

**RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT  
REPORT**

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**DATE:** September 29, 2004

**TO:** Orange County Planning Commission

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

**SUBJECT:** Public Hearing on Planning Application PA04-0050 for Use Permit

**PROPOSAL:** Construction of twelve (12) detached single-family dwellings on a lot zoned R4 "Suburban Multifamily Residential" District using the PD "Planned Development" District regulations as permitted by Orange County Zoning Code Section 7-9-110. Each two-story dwelling unit will be on an individual lot, have three-bedrooms plus a loft and a two-car garage. This proposal is associated with Tentative Tract Map No. 16743.

**LOCATION:** 2618-2622 Santa Ana Avenue. In the Santa Ana Heights area, on Santa Ana Avenue between Mesa and University. Second Supervisorial District.

**APPLICANT:** 2622 Santa Ana, LLC, owner/developer

**STAFF** J. Alfred Swanek, Project Manager [Jim.Swanek@pdsd.ocgov.com](mailto:Jim.Swanek@pdsd.ocgov.com)

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**SYNOPSIS:** Current & Advance Planning Services Division concludes the proposal is consistent with provisions of the PD "Planned Development" District and recommends Planning Commission approval of PA04-0050 for a Use Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The project site is level and developed with 10 existing apartments with 9,683 sq. ft. of living space constructed between 1948 and 1961, which would be demolished as part of the project. The site is 36,000 square feet in area, measuring 120 feet wide by 300 feet deep. The site is zoned R4 "Suburban Multifamily Residential" and permits single-family and multi-family dwellings. The minimum lot size for single-family dwellings is 7,200 square feet while multi-family dwelling are permitted at a density of one dwelling unit per each 3,000 square feet of land area. The site is just west of boundary of the Santa Ana Heights Specific Plan, and only subject to the provisions of the Orange County Zoning Code. It should be noted the proposed building sites are located outside of John Wayne Airport 65 CNEL noise contours.

The applicant proposes to raze all existing buildings on site, grade the site to County standards and construct 12 new single-family dwellings, each on a individual lot. The site is large enough to support 12 multi-family dwellings on one building site under the R4 zoning. These units could be attached or detached. However, the applicant is proposing 12 single-family dwellings on individual building sites. In order to do this, the applicant would need a minimum lot size in excess of 86,000 square feet (12 x 7,200

plus the area needed for access to each lot) in the R4 District. As an alternative, the Zoning Code permits development of single-family dwelling on smaller lots using the PD “Planned Development” District regulations contained in Zoning Code Section 7-9-110.

The applicant is therefore requesting Planning Commission approval of a Use Permit to construct 12 single-family dwellings on individual lots as permitted under the PD District development regulations of the Zoning Code, with the smallest lot being 1,995 sq. ft. and the largest 2,360 sq. ft.

**SURROUNDING LAND USE:**

<b>Direction</b>	<b>Zoning</b>	<b>Existing Land Use</b>
Project Site	R4 “Suburban Multifamily Residential”	Residential, multi-family dwellings
Northeast	R4 “Suburban Multifamily Residential”	Residential, multi-family dwellings
Southeast	R1 “Single-family Residence”	Residential, single-family
Southwest	R4 “Suburban Multifamily Residential”	Residential, multi-family dwellings
Northwest	City of Costa Mesa multifamily zoning	Residential, multi-family dwellings

**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 County Divisions, and the cities of Newport Beach and Costa Mesa. All technical comments received from other County divisions have been incorporated into recommended conditions of approval. The City of Costa Mesa commented that the proposal was in their sphere of influence, that the proposal did not conform to all of the city site development standards for their comparable zone of R2-Medium Density, and that they could not support its approval (see attached Exhibit 3). These comments are typical of other City comments received in past years on several similar nearby projects.

