



PLANNING COMMISSION AGENDA REPORT

VII. 8

MEETING DATE: JANUARY 22, 2007

ITEM NUMBER:

SUBJECT: PARCEL MAP PM-06-176 AND ZONING APPLICATION ZA-06-71
1986 ORANGE AVENUE, COSTA MESA

DATE: JANUARY 11, 2007

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP SENIOR PLANNER (714) 754-5611

DESCRIPTION

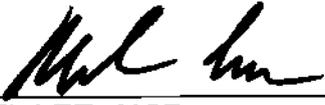
The applicant is proposing to subdivide an existing single family residential lot into two parcels with an administrative adjustment to encroach into the required side yard setback for the existing residence and a minor conditional use permit for shared driveway access.

APPLICANT

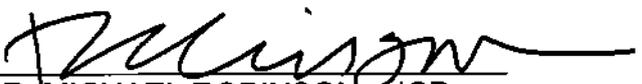
Keith Sheinberg is the applicant and owner of the property.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 1986 Orange Avenue Application: PM-06-176 and ZA-06-71

Request: Subdivide an existing single family residential lot into two parcels with an administrative adjustment to encroach into the required side yard setback for the existing residence and a minor conditional use permit for shared driveway access.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R1</u>	North: <u>Surrounding properties</u>
General Plan: <u>Low Density Residential</u>	South: <u>are zoned R1</u>
Lot Dimensions: <u>75 FT x 202 FT</u>	East: <u>and contain</u>
Lot Area: <u>15,150 SF</u>	West: <u>residences.</u>
Existing Development: <u>One-story single-family residence (to remain).</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	50 FT	65 FT (Parcel 1) 10 FT (Parcel 2) (1)
Lot Area	6,000 SF	7,556 SF (Parcel 1) 7,594 SF (Parcel 2)
Density:		
Zone/General Plan	1 du/6,000 SF 1du/5,445 SF	7,556 SF (Parcel 1) 7,594 SF (Parcel 2)
Building Coverage (2):		
Buildings	NA	2,260 SF (30%)
Paving	NA	1,178 SF (16%)
Open Space	3,022 SF (40%)	4,118 SF (54%)
TOTAL		7,556 SF (100%)
Building Height (Existing Residence)		
	2 Stories/27 FT	1 Story/12 FT
Setbacks (2):		
Front	20 FT	20 FT
Side (left/right)	5 FT	4 FT, 5 IN (3) 3 FT, 8 IN (4)
Rear	10 FT (1 Story)	10 FT
Rear Yard Lot Coverage (2)		
	325 SF (25%)	260 SF (20%)
Parking (Existing Residence):		
Covered	2	2
Open	2	2
TOTAL	4 Spaces	4 Spaces
Driveway Width		
	10 FT	18 Feet (Parcel 1) 10 FT (Parcel 2)
Vehicle Backout (Existing Residence)		
	25 FT	25 FT

NA = Not Applicable or No Requirement

(1) See staff report discussion

(2) Existing residence after subdivision

(3) Existing nonconforming

(4) Administrative adjustment requested

CEQA Status Exempt, Class 15

Final Action Planning Commission

BACKGROUND

The subject property is 15,150 square feet in size and contains an existing one-story single family residence oriented towards the front of the lot. The rear portion of the lot is vacant. The subject site is zoned R1 and has a General Plan designation of Low Density Residential.

DISCUSSION

The applicant is requesting approval of a parcel map to allow division of the property into two parcels. The current parcel is 75 feet wide, which exceeds the 50-foot minimum lot width for R1 zoned properties; however, the proposed parcel would have 10 feet of frontage along the street to accommodate a driveway leading to the rear parcel. Code Section 13-32 allows newly subdivided lots to have less than the required 50-foot frontage under code if the lot depth is 200 feet or greater; the lot depth of the subject property is 202 feet.

If the subdivision is approved, it would allow the construction of a separate single family residence on the new parcel. The construction of the residence is not a part of this application and the residence would not be subject to Planning Commission review because the property is zoned R1 with a single-family home allowed on each lot. However, the residence would be required to comply with all applicable development standards and code requirements.

The applicant is also requesting an administrative adjustment to allow the existing residence to encroach into the required side yard setback established by the new right side property line (5 feet required; 3 feet 8 inches to the existing residence proposed). It is staff's opinion that approval of the administrative adjustment is justified in that the structure is existing and cannot be altered to accommodate the required setback. The existing residence complies with all other requirements for setbacks, rear yard lot coverage, and overall open space as a result of the proposed subdivision.

