

Zoning AdministratorAgenda Item

July 17, 2013

TO: Rick Otto

Zoning Administrator

THRU: Leslie Roseberry, Planning Manager

FROM: Lucy Yeager

Contract Planner

SUBJECT

PUBLIC HEARING: Variance No. 2226-13 for waivers of wall/fence height (2 waivers) and required building setbacks (4 waivers) and Administrative Adjustment No. 0206-13 for deviation of required landscape coverage within perimeter of buildings (1 deviation).

SUMMARY

A Variance request for wall/fence heights above 6 feet in height for perimeter fencing associated with proposed tennis courts (proposed at 12 feet on N. Cypress Street, W. Palm Avenue, and adjacent to the railroad right-of-way) and security fencing behind project's associated parking structure (proposed at 8 feet adjacent to the railroad from the south end of the tennis courts to W. Maple Ave.). The Chapman University Specific Plan limits walls and fences to six feet (6') in height. A Variance is also requested for reduced building setback requirements for portions along N. Cypress Street, W. Maple Avenue and the railroad right-of-way (resulting in setbacks from 0 foot to 1.3 feet) instead of 10 feet as measured from the property line, as required per the Chapman University Specific Plan. Additionally, a request for an Administrative Adjustment to address the proposed deviation of required landscape coverage within 50 feet of the perimeter of the proposed Digital Media Arts Center building. The Chapman University Specific Plan requires 20% coverage and the proposal is 16.9%.

RECOMMENDED ACTION

Recommend approval of Variance No. 2226-13 and Administrative Adjustment No. 0206-13 with Design Review Committee recommended conditions of approval to the Community Development Director which has final consideration of the overall project.

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.040 (D) authorizes the Zoning Administrator to review and take action on the requested Variance for a waiver of wall and fence height requirements and for required building setbacks. Orange Municipal Code (OMC) Section 17.10.050 (D) authorizes the Zoning Administrator to review and take action on the requested Administrative Adjustment for the landscape coverage deviation. The Chapman Specific Plan Amendment No. 6 refers to the City's Municipal Code procedures (the Zoning Administrator) to make the recommended determination to the Community Development Director regarding the Variance and Administrative Adjustment request.

PUBLIC NOTICE

On July 3, 2013, the City sent a Public Hearing Notice to a total of 1,222 property owners/tenants within a 300-foot radius of the Chapman University Specific Plan Amendment No. 6 Area. No persons specifically requested a notice. The overall project site was also posted with the notification on July 3, 2013.

ENVIRONMENTAL REVIEW

This project is fully and adequately addressed in the previously approved certified Final Environmental Impact Report (FEIR) No. 1717-03 prepared for the Chapman University Specific Plan Amendment No. 5. Said FEIR was prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15070 et seq and in conformance with the Local CEQA Guidelines.

The requested Variance for building setback and fence height and Administrative Adjustment for reduced landscape provisions associated with the DMAC building do not cause any additional impact beyond those evaluated in the FEIR.

A Mitigation Monitoring and Reporting Program has been created for the project taking applicable mitigation measures from FEIR No. 1717-03. The mitigation measures along with the conditions of approval will ensure the project is constructed with historical preservation and restoration integrity and public safety considerations in keeping with the FEIR and rendering no additional environmental impacts.

There is no environmental public review required.

PROJECT BACKGROUND

Applicants/Property Owners:	Chapman University

Property Location:	On the Chapman University Campus, bounded by N. Cypress Street to the east [addresses 220 through 296], W. Maple Ave. to the south, the Atchison, Topeka & Santa Fe Railroad tracks to the west and, W. Palm Ave. to the north. Property resides within the Old Towne District. Subject property listed on the National Register of Historic Places and on the California Register of Historical Resources.		
Existing General Plan Land Use Element designation:	PFI (Public Facilities (Max 0.5 FAR) and Institution (Max 2.0 FAR)		
Existing Zoning Classification:	P-I (SP) (Public Institution, Chapman University Specific Plan)		
Old Towne:	Yes		
Redevelopment Project Area:	Yes		
Specific Plan/PC:	Yes – Chapman University Specific Plan Amendment No. 6		
Site Size:	3.5-acres		
Existing conditions:	Former Anaconda Wire & Cable Company Complex (portion formerly California Wire & Cable Company, portion formerly Baja Shop Motor Sports) with past existing uses including Performance Testing Laboratories, CFI Distributors, and Chapman University's Entertainment Technology Center. Certain buildings or portions thereof are in the process of being demolished; all of the former building uses have vacated the project site.		
Surrounding land uses and Zoning:	The project is in an urban setting within the Chapman University Campus. The surrounding land uses and zones include:		
	North: The Chapman University-owned former Villa Park Orchards building.		
	East: Chapman University's Marion Knott Studios.		
	South: Chapman University's Judith Partridge Dance Center. A few single family homes are located to the		