**SUMMARY PROJECT COMPARISON WITH COSTA MESA CITY STANDARDS**

	<u>PA040050</u>	<u>Costa Mesa City Standards</u>
Minimum Lot Size	1,995	3,000
Average Lot Size	2,175	3,500
Min. Rear Setback	5’	City allows rear setbacks to be as close as 5’, provided a “functional rear yard” of ~16’ by 25’ is retained somewhere on each lot (which occurs only on Lot 7 in this project).
Min. 2 <sup>nd</sup> Floor Rear Setback	5’	10’
Total Parking per Unit on-site	3.25 (see analysis section below for explanation)	4.0

The Planning Commission has approved other “PDs” with similar concerns expressed by the City, for example:

Year	Project	Location	Min. Lot Size	Min. Rear Setback	Status
1979	Tract 10211	Seawind Drive off Irvine	1872 sq. ft.	7.5’	In County
1993	Tract 14812	2042 Santa Ana	1890 sq .ft.	Unk.	Since annexed
1999	PA990041	2368 Santa Ana	2150 sq.ft.	14’	Since annexed
2000	PA000021	2636 Santa Ana	2805 sq.ft.	7’	In County
2001	PA010091	1541 Mesa	1960 sq.ft.	8.5’	In County
Subject	PA040050	2622 Santa Ana	1995 sq.ft.	5’	Subject

**CEQA COMPLIANCE:**

Negative Declaration No. PA040050 (Exhibit 2) has been prepared for this proposal. It was posted for public review and became final on September 21, 2004, without appeal. 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:**

The R4 District permits multi-family developments at a density of one dwelling unit (attached or detached) per 3,000 square feet of net lot area without the need for a Use Permit. The R4 District also permits single-family dwellings; however, a building site of 7,200 square feet is required for each building site. By using the PD “Planned Development” District overlay, the density of the project is determined by the underlying zoning, but carries no requirement for individual lot sizes.

Planned Development District Zoning Code Sec. 7-9-110.1 states as follows:

“Purpose and intent.

The purpose of this (PD) district is to provide a method whereby land may be developed utilizing design features which take advantage of modern site planning techniques to produce an integrated development project providing an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding neighborhood.

The regulations of this district are intended to produce planned development projects which meet standards of open space, light and air, and density of land uses which provide for better use of common areas, open space and off-street parking facilities and provide for safe and efficient vehicular and pedestrian circulation. These regulations are intended to be utilized only for integrated planned development projects and should not be utilized for the establishment of individual land uses or structures unless they would become an integral part of an existing planned development.”

Sec. 7-9-110.6 states as follows:

“Site development standards.

The following site development standards are in addition to the site development standards of the base district unless otherwise stated below.

- (a) Building site area: For planned developments, the project net area shall be used. The size, location, and configuration of individual lots shall be determined by the required use permit and the tract map for the project.
- (b) Building site coverage: For planned developments, there shall be no maximum building coverage for any individual site. However, the project net area shall not exceed the following building coverage:
  - (1) Forty (40) percent for residential projects.
  - (2) Twenty-five (25) percent for office and commercial projects.
  - (3) Thirty-five (35) percent for industrial projects.
- (c) Area per unit: For residential planned developments, there shall be no minimum land area per unit for any individual site. However, the project net area shall have an average land area per unit no less than the minimum area per unit required by the base district or per section 7-9-126.1. (Note: This is normally designated by a number following the district symbol "PD" and enclosed in parenthesis on the zoning district map.)
- (d) Number of dwelling units: The project net area divided by the minimum land area per dwelling unit will determine the maximum number of permitted dwelling units for the project.
- (e) Building setbacks. For planned developments, building locations need not satisfy the base district setback regulations but shall be determined by the approved use permit. Building locations shall be dimensioned on the use permit plans including distances between buildings and distances from streets and common driveways.”

As can be seen, the Zoning Code provides no specific guidance as to how large any individual Planned Development lot must be, nor where principal and accessory structures may be located on those lots. For this PD proposal, the individual lots range in size from 1,995 square feet to 2,360 square feet. Overall building coverage would be 32%.

