Zoning Administrator
Agenda Item

April 25, 2012

TO: **Rick Otto**
Zoning Administrator

THRU: **Leslie Aranda Roseberry, Planning Manager**

FROM: **Lucy Yeager**
Contract Planner

SUBJECT

PUBLIC HEARING: Variance No. 2217-12 – Waiver request of wall heights above 6 feet in height and/or above 3 feet – 6 inches in height within the front setback area for a series of retaining walls associated with the proposed Center for the Arts project located on properties on N. Glassell Street [415 – 489 N. Glassell Street].

SUMMARY

The applicant requests a waiver for wall heights above 6 feet in height and/or above 3 feet – 6 inches in height within the front setback area for a series of retaining walls associated with the proposed Center for the Arts project. The Chapman University Specific Plan limits walls to six feet (6') in height and limits walls within the required front setback to three feet – six inches (3' – 6"). The applicant is requesting twelve (12) walls to exceed the maximum wall height. The maximum overall wall height of these specific walls range from 7'-0" to 16'-6"; a variance of 1'-0" to 10'-6". Specifically, the 12 wall and fence variance requests is detailed in Table 1, Requests for Wall and Fence Variances, submitted by the applicant.

RECOMMENDED ACTION

Recommend approval of Variance No. 2217-12 with Design Review Committee recommended conditions of approval to the Community Development Director which has final consideration of the overall project.

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.040 (D) authorizes the Zoning Administrator to review and take action on the requested Variance for a waiver of wall height requirements. The Chapman Specific Plan Amendment No. 6 refers to the City's Municipal Code procedures (the

Zoning Administrator) to make the recommended determination to the Community Development Director regarding the Variance request.

PUBLIC NOTICE

On April 12, 2012, the City sent a Public Hearing Notice to a total of 1,065 property owners/tenants within a 300-foot radius of the Chapman University Specific Plan Amendment No. 6 Area. No persons specifically requested a notice. The overall project site was also posted with the notification on April 12, 2012.

ENVIRONMENTAL REVIEW

This project is fully and adequately addressed in the Mitigated Negative Declaration (ENV No. 1821-09) which analyzed the potential environmental impacts associated with Specific Plan Amendment No. 6, specific to this project, and incorporated appropriate measures to mitigate potential impacts to below a level of significance. Said Mitigated Negative Declaration was prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15070 et seq and in conformance with the Local CEQA Guidelines. It should be noted that the previously approved certified Final Environmental Impact Report (FEIR) No. 1717-03 prepared for the Chapman University specific Plan Amendment No. 5 was the primary environmental documentation for the prepared MND.

The requested variance for exceeding wall height does not cause any additional impact beyond those evaluated in the MND. The requested height waivers for the series of walls are for a variety of reasons as detailed in Attachment 1, Table 1, Request for Wall and Fence Variances; most notably to provide retaining walls, some with guardrails.

Copies of the Mitigated Negative Declaration document (ENV No. 1821-09) are available for public review at City Hall.

PROJECT BACKGROUND

Applicants/Property Owners:	Chapman University
Property Location:	On the Chapman University Campus, bounded by Walnut Avenue to the north, University Drive to the south, N. Glassell Street (addresses 415 – 489) to the west, Chapman University's Global Citizens Plaza and O'Bryan Aquatics Stadium/Lastinger Athletics Complex to the east, and the Merle and Marjorie Fish Interfaith Center to the southeast. Project is entirely located in the Chapman University Specific Plan.
Existing General Plan	PFI - Public Facilities and Institution (Max 2.0 FAR)

