

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

MS Word Export To Multiple PDF Files Software - Please purchase license.

DATE: May 31, 2001

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA01-0022 for Use Permit and Site Development Permit.

PROPOSAL: The applicant requests approval of a Use Permit for the construction of an over height retaining wall in a setback area in conjunction with the construction of a proposed lighted tennis court. Site Development permit for grading in excess of 500 cubic yards in association with the construction of a new single-family dwelling and accessory uses on a 1.38 acre site zoned 125-E4 "Small Estates"-20,000 District.

LOCATION: In the Lemon Heights/North Tustin area at 1811 La Cuesta Drive. Third Supervisorial District.

APPLICANT: Charles and Cindy Rinehart, property owners
Brion S. Jeannette & Associates, Inc., agent

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA01-0022 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The 1.38-acre site is an irregular, roughly "pan" shaped parcel with 273 feet of frontage on both La Cuesta Road (a public road) and approximately 340 feet of frontage on a private easement road called Murray Lane, which provides access to three adjoining properties in the immediate vicinity. La Cuesta Road and Murray Lane intersect at the southeast corner of the property.

Topographically, the site consists mostly of gently southwesterly sloping terrain adjacent to a well-rounded hilltop and which forms the upper most side slope of that hilltop. The property is terraced with low retaining walls and a graded slope to accommodate an existing residence and site improvements. Formal natural slopes ratios were rear 7:1 (horizontal: vertical). Moderately sloping generally natural terrain descends from Murray Lane to La Cuesta Drive within the panhandle portion of the property. Slope ratios typically vary from 2:1 to 3:1. A steep road cut, typically 8 to 12 ± feet high, occurs along La Cuesta Drive and is adjacent to the southerly property boundary. The cut slope extends westerly from La Cuesta Drive along the common lot boundary and driveway of the adjacent property at 1771 La Cuesta

Drive. This off-site cut slope above the neighboring driveway is 15 to 18 ± feet high with an overall slope ration near ¾: 1.

The site is developed with circa early 1970's two-story residence situated toward the rear northerly portion of the property. An engineering report prepared for this proposal indicated that planter walls and hardscape improvements along the periphery of the residence show signs of distress, apparently due to fill settlement and tree root invasion. The existing residence is abandoned and had previously utilized an on-site sewage disposal system that included a septic tank and three 25 to 30 ± feet deep by 4 feet diameter seepage pits. The existing residential structure is proposed to be demolished and the existing sewage disposal system abandoned.

The applicant proposes to construct a new 10,899 square feet multi-level residence in the northerly portion of the property generally located where the existing house is now located. The proposed residence and garage, as is the existing residence and garage, is accessed from Murray Lane. Extensive hardscape improvements are also proposed, including a motor court, terraces, swimming pool, spa and tennis court. Total proposed grading, including both cut and fill, for both the residence and hardscape is 10,200 cubic yards (7,060 cubic yards cut and 3,160 cubic yards fill, leaving 3,055 cubic yards off-site export). Since the average slope of the site is greater than 15% and the grading proposed exceeds 500 cubic yards, Zoning Code Section 7-9-139 requires approval of a Site Development Permit before a grading permit can be issued.

Retaining walls in the setback area are also proposed. A retaining wall is proposed in conjunction with the construction of the tennis court located along Murray Lane near La Cuesta Road. Plans call for the construction of a 22 ± feet maximum height retaining wall parallel to Murray Lane. On top of the retaining wall a 6 feet high impact wall/fence is proposed. The retaining wall is located near the edge of pavement of Murray Lane and the impact wall/fence has been included to prevent vehicles traveling on Murray Lane from falling off of the pavement to the tennis court below. In addition to the walls on Murray Lane, terraced planter walls adjacent to La Cuesta are proposed at a height of 6 feet above finished grade. These walls are also in conjunction with the grading required for the tennis court. Since all of these retaining walls are located in a setback area where the height of a wall is limited to 3 ½ feet, Zoning Code Section 7-9-137.5 requires approval of a Use Permit before a building permit can be issued for the retaining walls.

SURROUNDING LAND USE:

The subject site is zoned 125-E4 "Small estates"-20000 District and is developed with a single-family dwelling. The surrounding properties are also zoned 125-E4 "Small estates"-20000 District with development consisting primarily of single-family dwelling on large lots.

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 seven County Divisions, the North Tustin Advisory Committee (NTAC) and Foothill Community Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The NTAC held meetings on this proposal in April and May 2001. At the April meeting, NTAC expressed concerns on the amount of truck traffic required to remove the excavated material from the site and the meeting was continued for one month. At the May 16, 2001 meeting, the applicant submitted revised grading plans reducing the amount of grading and export material. The revised proposal was approved, subject to conditions, at the May 16, 2001 NTAC meeting. Exhibit 2 is the minutes and recommendations from the May 16, 2001 NTAC meeting. The Foothill Community Association did not submit comments.

