

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: November 19, 2003

TO: Orange County Planning Commission

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

SUBJECT: Public Hearing on Planning Application PA03-0040 for Use Permit

PROPOSAL: The applicant is requesting approval of a Use Permit to establish a residential community care facility for 12 persons in a proposed new building designed to look like a single-family residence. The proposed residential care facility will be designed and constructed to provide transitional housing for 12 pregnant minors and their children up to 1-1/2 years of age.

LOCATION: The project is located in the community of North Tustin at 18371 E. 17th Street (see photo on page 2). Third Supervisorial District.

APPLICANT: Mary's Shelter, property owner/developer/operator
Robert Williams, KTG Y Group, agent

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

SYNOPSIS: Current Planning Services Division determined that the proposal conforms to all site development standards applicable to the proposal and recommends Planning Commission approval of PA03-0040 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The applicant proposes to demolish the existing single-family dwelling on the site and construct a new structure for a 12-person community care facility plus on-site staff. This facility will be called *Mary's Shelter – Emancipation House* with the purpose of assisting teenage mothers in becoming independent and responsible single parents. Mary's Shelter hopes to accomplish this by providing educational tools to obtain a high school diploma, provide vocational skills and parenting skills. Mary's Shelter is a non-profit corporation and is currently operating a similar facility for 18 teenage mothers (approved under PA96-0010 in June 1996 for a 12 person facility added to an existing 6 person facility) approximately 830 feet to the west at 18221 E. 17th Street. The proposed facility will be licensed by the State of California, Department of Social Services and is deemed by State definition and Zoning Code definition as a community care facility.

The subject site is approximately 111' wide x 147' deep and contains a net area of 16,295 square feet. The proposed structure is a two-story building (maximum height of 27'-5") with 7,278 square feet of living

area and a 956 square feet, four-car garage. The ground floor of the facility includes 6 bedrooms and bathrooms for the 12 teenage mothers, kitchen and dining areas, day care area, laundry area, and entry lobby. The second floor includes educational areas, an office, a large dividable multi-purpose room, and an attic storage area. A total of 15 on-site parking spaces are provided on site. An off-street parking modification is requested to permit one tandem parking space in the garage. The site is in the North Tustin Specific Plan and has a land use designation of RSF-CI “Residential Single-family-Consolidated Incentive (overlay)”. Zoning Code Section 7-9-141 permits the proposed community care facility in any residential designated zone or residential land use designation subject to the approval of a Use Permit by the Planning Commission.

SURROUNDING LAND USE:

Direction	North Tustin Specific Plan Land Use Designation	Existing Land Use
Project Site	RSF-CI “Residential Single-family-Consolidated Incentive”	Single-family residential
North	100-RSF “Residential Single-family-100 feet minimum lot frontage”	Single-family residential
South	RSF-CI “Residential Single-family-Consolidated Incentive	Single-family residential developed under the CI overlay
East	RSF-CI “Residential Single-family-Consolidated Incentive”	Single-family residential
West	100-RSF “Residential Single-family-100 feet minimum lot frontage”	Single-family residential



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 nine County Divisions, the North Tustin Advisory Committee (NTAC), the Foothill Community Association and the Tustin Unified School District.

As of the writing of this staff report, only the Subdivision and Grading Services Division/Traffic Review Section raised some concerns with the proposal. A discussion of their concerns is presented later in this report. The Tustin Unified School District submitted a memo indicating no comment. The Foothill Community Association submitted comments (Exhibit 3) and indicated they oppose the proposal based on 1) the two-story structure does not blend well with the surrounding properties of single story homes; 2) insufficient on-site parking; and, 3) the growing concentration of care facilities on 17th Street. NTAC reviewed this proposal and revisions to the proposal at meetings held 9/18/02 (off agenda), 1/15/03 (off agenda), 5/21/03, 6/10/03 and 9/17/03. NTAC reviewed and approved the current revised proposal at the 9/17/03 meeting. A discussion of NTAC concerns is presented later in this report. The minutes of the 9/17/03 meeting are included in this report as Exhibit 4.

