

RDMD/Planning and Development Services

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DATE: November 9, 2004

TO: Orange County Planning Commission

FROM: RDMD/PDS/Current and Advanced Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0082 for Use Permit

PROPOSAL: The applicant requests approval of a Use Permit to construct six (6) detached single-family dwellings on an irregular shaped 1.58-acre parcel incorporating the development guidelines of Zoning Code Section 7-9-110 PD "Planned Development" District regulations.

LOCATION: The project is located in an unincorporated County island in the City of Costa Mesa, easterly of Santa Ana Avenue and northerly of 22nd Street at 2216 Santa Ana Avenue, Costa Mesa (see Exhibit 1 for location map). Second Supervisorial District.

APPLICANT: Fox Development, property owner
Paul Douglas, agent

STAFF William V. Melton, Project Manager

CONTACT: Phone: (714) 834-2541 FAX: (714) 834-3522

SYNOPSIS: RDMD/PDS/Current and Advanced Planning Services recommends Planning Commission approval of PA04-0082 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject property is zoned R1 "Single-family Residence" District. The property is composed of 4 assessors parcels: 426-041-04 containing 22,220 square feet with access via a private easement road to 22nd Street; 426-041-07 containing 19,818 square feet with frontage on 22nd Street; 426-041-14 containing 18,000 square feet with frontage on Santa Ana Avenue; and 426-041-15 containing 9,000 square feet and no direct street access. The four parcels have a gross area 69,018 square feet or 1.58 acres. The property is level and developed with three single-family dwellings, several storage buildings, several olive and pepper trees, a large open field and community gardens (see air photos in Exhibit 2).

The applicant proposes to combine all the parcels into one unifying proposal of six building sites and six two-story single-family dwellings utilizing the PD "Planned Development" District development guidelines under Zoning Code Section 7-9-110. Because of the irregular lot created, the creation of building sites that conform to the R1 District is extremely difficult. By utilizing the PD development guidelines, which permits smaller lot sizes with reduced setbacks but maintains the base district overall density, the applicant is able to development a proposal that is equivalent or better than would be

permitted by underlying R1 zoning. The proposed 6-lot proposal has a density of project net area of one dwelling per 11,478 square feet. Each building site within the proposal has lots ranging in size from 5,950 to 9,442 square feet with an average lot area of 7,192 square feet (the R1 District requires a minimum building site of 7, 200 square feet). All homes proposed are two-stories in height with two and three-car garages. A gated entry is proposed at the project entrance from Santa Ana Avenue.

SURROUNDING LAND USE (also see Exhibits 1 and 2):

Direction	Zoning	Existing Land Use
Project Site	R1 “Single-family Residence”	Three single-family residences
North	R1 “Single-family Residence”	Single-family residence
South	R1 “Single-family Residence” City of Costa Mesa	Single-family residence Single-family residence
East	R1 “Single-family Residence”	Single-family residence
West	City of Costa Mesa	Single-family residence



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 seven County Divisions, the City of Costa Mesa and the Newport-Mesa School District. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. The City of Costa Mesa submitted comments (see Exhibit 4) indicating that the proposal does not conform to some of the City's development standards such as building height, open space and garage setback for one garage. The City also indicated that the proposal does conform to the City standards for project density, total project development area, individual lot area, open space for individual lots and building setbacks, except for one garage.

CEQA COMPLIANCE:

Negative Declaration No. PA040082 (Exhibit 3) has been prepared for this proposal. It was posted for public review on 9/28/04 and became final on 10/18/04. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The applicant is requesting to use the PD "Planned Development" development guidelines contained in Zoning Code Section 7-9-110. The purpose and intent of this district states:

The purpose of this 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.

The proponent is zoned R1 District, which is the County's standard single-family residential district. The R1 District permits single-family developments at a density of one dwelling unit (attached or detached) per 7,200 square feet of net lot area. 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. For this PD proposal, the net area is 69,018 square feet; and, with the underlying zoning density of one dwelling unit for every 7,200 square feet. While a PD proposal has no minimum lot coverage or setback

requirement for an individual lot, it does have overall maximum site coverage of 40 percent (the proposed project has a 28 percent site coverage). The individual lots in this proposal range in size from 5,950 to 9,442 square feet. Required building setbacks in the R1 District are 20 feet front, 25 feet rear and 5 feet sides. Building setbacks for this PD proposal are approved as part of the Use Permit. The homes in this proposal have a minimum front setback of 20 feet, a minimum rear setback of 15 feet and a minimum side setback of 5 feet. While the proposed rear setbacks on lots 1 through 4 is 15 feet, under the sites current configuration and R1 zoning, the setback from the northerly property line would be considered a side yard with a setback of 5 feet.

