

**RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT
REPORT**

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DATE: November 3, 2005

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Land Use Planning Division

SUBJECT: Public Hearing on Planning Application PA05-0035 for Use Permit

PROPOSAL: Demolition of an existing duplex and a single-family dwelling; and the construction of four (4) attached condominiums on a lot zoned R3 (1950) 35 "Apartment" District as permitted by Orange County Zoning Code Section 7-9-78.4(a)(6). A use permit is also required to allow a detached accessory structure (carport) closer than 3 feet to the side property line when said structure exceeds 8 feet in height, with this structure being 9.75 feet tall, and 6 inches from the property line.

LOCATION: 8054 Legion Place. In the Midway City unincorporated area, between Beach and Monroe. First Supervisorial District.

APPLICANT: Greg Raab, owner/contractor

STAFF J. Alfred Swanek, Project Manager Jim.Swanek@pdsd.ocgov.com

CONTACT: Phone: (714) 796-0140 or 834-2626 FAX: (714) 834-4652

BACKGROUND:

The project site is essentially flat and drains adequately to the front on Legion Place. It is developed with 3 existing dwelling units with 2,066 sq. ft. of living space constructed beginning in 1912. They would be demolished as part of the project. The site is 10,875 square feet in area, measuring 75 feet wide by 145 feet deep. The site is zoned R3 "Apartment" (1950) and permits single-family and multi-family dwellings. Multi-family dwellings are permitted at a density of one unit per each 1,950 sq. ft. of land area. The applicant proposes to raze both existing buildings (a duplex and a single family dwelling), grade the site to County standards and construct 4 attached condominiums. The site is large enough to support this number of multi-family dwellings on one building site under the R3 (1950) zoning.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	R3 (1950) "Apartment"	Residential, multi-family dwellings
East	R3 (1950) "Apartment"	Residential, multi-family dwellings
South	R3 (1950) "Apartment"	Residential, multi-family dwellings

West	R3 (1950) “Apartment”	Residential, multi-family dwellings
North	Westminster City commercial zoning	Strip-type commercial

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, the Midway City Chamber of Commerce and HOA, and the City of Westminster. All technical comments received from other County divisions have been incorporated into recommended conditions of approval. The City and Midway City group both responded indicating they had no comments.

CEQA COMPLIANCE:

The project was found Categorically Exempt (Class 3), as minor new construction in an urban area, from the documentation requirements of CEQA. Appendix A contains the required Finding.

DISCUSSION/ANALYSIS:

The R3 (1950) District permits multi-family developments at a density of one dwelling unit (attached or detached) per 1,950 square feet of net lot area. The District also permits condominiums subject to a Use Permit approved by the Zoning Administrator, under Section 7-9-78.4(a)(6).

The project involves demolition of an existing duplex and a single-family dwelling; and the construction of four (4) attached condominiums on a lot zoned R3 (1950) 35 “Apartment” District as permitted by Orange County Zoning Code Section 7-9-78.4(a)(6). Three of the units are two-story and 1 is a single level above a garage and storage spaces. Three units will have two-bedrooms with the fourth a three-bedroom unit (the 3rd bedroom is identified as a “study”), plus either a two-car carport or garage plus laundry area not intruding into any practical garage parking area, for each unit. The two-car carport is detached and thus allowed within the 25 foot rear yard setback with its height of only 9.75 feet. However, a Use Permit with no additional findings beyond compatibility is required for such a structure to be located as close as 6 inches from the side property line, rather than 3 feet - Zoning Code 7-9-137(e).

Three units would have assigned private yards of at least 200 sq. ft. each to the side. Also included is one open guest parking space at the front of the lot. By comparison with the parking requirement, which is 2.2 spaces per 2-bedroom unit and 2.7 spaces per 3-bedroom unit, amounting to a required 9 spaces, 9 spaces are provided, in a configuration that has been reviewed by the County’s Traffic Engineer. No significant grading is proposed, and the site would have a new 6 foot tall maximum screen wall at the rear and sides.

The Zoning Administrator is asked to find the overall proposal meets the purpose and intent of the R3 District (Sec. 7-9-78.1), or that the project is consistent with “very high density multi-family residential neighborhoods with...a minimum amount of open space. Only those uses which are compatible with very high density residential uses are permitted.”

RECOMMENDED ACTION:

Resources & Development Management/Land Use Planning recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA05-0035 for Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

Charles Shoemaker, Chief
Site Planning/Land Use Planning

APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County 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 Resources and Development Management Department.