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& DEVELOPMENT SERVICES DEPARTMENT REPORT**

HEARING DATE: February 10, 2004

TO: Orange County Planning Commission

FROM: Current & Advance Planning Services Division

SUBJECT: Area Plan 02-01 and Site Development Permit PA02-0074 for Branov Custom Homes

LOCATION: 19173 Live Oak Canyon Road and along Lambrose Canyon Road in the Foothill/Trabuco area (Supervisory District 3)

STAFF CONTACT: Frank McGill (714) 834-2099

SYNOPSIS: The applicant seeks approval for geo testing and grading to create three single-family residential building sites. Staff recommends conditional approval.

BACKGROUND:

The project area is that area described by Parcel Map 80-106, located in the Foothill/Trabuco Specific Plan (F/TSP) area. The F/TSP was adopted in 1991 and states that lots/parcels created by subdivision maps approved prior adoption of the F/TSP are legal, conforming building sites. However, prior to any geologic testing or grading, an area plan/site development permit is required. (Prior to actual residential construction, another site development permit, which includes building plans, would also have to be approved by the Planning Commission.)

In 1982, Parcel Map 80-106 was recorded, creating four parcels with a private access easement to each of those parcels (i.e., Lambrose Canyon Road). Lambrose Canyon Road intersects with Live Oak Canyon Road (a public road) in two places. Currently, both ends of Lambrose Canyon Road are improved to allow vehicular access but the midsection is not improved. There exists scattered residential development along both ends of Lambrose Canyon Road.

F/TSP REVIEW BOARD:

The Review Board discussed this project at their meetings on July 12 and September 13, 2002 (see Minutes in Attachment D). The Review Board voted 3 to 1 to conditionally recommend approval of the project. All of their five` conditions are affirmatively addressed further in this report and/or included as conditions of approval in Attachment A.

CEQA COMPLIANCE:

The proposed project is covered by Final EIR 531, previously certified on December 10, 1991, and Addendum No. PA020074 (see Attachment K). Prior to project approval, this EIR

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and Addendum must be found adequate to satisfy the requirements of CEQA by your Commission. A finding for that purpose is included in Attachment A. Also, all appropriate mitigation measures have been included as conditions of approval.

PUBLIC NOTICE AND COMMENTS:

A public notice of this hearing was posted and mailed per State law by January 30, 2004. A notice and this staff report were also mailed to Ray Chandos and members of the F/TSP Review Board. Public comments received to date are included in Attachment E and discussed further in this report or included as conditions in Attachment A.

CONSISTENCY CHECKLIST:

Per the requirements of the Specific Plan, a Project Consistency Checklist is attached (Attachment J) for your consideration and assistance in determining the consistency of this project vis-à-vis the guidelines and regulations of the F/TSP. The consistency of the project with the F/TSP is discussed further in this report but, in summary, we believe the project is consistent with the F/TSP.

PROJECT SITE:

The 10-acre project site (i.e., Parcel Map 80-106) is located in the Trabuco Canyon Residential (TCR) District of the F/TSP. It is very hilly and heavily vegetated with brush and some oak trees but no oak woodlands. Two areas of the site were previously graded many years ago (discussed further below). Aerial photos and site photos are in Attachment B.

For the most part, the project site is surrounded by property zoned TCR with scattered residential development. Immediately to the west is the recently approved Saddle Creek project area. Nearby to the southwest is the Saddleback Meadows project area.

PROJECT DESCRIPTION:

The applicant wishes to create three building sites on the four parcels with the balance of the property being dedicated open space (see Alternate Grading Plan in Attachment L). Access to building sites on Parcels 1 and 3 would be from one end of Lambrose Canyon Road and access to the building site on Parcel 4 would be from the other end.

Parcels 1 and 2 are combined to form one building site with grading for the building pad to be 1,850 cu. yd. cut and zero cu. yd. fill.

A second building site will be on Parcel 3 with the grading for the building pad to be 50 cu. yd. cut and 100 cu. yd. fill. This grading will incorporate one of the areas graded earlier and mitigate any impacts from that grading.

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On Parcel 4, a third building site is proposed with two building pads: one for the main residence and another for a future accessory use such as a stable. Grading for the main building pad will be zero cu. yd. cut and 5,200 cu. yd. fill. Grading for the accessory pad will be 50 cu. yd. cut and 800 cu. yd. fill. Grading for the accessory pad will incorporate one of the areas graded earlier and mitigate any impacts from that grading.

