

OC DEVELOPMENT SERVICES REPORT

ITEM #1

DATE: October 25, 2023

TO: Orange County Planning Commission

FROM: OC Development Services/Planning Division

SUBJECT: Planning Application PA22-0017 for a Use Permit to allow vehicle storage within the A1 Zoning District.

PROPOSAL: Use Permit to allow the applicant to occupy three contiguous lease pad sites totaling 4.58 acres for vehicle and equipment storage, field office operations, and minor vehicle maintenance in conformance with Zoning Code Section 7-9-30.2.

ZONING: A1(O) “General Agricultural” District with an “Oil Production” Overlay

GENERAL PLAN: 1B “Suburban Residential”

LOCATION: 1281 Brea Canyon Road, Brea, CA 92821, within the 4th Supervisorial District. Assessor’s Parcel Number (APN): 304-171-08

APPLICANT: Aera Energy, LLC, Property Owner
Joe Lambert, Agent
Ecology Auto Parts, Applicant/Tenant

STAFF CONTACT: Debbie Drasler, Contract Planner
Email: Debbie.Drasler@ocpw.ocgov.com

RECOMMENDED ACTION(S):

OC Development Services/Planning recommends the Planning Commission:

1. Receive staff report and public testimony as appropriate;
2. Find that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) because it is consistent with the following categorical exemptions: Class 1 (Existing Facilities); Class 3 (New Construction or Conversion of Small Structures); Class 4 (Minor Alterations to Land); and Class 11 (Accessory Structures); pursuant to CEQA Guidelines Sections 15301, 15303, 15304, and 15311; and

3. Approve PA22-0017 for a Use Permit, subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS:

The 19-acre Menchego Lease Site (Menchego Site) is part of a larger land holding owned by Aera Energy LLC, which totals approximately 321 acres in unincorporated Orange County and an adjacent 2,614 acres in Los Angeles County. The 19-acre portion of land is located in the southern portion of the 321 acres in Orange County and adjacent to the intersection of Tonner Canyon Road and Brea Canyon Road in the County of Orange. The Menchego Site was initially graded, compacted and developed by Caltrans in the mid to late 1970's as part of a larger construction project. Grading spoils excavated from the State Route 57 (SR 57) Freeway were placed as engineered fill at the site resulting in nine acres of flat lease pads and 2:1 slopes with terraced drains.

Simultaneously in 2002, planning applications were submitted to the County of Orange and the County of Los Angeles for development of a 2,905-gross-acre master planned residential community. Planning application PA020057 was submitted to the County for a zone change on the 321-acre portion of the site within the County of Orange in preparation for the master plan development, which was placed on hold and has since expired and is no longer active. It is staff's understanding that Aera Energy remains committed at some point in the future to develop the property as a master-planned community, which ultimately, the Menchego Site will be a part of. In the interim, the property owner and lease tenants wish to continue using the Menchego Site as a temporary site to support vehicle storage with ancillary uses.

Over the past 40 years, the property owner has leased areas on the Menchego Site ("lease pads") to various businesses that store commercial vehicles, transportation containers, trucking and oil equipment, and operations of wood chipping/green waste without obtaining County permits for the uses or for the various site improvements currently existing onsite.

In 2016, acting on an Orange County Fire Authority (OCFA) referral, County Code Enforcement conducted a site inspection and a records search to determine if appropriate permits were issued for the operations being conducted onsite. A Code Enforcement Case was initiated, requiring the applicants to pursue the appropriate Planning application. Correspondingly, several demolition permits were obtained to remove unpermitted structures including pole barns, chipping/grinding apparatus, sheds, various trailers used for field offices and repair facilities that did not meet current building codes. Additionally, on March 24, 2021, Bennett Transportation and Nieto & Sons Trucking, Inc. received approval from the Planning Commission for Use Permit PA170021 and PA170022, respectively to occupy adjacent lease pad sites (on the same 19-acre site as the proposed project) as a vehicle storage locale for their equipment leasing business in conformance with Section 7-9-30.2 of the Zoning Code.