Land Use Element designation:	
Existing Zoning Classification:	P-1 (SP) (Public Institution, Chapman University Specific Plan Amendment No. 6)
Old Towne:	Yes
Redevelopment Project Area:	Yes
Specific Plan/PC:	Yes – Chapman University Specific Plan Amendment No. 6
Site Size:	2.99 acres (that which is being graded and improved)
Existing conditions:	Walnut Center, three residential complexes (Glassell/Wellsfry Apartments), former Papa Hassan Café building and a residential building behind it, Chapman University's Public Safety building and Visitor's Parking Lot, and Orange Street Parking Lot.
Surrounding land uses and Zoning:	The project is in an urban setting within the Chapman University Campus. The surrounding land uses and zones include: North: A liquor store at the SEC of Glassell Street and Walnut Avenue (OTMU-15S). Residential home across Walnut Avenue (R-3). South: Chapman University's Beckman Hall (P-I (SP); Public Institution, Chapman University Specific Plan – Academic 2 Planning Area). East: Chapman University's Global Citizen Plaza, O'Bryan Aquatics Stadium, and Chapman University's Fish Interfaith Center (P-I (SP); Public Institution, Chapman University Specific Plan – Academic 2 Planning Area). West: Across Glassell Street – a gas station at the SWC, off-site residential building, and, off-site building (Chapman's The Alona Cortese Elder law Center) (OTMU-15S); an off-site building (Chapman University owner property) (P-I (SP); Public Institution, Chapman University Specific Plan – Academic 2 Planning Area); a salon (OTMU-15S); and off-site buildings including Chapman's Legal Affairs, Center for Global Education, Alumni Relations, Student Psychological Counseling Services and the University's Health Center (P-I (SP);

Surrounding land uses and Zoning (continued):	Public Institution, Chapman University Specific Plan – Academic 2 Planning Area) See Exhibit 2, Justification Notebook Zoning Designations and Site Photos, pages 29 – 36).
Previous Applications/Entitlements:	Implementation of the project required approval of a General Plan Amendment (GPA 2009-0004), Specific Plan Amendment No. 6 (SPA 0001-09), Zone Change (ZC 1256-09), Tentative Parcel Map (TPM 2010-147) and Mitigated Negative Declaration (ENV 1821-09). These applications were approved and adopted by City Council on December 13, 2011. On March 21, 2012 the DRC recommended approval of the project with conditions of approval to the Zoning Administrator and the Community Development Director

PROJECT DESCRIPTION

The proposed project involves the demolition of existing buildings to construct an approximately 88,142 sq. ft. performance and educational facility for use by the University's College of Performing Arts students and the general public as well as rented to professional touring groups. The Center would have three-lobby levels, 1,050 seats, uses accessory to a theater, and a sound recording studio. The Center would be maximum height of 55 feet above current grade, and approximately 49 feet below grade. Primary pedestrian access into the Center will face south and east. Parking would be accommodated through existing campus parking structures. A new landscaped lawn, referred to as the Campus Green, would be constructed to the south of the building to host special events, performances, and classes.

The Specific Plan (Section 6.4.1.F) allows fences, walls and hedges in yard areas provided that they do not exceed 6 feet in height as measured from the highest elevation of land contiguous to the fence location and that they do not exceed 3 ½ feet within the required front yard area. Further, landscaping shall be provided along all walls and will consist of shrubs, espalier trees or shrubs, vines or combination thereof. The applicant is requesting a Variance from the Chapman University Specific Plan Amendment No. 6 to allow wall heights in excess of 6 feet at 10 locations and in excess of 3 ½ feet within the required front yard area at 2 locations:

1. Wall A-1 with maximum overall wall height of 16' - 6" instead of 6'
2. Wall A-2 with maximum overall wall height of 14' - 6" instead of 6'
3. Wall B-1 with maximum overall wall height of 14' – 6" instead of 6'
4. Wall C-1 with maximum overall wall height of 14' - 6" instead of 6'
5. Wall F-1 with maximum overall wall height of 11' – 0" instead of 6'
6. Wall I-1 with maximum overall wall height of 12' – 6" instead of 6'
7. Wall N-1 with maximum overall wall height of 8' – 6" instead of 6'

8. Wall S-1 with maximum overall wall height of 7' – 0" instead of 6'
9. Wall T-1 with maximum overall wall height of 7' – 0" instead of 6'
10. Wall U-1 with maximum overall wall height of 9' – 0" instead of 6'
11. Wall Y-1 with maximum overall wall height of 8' – 6" instead of 3 ½ '
12. Wall Z-1 with maximum overall wall height of 8' – 6" instead of 3 ½'

See Attachment 1, Table 1, Requests for Wall and Fence Variances and Exhibit A, Sheet L2-03, provides more detail including the reason for the requested wall variance for each wall waiver request and the location of each referenced wall.

