

**RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT
REPORT**

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DATE: January 12, 2006

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA05-0042 for Use Permit

PROPOSAL: Demolition of an existing single-family dwelling; and the construction of eight (8) attached condominiums on a lot zoned R3 “Apartment” District as permitted by Orange County Zoning Code Section 7-9-78.4(a)(6).

LOCATION: 9882 Broadway. In the Southwest Anaheim unincorporated area, between Brookhurst and Gilbert. Fourth Supervisorial District.

APPLICANT: YHY, Inc., owner

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 Broadway. It is developed with an existing single family dwelling unit constructed in 1955, which would be demolished as part of the project. The site is 14,100 square feet in area, measuring 94 feet wide by 150 feet deep. The site is zoned R3 “Apartment” and permits single-family and multi-family dwellings. Multi-family dwellings are permitted at a density of one unit per each 1,000 sq. ft. of land area. The site is large enough to support this number of multi-family dwellings on one building site under the R3 zoning.

The applicant proposes to raze the existing single family dwelling, grade the site to County standards and construct 8 attached condominiums, 4 each in two identical buildings facing each other over a common access drive 22’ wide between planters on either side, with the open area between buildings narrowing to 20’ on the second floor above, and to 17’ on the third floor.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	R3 “Apartment”	Single family dwelling
East	R3 “Apartment”	Residential, multi-family dwellings

South	R1 “Single Family Residential”	Residential, single-family dwellings
West	R1 “Single Family Residential”	Residential, single-family dwellings
North	Anaheim City zoning	Residential, multi-family dwellings, and Cornelia Connelly Catholic high school

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 City of Anaheim. All technical comments received from other County divisions have been incorporated into recommended conditions of approval.

Staff met with the applicant and provided comments, which are included as Exhibit 3 of this report. In correspondence dated 11/17/05, City of Anaheim staff commented that: “the project consists of a 3-story multiple-family residential development located in very close proximity to single-family homes. While our Planning staff would likely not support the project as currently designed if it were proposed within our city, we have been informed that the project apparently complies with the County's General Plan and Zoning regulations. Because of this compliance, it is assumed that the project is consistent with the County's long range vision for the area which we are not opposed to.”

One project issue relates to the presence of second and third floor windows (of 4 units) overlooking the back yard pool areas of two single family dwellings on the adjoining west side (see photo on next page). Staff is sensitive to maintaining privacy for the existing residents while also permitting development which complies with the applicable multifamily development standards. To address the privacy issue, the applicant proposes to plant closely spaced Carolina Laurel Cherry, a fast-growing drought-tolerant evergreen that can reach 40 foot heights (see current preliminary landscaping plan Sheet A1.01), on that same side to provide substantial screening in only a few years. The other sides of the project seem less of a concern in terms of potential privacy impacts, as there is on the east the side of a two-story multifamily apartment 8-plex and on the south the rear yard of one single family home a full 25 feet away from any windows that would potentially overlook that rear yard.

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is documented by a Negative Declaration, IS PA050042, which became final without appeal on January 6, 2006. Mitigation measures were included in the ND to address geology, drainage, runoff water quality, noise attenuation, and construction-term noise. These have been transposed into recommended conditions of approval. Prior to project approval, the decision-maker must conclude that this Negative Declaration is adequate to satisfy the requirements of CEQA for the proposed project. A finding to that effect is included.

DISCUSSION/ANALYSIS:

The R3 District permits multi-family developments at a density of one dwelling unit (attached or detached) per 1,000 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).



As mentioned, the project involves demolition of a single-family dwelling; and the construction of eight (8) attached condominiums on a lot zoned R3 “Apartment” District as permitted by Orange County Zoning Code Section 7-9-78.4(a)(6). All of the units are three-story and have two large bedrooms and three bathrooms over a two-car garage plus full laundry room. It was noted that on the third floor, there is a pop-out of 1.5', which means there would be a tiny area of floor space 4.5' from the side property lines, where a minimum of 5' is required. That pop-out must be reduced .5' in depth. A condition requiring revised plans prior to building permit issuance is included. Otherwise, all R3 District setbacks and the overall 35' structural height limit are complied with.

Small balconies provide the only private open space for each unit, which is otherwise shared. There is perhaps 1200 sq. ft of shared open space of a practical size and shape to allow outdoor on-site recreational use. This 150+ sq. ft provided per unit is more than is required in such areas as those portions of Sunset Beach that do not adjoin permanent open space.

Also included are two open guest parking spaces at the rear of the lot. The parking requirement for the project is 2.2 spaces per 2-bedroom unit, amounting to a required 18 spaces. Eighteen 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.

Next door (to the east) is a 1963 rental 8-plex constructed on a lot identical in size and of the same zoning. The Zoning Administrator is asked to find the now-proposed project meets the purpose and intent of the R3 District (Sec. 7-9-78.1), 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 PA05-0042 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
3. Correspondence from City of Anaheim

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.