CEQA COMPLIANCE:

Negative Declaration No. PA030040 (Exhibit 4) has been prepared for this proposal. It was posted for public review on October 16, 2003 and became final on November 5, 2003. Prior to project approval, the Planning Commission must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

As mentioned in the Background section of this report, the purpose of this proposed facility and operation is to assist teenage mothers in becoming independent and responsible single parents. The proposal is defined as community care under Zoning Code Definitions Section 7-9-24. The site's land use designation is RSF-CI District under the North Tustin Specific Plan (Note: the CI "Consolidated Incentive" overlay is not applicable to this proposal. The CI would apply to a proposal where additional lands were involved in a development and an increase in residential dwelling unit density above the standard could be requested). Under the RSF District regulations (Chapter 3. A. 4.), community care facilities serving seven (7) to twelve (12) persons per Zoning Code Section 7-9-141 is a principal permitted use subject to approval of a use permit by the Zoning Administrator. Section 7-9-141 was amended after adoption of the North Tustin SP to require a community care facility use permit to be approved by the Planning Commission. Therefore, this project is referred to the Planning Commission for review.

In order to properly evaluate the proposal, staff first needed to determine if this project conforms to the minimum site development standards of the RSF District and applicable site development regulations of the Zoning Code. Following is a chart of the basic development standards required for this proposal and

the development standards proposed. The chart below indicates that the proposal does meet or exceed the basic site development standards required for the proposal.

PROJECT DEVELOPMENT STANDARDS		
Development Standard	Requirement	Proposed
Lot size	10,000 square feet	Greater than 16,000 square feet
Front setback	25 feet	46 feet from ultimate right-of-way
Rear setback	25 feet	25 feet
Side setback	11 feet (10% of the lot width)	11 feet
Building height	35 feet	27 feet – 5 inches
Building site coverage	8,147 square feet (50% max)	5,448 square feet (33%)
On-site parking required	12 (See discussion on parking later in this report)	15 (11 open and 4 garaged)

Staff then identified two major concerns raised by community groups and the County’s Traffic Review Section. The two major points appear to be: 1) the facility’s structure design, size and project compatibility with the residential surroundings; and, 2) traffic impacts and available on-site parking. Following is a discussion for these two major points or issues.

PROJECT COMPATIBILITY

The “shingle” style architecture was selected for this building to maintain the residential character, scale and massing of the project. The use of wood shingle siding, composite shingle roofing, painted wood shutters and trim are consistent with architectural elements found throughout the neighboring community. The RSF District would permit construction of a single-family dwelling that could be much larger (in excess of 20,000 square feet) and taller (up to 35 feet in height) than the structured currently proposed. Staff notes that the majority of home in the vicinity are single story. Staff is unable to say whether this trend will continue in the future when housing demands may see a change in the community makeup.

The applicant is also providing new landscaping along all property lines in order to provide privacy to the surrounding neighbors. To help screen the building from 17th Street, walls and trees are being proposed around the perimeter of the site. The existing wood and chain link fences that are currently along the property lines will be removed and replaced with masonry walls. A 36” high masonry retaining wall along the 17th Street side will enable the finished grade to be brought up in a mounding fashion that will screen the parking area. The proposal will be conditioned to insure the landscaping is installed and maintained. The extensive landscaping proposed would not be required if a new single-family dwelling was constructed on this site.

All outdoor lighting will be provided by residential wall sconces, that complement the architecture, and by landscape lighting. No overhead style fixtures are being proposed. There will be no signs that identify the building's use either on the exterior of the structure or around the site. The project has been designed to appear as a two-story single-family dwelling, which is the purpose and intent of the community care facility standards of the Zoning Code.

The Foothill Community Association commented (Exhibit 3) that the two-story structure does not blend well with the surrounding properties of single story homes and they were specifically concerned with the growing concentration of care facilities on 17th Street, between Newport and Prospect. Staff responds that residential development in the area is predominantly single story but there are other two-story structures in the vicinity. Through the use of roof design, the building proposed, especially has been designed to look like a large one-story building with a large roof area. This is especially true when the building is viewed from 17th Street and at the rear of the property. Staff notes that the building design has been changed several times and the building designed was approved by NTAC. FCA comments on parking are discussed in the next section of this report.

