CITY OF ORANGE ZONING ADMINISTRATOR MINUTES – FINAL

November 2, 2011

Staff in Attendance: Rick Otto, Zoning Administrator

Lucy Yeager, Contract Planner Diane Perry, Recording Secretary

Public Hearing: 3:00 p.m.

NEW ITEM:

1. VAR No. 2209-11 – CHAPMAN UNIVERSITY-FILMMAKER'S VILLAGE

- A request to reduce the required building setback by 5 feet along the proposed parking structure portion abutting the Atchison, Topeka & Santa Fe Railroad on the western boundary of project (north of Maple St. and south of Palm Ave.) and reduce the required building setback by 7 feet along portions of N. Cypress St. (between Palm Ave. and Maple Ave.) due to a City required dedication. The southern boundary of the site (along Maple Ave.) will result in a zero-foot setback due to retained building façade as will the portions with retained building facades along N. Cypress St. These areas will be considered legal non-conforming.
- On the Chapman University Campus, bounded by N. Cypress St. to the east (addresses 220, 228, 264, & 296), W. Maple Ave. to the south, the Atchison, Topeka & Santa Fe Railroad Tracks to the west and, W. Palm Ave. to the north.
- Contract Planner: Lucy Yeager, 714-744-7239, lyeager@cityoforange.org
- ZA Action: Recommendation to the Community Development Director

The Zoning Administrator (ZA), Rick Otto, opened the Public Hearing on Wednesday, November 2, 2011, at 3:00 p.m. for New Item No. 1 – VAR No. 2209-11, Chapman University - Filmmaker's Village, which is a request to reduce required building setbacks.

Contract Planner, Lucy Yeager, presented a project overview consistent with the Zoning Administrator Agenda Item Report (Staff Report). She stated this request was a 3.5 acre parcel located on the Chapman University campus and proceeded to give the exact location/boundary lines. The project entails the construction of three student housing buildings totaling 397 beds in 96 units. Each of the dormitories will be three stories in height with the center building including a basement. The project also includes one multi-level, naturally ventilated, parking garage with 359 parking spaces, and a commissary building with multiple uses. The project is governed by the University's approved Specific Plan's Development Standards and Specific Plan that specifically identifies and requires a minimum 10 foot setback along all streets and railroads on all four sides of the project site. The applicant is requesting a Variance from the Chapman University Specific Plan Amendment No. 5 to allow (1) five feet instead of 10 feet regarding required building setbacks along the southern portion of the west side of the project, along the railroad track and which is associated with the parking garage; and (2) seven feet instead of 10 feet regarding the building setback along portions of the eastern side of the project which is outside the existing remaining building facades along N. Cypress Street which will be retained. Not requiring a Variance but noted for reference, a legal non-conforming zero-foot building setback would be built on the southern boundary of the project along Maple Avenue and similarly, a legal non-conforming zero building setback would result on portions of the eastern boundary of the project's proposed commissary building along Cypress Street. These legal non-conforming provisions are the result of the restoration of the existing building façades. The associated applications for this project include Design Review Committee (DRC) with their recommended approval on October 19, 2011, and noted concurrence regarding this Variance. Besides this Variance presented today, there is also a Major Site Plan and Demolition review. The Community Development Director has the final review of the decision of the entire project. Public notices were mailed out October 20, 2011, and posted October 21, 2011. No inquiries were received from residents, businesses, etc. other than one inquiry for clarification. Staff is recommending the ZA's recommendation of approval of the Variance No. 2209-11, for waivers of building setbacks associated with this project based on the findings provided in the Staff Report and with said recommended approval for forwarding to the Community Development Director for consideration of final decision.

The ZA asked Staff to state for the record what the ZA's role is in reviewing this project.

Ms. Yeager stated with the Chapman University Specific Plan Amendment No. 5, the role for the ZA is purely for the Variance. It goes back to the City's Zoning Code because the Code is silent in the Specific Plan relative to Variances. But the final decision is ultimately the Community Development Director. This ZA is a recommending body as was the DRC.

The ZA asked for more details about the parking deck setback not being able to get the 10 feet.

Ms. Yeager stated part of it is that the façade is being retained on the southern side. The applicant has indicated for integrity of safety that level of distance is needed. There will be a need for integrity of the wall to be there. For that reason and the design of that on the western side, there is a need for 5 feet vs. 10 feet, as well as the design of the structure. This all goes back to the safety issues.

The ZA asked Staff if the owner of the right-of-way was aware of the requested setbacks?

Ms. Yeager stated yes, they should have received a Notice.

The ZA opened the Public Hearing and asked if the applicant had any questions and/or comments.

The applicant's representative, Ken Ryan, KTGY, address on file, stated they were in total concurrence with the Staff Report's recommendations and conditions of approval. He added that if there were any questions they could go through the presentation. However, based on Staff's recommendations and the ZA's comments, he didn't feel it necessary for a formal presentation. He went on to state for the record that the project is good for the overall community vision for this area, as well as for the University. In particular, in regards to the Historic Resources, both of these Variances are being requested to allow the applicant to honor and respect the historic character of the area and incorporate those facades as well as that corner building, the entire commissary, into the Plan. The Variances allow them to save the important Historic Resources. Also, the DRC process was mainly focused on design but they also recommended the ZA approve the Variance as the DRC Members felt it directly related to a better design of the project.

The ZA stated he did notice in the minutes that the DRC Members recommended approval.

Public Comments:

None.

The ZA closed the Public Hearing.

The ZA stated for the public record that he visited the site and noted the location of the various buildings with the setbacks.

The ZA recommended the Variance to the Community Development Director, VAR No. 2209-11, Chapman University - Filmmaker's Village-Setbacks, with the conditions included in the Staff Report, and based on the findings as listed in the Staff Report and as shown below.

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.
- 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.

The ZA stated this action was final unless appealed within 15 days.

ADJOURNMENT:

The ZA adjourned the Public Hearing at approximately 3:09 p.m.