Code Section 13-93 requires approval of a minor conditional use permit for shared driveway access. Although the property will be subdivided, driveway access is required to remain available for residents through the recordation of an easement for reciprocal access.

ALTERNATIVES

If the project were denied, the property could not be subdivided as proposed. A maximum of one unit would be allowed on the property, and the applicant would not be able to file a similar request for six months.

GENERAL PLAN CONFORMITY

The property has a General Plan designation of Low Density Residential. Under this designation one dwelling unit is allowed per lot. The proposed subdivision is consistent with the use and density allowed by the City's General Plan.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

CONCLUSION

Staff does not anticipate any adverse land use impacts as a result of the project, which will allow the legal subdivision for single family residential purposes.

Attachments: Draft PC Resolution
 Exhibit "A" – Draft Findings
 Exhibit "B" – Draft Conditions of Approval
 Zoning/Location Map
 Parcel Map

cc: Deputy City Mgr. - Dev. Svs. Director
 Assistant City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Keith M. Scheinberg
1582 Monrovia Avenue
Newport Beach, CA 92663

File: 012207PM0617ZA0671	Date: 010807	Time: 9:30 a.m.
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RESOLUTION NO. 07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PARCEL MAP PM-06-
176 AND ZONING APPLICATION ZA-06-71**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Keith M. Scheinberg, requesting approval to subdivide an existing single family residential lot into two parcels with an administrative adjustment to encroach into the required side yard setback for the existing residence and a minor conditional use permit for shared driveway access, for property located at 1986 Orange Avenue in a R1 zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 22, 2007;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B," the Planning Commission hereby **APPROVES** Parcel Map PM-06-176 and Zoning Application ZA-06-71 with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine the adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Parcel Map PM-06-176 and Zoning Application ZA-06-71 and upon the applicant's compliance with each and all of the conditions contained in Exhibit "B."

Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 22nd day of January, 2007.

Bill Perkins, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The subdivision complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The subdivision is consistent with the General Plan.
 - b. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA, under Section 15315.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- D. The subdivision of the property for single family residential purposes is consistent with the City's General Plan and Zoning Code.
- E. The proposed use of the subdivision is for single family residential purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- F. The subject property is physically suitable to accommodate Parcel Map PM-06-176 in terms of type, design, and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- G. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- H. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the subdivision.
- I. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- J. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property exist to justify approval of the administrative adjustment to allow the existing residence to

encroach into the required side yard setback established by the new right side property line. Specifically, approval of the administrative adjustment is justified in that the structure is existing and cannot be altered to accommodate the required setback. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

- K. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Specifically, although the property will be subdivided, driveway access is required to remain available for residents through the recordation of an easement for reciprocal access.
- L. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

