



## PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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**DATE:** June 27, 2001

**TO:** Orange County Zoning Administrator

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

**SUBJECT:** Public Hearing on Planning Application PA 02-0011 for a Use Permit.

**PROPOSAL:** Site Development Permit for grading in excess of 500 cubic yards in building sites with slopes over 15%, and a use permit to allow construction of 16 foot high retaining walls.

**LOCATION:** 12314 and 12316 Circula Panorama, Santa Ana - Third Supervisorial District.

**APPLICANT:** Dennis Siggins, TNT Resources, Inc.

**STAFF** Marta B. Crane, AICP, Project Manager

**CONTACT:** Phone: (714) 834-5144 FAX: (714) 834-4652

**SYNOPSIS:** The Current Planning Services Division recommends Zoning Administrator approval of the site development and use permits subject to the attached Findings and Conditions of Approval.

### BACKGROUND:

Mr. Siggins, property owner and builder, obtained building permits numbers RS 01-0240 and RS 01-0241 to build two single family homes in two adjacent sites, each zoned R1 (Single Family) in the Panorama Heights area. The original permits included post and beam construction of a driveway that spanned from the street level over the steep terrain to the garage entrance, which is in compliance with Section 7-9-137.8 of the zoning Code.

After considering the possibility of creating a front yard area and alternative driveway designs, Mr. Siggins, decided to propose fill in most of the slope in front of the houses to create greater front yards for each home site. The revised project therefore, consists of construction of a system of retaining walls to support flat pads in front of each single family home. At the time of this request filing in January 22, 2002, approval of a site development permit for grading in excess of 500 cubic yard was required for sites with slopes over 15%. This threshold has now changed to 30% slopes, however, the sites have slopes greater than 30%, therefore, a site development permit is still required. In addition, the retaining walls will be approximately 16 feet high, which will require approval of a use permit to exceed the maximum 8 foot wall height allowed in the R1 zoning district.

**SURROUNDING LAND USE:**

The properties are located in a residential neighborhood, surrounded by single family homes to the north, south and east of the properties, and by a vacant lot across the street from Circula Panorama. The project sites and the surrounding properties are all zoned R1 “Single Family Residence” (Exhibit 1).

**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 300 N. Flower, at the subject site, 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 various reviewing Orange County Divisions and to the North Tustin Advisory Committee (NTAC). The Committee reviewed the project at its March hearing and requested the applicant to provide more information regarding the retaining walls materials. The applicant presented all the requested information at the NTAC meeting of April 2002. The Committee requested landscape vines to grow on the retaining walls as a condition of approval and requested the applicant to bring landscape plans back to the Committee at a subsequent meeting. The Committee unanimously approved the project with no further comments (Exhibit 2). As of writing of this staff report, there are no issues raised by any Orange County Divisions.

**CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from the requirements (Class 3 Section 15303). Appendix A contains the required CEQA finding.

**DISCUSSION/ANALYSIS:**

The project properties are two single family lots, adjacent to one another located in Panorama Heights. As mentioned above, Mr. Siggins, builder-owner of the properties, obtained building permits numbers RS 01-0240 and RS 01-0241 to build the two single family homes. Originally the driveways for each lot were proposed in a manner permitted by the code by right, for such reason, the homes are now well under construction. His proposal to change from the conventional post and beam construction to a method of cut and fill with retaining walls requires discretionary review and Zoning Administrator approval as described in the background section of this report. A Site Development Permit is required for the grading and a Use Permit is required for the retaining walls. In total, grading for both sites will involve 1,200 cubic yards of fill, and the walls height will range from zero to 16 feet (Exhibit 3).

These types of retaining walls are common in the Panorama Heights area, therefore, the project is not anticipated to impact the neighborhood and it is expected to blend well into the area. The retaining walls will match the stucco on the homes to blend in and become part of the structures. Landscape vines will be planted along the retaining walls to soften the walls as requested by NTAC. A condition of approval has been placed on the project to address this request.

Construction of the homes will be completed once the approvals needed for the front yards and driveways are granted by the Zoning Administrator. If this application is not approved, the driveways will be built in compliance with Section 7-9-137.8 of the Zoning Code. Because of the steep terrain, and

because the grading is not complete at this point, the buildings' height currently exceeds the maximum 35 foot height allowed by the Zoning Code, therefore, a condition of approval has been placed to ensure that the final building height is complied with. Grading modifications will be made to relocate and regrade dirt excavated from the foundation work from the front to the rear of the sites (Exhibit 4). Once completed, the property improvements will be a welcome contribution to the area by providing areas for front yard landscaping and off street parking.

**CONCLUSION OR SUMMARY:**

Should the site development and use permits be approved, the proposed project will comply with all required development standards in the R1 (Residential Single Family) zoning district. Therefore, staff supports approval of the project, subject to the findings and conditions of approval recommended for this project stated in Appendices A and B of this report.

**RECOMMENDED ACTION:**

The Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0011 for a site development and use permit for a new single family home subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief  
CPSD/Site Planning Section

MBC  
/staff reports/PA 02 0011 SD and UP

**APPENDICES:**

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

**EXHIBITS:**

- 1. Surrounding properties.
- 2. North Tustin Advisory Committee (NTAC) meeting minutes.
- 3. Grading Exhibit.
- 4. Building Height Exhibit.
- 5. Set of Full Scale Plans (Site Plan, Floor Plans and Elevations).

**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.