PROPOSED PROJECT:

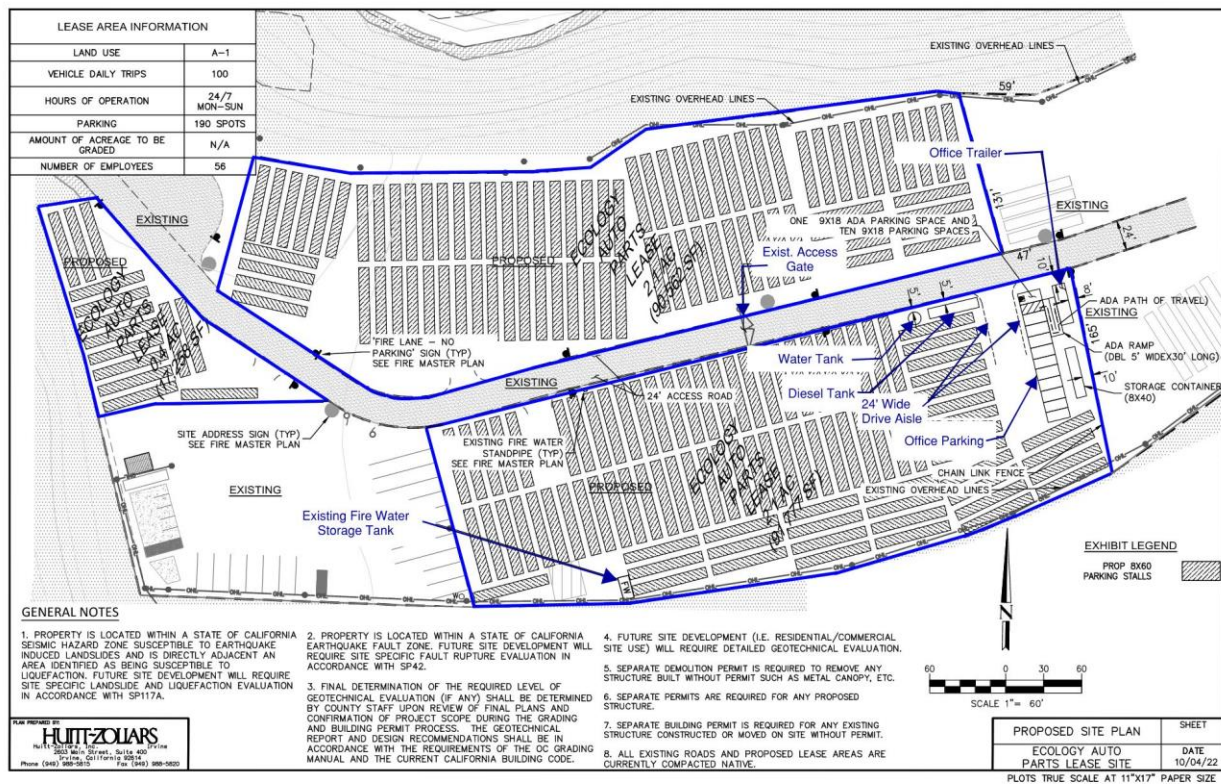
Ecology Auto Parts, Inc., (Ecology) is requesting to occupy three contiguous lease pad sites totaling 4.58 acres for vehicle and equipment storage, field office operations, and minor vehicle maintenance. The subject site is primarily vacant except for an existing fire water storage tank, fire hydrant, and overhead powerlines and poles.

Near the southeast boundary of the lease pad site, the applicant proposes to erect a new 528-square-foot prefabricated construction office trailer for general office processing, new hire orientation, and safety

meetings; an above-ground 12,000-gallon fuel tank and a 2,550-gallon diesel exhaust tank for truck use; and an 8'x40' cargo container totaling 320 square feet for storing general cleaning equipment, oil, anti-freeze, and spill kit for cleaning up hazardous chemicals quickly and efficiently as possible. The oil and anti-freeze products are used solely to top off vehicles, if necessary, per a pre-trip safety inspection. All fleet services including repairs, maintenance, oil changes, tire repairs, etc. occur off-site by a third-party provider. Structures, employee parking, and company vehicle parking spaces are identified on the site plan provided below.

Ecology serves as a transportation company that hauls bulk waste, recycling, oversized loads, and containers across the Western United States. Vehicles stored onsite include semi-trucks, pickup trucks, trailers, and forklifts. Occasionally when a receiving company is unable to accept delivery, a container is stored onsite temporarily until delivery can be made.

The onsite hours of operation are 24 hours a day, seven days a week due to varying delivery and pick-up schedules. Site operations include a total of 56 employees (50 drivers and six office employees) structured within three, eight-hour shifts. Administrative operations are primarily from 8:00 a.m. to 5:00 p.m., Monday through Friday.



