

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: May 15, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA02-0118 for Use Permit

PROPOSAL: The applicant proposes the construction of a three-story (two stories over parking), 37 feet high, 9,434 square feet general office building with 42 parking spaces. The project site is 18,942 square feet in area (after street right-of-way dedication), measuring approximately 66 feet wide by 287 feet deep. The site is in the Santa Ana Heights Specific Plan and has a land use designation of BP "Business Park" District.

LOCATION: The project site is located in the Santa Ana Heights area, on the southeasterly side of Birch Street approximately 300 feet southerly of South Bristol Street at 20062 Birch Street, Newport Beach. Fifth Supervisorial District.

APPLICANT: Questar Engineering, Inc., property owner
Richard Denzer, den Zer International, agent

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0118 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The proposed project is located on a level rectangular lot, 18,942 square feet in area, measuring approximately 66 feet wide by 280 deep. The typical lot size in the BP District is 66 feet wide by 300 feet deep for an area of 19,800 square feet. The site was previously developed with a single-family dwelling, five accessory buildings and several large trees. The building and trees have been removed and the site leveled. The site is presently used for a temporary stand for the sales of strawberries. The project site is located between a legal non-conforming residential use to the north and a vacant site to the south. The non-conforming residence is allowed to continue under Zoning Code Section 7-9-151 subject to certain restriction. The site to the south has been approved for an office building, but construction has not been started.

The site is in the BP "Business Park" District of the Santa Ana Heights Specific Plan. An office building, as proposed, in the BP District is a principal permitted use subject to the approval of a Use Permit per Orange County Zoning Code Section 7-9-150. The subject site has been reduced in area and lot depth



Appendix A Findings PA020118

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- 1 **GENERAL PLAN** **PA020118**
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.
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- 2 **ZONING** **PA020118 (Custom)**
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code and the Santa Ana Heights Specific Plan regulations applicable to the property.
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- 3 **COMPATIBILITY** **PA020118**
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.
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- 4 **GENERAL WELFARE** **PA020118**
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
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- 5 **PUBLIC FACILITIES** **PA020118**
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
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- 6 **EIR AND ADDENDUM** **PA020118 (Custom)**
That the decision-maker has considered Final EIR 508A, previously certified on February 26, 1985 and Addendum PA020118 prior to project approval. The addendum is approved for the proposed project based upon the following findings:
- a. Together, these documents are adequate to satisfy the requirements of CEQA by the decision-maker;
 - b. The additions, clarifications and/or changes to the original document caused by the Addendum, do not raise new significant issues which were not addressed by the EIR and none of the conditions described in CEQA Guidelines Section 15162 applies; and
 - c. The consideration of the EIR and approval of the Addendum for the proposed project reflect the independent judgment of the Lead Agency.
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- 7 **FISH & GAME - EXEMPT** **PA020118**
That pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources

design of the project.

17 **BP BP B AVIGATION EASEMENT PA020118 (Custom)**

Prior to the issuance of any building permit, the subdivider shall dedicate an avigation easement over this property to the County of Orange in a manner meeting the approval of the Manager, Building Permits Services.

18 **BP BP SL PROSPECTIVE PURCHASER/TENANT PA020118**

Prior to sale, lease, or rental of any structure or portion thereof, the applicant/owner shall provide to each prospective purchaser, lessee, or tenant a notice and statement of acknowledgment that the property is subject to overflight, sight, and sound of aircraft operating from John Wayne Airport. The form and method of distribution of said notice and statement of acknowledgment shall be as approved by the Manager, Building Permits.

19 **BP BP G CONSTRUCTION NOISE PA020118**

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.

20 **SG SG B ROAD FEE PROGRAM PA020118 (Custom)**

Prior to the issuance of building permits, the applicant shall pay fees for the Major Thoroughfare and Bridge Fee Program for the San Joaquin Hills Transportation Corridor, in a manner meeting the approval of the Manager, Subdivision and Grading.

21 **SG SG G SIGHT DISTANCE PA020118**

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

22 **SG SG G DRIVEWAYS PA020118 (Custom)**

Prior to the issuance of a grading permit, the applicant shall design the access driveway to S.W. Birch Street per PFRD Standard Plan 1210 in a manner meeting the approval of the Manager, Subdivision and Grading Services Division.