

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: March 7, 2002

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA02-0003 for Use Permit

PROPOSAL: The applicant requests approval of a Use Permit per Orange County Zoning Code Section 7-9-137.5 to construct walls and fences up to 16 feet in height when the standard maximum wall and fence height is 6 feet. A retaining wall, 110 feet in length, ranging in height from 4 feet to 12 feet above finished grade, is proposed along the southeastern property line adjacent to Vista del Lago Road. A 4 feet high wrought fence will be installed on top of the retaining wall. This retaining wall is a continuance of an existing retaining 22 feet maximum height wall along the western and southern property line. Also proposed is a 8 feet high screen wall/fence, 570 feet in length, along the eastern and northern property lines. The screen wall/fence includes a 6 feet high wall, topped with a 2 feet high wrought fence.

LOCATION: In the Lemon Heights area of North Tustin at 2001 La Cuesta Drive, Santa Ana. Third Supervisorial District

APPLICANT: Frankel Family Trust, property owner
Marshall Krupp, Community Systems Associates, agent

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0003 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject property is an irregular shaped 2.7 acre parcel zoned 125 (minimum lot width of 125 feet)-E4 "Small Estates"-20000 (minimum lot area of 20,000 square feet). The site is developed with a one-story, 12,479 square foot single-family dwelling with a swimming pool and tennis court.

In April 1983, the Zoning Administrator approved Use Permit No. UP83-12Z to allow for the construction of over height walls and an entry gate in the front setback area on La Cuesta Drive and the site's access driveway at the northwestern corner of the property. In January 1984 the Planning Commission approved Use Permit No. UP83-46Z (on appeal of the Zoning Administrator's earlier denial)

for the constructing of retaining walls up to 21 feet in height along La Cuesta Drive from the site’s driveway to a location near its intersection with Vista del Lago in the southeastern portion of the property.

The applicant proposes to continue the existing retaining wall easterly an additional 110 feet in length from the existing location of the wall near Vista del Lago. The existing retaining wall is near its tallest point at this location. This proposed retaining wall is a maximum height of 16 feet. This includes a 12 feet high block wall topped by a 4 feet high decorative wrought iron fence. At the end of the proposed retaining wall, a new block wall (non-retaining) is proposed. The proposed wall is 8 feet in total height above finished grade. This height includes a 6 feet of block wall topped by 2 feet high decorative wrought iron fence to match the existing and proposed retaining walls. The screen wall extents along the eastern and northern property line to the existing entry gate a total of approximately 570 feet. The proposed screen wall replaces an existing 6 feet high chain link fence.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	125-E4 “Small Estates”-20000	Single-family dwelling
North	125-E4 “Small Estates”-20000	Single-family dwelling
South	125-E4 “Small Estates”-20000	Single-family dwelling
East	125-E4 “Small Estates”-20000	Single-family dwelling
West	125-E4 “Small Estates”-20000	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 four County Divisions, the North Tustin Advisory Committee (NTAC) and the 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 Foothill Community Association did not submit comments. NTAC reviewed the proposal at it’s February 20, 2001 meeting and recommended the project be approved subject to the retaining wall be setback a minimum of eight feet from Vista del Lago pavement edge (the retaining wall as proposed is setback 5 feet from the property line on Vista del Lago).

CEQA COMPLIANCE:

The proposed project is Categorical 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.

DISCUSSION/ANALYSIS:

The proposed 16 feet total height retaining wall is an extension of an existing 21 feet tall retaining wall permitted under Use Permit UP83-47Z. The proposed retaining wall is designed to reflect the exterior styling of the existing retaining wall. The retaining wall is reduced in height to 4 feet when it connects to the screen wall portion of the project. The non-retaining screen wall/fence will also be constructed in the same style as the existing and proposed retaining wall. The 6 feet high screen wall proposed to have a two-foot high decorative wrought iron fence instead of the four-foot high decorative wrought iron fence proposed for the taller retaining wall. Landscaping proposed at the base of the new wall is similar to that at the base of the existing retaining wall.

Before a Use Permit for over height fences or walls can be approved, two special findings must be made by the decision maker. These two findings are as follows:

1. *That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.*
2. *That 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.*

Regarding Finding 1 above, Subdivision and Grading Services Division/Traffic Review Section, reviewed this proposal and determined that the proposal would not result in or create a traffic hazard as submitted. Staff notes that the new walls are located near the side and rear property lines where a 6 feet tall wall is a permitted use with no setback requirement.

Regarding Finding 2 above, the project was reviewed by NTAC at a public meeting. A neighboring property owner most affected by the new screen wall expressed approval of the proposal at this meeting. Staff notes that while the retaining wall is a maximum of 16 feet in total height (including 4 feet of wrought iron fence on top), it is not out of character with the previous approval. The two required findings above are included in Appendix A – Findings.

As noted, the proposed walls are located in the side and rear yard setbacks, not the front setback as was approved under UP83-47Z. NTAC commented that the retaining wall should be located 8 feet back from the property line at Vista del Lago. Because these walls are located in the side and rear yards where a height of 6 feet on the property line is permitted outright, staff can not support NTAC's recommendation for an arbitrary setback of 8 feet. The minimum setback of 5 feet for the right-of-way/property line on Vista del Lago proposed by the applicant should be adequate to allow a reasonable amount of landscaping

between the street and base of the wall. Staff supports the proposal 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 PA02-0003 for Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation package including site photos
2. Minutes (for this proposal) of February 20, 2002 NTAC meeting
3. Aerial site photos
4. 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. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.