All homes in this project are two-story, each with three-bedrooms or four-bedrooms, and two or three-car garages equipped with remote controlled sectional garage doors. There are five different floor plans with living area ranging in size from 2,832 to 3,590 square feet. Five of the homes have four bedrooms and the sixth home has three bedrooms. The total height of each home is approximately 28 feet. Four homes have a two-car garage (one is detached) and two homes have a three-car garage. The garages have a minimum setback of 20 feet to the edge of the street or back of sidewalk (the County standard is 18 feet). In addition to each lot's on-site parking, eight unmarked on-street guest parking spaces area proposed (the County standard for guest parking is 0.2 spaces per dwelling for a total of one guest parking space). In addition to the proposed Use Permit, Tentative Tract Map 16277 is being processed concurrently to create the six (6) individual building sites and one common lot.

Access to five of the proposed homes is from a 28 feet wide gated access road from Santa Ana Avenue. This street is being called Ted's Place. One home will have direct access from 22nd Street. There is also a private easement road to the rear of the property that would allow these five homes access to 22nd Street. The Orange County Fire Authority has requested that a gated fire access be installed on that portion of the private easement road on the applicant's property. The applicant would like to use this fire access gate as an exit only for the five lots. However staff is of the opinion that to avoid a potential adverse impact on the current property owners that have access rights on the private easement road that the gate should only be used for the fire department purposes. Therefore staff is recommending Condition of Approval No. 29, which reads:

The emergency gate at the end of the access road from Santa Ana Avenue shall be used only for access by the fire authorities. All ingress and egress form the project (except for the lot taking access from 22nd Street) shall be from the project entry on Santa Ana Avenue.

This project is not the first proposed development in the area to construct a residential product using the PD regulations. Several other properties in the vicinity have approved Use Permits for Planned Developments. The majority of these projects are on Santa Ana Avenue. The Planning Commission and the Zoning Administrator have previously approved several other similar type proposals. Six similar projects in the vicinity are:

1. UP93-015, 2042 Santa Ana Avenue, Use Permit and Variance for 8 condominium units in a Planned Development on a 26,400 square foot site.
2. PA98-0063, 2032 Santa Ana Avenue, Use Permit and Variance for 3 detached condominium units on a 9,400 square foot site.

3. PA99-0041, 2368 Santa Ana Avenue, Use Permit and Variance for 5 single-family homes in a Planned Development on an 18,000 square foot site.
4. PA00-0021, at 2636 Santa Ana Avenue, Use Permit for 5 single-family homes in a Planned Development on a 17,400 square foot site.
5. PA01-0091, at 1541 Mesa Drive, Use Permit for 5 single-family homes in a Planned Development on a 17,550 square foot site.
6. PA04-0050 (pending Planning Commission action), at 2618 Santa Ana Ave, Use Permit for 12 two-story single-family homes in a Planned Development.

In the past, a proposal using the PD District regulations offered single-family detached or attached 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 either detached condominiums or detached single-family dwellings with private open space for each lot. Each lot in this proposal has its own usable private open space (usable defined as an area greater than 5 feet in width). The usable open space area (just using the back yards of each dwelling) ranges in size from approximately 990 square feet (15 feet by 66 feet) to 1,575 square feet (15 feet by 105 feet). In addition to the private open space, this proposal also has a common open space area with approximately 2,100 square feet and includes a one-story gazebo and a spa. The project's combination of private and common open space satisfies the open spaces requirements of the PD District.

Because of the irregular development area, the one lot (lot 6) on 22nd Street will not directly be a part of the other five lots in the balance of the PD proposal. This is somewhat unusual for a PD development not to have all lots share a common access. However, the lot fronting on 22nd Street is currently development with a single-family dwelling and the project proposal will just be replacing the existing residence with a new residence. Since this is a one to one replacement, there should be no impacts on surround property owners with this part of the proposal. The applicant stated to staff that the future owner of the lot would become part of the 6-lot homeowners association.

Staff is of the opinion that this proposal conforms to the purpose and intent of the Planned Development District and the R1 District and supports this Use Permit for the proposed PD. The proposal appears to meet the current concept of urban infill Planned Developments, especially in the area along Santa Ana Avenue. Planning staff is seeing more projects where private open space over community open spaces is being requested and approved. This is true in both multi-family and single-family developments. This proposal has provided both private and community open space. The applicant has designed the single-family homes to be compatible with other dwellings in the vicinity, which is a mixture of older single-family one-story homes and single-family and multi-family two-story structures. Staff recommendation approval for the proposed Use Permit for a Planned Development as follows.

RECOMMENDED ACTION:

RDMD/PDS/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA04-0082 for Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
PDS/Current and Advanced Planning Services

WVM

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APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Air photos of the site
3. Environmental Documentation
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.

