regulations, Section 7-9-85.3(a)(1)&(2) states that "automotive maintenance and repair" and "automotive paint shops" are permitted principal uses subject to the approval of a Use Permit by the Zoning Administrator. The site is surrounded by several similar automotive-related uses with nearby residentially zoned areas buffered by alleys. According to Sec 7-9-85.1, the purpose and intent of C2 zoned properties are for "high-intensity uses which serves the local community but which may not be compatible with surrounding residential uses". Therefore, the proposed use would be consistent with the allowed uses and outlined description of the C2 Zone. The existing unit on site is being used as an "auto repair specialty shop" and operated with two (2) service bays including an office space area, which is an allowed principal use subject to a Site Development Permit. The newly proposed use is subject to a Use Permit as an "auto body repair and paint shop" due a more intensive operation than that of an auto repair shop. Heavier uses such as major body and paint work, transmission and engine rebuilding are not included as part of the of the specialty shop definition. However, any potential impacts related to parking, traffic, water quality, fire regulations have all been addressed by the respective divisions. Additionally, there are several auto body and paint shops that currently exist within the immediate area and therefore the proposed use is compatible with the surrounding uses.

Parking

Parking for automotive repair shops is 1 space per 400 square feet per Sec 7-9-145.6. The total required parking for the proposed auto body repair and painting operation is eight (8) parking spaces, based on 2,096 square feet of building gross floor area. These parking spaces are each 9' x 18' in size and located along the northern boundary adjacent to the existing 8-foot high masonry wall.

Additionally, one of the parking spaces has been designated for accessible parking with a passenger loading area.

Per Sec 7-9-145.4(b)(5), the design of the parking area is such that a 20-foot separation distance from the curb to the parking area is provided. This is intended to allow for safe entry and exiting of the site in a manner that will allow visibility for incoming traffic as well as for drivers exiting a parking space.

Street Dedication

After review by the County's Traffic Engineer, it was determined that Bolsa Avenue has a half width right-of-way of 45 feet on north side. This project will be required to dedicate to the County of Orange the right of way required to construct Bolsa Avenue.

When the County will construct Bolsa Avenue to its ultimate right-of-way the project will not have the required parking requirement for the current use. At that time the property owner will need to apply for a use permit for a parking reduction to continue the existing use or will need to discontinue the existing use (Condition 13).

Landscaping

Currently, the subject site does not have any boundary landscaping. Per Sec 7-9-132-2 (Landscaping), boundary landscaping is required for a minimum depth equal to the required setback distance. As part of this application the applicant/owner has agreed to install a new landscape 3 foot wide planter at the front and wrapping to the side of the property.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions and OCFA. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment 2. Public notices were mailed to all owners of record within 300 feet of the subject property, and posted in front of the project site, the Orange County Hall of Administration at 333 W. Santa Ana Blvd., and in the lobby at the H.G. Osbourne building located at 300 N. Flower Street, at least ten days prior to this public hearing, as required by established public hearing posting procedures. As of the writing of this staff report, no comments raising issues with the project have been received from OCFA or other County divisions.

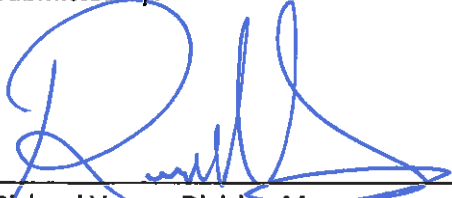
CEQA COMPLIANCE

Mitigated Negative Declaration (MND) No. PA080054 been prepared and was posted on September 1, 2009 for a 20-day public comment period. No comments were received during the public review period. The MND is attached for your consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA. A finding for this purpose is provided in Attachment 1.

CONCLUSION:

Staff has closely reviewed the applicant's Use Permit request and found it to be compatible with the County of Orange Zoning Code. It is an allowed Principal Use subject to a Use Permit approval. Staff recommends approval of the project, subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:



Richard Vuong, Division Manager
OC Development Services/Planning Division

Reviewed by,



Colby Cataldi, Deputy Director
OC Public Works/Development Services

ATTACHMENTS:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter of Explanation
4. Environmental Documentation (Mitigated Negative Declaration)
5. Site Photos
6. Site Plans

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 deposit of \$500 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 OC Development Services / Planning.