

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: December 14, 2000

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0102 for Use Permit

PROPOSAL: The applicant requests approval of a Use Permit per Orange County Zoning Code Section 7-9-146.5 to allow a second residential unit to be constructed at the side of his 14,920 square foot lot within the E4 (100) "Small Estates" zoning district in the general north Tustin unincorporated area.

LOCATION: 1341 Lucinda Way, north Tustin area. Third Supervisorial District

APPLICANT: Tom Falbo, property owner

STAFF CONTACT: J. Alfred Swanek, Project Manager E-mail: Swanekj@pdsd.co.orange.ca.us
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SYNOPSIS: The project as proposed is consistent with County Zoning Code Section 7-9-146.5 and the site development standards of the E4 Small Estates District. Current Planning Services Division recommends Zoning Administrator approval of PA00-0102 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is 14,920 square feet in area and developed with a 2,343 square foot, one-story single family dwelling. The site is level, situated on a partial cul-de-sac street, and very irregular in shape. Staff at the Development Processing Center determined that the property has one front, three sides, and one rear property line. Based on averaging, staff also determined that the side yard setback for the three side yards would be 11 feet.

The proposed second residential unit structure is 1158 square feet in area and includes: two-bedrooms, two-bathrooms, a combined living room/dining room, laundry room and kitchen. The structure is located the required 11 feet from one side property line, 13 feet from another side, and the required 25 feet from the rear property line. The total height of the second residential unit structure is 12'-7" above the finished grade, plus a chimney up to 16' high. Both the existing dwelling and the proposed second unit are stucco-faced, and will be painted matching or complementary colors. Thus, the second's unit overall design, architecture and finish will be consistent with the existing structure.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

SURROUNDING LAND USE:

Direction	Land Use Designation	Existing Land Use
Project Site	E4-100 "Small Estates"	Single family dwelling
North	E4-100 "Small Estates"	Single family dwelling
South	E4-100 "Small Estates"	Single family dwelling
East	E4-100 "Small Estates"	Single family dwelling
West	E4-100 "Small Estates"	Single family dwelling

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to appropriate County Divisions, and the North Tustin Specific Plan Advisory Committee (NTAC).

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. On October 18, 2000, NTAC recommended project approval.

DISCUSSION/ANALYSIS:

Current State law addressing second residential units is reflected in the Zoning Code under Section 7-9-146.5. Under this section, request for a second residential unit may be permitted subject to the approval of a Use Permit. To be approved, a second residential must meet the following criteria: That it...

1. is located on a site zoned for a single family dwelling;
2. is accessory to a existing single family dwelling;
3. contains no more that 1,200 square feet of living area as a detached structure;
4. incorporates one additional on-site standard parking space (uncovered); and that,
5. it meets the same setbacks as required for the principal dwelling.

The requested second residential unit conforms to all the standards required under Zoning Code Section 7-9-146.5. The additional parking space will be located off the existing driveway. This seems functional.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0102 for a Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief
CPSD/Site Planning Section

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Proposed Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator 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 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