This Variance is in concert with Design Review No. 4592-11 and Major Site Plan No. 0679-11. The Community Development Director is the reviewing and final determining body for Major Site Plan 0679-11. See Exhibit B, Justification Notebook dated stamped April 3, 2012 and Exhibit A, Sheet L2-03, Conceptual Wall Plan – Walls Over 6'-0" High date received April 5, 2012 regarding the project details and the specific request.

Applicable Development Standards

	Required	**Proposed**	**Code Section**
Fences, Walls and Hedges	Cannot exceed 6' in height and/or 3 ½' within required front yard areas	12 specific walls at a height of 7'-0" to 16'-6"; 2 of which are within the required front yard area.	Chapman University Specific Plan Section 6.4.1.F

APPLICATION REQUESTED/ REQUIRED FINDINGS

Variance: The applicant is requesting a Variance from the Chapman University Specific Plan Amendment No. 6 Section 6.4.1.F to allow deviations from the heights for fences, walls and hedges.

The Chapman University Specific Plan Amendment No. 6 stipulates that the Specific Plan supersedes the provisions of the City's Zoning Ordinance, except in instances where the Specific Plan remains silent on a specific issue. Hence, the request for a variance request then is directed via the City's Zoning Ordinance. City Code provides the authority for the Zoning Administrator to review applications for variances to waiver from fence and wall height provisions.

Required Findings:

1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. The variance granted shall be subject to such conditions which will assure that the authorized adjustment shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Fences, Walls and Hedges Variance

The applicant is requesting a Variance to allow a waiver for certain walls to exceed the allowed wall height. The allowed wall height cannot exceed 6' as prescribed by Section 6.4.1.F of the approved Chapman University Specific Plan. Walls within the required front yard area cannot exceed 3 ½'. There are twelve (12) locations that the applicant has requested waivers for wall height. Staff supports the request based on the following as outline by the applicant:

- The respective wall waivers will allow for preserving the structural integrity associated with aspects of the project.
- Public safety provisions as many of the walls include guardrails designed to ensure safety between grade changes.
- To appropriately provide for handicap provisions (handicapped elevator system and ramp).
- To retain a grade or visually soften a grade.
- Maintaining the aesthetics of the project.
- Walls are necessary for retaining purposes and to accommodate earth on either side (east and west) of the Campus Green.
- The walls help to establish a sense of place in the Campus Green, which is lower than the adjacent N. Glassell Street and the portions of the campus located to the east of the Campus Green.
- The walls on-site also allow for creation of informal outdoor amphitheater seating walls adjacent to the east side of the Center for the Arts (between the Center for the Arts and the existing Global Citizens Plaza).

Attachment 1, Table 1, Requests for Wall and Fence Variance, and Exhibit A, Sheet L2-03, Conceptual Wall Plan – Walls Over 6'-0" High date stamped April 5, 2012 present the requested waiver.

Exhibit B, Justification Notebook date stamped April 3, 2012 provides overall project details. Further, renderings in the notebook provide a sense of the wall variances requested as referenced below:

Page 8 depicts (partially) wall Z-1.
Page 9 depicts wall U-1.
Page 10 depicts walls S-1 and T-1.
Page 18 depicts wall Y-1 but which is hidden by the trees.
Page 20 depicts wall N-1.
Page 21 depicts wall A-1, B-1 and F-1. Further, while wall C-1 is hidden, this rendering provides a good example of what is happening with the wall and steps.
Page 22 depicts wall A-2 and I-1.

Staff Recommendation

Staff recommends the Zoning Administrator recommend approval of the project's requested Variance waiver of exceeding fence and wall heights for specific walls to the Community Development Director which has final consideration of the overall project incorporating the conditions of approval that were recommended for project approval by the Design Review Committee. The Zoning Administrator may determine that additional conditions are appropriate to support the required findings.

ATTACHMENTS/EXHIBITS

Attachments to Report:
1. Table 1, Requests for Wall and Fence Variances
2. Draft March 21, 2012 Design Review Committee Minutes with Accompanying Conditions of Approval from Staff Report

Exhibits
A Sheet L2-03, Conceptual Wall Plan – Walls Over 6'-0" High date received April 5, 2012.
B Applicant Justification Notebook date stamped April 3, 2012

cc: File

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