ECOLOGY AUTO SITE PLAN

SURROUNDING LAND USES:

The project site is designated “Suburban Residential” (1B) under the County of Orange General Plan and zoned A1(O) “General Agricultural” District with an “Oil Production” Overlay. The site’s south and east

boundary parallels Brea Canyon Road and the SR 57 Freeway. An aerial photograph of the site and surrounding parcels is provided below. Zoning and existing land uses for other surrounding properties near the project site are as follows:

Direction	Zoning Description	Existing Land Use
Project Site	A1(O)	Vehicle Storage
North	County of Los Angeles	Vacant
South	A1(O)	Brea Canyon Road/SR 57 Freeway
East	A1(O)	Brea Canyon Road/SR 57 Freeway
West	A1(O)	Vacant



AERIAL VIEW

DISCUSSION/ANALYSIS:

Below is a table comparing the development standards for the A1 (O) “General Agricultural” District with an Oil Production Overlay with the proposed project.

STANDARD	PERMITTED	PROPOSED
Building Site Area	4 acres	19 acres (existing)
Minimum Building Site	70’	752’+/-

STANDARD	PERMITTED	PROPOSED
Width		
Maximum Building height	35'	13.5'
Structural Front Setback	20' min.	439'+/-
Structural Side Setback	5' min.	234'+/-
Structural Rear Setback	25' min.	735'+/-
Parking (7-9-70.6)	Office-General administrative and professional at 1/250 GSF (3 spaces)	11 Parking Spaces including 2 ADA parking spaces*

*Aside from the ADA parking spaces and access walkway, which consists of a polymer treated decomposed granite (DG) that meets ADA requirements, the surface of the site is to remain compact dirt.

Use Permit

In conformance with Zoning Code Section 7-9-30.2, a Use Permit is required for vehicle storage, which includes the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, campers, boats, and other motor vehicles and for facilities for the storage and/or servicing of fleet vehicles within the A1 Zoning District. The A1 District predominantly provides for agriculture, outdoor recreational uses, and low intensity uses which have a predominately open space character. It is also intended that the A1 District may be used as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. The (O) Oil Production Overlay is intended to permit oil production uses. Ecology Auto Parts serves as a transportation company that hauls bulk waste, recycling, oversized loads, and containers across the Western United States. The applicant proposes to utilize the site to store vehicles used for their transportation company. Ancillary uses include a field office and cargo container for storage.

The property owner and lease tenants wish to continue to use the Menchego Site as a temporary site for vehicle storage and ancillary uses. Due to the temporary nature of the proposed use, the application includes a condition (Condition #17) that the use will be permitted for a five-year period plus a five-year extension with a written request to be approved by the Director of OC Public Works or his/her designee. The condition also includes the language that to extend the use beyond a 10-year period, a Change Plan to the Use Permit would be required.

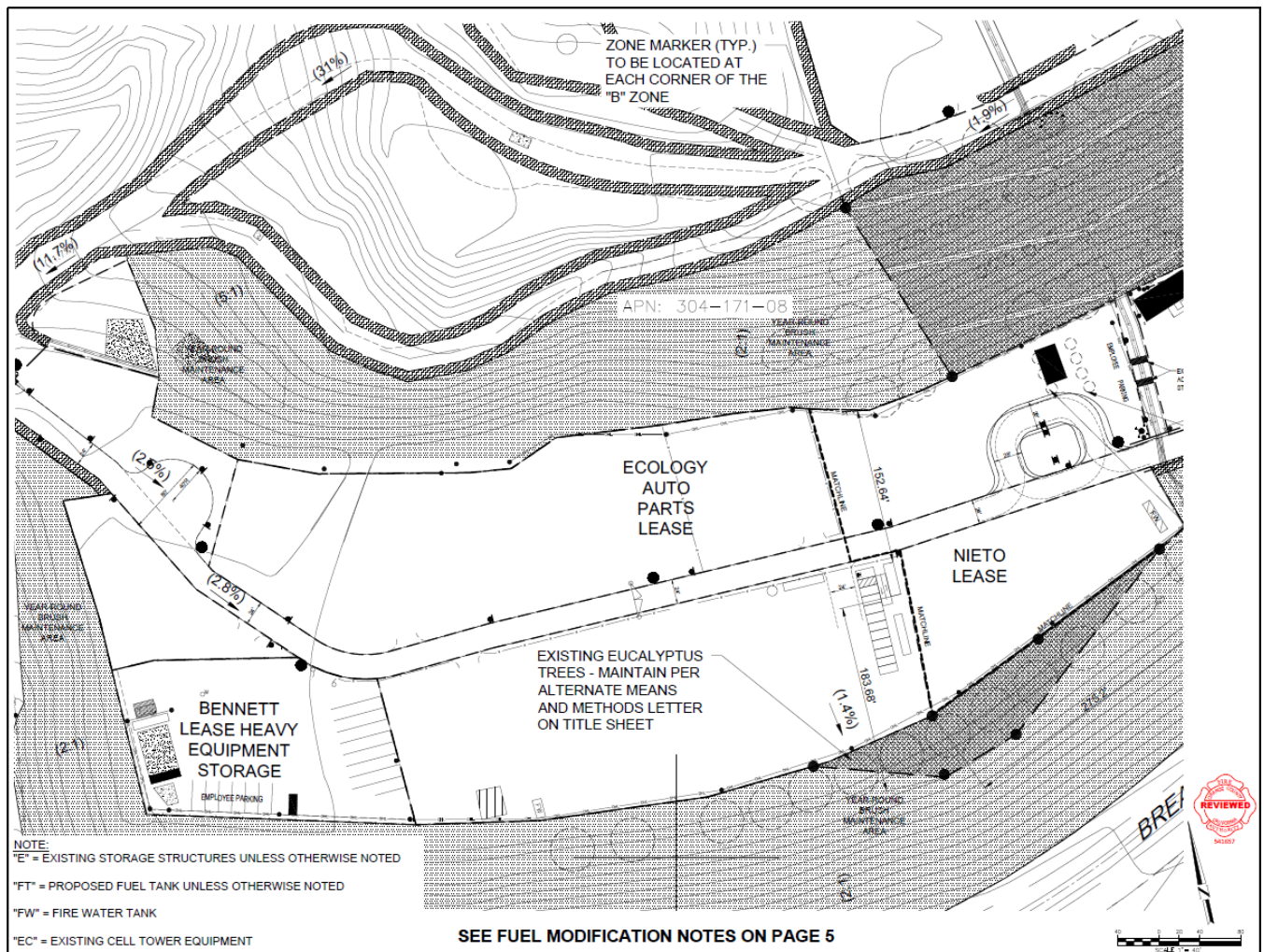
In addition to the site’s south and east boundary paralleling Brea Canyon Road and the SR 57 Freeway, the project site is surrounded by acres of undeveloped vacant land of various elevations and mature landscaping providing obscurity and a relatively low potential for adverse aesthetic impacts. Further, due to the project’s temporary nature and its low-intensity use of vehicle and equipment storage, the proposal is consistent with the intent and purpose of the A1(O) District with an “Oil Production” Overlay.

