

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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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

because on road improvements on Birch Street. The subject lot was a “lot of record” prior to the 1986 adoption of the Santa Ana Heights Specific Plan and while the lot does not contain the minimum lot area of 19,800 square feet, it is still a legal building site (Zoning Code Section 7-9-126 “Building Site Requirements”).

SURROUNDING LAND USE: All uses within the Santa Ana Heights Specific Plan

Direction	Land Use Designation	Existing Land Use
Project Site	BP “Business Park”	Legal non-conforming residential
North	BP “Business Park”	Legal non-conforming residential
South	BP “Business Park”	Vacant. PA98-0133 approved for office building. Building permits issued.
East	REQ “Residential Equestrian”	Single-family residential compound
West	BP “Business Park”	General office building



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to eight County Divisions, the City of Newport Beach and the Santa Ana Heights Project Advisory Committee (PAC). Except for two reviewers, no comments raising issues

with the project have been received from other County divisions that could not be addressed in the standard conditions of approval. Comments received by Subdivision and Grading Services/Traffic Review Section and the Orange County Fire Authority raised issues that required the applicant to make revisions to the original site plan submittal. The current site plan of record has been revised to address those concerns.

The City of Newport Beach did not provide project comments. PAC submitted a comment letter dated November 11, 2002 (Exhibit 2). PAC recommended project approval provided: 1) the proposal complies with development standards; 2) the glazing at the rear of the building is non-view; and 3) any architectural features conform to the regulations pertaining to architectural features so as not to establish a precedent.

CEQA COMPLIANCE:

The proposed project is covered by Final EIR 508A, previously certified on February 26, 1985 and Addendum PA020118 (Exhibit 4). Prior to project approval, this EIR and Addendum must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The purpose and intent of the BP District is stated on page IV-24 of the Santa Ana Height Specific Plan: *The BP District is established to provide for the development and maintenance of professional and administrative offices, commercial uses, specific uses related to product development, and limited light industrial uses. Attention shall be given to the protection of the adjacent residential uses through regulation of building mass and height, landscape buffers, and architectural design features.* In order to satisfy this purpose, the BP District has established site development standards and design guidelines to provide for orderly development within the District. The chart on page 4 of this report highlights the main development and design standards for the BP District and the project's conformance with those standards.

A majority of office development in the BP District involves combining two of the standard 66 feet wide lots. This provides for a development area measuring 132 feet wide and 300 feet deep. With this size of development area, a permitted office-building project can provide a parking area in the front or with a standard 24 feet wide driveway parking in the rear. This leaves the central portion of the lot for construction of a two or three story office structure. A double lot also allows for additional landscaping opportunities in the front and within the parking area.

However, there are greater restraints for developing a permitted use on a 66 feet wide lot that is also backs up to the REQ District, as this proposal is. First, the 75 feet rear setback required for a property having the REQ District at the rear severely limits the size of an office structure with the only parking area located in the front of the property. Second, to provide parking at the rear of the property, a minimum 24 feet wide driveway would be required. This driveway together with the required width driveway and the minimum side setbacks and landscaping requirements, the building width would be limited to only about 29 feet. As an alternate, an office building could be over a driveway to open parking in the rear. This alternate proposal together with parking under the building was selected for this proposal. (see page 5)

BUILDING STANDARD	REQUIRED	PROPOSED
Site Area	19,800 sq. ft. minimum	18,942 (existing lot of record)
Site Coverage	40 percent	40 percent
Floor Area	50 percent of site area	9,437 sq. ft. (50% of site area)
Height	37 feet maximum	37 feet
Mechanical Roof Screen	6 feet tall	6 feet tall above parapet
Roof Screen Setback	10 feet minimum from parapet	12 feet minimum from parapet
Front Setback	10 feet minimum	51 feet
Side Setbacks	10 feet minimum	10 feet
Rear Setback	75 feet min. (REQ to the rear)	75 feet
Site Landscaping	15 percent of site area	3,945 sq. ft. (20.9 percent of site)
Front Landscaping	10 feet minimum depth	30 feet depth
Side Landscaping	3 feet minimum depth	3 feet min./7 feet maximum
Rear Landscaping	10 feet minimum depth	10 feet min./12.5 feet maximum
Signage, wall sign and Monument sign	One sign, 40 sq. ft. maximum One sign, 6 sq. ft. maximum	One wall sign, 40 sq. ft. max. (a monument sign is not proposed)
ON-SITE PARKING		
	REQUIRED	PROVIDED
1 space/250 sq. ft. of floor area	38 spaces	42 spaces
BP DESIGN GUIDELINES		
	CONFORMANCE WITH GUIDELINES	
Building Design	Conform	
Landscape	Conform	
Buffer Design	Conform	
Parking Lot Landscaping	Conform	

