

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: June 28, 2001

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA01-0046

PROPOSAL: Use Permit to convert existing detached two-story accessory structure, including a single-car garage with a second story loft, and storage area to a second residential unit.

LOCATION: 29351 Modjeska Canyon Road (District 3)

APPLICANT: Kim E. Seeman, owner

STAFF CONTACT: James Thue, Project Manager
Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA01-0046 subject to findings and conditions.

BACKGROUND:

An existing single family residence and two-story accessory structure are situated on the property. The project site is located in Mojdeska Canyon and abuts the Cleveland National Forest on the north. The primary residence was conditionally approved under SP 88-279A in March of 1989. The existing accessory structure was permitted in 1993 as a 708 square foot single-car garage and 563 square foot loft. A single driveway serves the project site and an adjacent residence.

This application proposes to convert the existing two-story accessory structure to a second residential unit with a single car garage. The subject property is zoned A1 "General Agriculture" District and permits guesthouses and second residential uses as an accessory to use to a primary residence, subject to the approval of a Use Permit. The purpose of the use permit is to insure that the necessary septic systems, setbacks and other zoning regulations of the Zoning Code and Siliverado-Modjeska Specific Plan are met.

Zoning Code Section 7-9-55, A1 "General Agriculture" District regulations permit the establishment of a second residential unit, subject to Zoning Code Section 7-9-146.5. Zoning Code Section 7-9-146.5 "Guesthouse or Second Residential Unit" permits a second residential unit when a Use Permit is submitted and approved by the Zoning Administrator.

SURROUNDING LAND USE:

Project Site	Zoning	Existing Use/Structures
North	A1 “General Agriculture”	Cleveland National Forest
South	A1 “General Agriculture”	Residence
East	A1 “General Agriculture”	Residence
West	A1 “General Agriculture”	Residence

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. The proposal was distributed for review and comment to three County divisions for review and comment. Those comments have been addressed and/or the recommended conditions of approval are included within Appendix B.

As of the writing of this staff report, comments from Building Permits/Septic Systems have been received from the County division by staff and are addressed within the Conditions of Approval included as Appendix B.

CEQA COMPLIANCE:

PA01-0046 has been found to be Categorically Exempt (Class 3). Class 3 exemptions include, but are not limited to, the conversion of existing small structures from one use to another where only minor modifications are made in the structure. Class 3 exemptions also consist of second dwelling units in residential zones. Appendix A contains the required CEQA Findings.

DISCUSSION/ANALYSIS:

The project site is located in the Modjeska Canyon Area in the A1 “General Agriculture” District. The proposal would convert the accessory structure to a second residential unit with 963 square feet of living area and a 308 square foot single-car garage. A common driveway for the project site is shared with the neighboring residence. Zoning Code 7-9-145 requires that single-family residence driveways shall have a width of at least 10 feet or a minimum of 12 feet for one-way driveways providing access to garages serving two or three dwelling units. Current driveway dimensions meet zoning requirements.

Zoning Code Section 7-9-55.6 permits accessory uses including a guesthouse or second residential unit in the General Agriculture District. Zoning Code Section 7-9-146.5 permits a guesthouse or second residential unit in any district where a single-family unit exists on a parcel zoned for such a purpose. The second residential unit may not exceed 1,200 feet in floor area. No grading will be necessary on the project site since only a conversion of the existing structure is proposed. The existing structure (proposed second residential unit) complies with the district setbacks for main buildings. An enlarged septic tank system may

be necessary to facilitate the larger amount of waste created. The septic system will be evaluated at the time of permit issuance, if this Use Permit is approved.

Section 7-9-145.3 describes the requirements for off street parking. According to the Zoning Code at least two covered parking spaces shall be provided for single family dwellings. The primary residence provides a three-car garage to satisfy the parking requirements for the existing dwelling. The existing single car garage will satisfy parking for the second residential unit. Parking requirements of the Zoning Code are met.

In addition to the development standards of the A1 District, development on this site is also subject to the Silverado/Modjeska (Sil-Mod) Specific Plan. The Sil-Mod Plan is a policy document that establishes general development guidelines and is supplemental to the site's A1 District zoning. A policy of low-density land use is encouraged in the Sil-Mod Plan. The Cleveland National Forest lays to the North of the project and Tucker Wildlife Sanctuary to the South. These open space areas help to create a rural setting. The project site consists of 1.08 acres of land. The location, size, and design are compatible with the Silverado/Modjeska Specific Plan.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate.
- b. Approve Planning Application PA010046 for a second residential unit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief,
Site Planning and Consistency Section

ATTACHMENTS:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Project Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors 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.