Fuel Modification and Landscaping

The project site is located within the State Responsibility Area Very High Fire Hazard Severity Zone A. The OCFA has reviewed and approved the Fire Master Plan and the Fuel Modification Plan for the project site. Both plans addressed OCFA code regulations including fire roadway access and the thinning/removal of combustible vegetation surrounding structures from potential wildfires. No additional landscape is required.

Approval of the use is subject to all applicable California Building Codes and OCFA fire prevention requirements as determined through the plan check review process. Project specific requirements include the following:

- Asphalt paving material for the first 100 feet of entry road.
- An “all-weather” surface material (soil/cement mixture) installed beyond the paved entry road to support emergency vehicles.
- A new 15,000-gallon water tank for the required automatic fire sprinklers within the proposed modular office and required fire hydrant.
- Reduction/removal of combustibles within 100 feet of any structure, enclosure or storage container.
- Manual access gate at site entry with Knox or breakaway padlock.



OCFA FUEL MOD PLAN

Waste Material Storage

All fleet services including repairs, maintenance, oil changes, tire repairs, etc. occur off-site by a third-party provider. Oil and anti-freeze products stored within the cargo container located on the southeast

portion of the site are used solely to top off vehicles, when necessary, per a pre-trip safety inspection. Minor vehicle maintenance is allowed for the vehicles permitted to be stored onsite through this use permit. The application includes Condition No 26, which allows only minor servicing of the vehicles to ensure the vehicles are in good operating condition and prohibits vehicle repair or any vehicle maintenance that involves removal or replacement of any hazardous materials or fluids within the vehicle. The use and the operating characteristics of the proposed use are compatible with its surrounding uses and do not create conditions or situations that may be incompatible with other uses in the vicinity or circumstances contrary to the public health and safety and the general welfare.

Fault Study and Water Quality

The project site is located in the seismically active Southern California Region. The Whittier Fault Zone (WFZ) is present onsite and crosses the central portion of the subject site. Also, liquefaction and landslide hazards exist at the project site. A Geological Study dated September 19, 2017, and updated in 2019, was prepared by Alta California to address the principle geologic/geotechnical concerns onsite associated with the presence of the WFZ, associated seismic hazards, and the support characteristics of the underlying compacted fill, with respect to the sites proposed use as vehicular storage with limited improvements. In addition, an updated Fault Investigation Report dated November 9, 2021, was prepared to confirm the location of the south branch of the Whittier fault and establish a habitable structure setback zone for the office trailer proposed onsite.