PROJECT ANALYSIS:

Grading:

The proposed grading is in compliance with the “alternative grading standards” of the F/TSP and has been certified as such by the applicants’ civil engineer. Using the methodology from the F/TSP, the average grading volume for the project is 2,033 cu. yds. while the F/TSP would allow up to 4,000 cu. yds. The highest manufactured slope is 29 ft. while the F/TSP would allow up to 30 ft. The highest retaining wall is 14 ft. while the F/TSP would allow 20 ft. The greatest contour elevation change is 22 ft. but when using the “alternative grading standards,” there is no restriction.

Although the applicant seeks approval of a project using the “alternative grading standards,” the F/TSP requires that the applicant present a project using the more restrictive “baseline grading standards.” Such a project is included in Attachment L. The ‘baseline grading standards’ limit (1) average grading volume to 4,000 cu. yd., (2) the height of manufactured slopes to 10 ft., and (3) the height of contour elevation changes to 10 ft.

The F/TSP states that the Planning Commission may approve development using the “alternative grading standards” of the F/TSP if the following findings are made:

- a) *The Alternative Grading Standards shall result in seventy (70) percent or more of the project site being preserved in natural open space. No grading, structures (including stables and corrals) or commercial agricultural activities shall be permitted in the natural open space area. River rock walls not to exceed three feet and open fencing shall be permitted in the natural open space area. The Alternative Grading Standards will not result in an average of more than 9,000 cubic yards of grading (cut or fill, whichever is greater) per building site, excluding grading required for access roads and driveways serving two or more building sites and any remedial grading required, as certified by a geologist.*
- b) *The height of cut or fill (manufactured) slopes shall not exceed thirty (30) vertical feet, except for roads or driveways providing access to five or more dwelling units.*

Such findings are included in Attachment A. Additionally, the F/TSP Review Board states that the Planning Commission should also be able to make a finding that the project using “alternative grading standards” results in less graded area or in more natural open space than

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the “baseline” project. We have included an appropriate finding in Attachment A based on the following, although such a finding is not required by the F/TSP:

	<u>BASELINE</u>	<u>ALTERNATIVE</u>
LIMITS OF GRADING:	3.17 ac.	2.63 ac.
DEDICATED OPEN SPACE:	6.38 ac.	6.92 ac.

Open Space Dedication:

When using the “alternative grading standards,” the F/TSP requires the dedication of a minimum of 70 percent of the total project area to be dedicated as natural open space to the County. A condition of approval to that effect is included in Attachment A and the area that the applicant proposes to dedicate is shown in Attachment L. The applicant is proposing that 72.5 percent of the entire project area be subject to open space easements dedicated to the County of Orange. Additionally, it should be noted that Parcel Map 80-106 has already dedicated 0.33 ac. located along Live Oak Canyon Road, which is expected to always remain as natural open space, although it is designated for road improvement purposes.

It has been determined by the Planning Commission and Board of Supervisors during the processing and approval of other projects that this open space area may included required fuel modification areas.

It was also determined by the Planning Commission and Board of Supervisors during the processing and approval of other projects that grading, if approved by the Planning Commission or Board of Supervisors, may occur within the open space area (e.g., remedial grading) but after the development has been completed, the open space area is to have a natural-looking appearance and to remain undisturbed thereafter except for approved fuel modification. At this time, no grading is expected in the open space area to be dedicated.

Biotic Report:

The applicant is required by the Specific Plan to have a wildlife corridor analysis prepared per stated criteria in the Specific Plan. The Planning Commission is required to approve the analysis and final corridor alignments prior to any project approval. Similarly, the applicant is also required by the Specific Plan to have an oak woodlands analysis prepared. The applicant has submitted a Biotic Report prepared by a qualified biologist to satisfy the above requirements and a certification of compliance with the F/TSP. The Biotic Report and certification are in Attachment H.

The F/TSP includes an exhibit showing where wildlife corridors may be located. This exhibit was prepared with the requirement that when development is proposed for properties located in or near these areas, a site specific study will be conducted by a qualified biologist to determine for sure if a wildlife corridor exists and if so, the boundaries of such corridor. Although the F/TSP shows a wildlife corridor covering most of this project site, the biologist has certified that there are no wildlife corridors on the site and there will be no significant impacts to wildlife or biological resources due to the proposed project. In summary, the

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biologist states that wildlife do move throughout this area but there are no constraints to cause such movement to be in a “corridor” and that the proposed development will not significantly impede such movement or disrupt any habitats. Staff notes that the proposed open space dedication provides large areas running north to south and east to west to accommodate wildlife movement. A finding approving the Biotic Report is included in Attachment A.

Landscaping/Fuel Modification:

As required by the F/TSP, the applicant has submitted landscaping plans prepared by a landscape architect (see Attachment L). The landscape architect has certified that those plans satisfy F/TSP requirements for landscaping, tree preservation, and fuel modification. No mature trees will be removed by this project.