RDMD/Planning and Development Services Report

DATE: December 7, 2004 (Continued from November 9, 2004)

TO: Orange County Planning Commission

FROM: RDMD/PDS/Current and Advance Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0082 for Use Permit

PROPOSAL: The applicant requests approval of a Use Permit to construct six (6) detached single-family dwellings on an irregular shaped 1.58-acre parcel incorporating the development guidelines of Zoning Code Section 7-9-110 PD "Planned Development" District regulations.

LOCATION: The project is located in an unincorporated County island in the City of Costa Mesa, easterly of Santa Ana Avenue and northerly of 22nd Street at 2216 Santa Ana Avenue, Costa Mesa (see page 4). Second Supervisorial District.

APPLICANT: Fox Development, property owner
Paul Douglas, agent

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-3522

SYNOPSIS: RDMD/PDS/Current and Advanced Planning Services recommends Planning Commission approval of PA04-0082 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The proposal was originally scheduled to be heard by the Planning Commission on November 9, 2004 but because of written communication from the applicant received prior to that hearing requesting a continuance, the hearing was continued to December 7, 2004. Please refer to RDMD/PDS/ Current and Advanced Planning Services Report dated November 9, 2004 for complete project background information.

During the continuance period, the applicant met with homeowners and their representatives to discuss the proposal and address some of the major concerns of neighboring property owners. According to the applicant, one of the major concerns was voiced by homeowners living on Colleen Place (see air photo on page 4 for location of Colleen Place) and whose rear property line abuts the subject property (shown as lots 1 through 4 on the site plan). They voiced a concern that the proposal with two-story homes and a setback only 15 feet from the property would result in a loss of privacy in the back yard of the Colleen

Place homeowners. This meeting with the applicant and the homeowners resulted in the applicant submitting a revised site plan with the following changes to the original proposal:

- 1) The rear yard setback of the four homes abutting the homes on Colleen Place was increased from 15 feet to 25 feet.
- 2) New landscaping was added to the rear yards of the four homes. The proposals homeowners association will maintain this landscaping.
- 3) The private access street (Ted's Place) was reduced in curb-to-curb width from 28 feet to 20 feet.
- 4) The 11 general and guest parking spaces on Ted's Place were eliminated because of the street width reduction.
- 5) Two bay guest parking spaces were created in the project's common area open space lot.
- 6) The landscaping/sidewalk area on the south side of the street is revised.

The following features of the proposed project were not changed:

- a) The entry road and gate access remain the same.
- b) The number of homes in the proposal remains at six (6), each with the same floor plans as originally submitted.
- c) All homes on Ted's Place will still enter and exit to Santa Ana Avenue.
- d) One home (Lot 6) will still be accessed via 22nd Street.

DISCUSSION OF PROPOSED REVISIONS:

1) Increased in rear yard setback

Staff supported the original proposal with the 15-foot rear yard setbacks for lots 1 through 4. The new setback of 25 feet proposed will make the project more compatible with the adjacent properties on Colleen Place.

2) Rear yard landscaping

The original proposal had each property owner install and maintain their own landscaping. The applicant agreed that the landscaping in the rear would be provided and maintained by the homeowners association. Additional landscaping in the rear yard would make the project more compatible with the adjacent properties on Colleen Place. The new landscaping plans shows the proposed rear yards landscaping. In order to be assured the landscaping will be installed and maintained, a new condition of approval is recommended to this landscaping area as follows:

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Prior to the recordation of the tract map, a landscaping easement or lettered lot in favor of the homeowners association shall be shown on the tract map so as to provide and maintain landscaping on the rear five (5) feet of lots 1 through 4 in a manner meeting the approval of the Manager, Current and Advance Planning Services. Said landscaping shall be installed prior to the issuance of the first certificate of use and occupancy permit on lot 1, 2, 3 or 4.

3) Reduction in street width

When the project was submitted to the County, the private access road, Ted's Place was shown with a right-of-way width of 24 feet, which is the county standard for five lots in a subdivision. The Orange County Fire Authority commented that their standard was a street width of 28 feet. After receiving these comments from the Fire Authority, the plans were revised to show Ted's Place with a right-of-way width of 28 feet. By increasing the width to 28 feet, the Zoning Code would allow parking spaces on one side of the street, which was acceptable to the Fire Authority. This street width increase added approximately 11 street parking spaces for general and guest parking. Subtracting the 8-foot wide parallel parking on one side of the street, the street would have two 10-foot wide travel lanes. The Traffic Review Section commented that the proposed street width revision from 28 feet to 20 feet results in an equivalent width of travel lanes. According to the applicant, the Fire Authority commented that provided there is not parking on the street, the new street width would be satisfactory. Condition of Approval no. 13 requires the street to be marked (curbs painted and signs posed) "fire lane, no parking" and a method of enforcement be approved by the Fire Authority. Also the reduction in street width increase the lot size on lot 1 from 8,925 to 9,870 square feet, lots 2 and 3 from 5,950 to 6,580 square feet, and lot 4 from 9,442 to 9,870. The new average lot size is increased from 7,567 to 8,225 square feet. Lots 5 and 6 did not change.