It is noted that the site's RSF District designation also has an overlay of CI Consolidated Incentive. The CI overlay allows for an increase in dwelling unit density based on the size of the property. The property to the east also has the CI overlay District and contains 13,700 square feet. Together this property and the Mary's Shelter property total 30,500 square feet. If these two properties were developed as one project, under the CI overlay regulations of the North Tustin Specific Plan, up to four dwelling units could be constructed on the combined lots. Any development using the CI overlay would require approval of a use permit by the Planning Commission. It is difficult to determine if a proposal of four dwelling units on the two combined properties would be more compatible with the surrounding land uses than would be the Mary's Shelter proposal without a precise plan and analysis. However, the proposed project does not include any request associated with the CI overlay regulations.

As is explained in the Mary's Shelter Operational Plan (Exhibit 2): educational opportunity is a major element of Mary's Shelter. Heavy emphases on vocational and parenting skills training are central to the program. One of the applicant's goals is for residents to graduate from high school develop marketable job skills, and be the good single teen parents. The educational arm of the facility is Mary's Shelter Academy, which will be on site mornings from 7:30 am to 12:00 pm, and is conducted by the Orange County Department of Education. To assist the residents in completing all the tasks necessary for graduation from the program, Mary's Shelter will have an on-site childcare center. The on-site staff and academy staff includes: social workers, vocational specialists, emancipation specialists, a child care director and staff, and house managers To achieve the goals established by Mary's Shelter, residents are expected to:

- Get a high school diploma through the accelerated Academy;
- Learn responsibility and life skills by caring for herself and her child within a structured community;
- Participate in 5 hours parenting training each week, within an educational/experiential framework;
- Participate in vocational training and skill development; ultimately securing a job;
- Participate in emancipation skill development, leading to legal emancipation; and
- Assists in the development of an individualized program for herself, which includes quality time caring for and nurturing her child.

PARKING AND TRAFFIC GENERATION

While neighborhood compatibility is a significant issue, as addressed above, on-site parking appears to be the most significant issue raised by the community. This parking issue for the current proposal is based mostly on parking issues taking place at the existing Mary's Shelter located to the west. Specifically, the issue is the lack of on-site parking.

The problem at the existing Mary's Shelter is two-fold. One was a lack of Zoning Code off-street parking guidelines to properly determine the number of parking spaces required. Under the original project (which was the combining of an existing 6-person community care facility and a new 12-person facility) it was determined that four parking spaces would be required. The project provided a total of 9 on-site parking spaces. The project was approved by the Planning Commission with nine (9) parking spaces. The project was appealed to the Board of Supervisors who approved the project with two additional parking spaces and the following additional condition of approval: *Eleven parking spaces must be provided. Garages must be available for vehicle parking at all times.* The site plan was revised to reflect 11 parking spaces, which included two garages with 5 spaces (same as the original plan). Even with the addition of two additional spaces, there is an occasional problem where the on-site parking, because peak demand, would require 17 to 22 parking spaces and cars are parked on the surrounding streets. Adding to this occasional parking problem is that some of the 5 garage spaces are occasionally used for other things and not for vehicle parking. According to the applicant, garage spaces are sometimes used for storage of donated items because of limited storage space on-site. To help with these peak parking demand times, staff notes that Mary's Shelter was granted permission to use up to 25 parking spaces in the Trinity United Presbyterian Church parking lot to the west. The church is located on the north side of 17th approximately 880 feet from the existing Mary's Shelter facility (see Exhibit 5, Photo 4).

The current Mary's Shelter proposal is for a facility of 12 teenage mothers and a total of 15 on-site parking spaces. The existing facility permits 18 teenage mothers with 11 on-site parking spaces. This represents a reduction of 33% in the number of people being served at the proposed facility and an increase of 27% in the number of on-site parking spaces over the existing facility. Another way to look at that, the existing facility with 18 teenage mothers is parked at a ratio of 1 parking space per 1.6 persons and the proposed facility with 12 teenage mothers is parked at a ratio of 1 parking space per 0.8 persons.