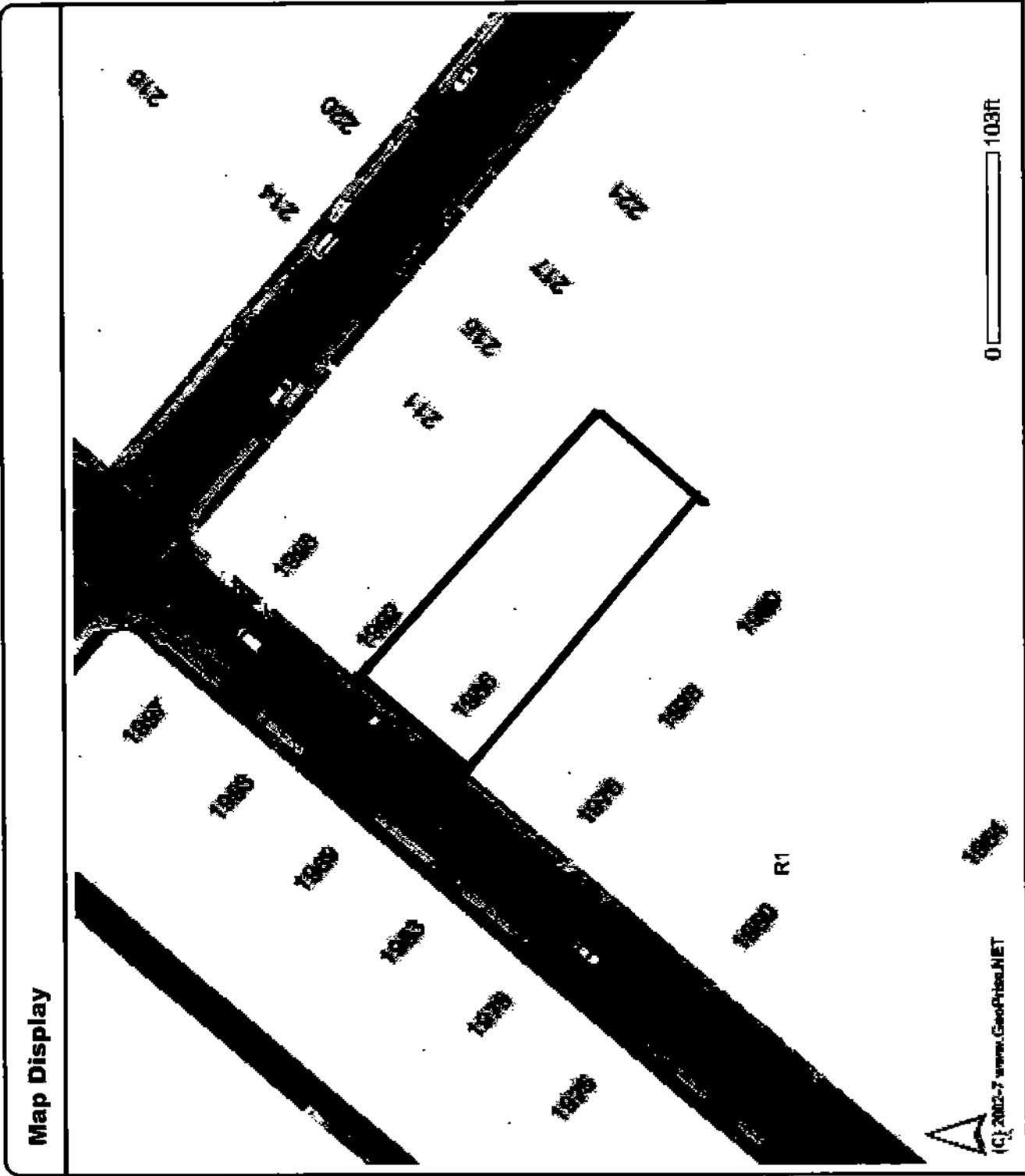
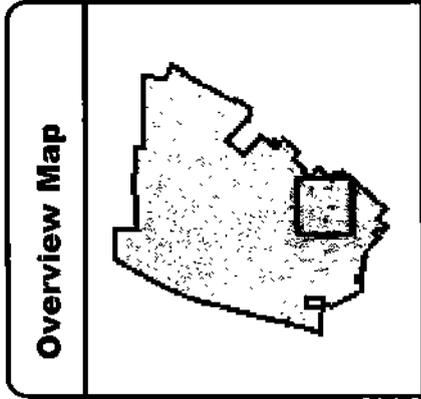
EXHIBIT "B"

CONDITIONS OF APPROVAL

- PIng. 1. The applicant shall show proof of recordation of the parcel map prior to issuance of any permits for construction on the vacant parcel.
- Trans. 2. Provide proof of recordation of easement for shared access.

City of Costa Mesa

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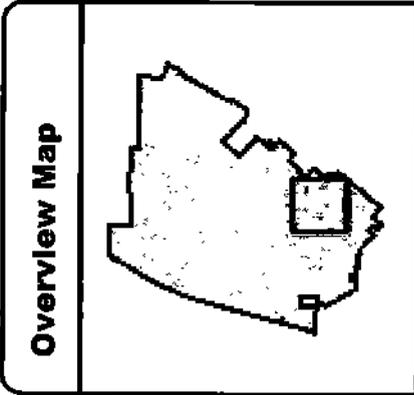


Legend

Address Large	Primary	SECONDARY	Waterway	Hydrology	Channel-	Street
Address Points	Freeway	Roads	Collector	Freeway	Major	Newport
BLVD (cont)						

