

**ZONING ADMINISTRATOR ACTION 10-006
CONDITIONAL USE PERMIT 10-005
310 PASADENA AVENUE**

The Zoning Administrator of the City of Tustin does hereby resolve as follows:

- I. The Zoning Administrator finds and determines as follows:
 - A. That a proper application for Conditional Use Permit (CUP) 10-005 was filed by Michael J. Demoratz, property owner, requesting authorization to permit an existing two-story detached accessory building to be used as a guesthouse.
 - B. That the site is designated as Low Density Residential by the City General Plan and is zoned as Single-family Residential (R-1), where the use of an accessory building as a guesthouse is a conditionally permitted use. The site is also located within the Cultural Resource Overlay District (CR) where a Certificate of Appropriateness will be necessary at the time of building permit issuance to certify that all work undertaken is consistent with the historic structure and historic district at large.
 - C. That a public hearing was duly called, noticed, and held for Conditional Use Permit 10-005 on June 2, 2010, by the Zoning Administrator.
 - D. That the Zoning Administrator has the authority to consider the request for an accessory building to be used as a guesthouse pursuant to Section 9299b(3)(i) of the Tustin City Code.
 - E. That the establishment, maintenance, or operation of the proposed guesthouse will not, under the circumstances of the use, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City in that:
 - 1) The property is zoned single-family residential (R-1) where Tustin City Code Section 9223b2 allows for guesthouses, provided that no cooking facility is installed or maintained, with the approval of a Conditional Use Permit.
 - 2) The use and design of the proposed guesthouse, as conditioned, would not be detrimental to surrounding properties in that the proposed structure is an existing building, has been used for residential purposes, and will comply with all applicable development standards of the R-1 zoning district as pertaining to accessory buildings used as guesthouse
 - 3) The use, as conditioned, would not be detrimental to surrounding residents or properties since the use would be limited to a guesthouse

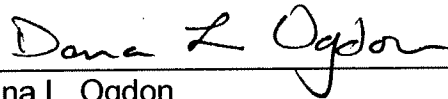
which is accessory to a single-family residence and will be used in conjunction with the main residence. The property owner would not be permitted to lease or rent the accessory guest quarters.

- 4) The design of the guesthouse ensures that it will be accessory to the main residence. The placement of the building towards the rear of the lot behind the detached garage is consistent with the predominant land use pattern in the area. In addition, the design of the guesthouse will be consistent with the features of the existing main residence and the proposed replacement of the carriage door will restore a historic feature that was previously lost.
- 5) The guesthouse is located towards the rear portion of the property 75 feet from the front property line along Pasadena Avenue. View of the guesthouse from Pasadena Avenue is obscured by the existing main house, detached garage, fences, and mature landscaping.

F. That this project is Categorically Exempt pursuant to Section 15303, Class 3, Title 14, Chapter 3 of the California Code of Regulations (Guidelines for the California Environmental Quality Act).

- II. The Zoning Administrator hereby approves Conditional Use Permit 10-005 to authorize an existing two-story detached accessory building to be used as a guesthouse, subject to the conditions contained within Exhibit A attached hereto.

PASSED AND ADOPTED by the Zoning Administrator of the City of Tustin at a regular meeting held on the 2nd day of June, 2010.



Dana L. Ogdon
ACTING ZONING ADMINISTRATOR



Eloise Harris
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF TUSTIN)

I, ELOISE HARRIS, the undersigned, hereby certify that I am the Recording Secretary of the Zoning Administrator of the City of Tustin, California; that Zoning Administrator Action No. 10-006 was passed and adopted at a regular meeting of the Tustin Zoning Administrator, held on the 2nd day of June, 2010.