Surrounding land uses and Zoning (continued):	southeast of the site, on the east side of N. Cypress Street south of W. Maple Avenue. To the south of the project and on the west side of Atchison Street is the Orange Transportation Center, which provides Metrolink and Amtrak commuter rail services, as well as OCTA bus services.
	West: The City of Orange Santa Fe Depot Public Parking Lot across the railroad to the west.
	The context of the proposed site with surrounding area is provided in photographs found in Exhibit C, Applicant Justification Notebook dated June 12, 2013.
Previous Applications/Entitlements:	Filmmaker's Village Entitlements [MJSP No. 0671-11, VAR No. 2209-11, DRC No. 4565-11 and associated demolition review] approved by the Community Development Director on November 3, 2011. On June 19, 2013 the DRC recommended approval of this project with conditions of approval to the Zoning Administrator and the Community Development Director.

PROJECT DESCRIPTION

The applicant proposes a three-phased project (see Justification Notebook pages 2 – 4; description and Site Plan) on the 3.5 acre site located between W. Palm Avenue on the north, N. Cypress Street on the east, W. Maple Street on the south and the Atchison, Topeka & Santa Fe Railroad on the west. It draws from the previously approved Filmmaker's Village project. The redesign of this project is the applicant's choice due to post approval findings of soil contamination on a portion of the site and associated remediation needs. The proposed project includes a 17,936 square foot Digital Media Arts Center with accompanying patio area, the drive entry into the site which leads into a previously approved 357 space parking structure (currently under construction), a recreation complex, including one ½ basketball court, one sand volleyball court, seven tennis courts, a 1,578 square foot building with lockers and restrooms along with appurtenant site provisions including planted bio-retention areas, an active open green space area, soil remediation and SCE farms and a site trash enclosure area.

Implementation of the project will require recommended approvals of a Variance (for building setbacks and fence height requirements), and an Administrative Adjustment (for landscape requirements adjacent to the preserved historic building facades of the DMAC building) from the Zoning Administrator, and approval of the project, including a Minor Site Plan Review from the Community Development Director.

Fencing Height

- 1. A Variance request for wall/fence heights above 6 feet for the 12 foot high perimeter fencing associated with the proposed tennis courts along N. Cypress Street, W. Palm Avenue, and along the right-of-way of the railroad tracks associated with the two adjacent back tennis courts.
 - The applicant requests a waiver because the height of the perimeter tennis court fencing will be 12 feet in height, which exceeds the six foot height limitations allowed in the Chapman University Specific Plan. The additional fence height is needed to prevent stray balls from flying out of the tennis court areas into other portions of the project site, onto N. Cypress Street and W. Palm Avenue, and into the railroad right-of-way. Through research, twelve foot high fences appear to be typical for the height of tennis court boundary fences. The west and north perimeter fencing of the tennis courts are planned to consist of black vinyl coated chainlink fencing with a charcoal gray open mesh windscreen. The east perimeter fence will consist of a black vinyl coated chainlink with charcoal gray windscreen to the end of the tennis court, and the Chapman ornamental fencing at the entry gate.
- 2. A Variance request for wall/fence heights above 6 feet for the railroad requested 8 foot high security fence along the railroad right-of-way from the southern edge of the proposed tennis courts, south to W. Maple Avenue.
 - The applicant requests a waiver for the 8 foot high security fence (Specific Plan allows for 6 foot height) that extends from the southern edge of the tennis courts southward along the railroad right-of-way to the edge of the W. Maple Avenue right-of-way (behind the parking structure). The Railroad Authority is requesting that the fence be eight feet in height for security purposes. This security fencing will be black vinyl-coated chainlink.

Building Setbacks

The required building setback on all four sides of the project site is 10' as prescribed by Section 6.4.1.D of the approved Chapman University Specific Plan.

