



DATE: January 30, 2007

TO: File/Record/Applicant

FROM: Tim S. Neely, Director, Planning and Development Services

SUBJECT: Changed Plan CP060042 to PA990079 to connect the existing detached garage to the residence and add a second floor above the garage. In addition, construction of a new swimming pool and spa is proposed.

The site is located easterly of Santiago Canyon at 29461 Silverado Canyon Road (Third Supervisorial District).

APPLICANT: Louie Anderson.

I. PROJECT HISTORY/NATURE OF PROJECT

Previous Approvals

The 10,170 square-foot site is a shallow interior lot fronting on Silverado Canyon Road, consisting of Lots 11, 13 and 15 of Tract 987. The site is approximately 134 feet wide and 73 feet deep. Silverado Creek runs along the rear of the property.

The property is zoned A1, General Agricultural. The site is designated 1B Suburban Residential by the County's General Plan, which provides for building site sizes ranging from 2,420 square feet to two acres. The property does not meet the four-acre minimum lot size required under A1 zoning; however, the requirement did not exist at the time the property was originally developed and is therefore, legal nonconforming.

Planning Application PA990079 was approved in 1999. This was a Variance request for existing and proposed sub-standard setbacks in conjunction with remodeling the existing residence, which was at that time 1,416 square feet. Also included in the Planning Application was a Site Development Permit to allow the proposed construction to occur within the floodplain District (FP2). The applicant had requested approval of the existing two-foot and three-foot side yard setbacks in lieu of the required five-foot setback. Also requested were the existing 12-foot front setback and the existing six and a-half rear setback for a wood deck.

A retaining wall (RW040334) was approved in 2004 in the rear yard next to Silverado Creek along with reinstallation of 18 linear feet of earthen material pursuant to the Army Corps of Engineers. Grading (GB040100) for slope repair in the rear yard also was approved in 2004.

Changed Plan

The Changed Plan is for a proposed addition to the existing residence. The addition is to be constructed within the previously approved setbacks. The Plan includes connecting the existing attached garage to the residence; adding a second floor above the garage (Game Room) and construction of a new swimming pool and spa. The addition to be constructed above the garage is characterized as a Game Room.

In conjunction with the above, a new entry porch with structural columns, a new 72-inch tall split-face block wall and 48-inch wide gate (along swimming pool area) and a cantilevered balcony (outside new Game Room area) are proposed.

II. DETERMINATION:

The applicant's request for a Changed Plan complies with the spirit and intent of the original approval, representing a minor amendment of no significant effect. It is likely that these additional improvements would have been granted at the time of the original approval in 1999.

However, since the previous approval in 1999 stricter water quality requirements have been implemented. Because a portion of the Silverado Creek Streambed runs through the rear of the property, the proposed swimming pool and spa require Special Conditions to ensure that all discharges will be in compliance with water quality regulations, with no impacts to the creek. In addition, because of the proximity of the creek to the proposed pool area, a Water Quality Management Plan (WQMP) will be required to demonstrate how pool water chemicals will be removed prior to discharges and how the site's run-off will be directed away from the creek.

In addition, the pool and spa equipment shown on the Site Plan must be relocated to the opposite side of the pool area. This is to reduce potential adverse impacts to the creek as a result of accidental discharge resulting from equipment malfunction or failure.

III. REFERENCE:

Authority for Administrative action is given by the County of Orange Zoning Code, Section 7-9-150.3 (h) for a Changed Plan.

IV. ENVIRONMENTAL DOCUMENTATION:

PA990079 was previously determined Categorical Exempt (Class 3, Section 15303) from the provisions of CEQA, which also applies to CP060042. Class 3 provides for the construction of small facilities or structures in urban areas.

V. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Tim S. Neely, Director
Planning and Development Services Department

By: _____
Ron Tippets, Chief
Site Planning Section

APPEAL PROCEDURE

Any interested person may appeal the decision of the Director on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$ 245.00 for a single-family residence and \$ 760.00 for all others filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

ATTACHMENTS:

Appendix A - Findings
Appendix B –Conditions of Approval



APPENDIX A

Louie Anderson 29461 Silverado Canyon Road Changed Plan CP060042 Findings

1. [AA01] General Plan

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

2. [AA02] Zoning

That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

3. [AA03] Compatibility

That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

4. [AA04] General Welfare

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

5. Categorical Exemption (Custom)

That PA990079 was previously determined Categorically Exempt (Class 3, Section 15303) from the provisions of CEQA, which also applies to CP060042. Class 3 provides for the construction of small facilities or structures in urban areas.



APPENDIX B

Louie Anderson 29461 Silverado Canyon Road Changed Plan CP060042 Conditions of Approval

1. [Z01] BASIC/ZONING REG

Approval: CP CP NA

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

2. [Z02] BASIC/TIME LIMIT

Approval: CP CP NA

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3. [Z03] BASIC/PRECISE PLAN

Approval: CP CP NA

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4. [Z04] BASIC/COMPLIANCE

Approval: CP CP NA

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

5. [Z05] BASIC/OBLIGATIONS

Approval: CP CP NA

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

6. [Z06] BASIC/APPEAL EXACTIONS

Approval: CP CP NA

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7. [N10] CONSTRUCTION NOISE

Approval: BP BP G

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permit s Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

8. [WQ01] WATER QUALITY MANAGEMENT PLAN

Approval: BI BI RGB

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Inspection Services Division, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine structural and non-structural measures specified in the current Drainage Area Management Plan (DAMP). The WQMP must also:

- Address Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
- Incorporate applicable Routine Source Control BMPs as defined in the DAMP;
- Include an Operation and Maintenance (O&M) Plan that identifies the mechanism(s) by which long-term O&M of all structural BMPs will be provided.

9. [WQ03] COMPLIANCE WITH THE WQMP

Approval: BI BI U

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Inspection Services Division, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the project's WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the incoming occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan; and
- Demonstrate that the applicant has agreed to and recorded one of the following: 1) the CC&R's (that must include the approved WQMP and O&M Plan) for the project Home Owner's Association; 2) a water quality implementation agreement that has the approved WQMP and O&M Plan attached; or 3) the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

10. [WQ05] EROSION AND SEDIMENT CONTROL PLAN

Approval: BI BI GB

Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMP's will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

11. CUSTOM CONDITION

Prior to the issuance of any grading or building permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services, that the pool and spa equipment is located adjacent to the pool area closest to Silverado Canyon Road and away from Silverado Creek. This is required to reduce potential adverse impacts to the creek as a result of accidental discharge resulting from equipment malfunction or failure.

DATE: February 2, 2007
TO: File CP060042
FROM: Jerry Mitchell, Environmental and Site Planning
SUBJECT: Changed Plan CP060042 to connect the existing detached garage to the residence and add a second floor above the garage. In addition, construction of a new swimming pool and spa is proposed.

This memo supercedes any and all previous memos regarding subject project.

The applicant for subject project has decided to eliminate the pool and spa from his proposed project. This decision does not alter approval for any of the other proposed improvements shown on the Site Plan. These include connecting the existing detached garage to the residence, adding a second floor above the garage (Game Room), a new entry porch with structural columns, a new 72-inch tall split-face block wall and 48-inch wide gate and a cantilevered balcony (outside new Game Room area).

As a result of deleting the pool and spa from the proposed plan, and the addition of required Custom Condition 12 noted below, a Water Quality Management Plan will not be required. Therefore, Water Quality Conditions 8 ([WQ01] Water Quality Management Plan) and 9 ([WQ03] Compliance with Water Quality Management Plan) are no longer required as a condition of approval for this project. In addition, Custom Condition 11 related to the pool and spa equipment also is no longer required as a condition of approval for the project. Please note that the following new condition, Custom Condition 12 will be required:

12. CUSTOM CONDITION

Prior to the issuance of any grading or building permits, the project proponent shall produce evidence acceptable to the Manager, Building and Grading Plan Check, that all site drainage is directed away from Silverado Creek. This is required to reduce any potential adverse impacts to the creek.