

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 16, 2002

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA02-0024 for Site Development Permit and Use Permit

PROPOSAL: The applicant proposes to demolish an existing single-family dwelling and construct a new single-family dwelling with a two-car attached garage. A Site Development Permit is required by Zoning Code Section 7-9-113 "Floodplain" District because the site is adjacent to Silverado Creek and a portion of the proposed dwelling is in a floodplain. A Use Permit is required by Zoning Code Section 7-9-145 "Off-street Parking Regulation" because the applicant proposes to have a gravel driveway from the street to the garage instead of the standard paved driveway.

LOCATION: In the Silverado Canyon area, approximately 3 ½ miles east of Santiago Canyon Road at 29731 Silverado Canyon Road. Third Supervisorial District

APPLICANT: Leia Sullivan

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

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0024 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is very irregular shaped having an area of 11,475 square feet. Much of the property cannot be developed because of the irregular shape and the presence of Silverado Creek to the rear. The site is developed with a small one-story, 1,000 square feet single-family dwelling that county records indicate was built in the 1930s. The applicant proposes to replace that residence with a new two-story, 2,035 square feet single-family dwelling in approximately the same location as the existing structure.

The site is located in the A1 "General Agricultural" District and has a FP "Flood Plain"-2 District overlay. While the A1 zone has a site development standard requiring a minimum lot size of 4 acres, the site was established prior to the current zoning requirements and is therefore a legal building site. The site legal description is lots 60, 62 and 68 of Tract 987, recorded in 1931. The property is bordered by the Cleveland National Forest, as are the majority of the properties on either side Silverado Canyon Road.

SURROUNDING LAND USE:

| Direction | Zoning | Existing Land Use |
|--------------|--|----------------------------|
| Project Site | A1 “General Agricultural”/FP “Flood Plain”-2 | Residential |
| North | Cleveland National Forest | Open space, steep hillside |
| South | A1 “General Agricultural” | Residential |
| East | A1 “General Agricultural”/FP “Flood Plain”-2 | Residential |
| West | A1 “General Agricultural”/FP “Flood Plain”-2 | Vacant |

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 10 County Divisions, Santiago Water District, the Rural Conservancy Fund and the Silverado/Modjeska Canyon Residents Association. As of the writing of this staff report, no comments raising issues with the project that could not be addressed through conditions of approval have been received from other County divisions. No comments were received from the Rural Conservancy Fund or the Silverado/Modjeska Canyon Residents Association.

CEQA COMPLIANCE:

The proposed project is Categorical Exempt (Class 2, replacement or reconstruction of similar type structures or use) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

There are two components to this Planning Application request: a Site Development Permit for construction of the proposed new dwelling in a floodplain; and, a Use Permit to utilize an existing gravel driveway. Following is a discussion of each of these two components.

Site Development Permit

The property has an overlay zone of FP “Floodplain”-2 District, which is part of Zoning Code Section 7-9-113. The FP-2 District is applied to areas in the county which the County has determined to be a special flood hazard area. The subject site is within an area subject to a “100-year flood”. The FP-2 zone requires

that a Site Development Permit be approved for all uses in the FP-2 district to determine that the standards of the base district and following additional standards of the FP-2 district are met:

- (1) Designed and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic levels, including the effects of buoyancy.
- (2) Constructed with materials resistant to flood damage.
- (3) Constructed by methods and practices that minimize flood damage.
- (4) For buildings including manufactured homes, the elevation of the lowest floor, including the basement or cellar, must be at least one (1) foot above the base flood elevation. (Informational Note: Flood insurance may still be required of the property owner by the lender if the building pad or foundation is at or below the base flood elevation.)

This proposal has been reviewed by Building Permit Services, Subdivision and Grading Services and PFRD/Flood Control Program with a determination that the plans submitted appear satisfy items (1), (2) and (3) above or will satisfy these items with the incorporation of applicable Conditions of Approval. Regarding item (4), the applicant's engineer submitted an "Elevation Certificate" indicating the elevation of the bottom floor would be above the Base Flood Elevation (BFE) level. The BFE information will need to be approved by Subdivision and Grading Services Division though conditions of approval applied to this proposal approval prior to the issuance of a building permit.

In addition to the FP-2 standards, the proposal was reviewed for the A1 site development standards. The site is a shallow building site with special setback requirements. The proposal conforms to the special site development setbacks. Because this proposal conforms to all development standards applicable to the site, it would normally be reviewed through the administrative site plan process. However, because of the Use Permit for off-street parking modifications, which requires Zoning Administrator approval through a public hearing, this Site Development Permit is also being reviewed through the public hearing process.

Use Permit

The existing driveway providing access to the residence is currently gravel. The applicant has requested that this gravel driveway continue to be used for the new dwelling. However, the Zoning Code in Section 7-9-145.2 (g) "General Requirements" requires that "*All permanent parking spaces, driveways and maneuvering areas shall be paved and permanently maintained with asphaltic concrete, cement concrete or other all-weather, non-erodible, hard surfacing.*" While there were no standards for driveways when current home was constructed, the current non-all-weather driveway is no longer acceptable. Staff does not support the use of the existing gravel driveway, but can support an all-weather, non-erodible hard surface driveway (typically constructed of compacted decomposed granite) in place of asphalt or concrete. Subdivision and Grading Services Division staff reviewed the request to use a gravel driveway and also commented that a gravel driveway was not acceptable. The Fire Authority also commented that a gravel driveway was not acceptable. Staff is recommending a condition of approval that requires an all-weather surface for the driveway as required by the off-street parking regulations.

CONCLUSION:

The Site Development Permit for construction of a new single-family dwelling conforms to the site development standards of A1 District and the additional standards of the FP-2 District overlay. The architecture of the proposed home appears to be of the Victorian vernacular and appears to be compatible with the architecture of existing homes in the near vicinity. With the incorporation of an all-weather driveway, 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 PA02-0024 for Site Development Permit and Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site photos
3. 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.