- 3. A Variance request associated with required building setback to recognize legal non-conforming building encroachments within the required 10 foot building setback associated with the existing buildings along both W. Maple Avenue and N. Cypress Street to retain, restore and preserve the existing contributing historic facades.
 - The DMAC building has a 0 foot setback along W. Maple Avenue. The DMAC building is setback 1.3 feet from the N. Cypress Street right-of-way line to the exposed columns. The southeast corner of the building is 0 feet from the small corner cutoff on

- N. Cypress Street. The locker room building has a 0 foot setback along N. Cypress Street. These setbacks will remain since these are contributing historic building facades that are being retained. These areas will be considered legal non-conforming. Of note, these waiver requests were previously approved by the Community Development Director following ZA consideration relative to the Filmmaker's Village project.
- 4. A Variance request associated with required building setback to construct new northern building façade associated with locker room building to within 0 feet of the setback line (i.e., 10 foot encroachment) to connect with the original historic building façade along N. Cypress Street.
 - The northern façade of the locker room building will be a new façade that runs perpendicular to N. Cypress Street and connects to the original historic façade that parallels N. Cypress Street. A Variance is required in order to construct this new northern building façade to within 0 feet of the setback line (i.e., 10 foot encroachment).
- 5. A Variance request associated with required building setback to construct a new roof on a proposed locker room building within 0 feet of the setback line associated with the encroachment portion of the building (both northern façade of the locker room building (a 10 foot encroachment) and to allow the southern locker room building façade which is existing to retain a 0 foot setback of the southern façade (a 10 foot encroachment)).
 - The new locker room/restroom building will require a new roof. In that this building will be situated at a 0 foot setback on N. Cypress Street (eastern building façade existing), the southern and northern portions of the building thereto will fall within the required 10 foot building setback area. Therefore, said portion of the roofing associated with the structure will also require a waiver.
- 6. A Variance request associated with required building setback to allow for encroachment of the proposed two tennis courts into the required 10 foot setback adjacent to the railroad tracks.
 - Because the proposed project requires a 10' building setback adjacent to the railroad tracks, a waiver is being requested to allow for two tennis courts to encroach into the required ten foot wide setback along the railroad right-of-way (northwest corner of project railroad right of way on the west and N. Palm Ave. on the north). The setback encroachment is necessary due to the configuration of the tennis court layouts. Of note, the existing Anaconda building has a zero-foot setback along the western property line. The Variance is in keeping with the historic building setbacks on the site, which had a zero-foot setback adjacent to the railroad right-of-way.

Of note, the new tennis courts will be set back a minimum of ten feet from the property line on N. Cypress Street and W. Palm Avenue, which meet the minimum building setback requirement of ten feet per the Chapman University Specific Plan.

Landscape Coverage

- 7. An Administrative Adjustment to address the proposed deviation of required landscape coverage within 50 feet of the perimeter of the proposed Digital Media Arts Center building.
 - The applicant requests a deviation of landscape coverage within 50 feet of the perimeter of the proposed Digital Media Arts Center building as a result of the restoration and preservation of the existing contributing historic building.

The requested waivers and adjustment are shown in Exhibit A and also in the respective plans that were submitted for the Design Review Committee meeting (See Exhibit B).

This Variance and Administrative Adjustment is in concert with Design Review No. 4676-13 and Minor Site Plan No. 0729-13. The Community Development Director is the reviewing and final determining body for Minor Site Plan 0729-13.

Applicable Development Standards

	Required	Proposed	Code Section
Fences, Walls and Hedges	Cannot exceed 6' in height	12' associated with perimeter tennis courts 8' associated with security fence behind parking structure adjacent to Railroad right-ofway	Chapman University Specific Plan Section 6.4.1.F
Required Building Setbacks	Minimum 10' required	W. Maple Ave. 0' N. Cypress St DMAC building and locker/restroom building - portions 0' to 1'-3" Railroad right-ofway tennis court portion 0'	Chapman University Specific Plan Section 6.4.1.D

Landscape	Minimum of 20%	16.9% relative to the	Chapman University
Coverage Within	of the total area	DMAC building	Specific Plan
Building Perimeter	landscaped within		Section 6.4.1.H. (2)
	50' of the perimeter		
	of each building		

APPLICATION REQUESTED/ REQUIRED FINDINGS

<u>Variance:</u> The applicant is requesting a Variance from the Chapman University Specific Plan Amendment No. 6 to allow deviations from the heights for fences, walls and hedges (Section 6.4.1.F) and required building setbacks (Section Section 6.4.1.D).

