Zoning Administrator
Agenda Item

June 12, 2013

TO: **Rick Otto**
Zoning Administrator

THRU: **Leslie Aranda Roseberry**
Planning Manager

FROM: **Robert Garcia**
Associate Planner

SUBJECT

PUBLIC HEARING: Variance No. 2223-13 – Walker Residence, located at 3415 E. Woodbine Road.

SUMMARY

The applicant is proposing to remodel and add onto his existing, two-story single-family residence including a subterranean garage. The proposed additions would result in exceeding the allowable Floor Area Ratio (FAR) permitted by the Orange Municipal Code, the applicant requests approval of a Variance to allow an increase in the FAR development standards.

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.035 (D) authorizes the Zoning Administrator to review and take action on applications for variances concerning building site coverage/FAR.

PUBLIC NOTICE

On May 31, 2013, the City sent a Public Hearing Notice to a total of 41 property owners/tenants within a 300-foot radius of the project site, and person's specifically requesting notice. The project site was also posted in two locations with the notification on that same date.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project involves the remodel and construction of 5,191 square feet onto an existing two-story single-family residence and a 2,551 square foot subterranean garage. There is no public review required.

PROJECT BACKGROUND

Applicant:	Garrett Hoskins, RVM Construction, Inc.
Property Owner:	Jeff Walker
Property Location:	3415 E. Woodbine Road
Existing General Plan Land Use Element designation:	Low Density Residential (LDR, 2-6 dwelling units/acre)
Existing Zoning Classification:	R-1-6 (Single Family Residential, Minimum Lot Size 6,000 Square Feet)
Old Towne:	No.
Specific Plan/PC:	No.
Site Size:	16,500 SF
Circulation:	Woodbine Road is accessed off of Meats Avenue, which the City Master Plan of Streets and Highways classifies as a Secondary Arterial with an 80-foot wide right of way. Woodbine Road is classified as a Local Street.
Existing conditions:	The property is developed with a two story, 6,329 square foot, custom-built single-family residence. Several other custom residences surround the subject parcel.
Surrounding land uses and Zoning:	The subject property is completely surrounded by single-family residences upon R-1-6 zoned property.
Previous Applications/Entitlements:	None

PROJECT DESCRIPTION

The applicant proposes to remodel and add square footage to an existing two-story single-family residence, including a subterranean garage. The residential remodel/addition includes the conversion of the existing garage to accommodate a new craft room and theater. The addition to the residence on the first and second floors will total 5,191 square feet, with a 2,551 square foot subterranean garage. The subterranean garage will not have any direct access to the house and is therefore not included in the FAR calculation per City Policy. The Floor Area Ratio (FAR) of the residence with the proposed remodel/addition would yield a FAR of .62, which is above the 0.50 maximum permitted by the Orange Municipal Code. The applicant is therefore requesting a Variance from the FAR.

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

Variance: The applicant is requesting a Variance from Section 17.14.070 of the OMC to allow more than the permitted 0.5 maximum FAR. Specifically, the applicant is requesting an FAR of 0.62.

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: Existing Home and Proposed Design

The subject custom home is located in the Hillcrest community and was designed by Cindy Beckman and constructed in 1987. The home currently has a FAR of 0.38. No additions or remodels have occurred to the home since the original construction. Staff's research of the Orange Municipal Code history indicates that FAR limitations were not present in 1987 when the home was designed and received approvals. FAR limitations were not included in the City's Code until 1995.

The current homeowners' desire is to provide additional square footage on their home to accommodate a game room, theater, and craft room on the first floor and additional bedrooms on the second floor. In addition, the homeowner desires a subterranean garage that will not have any direct access to the house and is therefore not included in the FAR calculation per City Policy. The proposed design for the addition is sensitive to issues of mass, scale, articulation, design of the existing home and is consistent with the Residential Infill Design Guidelines.

It should be noted that the subject site is subject to the Hillcrest Community Home Owners Association. Whenever the Planning Division grants approval on a residential project, a disclaimer is also provided to the property owners and included on the plans, which states "Review and approval by a governing Home Owners Association may be required prior to construction. The issuance of this permit does not constitute approval or compliance with any HOA rules, conditions, covenants and restrictions applicable to this property."

Issue 2: FAR of Neighbors/Surrounding

Given that the applicants' lot is 16,500 square feet, the maximum FAR by today's code is 0.5. However, as no FAR limitations were in place when the home was constructed, several of the custom homes in the Hillcrest community on lots of a similar size, have exceeded today's maximum allowable FAR standards. The applicant is requesting to increase the FAR of the home from 0.38 to 0.62. Homes on Woodbine Road and Mandeville Place have FAR values that range from 0.5 to 0.76 (Attachment 4). The homes on Woodbine Road and Mandeville Place with FAR values beyond the permitted maximum for lots 10,000 square feet or more have an average FAR value of 0.58. As the residences on Woodbine Road and Mandeville Place and the surrounding neighborhood have variations in the FAR, the proposed Variance for a 0.62 FAR, for the size of the subject lot, seems appropriate and consistent with the existing context of the area and circumstances of the

neighborhood. The strict application of the residential FAR standards to this property, despite the higher FAR values of various other neighboring properties in the neighborhood appears to deprive the applicants from enjoying the privileges enjoyed by other properties in the vicinity and under identical zone classification.

Staff recommends that the Zoning Administrator approve the requested Variance with the following conditions and any additional conditions that he deems appropriate to impose:

1. All construction shall conform in substance and be maintained in general conformance with the plans (date stamped June 12, 2013) and as approved by the Zoning Administrator.

2. Prior to issuance of building permits, the applicant shall pay all applicable development fees, including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.

3. Building permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this Design Review Permit.

4. All structures shall comply with the requirements of Municipal Code – Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc.

5. (Ord. 7-79). Approved structural drawings shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.

6. These conditions shall be reprinted on the first page of the construction documents when submitting to the Building Department for the plan check process.

ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Vicinity Map
2. Site Photos
3. Aerial Photo
4. FAR Residence Table

Exhibits:

A. Site, Floor, Elevation, and Roof Plans

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