To justify the parking provided for this proposal, a study to determine the number of parking spaces required and the impact of the proposal and traffic was undertaken by Pirzadeh and Associates, Inc. (a transportation planning firm). Their study determined that parking data indicated that a parking demand rate of one space per resident (12 spaces) should be applied to the site. They also indicated that a site should be identified to accommodate overflow for the occasional functions that may create higher parking demand. (At the time the study was performed, the site was proposed for 13 spaces. Since that time the parking was increased to 15 spaces). The study also concluded that the proposal would have no adverse impact on the traffic on 17th Street. Traffic Review staff commented that the proposal should have 17 parking spaces based on 5 spaces for staff and one space each for the residents. Traffic Review commented that the residents are teenagers, they would most likely drive a car. It was pointed out to Traffic Review that although some of the residents may be licensed drivers, the residents are prohibited from having a car at the facility. Traffic Review amended their comments and said that the 15 parking on-site spaces would be adequate for the proposal provided the applicant enforces the "no cars allowed for residents" policy.

Staff agrees with this study that the 15 parking spaces proposed for the 12 resident facility should provide adequate on-site parking. That is, if all 15 parking spaces are used only for vehicle parking. The applicant is aware of the parking concerns on the existing site. To address the issue of adequate on-site storage of donated material, the new facility is designed with a large attic space to store the materials until needed. Even with the storage area, staff is still recommending a condition of approval similar to the condition applied by the Board of Supervisors requiring all garage spaces be available for vehicle parking at all times. As previously mentioned, the site for 25 off-site parking spaces is located in the Trinity United Presbyterian Church parking lot located some 1,720 feet (1/3 mile) west of the proposed facility.

It is not clear to staff how the proposed Mary's Shelter would use this parking area during peak parking demand times. This facility would most likely be used by the existing Mary's Shelter since it is located only 880 feet east of the church parking lot. Based on the parking required at the existing Mary's Shelter and the parking study prepared for the proposed facility, staff is of the opinion that the 15 on site parking spaces should adequately address the day to day parking demand at the facility. Staff notes that the garage is designed to have the garage doors facing the front of the property. This can facilitate Code Enforcement inspections of the use of the garages to insure that for vehicle parking spaces area available.

Lastly, the applicant is requesting approval of an off-street parking modification to permit one of the garaged parking spaces to be a tandem space. The 4 garage spaces are for facility owned vehicles, which are mostly passenger vans. The garage is not available to site visitors. Since this parking area is used primarily for the parking of vans at night to get them out of the parking area, staff can support the proposed off-street parking modification. It will require coordination of facility staff to move a vehicle from the rear tandem space, but there is sufficient space on the site to move a front vehicle out of the garage to access the rear vehicle. Staff is also recommending a condition of approval that the vans are to be parked in the garage during the day time operation of the facility to free up spaces for visitors, other staff members, and those at the site that are engaged in the educational programs.

CONCLUSION

The applicant is proposing a non-profit service that is a social benefit, not only to the immediate community but also to the entirety of Orange County. The structure is designed and located on the property so as to appear to be a large single-family dwelling. Extensive landscaping and screening walls are provide to help buffer the facility from adjacent residential properties and motorist on 17th Street. Shortcomings experienced by the existing Mary's Shelter have been mitigated to an acceptable level through the addition of designated on-site storage areas and by doubling the parking ratio from 1 parking space per 1.6 residents to 1 parking space per 0.8 residents.

The applicant has worked with the community and PDSB staff and though several modifications to the proposal has achieved a project and site plan that addresses many concerns of the community and design issues originally raised. The proposal is consistent with the applicable development regulations of the North Tustin Specific Plan and the Community Care Facility regulations of the Orange County Zoning Code. The North Tustin Advisory Committed has reviewed this proposal through a series of community meeting. After the proposal went through several revisions, the proposal was approved by NTAC on September 9, 2003. The conditions recommended by NTAC have been included in the conditions of approval of this proposal. Staff supports this proposal and makes a recommendation as follows.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA03-0040 for Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
Current Planning Services

WVM

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APPENDICES:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation and parking study by Pirzadeh and Associates, Inc.
- 2. Mary's Shelter Operation Procedures dated April 15, 2003
- 3. Comments from the Foothill Community Association dated May 20, 2003
- 4. NTAC Minutes from September 17, 2003
- 5. Site photos
- 6. Environmental Documentation
- 7. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors 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 Dept.