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PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

HEARING DATE: March 14, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 01-0111

PROPOSAL: Construction of a single-family residence requiring a Site Development Permit for grading in excess of 500 cubic yards on a 15% slope and a Use Permit for over-height walls in the front and side yard setbacks. The project site is located in the R1 "Single-family Residence" District.

LOCATION: 12237 Circula Panorama Place, Panorama Heights, the unincorporated area of Santa Ana, within the 3rd Supervisorial District.

APPLICANT: Ban & Tan Nguyen, property 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 PA 01-0111 subject to findings and conditions.

BACKGROUND:

The 13,300 square foot project site is currently undeveloped with no structures located on the property. The property is located on a steep slope. The subject property and all surrounding properties are zoned R1 "Single-family Residence". The purpose and intent of the "Single-Family Residence" District is to allow development of medium density single-family detached residential neighborhoods. Setbacks for the district require a 20' front yard setback, a 25' rear yard setback, and 5' setbacks for side yards.

The project site is located in the unincorporated area of Santa Ana known as Panorama Heights, which is composed of very steep topography. Existing homes in the area have been constructed in such a way in which the structures follow the topography as much as possible. Many homeowners have utilized pylons, over-height walls, and hillside grading in order to build their homes in this area. These measures allow the residents to enjoy the panoramic views of Orange County.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject property. Additionally, a notice was posted at the site, at the 300 N. Flower Building and the Hall of Administration

Building, as required by established public hearing posting procedures. The proposal was distributed to several County divisions for review and comment. The proposal was also sent to the North Tustin Advisory Committee (NTAC) and Foothill Communities Association (FCA) for review and comment. Conditions of Approval are included within Appendix B.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3) from CEQA per Section 15303 of the CEQA Guidelines.

DISCUSSION/ANALYSIS:

The applicant is proposing to build a 4,500 square foot, two-story, hillside, single-family dwelling. An attached side entry garage will be located below a portion of the habitable structure. The site development standards for the R1 District allow structures to be 35' high. However, since the home is on a hillside Section 7-9-129 applies, which describes the building envelope. The proposed structure complies with the hillside building envelope. The building will be situated 20 feet back from the front property line, 60 feet from the rear property line, 5 feet from the left property line, and 7 feet from the right property line. All setback requirements for the building will be met. All other site development standards will be satisfied.

Construction of the proposed dwelling will require extensive grading work. Over 500 cubic yards of soil will be graded on a slope of more than 15% and therefore the proposal requires the approval of a Site Development Permit. Grading will be done to facilitate the construction of a building pad for the garage, house, and driveway. The front of the property contains a bluff like landform, which will need to be cut and graded in order to gain access to the property. The home will be constructed in such a way that a portion of the structure will be underground. Grading quantities include 1,350 cubic yards of cut and 100 cubic yards of fill. A haul route will be included as a part of the required grading permit.

The Panorama Heights region is composed of a relatively stable landform called El Modena Volcanics, which is made up of tuff and andesite rocks. There are no recorded landslide areas in the vicinity, however, according to a geologic map of the County of Orange the region is crisscrossed with faults. This information will be addressed through geologic studies and recommendations as a part of the grading permit review.

The structure, as proposed, will require the installation of several over height walls in the front and side setbacks. Therefore approval of a Use Permit by the Zoning Administrator is required. Two retaining walls will be required for the construction of the driveway. The first retaining wall will be a maximum of 10 feet high. The second retaining wall will measure a maximum of 20 feet in height. Both walls will gradually decrease in height as the driveway climbs up to the garage. A retaining wall will be used in the back portion of the property to create a flat rear yard area. The proposed wall in the back will be approximately 11 feet high. Another area of the structure where over-height walls are proposed is on the side of the structure where a skylight will be constructed in order to bring light into the lower portion of the building. The skylight proposes retaining walls measuring up to 24' in height as measured from the top of footing of the wall. However, the walls will be underground and the skylight will be flush with the finished grade and therefore the retaining walls will not be visible from surrounding properties. All the previously mentioned retaining walls will be over the allowable 8 feet and are located within setback areas of the property and therefore require a Use Permit. The walls are proposed to be constructed within the setback area, however they are not part of the residence and instead provide access to the garage, stability to the property, and light via the skylight for the residence.

The proposed driveway will wind up the hillside and due to the steep topography it will entail the construction of retaining walls to support it. The walls will help to maintain acceptable grades on the driveway. The driveway will climb up the hill a total of 21 feet from Circula Panorama Place to the garage level. The entrance of the driveway at the street level will consist of a 5% grade, but the as the driveway begins to wind up and around to the garage it will increase to approximately 15%. The width of the driveway will be 12.5 feet at its' narrowest location and 15 feet at its' widest location. The length of the driveway is approximately 120 feet.

The project is located within an area that is subject to review by the North Tustin Advisory Committee (NTAC). NTAC reviewed this project on December 19, 2001, January 16, 2002, and February 20, 2002. NTAC approved the project on February 20, 2002. However, NTAC is requesting the applicant to adhere to several conditions: First, NTAC requested to review a landscape plan for the property. Condition 19 will require the applicant to submit a landscape plan to NTAC. Second, NTAC does not want a gate to be located on the driveway. A gate is not proposed on the project plans. Third, NTAC wants to make sure that the approval of the over-height walls in the setback area does not entail the approval of a setback variance. This wall does not require a variance request for the side setback as discussed earlier in this report. Lastly, NTAC is requesting that the wall be no closer than three feet from the street and contain no lighting. The front wall is proposed to be located 1ft 6 inches from the front property line, but 11 feet from the edge of pavement on Circula Panorama. No lights are proposed on the driveway entry. NTAC was also concerned about the grading and runoff from the property. These concerns are addressed through the grading permit and included standard conditions of approval. For the purpose of this planning application and requested discretionary permit, the action on February 20, 2002 by NTAC registers their recommended approval of the project.

CONCLUSION:

Before the Zoning Administrator can approve this request for over-height walls, Zoning Code Section 7-9-137.5(f) requires the following special findings addressing over-height fences and walls must be made:

- 1) The height and location of the fence or wall as proposed will not result in or create a traffic hazard.
- 2) The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

Staff believes that these findings can be made. Many homes in the area have utilized over-height walls in the construction of their homes due to the steep hillside building sites and therefore the use of over-height walls will be compatible with existing uses in the area. Should this Use Permit/Site Development Permit be approved, the proposed single-family dwelling will be consistent with the purpose and intent of the R1 "Single-family Residence" District Regulations as stipulated in Section 7-9-74.1.

Topography in the area creates special circumstances in which homes require a greater amount of grading as compared to most homes constructed on level land. A necessity also exists for over-height retaining walls to support structures and accessory uses on the property. Several alternative development standards have been permitted in the area and therefore building standards were deviated from in order to build homes in the surrounding area. These deviations have included over-height walls and variances for

encroachments into the setback areas. However, this application is not requesting any variance for setbacks. The home has been designed to comply with the District development standards with respect to building setbacks and building height. Staff supports approval of this permit provided the applicant agree to the conditions of approval recommended for this project as stated in Appendix B.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 01-0111 for Site Development Permit/Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Section Chief
CPSD/Site Planning Section

ATTACHMENTS:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Site Photos
- 3. Environmental Documentation
- 4. Project 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.