CEQA COMPLIANCE:

Negative Declaration No. PA01-0022 (Exhibit 3) has been prepared for this proposal. It was posted for public review on April 10, 2001 and became final on April 30, 2001. Prior to project approval, the Zoning Administrator must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

Retaining Walls

The purpose of the retaining walls along La Cuesta Drive and Murray Lane is to provide for a level pad area for a tennis court measuring approximately 65 feet by 110 feet on a site with steep topography. The pad area is created by cutting the higher elevations and filling the lower elevations. The elevation of the existing grades at the tennis court location slopes down from the high point with an elevation of 595 feet on Murray Lane to a low point with an elevation of 550 feet near La Cuesta Drive. According to the applicant, the tennis court and retaining wall on Murray Lane will not be visible to traffic on La Cuesta Drive because of the elevation difference and the landscaping proposed. The proposed tennis court will be lighted for night use. Staff has included a standard condition of approval requiring the tennis court lighting be designed and located so that all direct rays are confined to the property.

The surface of the proposed tennis court is 34 feet in elevation above La Cuesta Drive at the closest point. Proposed are a series of 4 terrace walls with the tallest at about 6 feet above grade. Preliminary landscaping plans indicate that the area between the walls are planted with a “dense evergreen screen trees and hedge”. The tennis court surface averages 20 feet in elevation below Murray Lane. The Murray Lane retaining wall consists of two terraced retaining walls. The highest retaining wall segments along Murray Lane are 12 feet and 10 feet in height or a total retaining wall height of 22 feet. The lowest retaining wall height is 17 feet above grade. Above the retaining wall is a special 6 feet high “impact wall”. The total wall height for both retaining and impact walls proposed on the Murray Lane property line is 28 feet above the tennis court level. Landscaping plans submitted indicate that the area between the retaining wall segments is planted with a “dense evergreen screen trees and hedge”, the same as proposed on the La Cuesta Drive retaining walls. The preliminary landscaping plan submitted does not included detailed

information on the type of vegetation proposed. A condition of approval requires a more detailed landscaping plan be approved prior to the issuance of a grading permit.

Staff notes that the final design of the impact wall/fence has not been submitted to staff for review. A condition of approval requires the applicant to design and construct the impact wall/fence in a manner meeting the approval of the Managers of Subdivision and Grading and Current Planning.

Grading

The grading proposed includes that required for the new residence, the motor court, the pool and spa area, the tennis court, and other hardscape surface areas. The original grading plan submittal called for cut of 8,700 cubic yards and fill of 2,900 cubic yards, leaving 5,800 cubic yards of export. The proposal was submitted to NTAC using these earthwork estimates. NTAC raised concerns regarding the number of trucks and the time that would be required to remove 5,800 cubic yard of excess grading from the site. The applicant amended the grading plan by generally raising the finished graded elevation of the tennis court and residence as discussed in the preceding sections. By doing this, the amount of export of graded material was reduced by 2,745 cubic yards to a new estimate of export material of 3,055 cubic yards. This represents a substantial reduction of 47 percent in the amount of export material required for construction of the project. NTAC approved the revised grading plan as submitted at its second meeting on the proposal held May 16, 2001. To address NTAC concerns about the truck traffic, staff is recommending a condition that the grading haul route proposed be reviewed by the Manager, Current Planning Services Division for compliance with recommendations made by NTAC.

The revised grading plans and retaining wall plans, as reviewed and approved by NTAC, were submitted to staff and became the official site plans for the proposal. The revised grading plans were reviewed by Grading Plan Check who indicated that they had no new comments and that their original comments will apply to the revised plans. Staff did not identify any unusual planning issues with the grading proposed.

CONCLUSION:

While the walls proposed along the right of way of Murray Lane are very high, they should not cause any visual impacts from surrounding roads or properties because of grade differences and landscaping proposed. Conditions of approval will ensure Murray Lane is safe for both motorist and pedestrians. The walls proposed along La Cuesta Drive will also be screened with dense landscaping to help mitigate any visual impacts. To insure adequate landscaping is provided, staff is recommending the standard landscaping condition of approval for private property. While this conditions is not normally required for a single-family dwelling, staff feels that landscaping is an interregal part of this proposal and the landscaping plan submitted did not provide sufficient detail information for the landscaping proposed.

With regards to the grading, staff notes that the grading for this proposal has been substantially reduced to address NTAC concerns over the number truck trips required for the grading material export. Staff is of the opinion that with the implementation of the conditions recommended that the proposal would be compatible with surrounding land uses. Staff supports the request for Use Permit for over height walls in

the setback area and the Site Development Permit for the grading proposed and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0022 for Use Permit and Site Development Permit to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: My Documents/Use Permit/Use Permit 2001/PA01-0022 Staff

APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Comments from NTAC (if available at time of hearing)
3. Negative Declaration No. PA010022
4. Site Photos
5. 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.