

Planning Commission Agenda Item

September 5, 2012

TO: Chair Steiner and

Members of the Planning Commission

THRU: Leslie Aranda Roseberry

Planning Manager

FROM: Doris Nguyen

Associate Planner

SUBJECT

PUBLIC HEARING: Conditional Use Permit No. 2876-12 – Wielgos Residence, located at 206 South Center Street.

SUMMARY

The applicant proposes to construct a 66 SF bathroom with plumbing facilities (toilet, sink, and shower) within an existing detached 300 square foot detached accessory structure.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 36-12 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 2876-12, TO PERMIT A TOILET, SINK, AND SHOWER WITHIN A 300 SQUARE FOOT DETACHED ACCESSORY STRUCTURE UPON PROPERTY ZONED R-1-6, LOCATED AT 206 SOUTH CENTER STREET

AUTHORIZATION/GUIDELINES

OMC Section 17.14.170 E requires approval of a Conditional Use Permit for additional interior plumbing facilities in accessory structures more than 150 square feet in size. Orange Municipal Code (OMC) Section 17.08.020 authorizes the Planning Commission to review and take action on Conditional Use Permit No. 2876-12.

PUBLIC NOTICE

On August 23, 2012, the City sent a Public Hearing Notice to a total of 27 property owners/tenants within a 300-foot radius of the project site, and persons 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 is to construct a 66 square foot bathroom with a toilet, sink, and shower, within an existing 300 SF accessory structure. There is no public review required for a Categorical Exemption.

PROJECT BACKGROUND

Applicant:	Lucyn and Peter Wielgos		
Property Owner:	Lucyn and Peter Wielgos		
Property Location:	206 South Center Street		
Existing General Plan	LDR (Low Density Residential)		
Land Use Element designation:			
Existing Zoning	R-1-6 (Single Family Residential)		
Classification:			
Old Towne:	Yes		
Redevelopment Project Area:	Yes		
Specific Plan/PC:	No		
Site Size:	5,740 square foot lot		
Circulation:	The parcel is located on the SW corner of Center Street and Almond Avenue. The City Master Plan of Streets and Highways classifies both Center Street and Almond Avenue as a Local Streets.		
Existing conditions:	A single story, approximately 1,440 square foot, 3-bed, 1.5-bath residence exists on the property, plus a 300 square foot detached accessory structure with a covered breezeway.		
Surrounding land uses	Single family residences (R-1-6) surround the subject		
and Zoning:	property to the south, east and west. Orange City Hall		
	is located to the north of the property.		
Previous	N/A		
Applications/Entitlements:			

PROJECT DESCRIPTION

The subject property was purchased by the City of Orange in 1980 and was used by both the Police Department Traffic Bureau and Community Services Departments. It is commonly referred to as the "The Traffic House". Although it is within the Old Towne Historic District, it is not considered a contributing structure to the District.

The applicant proposes to locate plumbing facilities, including a toilet, sink, and shower in an existing single-story, detached accessory structure that is 300 square feet, as measured by the exterior dimensions. The existing 300 SF detached accessory structure contains a 234 SF recreation room that was previously a garage and a 66 SF room that was previously a laundry and storage room. The proposed restroom would be constructed in the 66 SF space, because it already has plumbing hook ups, due to the old laundry use. A new interior door would be added to create direct access from the recreation room to the proposed bathroom. Approval of a Conditional Use Permit is required to locate plumbing facilities in a detached accessory structure that is more than a 150 square feet.

Since the City did not use the property as a residence, the City converted the previous garage to finished space, which was used as offices and storage. When the City offered the parcel for sale in 2011, the converted garage was considered legal non-conforming and the new owner would not need to provide additional parking, nor convert the garage back to its prior garage use. Therefore, the City has allowed the previous garage to remain finished and used as habitable space. There are 2 parking spaces on the exterior driveway that serve as off-street parking for the property.

The accessory structure is attached to a breezeway, where the roof of the recreation room is attached to the roof of the main house. The structure is considered detached because the Orange Municipal Code defines attached structures as having at least 50% of one wall attached to the primary residence. Since no portion of the accessory structure walls are attached to the primary residence, the structure is considered detached.

Development Standards

	Required	Proposed	Code Section
Building Height	N/A Proposal is to add a	N/A	N/A
	toilet, sink, and shower in a		
	detached accessory structure.		
Distance between structures	N/A	N/A	N/A
Fence height	N/A	N/A	N/A
Floor Area Ratio (FAR)	N/A	N/A	N/A
Landscaping (non-residential)	N/A	N/A	N/A
Loading area (non-residential)	N/A	N/A	N/A
Lot size (residential)	N/A	N/A	N/A
Lot frontage	N/A	N/A	N/A

	Required	Proposed	Code Section
Lot depth	N/A	N/A	N/A
Open space, common	N/A	N/A	N/A
(residential)			
Open space, private (residential)	N/A	N/A	N/A
Open space, useable (residential)	N/A	N/A	N/A
Parking (non-residential)	N/A	N/A	N/A
Parking (residential)	N/A	N/A	N/A
Parking, guest (residential)	N/A	N/A	N/A
Setback, Front	N/A	N/A	N/A
Setback, Rear	N/A	N/A	N/A
Setback, Side	N/A	N/A	N/A
Setback, Side	N/A	N/A	N/A

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

<u>Conditional Use Permit:</u> The applicant is requesting a Conditional Use Permit to locate additional plumbing facilities in a detached accessory structure.

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

The detached accessory structure is located 5'-9" feet away from the primary residence and is connected by a covered breezeway. The 300 SF detached structure currently houses a recreation room. The 66 SF bathroom with toilet, sink, and shower are being proposed so that users of the recreation room do not need to access the main house, in order to use a restroom. Staff believes that the inclusion of a toilet, sink, and shower in the accessory structure is rational and an appropriate use of the structure. The City converted the space from a garage to a finished condition; therefore, it is considered legal non-conforming. The City has accepted the 2 exterior driveway spaces as satisfying the required off-street parking requirement for a single family residence.

ADVISORY BOARD RECOMMENDATION

As the project is to locate plumbing facilities inside an existing detached accessory structure, Staff Review Committee and Design Review Committee review were not required.

ATTACHMENTS/EXHIBITS

Attachments to Report:

- 1. Planning Commission Resolution No. 36-12
- 2. Vicinity Map
- 3. Site Photos

Exhibits provided to the Planning Commission:

A. Site Plan and Floor Plan (date stamped received August 6, 2012)

CC: Lucyn and Peter Wielgos 1 Compass Newport Coast, CA 92657

File