City of Costa Mesa

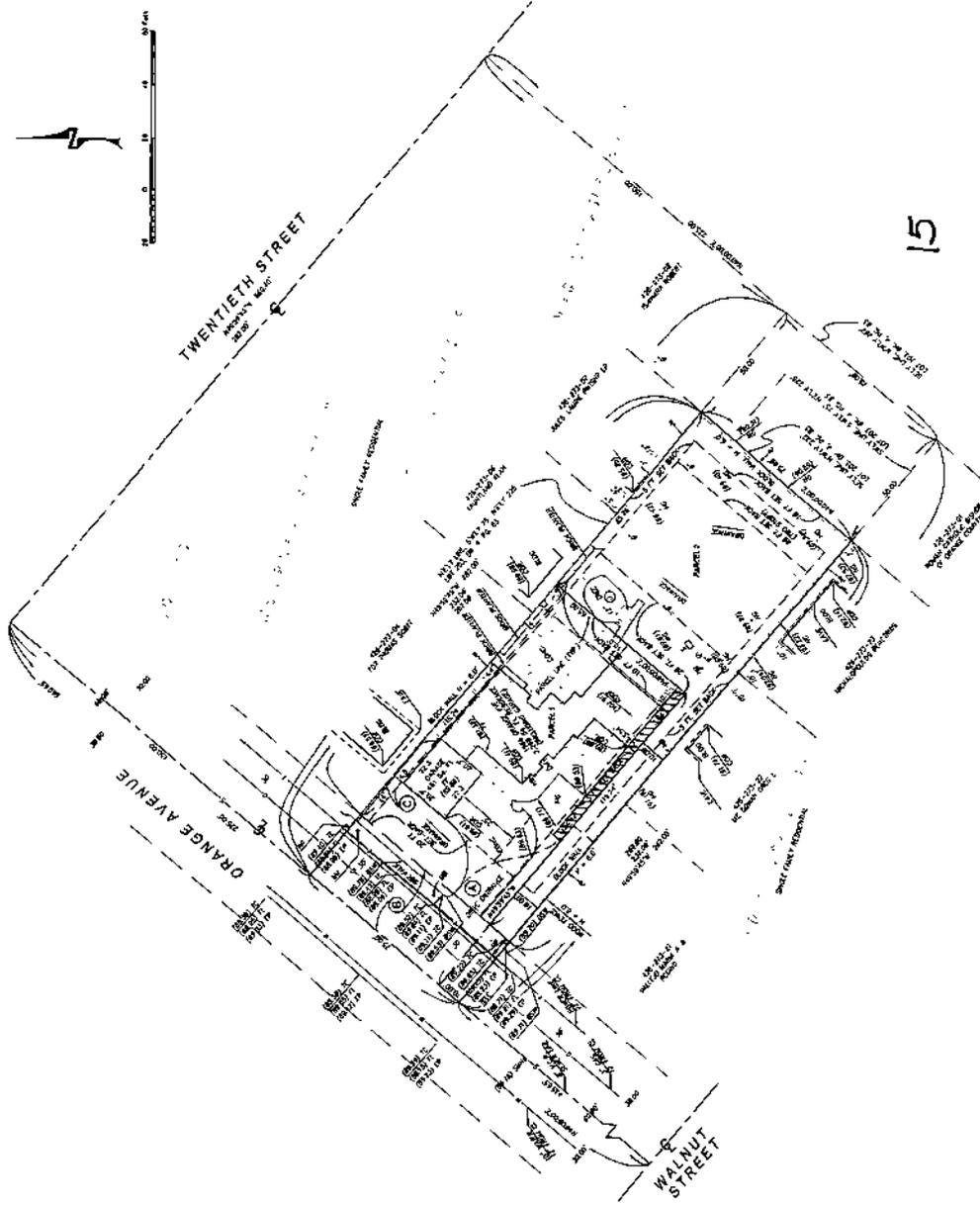
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Legend

Address Large	Primary	Secondary	Waterway	Hydrology	Channels	Street
Address Points	Freeway	Roads	Collector	Freeway	Major	Newport Blvd (cont)

AREA EXHIBIT - PLANTER STRIP
262 SQUARE FEET
 PARCEL LINE TO PROJECTION OF
 SWLY LINE OF STRUCTURE



15

NO.	DATE	REVISIONS

D. WOOLLEY & ASSOCIATES
 2832 WALNUT AVENUE, SUITE A
 TUSTIN, CA 92780-3898
 (714) 734-8462 FAX (714) 508-7521

TENTATIVE PARCEL MAP NO. 2006-176
 1566 ORANGE AVENUE
 COSTA MESA, CA 92627
 CLIENT: KEITH W. SCHENBERG

SHEET
4
 OF 5 SHEETS
 FILE NO. 0072

DATE: 12-13-06