(Discussion Continued)

With the narrow lot and parking under the building with a parking area at the rear, another set of issues arises. First was a fire access issues raised by the Orange County Fire Authority. The OCFA required the applicant to provide a five-foot wide fire access from the front of the building to the rear that was not located under the building. The applicant provided the required fire access on the north side of the building. This solved the fire issue but created a potential problem with the 3 feet wide side yard landscaping requirement and the minimum size of a driveway and minimum parking space length. To solve this problem the applicant proposes to provide 3 feet of landscaping with 2 feet of parking space overhang on the south side of the property, and a combination of 5 feet of decorative hardscape and 3 feet of landscaping with 2 feet of parking space overhang on the north side. This proposal satisfies the OCFA allows for minimum width (24 feet) for the drive isle and the minimum length for the parking stalls, and satisfies the landscaping requirement.

Another potential issue with this proposal is the landscaping requirement in parking lots. The Community Design Program (Section III of the SAHSP) has a requirement that a planting island be places every eight parking stalls and one tree per each four parking stalls. In the parking lot to the rear of the building, there are seven parking spaces on the north side of the lot and five parking spaces to the south side of the lot. Therefore, no planting island is required. In the under building parking area, a two feet wide planting area at each support column is provide which is approximately one planting island for each three parking spaces.

Regarding the one tree for every four parking spaces (a requirement of 10 trees), it is not feasible to plant trees under the building. To address this requirement, the applicant is providing a total of seven Carrotwood trees adjacent to the open parking area at the rear. This includes 4 trees along the rear property line adjacent to the REQ District property and three trees on the north side of the parking area. Because of limited available planting space on the site, this is the only area large enough to plant trees other than the front of the site (the landscaping in the front includes two 24" box Coral Trees). Seeing as how the under building parking is not a true open parking area, these seven trees would appear to address the Community Design Program. These trees should buffer the open parking area from the adjacent REQ District to the rear. It should also be noted that a 6 feet high block wall is also proposed on the sides and 8 feet high at the rear of the property. The trees proposed, as well as other landscaping material, in the front and rear conform recommended plant list in the Community Design Program.

As previously noted, the PAC recommended project approval provided the project conforms to the BP District development standards (see Exhibit 2). To address PAC comments, the proposal: 1) as shown on the chart on page 4, the proposal conforms to the BP District development standards; 2) there are no windows for the office area at the rear of the building and the stairwell windows will utilize opaque glazing; and, 3) the two skylights above the stairwells do exceed the building height by three feet, however they are architectural features, do not exceed 10 percent of the roof area and Zoning Code Section 7-9-128.3 allows these features to exceed the height limit of the district by ten (10) feet, subject to the approval of a Use Permit. Therefore, this Use Permit includes a request to allow the skylights to exceed the height limit of the BP District by three (3) feet. Because the encroachment above the height limit was minor, the PAC did not object to the skylights, but PAC did request that it be mentioned in the staff report in order to avoid setting a precedent.

CONCLUSION:

Staff's review of the proposal found that the applicant's proposal conforms to the site development standards and community development standards required for such a proposal. The narrowness of the site, the under building parking together with the OCFA requirements require an interpretation of the landscaping requirements that the proposal appears to meet. The building design appears to conform to similar sized properties and should be compatible with the previously approved office project to the south. Staff supports the proposal and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0118 for Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Comments from Santa Ana Heights Project Advisory Committee
3. Site Photos
4. Environmental Documentation

5. 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 fee of \$760.00 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 the Planning and Development Services Department.