4) Elimination of street parking

While not required by the off-street parking requirements of the Zoning Code, the 11 on-street parking spaces was a good amenity for the proposal. Since all homes on Ted's Place have a 20-foot minimum driveway, only one guest parking space is required, which is calculated at 0.2 guest parking spaces per dwelling unit ($0.2 \times 5 = 1$). The applicant will be providing a minimum of two guest parking spaces. Additional, since the street width is proposed at 20 feet, the Traffic Review Section has requested a turn around space be added near the end of the cul-de-sac. A new condition of approval is recommended to addresses this requirement and reads as follows:

Prior to the issuance of a grading permit, the applicant shall proved a turn around space near the end of the cul-de-sac and provide a total of two (2) guest parking spaces in a manner meeting the approval of the Manager, Current and Advance Planning Services and Traffic Review Section.

5) New guest parking

See discussion from 4) above.

6) Change the landscaping/sidewalk area

The sidewalk and planting strip width on the southerly side of Ted’s Place changed from the original total 7 feet to a new total 5 feet in width. This width includes a 3 feet wide sidewalk and a 2 feet wide planting strip. Traffic Review commented that the standard sidewalk width is 4 feet. A new condition of approval is recommended for the sidewalk as follows:

Prior to the issuance of a grading permit, the applicant shall revise the sidewalk width on Ted’s Place to a width of four (4) feet, in a manner meeting the approval of Traffic Review Section.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	R1 “Single-family Residence”	Three single-family residences
North	R1 “Single-family Residence”	Single-family residence
South	R1 “Single-family Residence” City of Costa Mesa	Single-family residence Single-family residence
East	R1 “Single-family Residence”	Single-family residence
West	City of Costa Mesa	Single-family residence



After the distribution of the November 9, 2004 staff report to the Planning Commission and prior to the hearing, staff received a number of faxes and letters in opposition to the proposal. These faxes and letters

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are included with this staff report as Exhibits 2, 3 and 4. These letters prompted the applicant to request a continuance of the November 9, 2004 hearing. In general, the majority of the letter writers objected to the proposal on grounds of: the project was compatible with surround development; the project density was too high; privacy of rear setbacks on lots 1 through 4; landscaping; future City of Costa Mesa annexation; and the property was not intended to have a planned development.

As mentioned in the Background section of this report, the applicant has met with adjacent homeowners to discuss the proposal. Based on their concerns the applicant revised the site plan to include two new features. The first is an increase in the rear yard setback on lots 1 through 4 from 15 feet to 25 feet. Second is to provide for the projects homeowner association to install and maintain the landscaping at the rear of these lots. According to the applicant, the revised site plan satisfied some of the adjacent property owners concerns. The revised site plan is included with this report as Exhibit 5. Staff has not received any written or oral communication from any of the previous letter writers on whether or not the revised project is now acceptable.

CONCLUSION:

Staff is of the opinion that this proposal conforms to the purpose and intent of the Planned Development District and the R1 District and supports this revised Use Permit for the proposed PD. The proposal appears to meet the current concept of urban infill Planned Developments, especially in the area along Santa Ana Avenue. Planning staff is seeing more projects where private open space over community open spaces is being requested and approved. This is true in both multi-family and single-family developments. This proposal has provided both private and community open space. In staff's opinion, the applicant has designed the single-family homes to be compatible with other dwellings in the vicinity, which is a mixture of older single-family one-story homes and single-family and multi-family two-story structures. Staff recommendation approval for the revised proposed Use Permit for a Planned Development as follows.

RECOMMENDED ACTION:

RDMD/PDS/Current Planning Services Division recommends the Planning Commission:

- b. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA04-0082 for Use Permit subject to the attached findings and conditions of approval.

RDMD/PDS Report – December 7, 2004

PA04-0082 Fox Development

Respectfully submitted

John B. Buzas, Manager
PDS/Current and Advanced Planning Services

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APPENDICES:

B. Recommended Findings (the same as submitted on 11-9-04)

B. Recommended Conditions of Approval (revised from conditions submitted on 11-9-04 with the additions of conditions of approval no. 30, 31, 32 and 34)

EXHIBITS:

1. Revised Applicant Letters of Explanation dated November 24, 2004
2. Letter from Stephen R. Sheldon dated November 9, 2004
3. Fax from Roberta J. Buchanan dated November 7, 2004
4. Fax from Hugh Vujnovich dated November 8, 2004, including letters from 31 property owners in opposition to the proposal.
5. Revised Site Plan

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.