Planning Commission
Agenda Item

October 1, 2012

TO: **Chair Steiner and**
Members of the Planning Commission

THRU: **Leslie Aranda Roseberry**
Planning Manager

FROM: **Daniel Ryan**
Historic Preservation Planner

SUBJECT

PUBLIC HEARING: Conditional Use Permit No. 2835-11 – Trustees, Ricardo M. and Carmen L. Ulivi for property located at 369-377 S. Glassell Street, within the Old Towne Orange Historic District.

SUMMARY

The applicants are proposing a shared parking agreement for two parcels located at 369-377 S. Glassell Street under Conditional Use Permit No. 2835-11 as the owner may sell one or both parcels in the future.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 39-12 entitled:

> **A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2835-11 FOR A NEW SHARED PARKING AGREEMENT, FOR THE TWO PARCELS LOCATED AT 369-377 SOUTH GLASSELL STREET**

AUTHORIZATION/GUIDELINES

The Planning Commission is authorized to review and take action on the following Orange Municipal Code (OMC) Sections:

§ 17.08.020 - Establishes the reviewing bodies for various discretionary applications and final project determination rests with the Planning Commission for a Conditional Use Permit, and

§ 17.10.080 - Requires that the project be reviewed in accordance with California Environmental Quality Act (CEQA) and

§ 17.08.030 - Review and take action on Conditional Use Permits, including §17.34.100 for a shared parking and access agreement.

PUBLIC NOTICE

On September 20, 2012, the City sent Public Hearing Notices to a total of 105 property owners/tenants within a 300-foot radius of the project site, and person's specifically requesting notice. The project site was also posted with the notification on that same date.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1- Existing Facilities) because the project involves a shared parking agreement and no new construction is proposed.

PROJECT BACKGROUND

Applicant/ Property Owner :	Ricardo M. and Carmen L. Ulivi, Trustees
Property Location:	369-377 S. Glassell Street, Old Towne Historic District
Existing General Plan Land Use Element designation:	OTMU15 (Old Towne Mixed Use 6-15 Du/Ac Max .6 FAR)
Existing Zoning Classification:	OTMU 15S (Old Towne Mixed Use Spoke Street)
Old Towne:	Yes
Redevelopment Project Area:	N/A
Site Size:	11,602 sq. ft. (two 5,801 square foot parcels)
Circulation:	Glassell Street is a Local/Collector Street with an ultimate right-of-way of 66 feet
Existing conditions:	Two parcels each with a contributing residential structure converted to office use under former CUP No. 1679-88. Both properties share one driveway and open parking lot at the rear of the property.
Surrounding land uses and Zoning:	Single and duplex residences and office professional uses zoned OTMU 15 S (Old Towne Mixed Use Spoke Street)
Previous Applications/Entitlements:	Conditional Use Permit No. 1697-88 and Variance No. 1845-88

PROJECT DESCRIPTION

The applicants propose a new shared parking agreement under Conditional Use Permit No. 2835-11 (See Attachment No. 6 – Small scale site plan).

Development Standards

	Required	**Proposed**	**Code Section**
Building Height	No Change	N/A	N/A
Distance between structures	No Change	N/A	N/A
Fence height	No Change	N/A	N/A
Floor Area Ratio (FAR)	No Change	N/A	N/A
Lot size (residential)	No Change	N/A	N/A
Lot frontage	No Change	N/A	N/A
Lot depth	No Change	N/A	N/A
Open space, private (residential)	No Change	N/A	N/A
East or Front Setback	No Change	N/A	N/A
West or Rear Setback	No Change	N/A	N/A
North or Side Setback	No Change	N/A	N/A
South or Side Setback	No Change	N/A	N/A
Parking (residential)	NA	NA	NA
Parking (Office Use)	16.45 Spaces	16 Spaces	OMC 17.34.060
Driveway Isle Width	24 Feet	16 Feet*	OMC 17.34.060

* Granted by Variance No. 1645

REQUIRED FINDINGS

Conditional Use Permit: The applicant is requesting Conditional Use Permit No. 2835-11 for a shared parking agreement.

Required Findings:

1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.
2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare, of any particular applicant.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Shared Parking and Access Agreement

The applicants were required as a condition of the original Conditional use Permit No. 1679-88 to convert the two residential buildings located at 369-377 South Glassell to Office use. The applicants were required to do a lot line adjustment to consolidate the two parcels into one parcel. However, the parcels were never consolidated at that time. The applicant wishes to keep the two separate parcels, and is therefore requesting a shared parking agreement.

The site currently meets off-street parking requirements for the existing office uses with 16 parking spaces at the rear of the property. There are nine parking spaces for 369 S. Glassell Street and six spaces for 377, with one handicapped space shared between the two parcels at the end of the driveway. No building expansion or site modifications are proposed, only the shared parking agreement. Pursuant to the conditions of approval, the City Attorney will review the applicants "Driveway Easement and Shared Parking Agreement" as to form and require the agreement to be recorded with the Orange County Recorder's office. The existing Variance for the 18-foot wide reduced two-way drive aisle will remain in place.

The applicant has provided a description of the existing and proposed office uses, and the relationship of the proposal to the surrounding area. The current site on South Glassell Street is served by local transit lines. Included information is the demonstrated parking demand based on current and future office uses as to the building area, parking spaces, and analysis of parking peak hours for the office uses on a weekly basis. The peak demand for parking spaces is eight spaces; the site has a total of 16 parking spaces resulting in no impact (See Attachment No. 4).

Other than the above request for the owner to provide and record a shared parking/access agreement, there are no issues related to this Old Towne project. Based on the applicant's current tenant mix and various hours of different office operations, there have been no problems with current parking demands and/or use of the reduced width two-way drive aisle (See Attachment No. 4 - Applicant Letter of Justification).

ADVISORY BOARD RECOMMENDATION

Staff Review Committee:
The Staff Review Committee reviewed the proposed project on August 3, 2011 and recommended their approval to the Planning Commission.

Design Review Committee:
No new construction and/or changes to the proposed property that require design review.

ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Planning Commission Resolution No. 39-12
2. Vicinity Map
3. Copy of 1988 Conditional Use Permit No. 1697 and Variance No. 1845, dated July 28, 1988
4. Applicant's letter of Justification, dated January 24, 2012
5. Copy of Shared Parking Agreement dated, January 24, 2012
6. Small Scale Site Plan dated, January 24, 2012

cc: Ricardo and Carmen Ulivi
394 S. Orange Street
Orange, CA 92866