Eloise Harris
RECORDING SECRETARY

**EXHIBIT A
ZONING ADMINISTRATOR ACTION 10-006
CONDITIONAL USE PERMIT 10-005
CONDITIONS OF APPROVAL**

GENERAL

- (1) 1.1 The proposed project shall substantially conform with the submitted plans for the project date stamped June 2, 2010, on file with the Community Development Department, as herein modified, or as modified by the Community Development Director in accordance with this Exhibit. The Director may also approve subsequent minor modifications to plans during plan check if such modifications are consistent with provisions of the Tustin City Code or other applicable regulations.
- (1) 1.2 Unless otherwise specified, the conditions contained in this Exhibit shall be complied with prior to the issuance of any building permits for the project, subject to review and approval by the Community Development Department.
- (1) 1.3 The subject project approval shall become null and void unless permits for the proposed project are issued and substantial construction is underway within twelve (12) months of the date of this Exhibit. Time extensions may be considered if a written request is received by the Community Development Department within thirty (30) days prior to expiration.
- (1) 1.4 Approval of Conditional Use Permit 10-005 is contingent upon the applicant and property owner signing and returning to the Community Development Department a notarized "Agreement to Conditions Imposed" form and the property owner signing and recording with the County Clerk-Recorder a notarized "Notice of Discretionary Permit Approval and Conditions of Approval" form. The forms shall be established by the Director of Community Development, and evidence of recordation shall be provided to the Community Development Department.
- (1) 1.5 Any violation of any of the conditions imposed is subject to the issuance of an Administrative Citation pursuant to Tustin City Code Section 1162(a).
- (1) 1.6 Conditional Use Permit 10-005 may be reviewed on an annual basis, or more often if necessary, by the Community Development Director, to ensure compatibility with the area and compliance with the conditions contained herein. If the use is not operated in accordance with Conditional Use Permit 10-005, or is found to be a nuisance or negative impacts are affecting the

SOURCE CODES

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| (1) STANDARD CONDITION | (5) RESPONSIBLE AGENCY REQUIREMENTS |
| (2) CEQA MITIGATION | (6) LANDSCAPING GUIDELINES |
| (3) UNIFORM BUILDING CODE/S | (7) PC/CC POLICY |
| (4) DESIGN REVIEW | *** EXCEPTIONS |

surrounding tenants or neighborhood, the Community Development Director shall impose additional conditions to eliminate the nuisance or negative impacts, or may initiate proceedings to revoke the Conditional Use Permit.

- (1) 1.7 The applicant shall be responsible for costs associated with any necessary code enforcement action, including attorney fees, subject to the applicable notice, hearing, and appeal process as established by the City Council by ordinance.
- (1) 1.8 As a condition of approval of Conditional Use Permit 10-005, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, the Planning Commission, or any other decision-making body, including staff, concerning this project. The City agrees to promptly notify the applicant of any such claim or action. The City may, at its sole cost and expense, elect to participate in defense of any such action under this condition.

USE RESTRICTIONS

- (1) 2.1 The property is authorized as a single-family residential use only. Home businesses shall comply with the City of Tustin's Home Occupation requirements.
- (***) 2.2 Use of any accessory building/guesthouse as a second unit or boarding house is not permitted without prior approval of the City. Prior to the issuance of building permits, the property owner shall execute and record a deed restriction in a form acceptable to the Community Development Department and City Attorney to ensure that no parts of the guest quarters are used or leased as a second unit. This deed restriction shall be recorded with the Office of the Orange County Recorder and shall be binding upon all future owners or interested parties of the subject property.
- (1) 2.3 No cooking or kitchen facilities may be installed in the accessory building.
- (1) 2.4 No outdoor storage shall be permitted except as approved by the City of Tustin Community Development Director.

PLAN SUBMITTAL

- (1) 3.1 At the time of building permit application, the plans shall comply with the latest edition of the codes, City ordinances, State and Federal laws, and regulations as adopted by the City Council of the City of Tustin.

Complete plans detailing construction will be required at application for building permit.

- 3.2 A Certificate of Appropriateness, issued by the Director of Community Development, will be required at the time of building permit issuance.

PUBLIC WORKS

- (1) 4.1 Prior to any work in the public right-of-way, an Encroachment Permit shall be obtained from and applicable fees paid to the Public Works Department.

FEES

- (1, 5) 5.1 Prior to issuance of any permits, payment shall be made of all applicable fees, including but not limited to, the following:
- Building Plan Check and Permit Fees
 - Transportation System Improvement Program Fees
 - School Fees
- (1) 5.2 Within forty-eight (48) hours of approval of the subject project, the applicant shall deliver to the Community Development Department a CASHIER'S CHECK payable to the County Clerk in the amount of fifty dollars (\$50.00) to enable the City to file the appropriate environmental documentation for the project. If within such forty-eight (48) hour period that applicant has not delivered to the Community Development Department the above-noted check, the statute of limitations for any interested party to challenge the environmental determination under the provisions of the California Environmental Quality Act could be significantly lengthened.