Administrative Adjustment: The applicant is requesting an Administrative Adjustment from the Chapman University Specific Plan Amendment No. 6 to allow a deviation of the required landscape coverage within 50 feet of the perimeter of a building. (Section 6.4.1.H. (2).

The Chapman University Specific Plan Amendment No. 6 stipulates that the Specific Plan supersedes the provisions of the City's Zoning Ordinance, except in instances where the Specific Plan remains silent on a specific issue. Hence, the request for a variance and administrative adjustment request then is directed via the City's Zoning Ordinance. City Code provides the authority for the Zoning Administrator to review applications for variances to waiver from fence and wall height provisions, setback provisions, and administrative adjustment for landscape coverage provision.

Required Findings:

Variance

- 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.

Administrative Adjustment

- 1. That the reduction in standards will not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity.
- 2. That issuance of the permit does not compromise the intent of this code.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Fences, Walls and Hedges Variance

The applicant is requesting a Variance to allow a waiver for certain fences to exceed the allowed wall/fence height. The allowed wall/fence height cannot exceed 6' as prescribed by Section 6.4.1.F of the approved Chapman University Specific Plan. There are three (3) locations that the applicant has requested waivers for wall/fence height. Staff supports the request based on the following as outlined by the applicant:

- To prevent stray balls from flying out of the tennis court areas into other portions of the project site. Twelve (12) foot high boundary fences appear to be typical with tennis courts per staff's research.
- The fences will be aesthetically pleasing with the incorporation of black vinyl coated chainlink fencing with a charcoal gray open mesh windscreen and the Chapman ornamental fencing at the entry gate.
- The Railroad Authority is requesting that the security fence adjacent to the site's parking structure be eight feet in height for security purposes. This security fencing will be aesthetically pleasing with black vinyl-coated chainlink.

Issue 2: Required Building Setback Variance

The applicant is requesting a Variance to allow for reduced building setbacks for certain setbacks. The minimum required setback is 10' as prescribed by Section 6.4.1.D of the approved Chapman University Specific Plan. There are four (4) locations that the applicant has requested waivers for building setbacks. Staff supports the request based on the following as outlined by the applicant:

- To recognize legal non-conforming building encroachments within the required 10 foot building setback associated with the existing buildings along both W. Maple Avenue and N. Cypress Street to retain, restore and preserve the existing contributing historic facades.
- To allow for perpendicular building connections and associated roofing in combination with the existing historic facades that will be retained, restored, and preserved.
- Is necessary due to the configuration of the tennis court layouts to maximize the site and be able to allow for the retention of existing historic façade buildings.
- Recognition that certain waiver requests were previously approved by the Community Development Director following ZA consideration relative to the Filmmaker's Village project.
- Recognition that the existing Anaconda building has a zero-foot setback along the western
 property line and this requested waiver is in keeping with the historic building setbacks on
 the site, which had a zero-foot setback adjacent to the railroad right-of-way.

Issue 3: Deviation of Landscape Coverage of Building Perimeter

The applicant is requesting an Administrative Adjustment to allow for the proposed deviation of required landscape coverage within 50 feet of the perimeter of the proposed Digital Media Arts Center building.

• To allow for and not disrupt the retention, restoration and preservation of the existing contributing historic DMAC building.

The requested waivers and administrative adjustment are depicted in Exhibit A.

Staff Recommendation

Staff recommends the Zoning Administrator recommend approval of the project's requested Variance waivers of exceeding fence and wall heights for specific walls, for waivers of required building setbacks associated with certain setbacks, and, for reducing the landscape coverage within the perimeter of a specific building to the Community Development Director which has final consideration of the overall project incorporating the conditions of approval that were recommended for project approval by the Design Review Committee. The Zoning Administrator may determine that additional conditions are appropriate to support the required findings.

ATTACHMENTS/EXHIBITS

Exhibits

- A Variance Requests and Administrative Adjustment dated July, 2013
- B Submitted Design Review Committee Plans dated July 17, 2013 for Zoning Administrator Hearing Submittal
- C Applicant Justification Notebook dated June 11, 2013

Attachment

1 DRC recommended Conditions of Approval

cc: File

Chapman University KTGY

Attn.: Kris Eric Olsen Attn.: Mark Hickner

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