Seismic and geologic issues and the associated potential for hazards are regulated in California through applicable State and local regulatory requirements, including the California Building Code (CBC) and local building requirements such as the County of Orange Building Regulations, the County of Orange Codified Ordinances, and County Grading Ordinance. Subject to the applicable regulatory requirements, implementation of site-specific design recommendations, and the location of the office trailer outside of the established setback zone for the south branch of the Whittier fault, approximately eight feet south of the southern setback zone, the proposed office trailer will not be subjected to the effects of surface fault rupture and the project site is suitable to continue to support the current operation and the limited improvements as proposed.

Additionally, no grading or drainage improvements are proposed as part of this project. However, due to the limited improvements required per OCFA, the applicant shall submit for review and approval a WQMP specifically identifying Best Management Practices (BMPs) to control predictable pollutant runoff prior to the issuance of any grading or building permits.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A copy of the planning application including the proposed plans was distributed for review and comment to appropriate County divisions and the OCFA. Staff reviewed all comments received, and where appropriate, addressed the comments through recommended Conditions of Approval, which are provide as Attachment 2. Public notices were mailed to all property owners of record within 300 feet of the subject property, posted at the entry to the project site, and at the County Administration South (CAS) building, 601 N. Ross Street, Santa Ana, CA 92701, and published in a newspaper of general circulation

as required by established public hearing posting procedures. No public comments have been received to date.

CEQA COMPLIANCE:

The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment and therefore do not require the preparation of an environmental document. The proposed project is consistent with several exemptions provided by CEQA Guidelines, each of which is discussed below and is consistent with Section 10.3 and 10.4 of the Orange County 2020 Local CEQA Procedures Manual. None of the exceptions outlined in CEQA Guidelines Section 15300.2 prevents the use of these exemptions.

Class 1 Categorical Exemption (Existing Facilities)

The Class 1 (Section 15301) exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use beyond that existing at the time of the lead agency's determination.

The project includes the construction of a new 12' by 44' modular field office. The proposed project is eligible for a Class 1 exemption since the proposed modular field office is designed for an occupant load of 6 persons.

Class 3 Categorical Exemption (New Construction or Conversion of Small Structures)

The Class 3 (Section 15303) exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The proposed project is eligible for a Class 3 exemption since the proposed 528-square-foot modular field office does not exceed 2,500 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Class 4 Categorical Exemption, (Minor Alterations to Land)

The Class 4 (Section 15304) exemption allows for of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

The site will continue its current operation with only limited improvements proposed including minor grading, a paved access road, construction of a commercial modular unit, and placement of fuel/exhaust tanks. The limited improvement activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters.

Class 11 Categorical Exemption, (Accessory Structures)

The Class 11 (Section 15311) exemption allows for construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.

The proposed project is eligible for a Class 11 exemption because the proposed above-ground 12,000-gallon fuel tank and 2,550-gallon diesel exhaust tank, and cargo container structure are related accessory structures specifically related to the commercial facility.

Exceptions to Exemptions

Section 15300.2 of the Guidelines states criteria that, if applicable to a project, would except a project from a Class 3 exemption. None of the exceptions listed in Section 15300.2, such as location in a sensitive environment, etc., apply to the project. The project will not result in a cumulative impact, significant environmental effect, and will not damage scenic or historic resources. Standard conditions of approval applied by the County for all construction projects of this nature will address any less than significant short-term construction related concerns.

CONCLUSION:

Staff has reviewed the applicant’s request for a Use Permit and found the project request to be compliant with Zoning Code Section 7-9-30.2, for vehicle storage including facilities for the storage and/or servicing of fleet vehicles. The project use permit is conditioned to be temporary unless a changed plan is submitted. This low-intensity use of vehicle and equipment storage is consistent with the intent and purpose of the A1(O) District with an “Oil Production” Overlay. Further, the project site is surrounded by acres of undeveloped vacant land of various elevations and mature landscaping providing obscurity and a relatively low potential for adverse impacts. Staff supports the approval for the proposed project subject to the attached Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:

Debbie Drasler

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 Debbie Drasler, Contract Planner
 OC Development Services/Planning

Concurred by:

Justin Kirk

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 Justin Kirk, Deputy Director
 OC Public Works/OC Development Services

ATTACHMENTS:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant’s letter
4. Site photos
5. Project plans
6. OCFA approved plans
7. Geotechnical Report

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Planning Commission on this permit to the Orange County Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$500 filed at the Development Processing Center, 601 N. Ross 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 in written correspondence delivered to OC Development Services/Planning Division.