Tentative Tract Map 16743 is being processed concurrently to create the 12 individual building sites and one common lot. Access to the proposed homes is from a 24 feet wide access road off Santa Ana Avenue, narrowing to 20' wide for the two units at the end of the “T”. None of the proposed homes take direct access from Santa Ana. The homes nearest the front of the site are setback 20' feet from the ultimate right of way of Santa Ana Avenue, with the exception of a small living area on one (labeled “media” on the plans) at 18'. Staff recommends its elimination (see Condition 24).

The smallest rear yard setbacks would be 5' for four units, 6' for an additional five units, ranging up to 14' for a single unit (Lot 7). The smallest side yard setbacks would be 3' for a small media space next to a fireplace on most of the units, otherwise there would be a quite-typical 5' side yard setback. The smallest front setback off the common drives would be 2.5' for architectural wing walls on two units, otherwise 4 - 7' for living area. The rear yards of the nine homes on either side of the access drive will back up against buildings on adjoining properties themselves no more than 5' from the shared property line (with two story buildings already present on one side), offering frankly little opportunity for privacy.

In addition to the 24 garage parking spaces, 7 uncovered parking spaces are provided, tucked in between the lots, 5 head in and 2 parallel. In addition, 4 of the homes will have driveways in front of their garages long enough and wide enough (18'x18' unobstructed) to park two additional cars in each of their driveways.

Although they might not present the typical appearance of a single-family neighborhood, the parking requirement for a Planned Development is based on that. We often assume that an unobstructed space in front of the standard single family garage will always be there, large enough for 2 additional cars, and that there will also be nearby on-street parking. Zoning Code Section 7-9-145.3(d)(1) requires that, where a driveway is less than 17' long, one additional uncovered one space per unit must be available anywhere it is legal to park within 200 feet (driveways need only be 10' wide, meaning there is no requirement for the space in front of a garage to be wide enough to park two additional cars to begin with, but only one).

In this case, there are 8 homes needing the additional one space per unit, and there are 4 spaces on the adjoining Santa Ana Avenue, while 4 of the 7 open spaces “tucked into” the project itself satisfy the rest. The 3 remaining open spaces would meet the guest parking requirement of all 12 units, at .2 guest spaces per unit, or  $.2 \times 12 = 2.4$ .

The City of Costa Mesa has a specifically higher standard of .5 guest spaces per unit. Under their standard, 3 more open spaces would be needed.

To improve this condition, the applicant's plan is that, for those 4 homes with the 18-foot long driveways, guests would be told they were required to park in said driveways. Assuming such a plan continues to be enforced, this project would provide a total of 39 covered and open parking spaces on site. The Commission is asked to find that the proposed off-street parking facilities comply with the intent of the County Zoning Code's Off-street Parking Regulations (Section 7-9-145).

**SUMMARY:**

All homes in this project are two-story, each with three-bedrooms plus a loft, and two-car garages equipped with remote controlled sectional garage doors. No two homes in a row would present exactly the same façade. The total height of each home is 26 feet.

As originally structured, a proposal using the PD District regulations offered single-family detached homes on smaller lots with usable common open space adjacent to the residential development area. However, in recent years, the PD District has been used to create smaller lots with a measure of usable private open space on each lot.

The Commission is asked to find that the proposal meets the purpose and intent of the PD District, i.e., that this project represents “an integrated development project providing an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding neighborhood” and meets “standards of open space, light and air, and density of land uses which provide for better use of common areas, open space and off-street parking facilities and provide for safe and efficient vehicular and pedestrian circulation”.

The Commission is also asked to find the proposal meets the purpose and intent of the base R4 District (Sec. 7-9-79.1), or that the project is consistent with “high-density multi-family residential neighborhoods with a moderate amount of open spaces. Only those uses are permitted that are complementary to and are compatible with such a residential neighborhood.”

Finally, the Commission is asked to make the generic finding under Sec. 7-9-150.3 (e) (1) d. that: “The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.”

**RECOMMENDED ACTION:**

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

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA04-0050 for Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager  
Current & Advance Planning Services

**APPENDICES:**

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

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Negative Declaration PA040050
3. City of Costa Mesa Letter
4. 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 Resources and Development Management Department.