Other Natural Resources:

The Specific Plan requirements regarding streambeds, major ridgelines and major rock outcroppings are not relevant to this project because there are none on the property. Also, requirements for bikeways and recreational trails do not apply to this property. However, it is noted that Parcel Map 80-106 dedicated a bike trail easement parallel to Live Oak Canyon Road. It is expected to forever remain as natural open space.

Scenic Roadway Corridors:

The F/TSP requires that projects along a scenic corridor (e.g., Live Oak Canyon Road) dedicate the required setback area as open space. For this project, that setback area is only 50 ft. wide, while the distance between the edge of Live Oak Canyon Drive and the nearest building pad is 1,000 ft.

The F/TSP also requires that developments that may be visible from a scenic corridor have a detailed viewshed analysis. For that purpose, the applicant has submitted computer simulated photographs, although, this application does not include a request to construct any buildings. Prior to any residential construction, a site development application for residential development shall be submitted, reviewed by the F/TSP Review Board, and acted on by the Planning Commission at a public hearing. It is then that architecture, additional landscaping, and other matters that relate to viewshed and the aesthetics of the project can be addressed.

Fire Safety:

The section of Lambrose Canyon Road from Live Oak Canyon Road to Parcel 3 is currently being used for access to a residence located just on the other side of the road from Parcel 3. The applicant proposes to improve and widen the road from 16 ft. to 24 ft. However, a portion of the road will maintain a grade of 15 to 20 percent. The Fire Authority notes that current Fire Code regulations call for a minimum road width of 28 ft. and a maximum grade of 15 percent.

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Because of the grade in excess of 15 percent, their fire trucks will have difficulty driving up this road and their ability to provide adequate service to Parcel 3 is adversely affected.

The applicant's licensed land surveyor has certified that there is no superior design solution in providing access to Parcel 3. Thus, the Fire Authority has stated that they will not object to approval of the project if certain conditions of approval are adopted. Such conditions are all included in Attachment A.

Other Issues:

Three of the issues raised by Ray Chandos in his letter in Attachment E not yet discussed or included as conditions of approval are the following:

Grading without building plans is prohibited by the F/TSP.

Response: This is incorrect and over the years the Planning Commission and Board of Supervisors have approved many area plans for projects without building plans.

A streambed alteration agreement is required.

Response: This is incorrect because no streambeds will be impacted by this project.

Information required by the F/TSP is missing.

Response: The F/TSP states that the Manager, Current Planning, can excuse the applicant from one or more of the information requirements listed therein if it is not relevant. We believe all relevant information has been submitted.

F/TSP Development and Design Guidelines:

The Specific Plan has many development and design guidelines. Those that are relevant to the evaluation of this project by the Planning Commission are contained in Attachment F. The Specific Plan states the following:

While the Development and Design Guidelines are not regulatory, all discretionary approvals . . . shall be reviewed by the Planning Commission for a determination of consistency with the Guidelines. The Planning Commission may find a project in overall compliance with the Guidelines without the project being consistent with each and every Guideline.

Staff believes the Planning Commission could make a finding of overall consistency and such a finding is included in Attachment A. The one guideline for which there is not total consistency is that no structures should encroach upon the skyline as viewed from Live Oak Canyon Road. Buildings from Parcels 1 and 3 will probably encroach on the skyline.

F/TSP Goals and Objectives:

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The Specific Plan describes many land use goals and objectives for Foothill/Trabuco. Those that are relevant to the evaluation of this project by the Planning Commission are listed in Attachment G. There is no stated requirement that the project be consistent with each and every goal and objective. Staff believes that Planning Commission could make a finding of overall consistency for this project and such a finding is included in Attachment A.

TCR Purpose and Intent:

The stated purpose and intent of the TCR District is as follows:

. . . to provide for the development and maintenance of low density, single-family residential development in a manner that is rural in character and compatible with areas of steep to gently sloping terrain and significant biological resources. It is an objective of these regulations to encourage innovative hillside community design by allowing residential development which is sensitive to the terrain and natural resources.

Staff believes that the Planning Commission could make a finding that the project is consistent with the purpose and intent of the TCR. Such a finding is included in Attachment A.

CONCLUSION:

The proposed project has been reviewed by appropriate County staff and the F/TSP Review Board. With the recommended conditions of approval in Attachment A, there are no remaining significant planning or environmental concerns. The project, as conditioned, is consistent with all the regulations of the F/TSP and in overall compliance with the policies of the F/TSP. We believe the proposed development is reasonable because (1) less than the development cap of four building sites will be created, (2) more than the required open space will be provided, and (3) grading volume will be less than allowed by the F/TSP.

RECOMMENDED ACTION:

1. Receive staff report and public testimony.
2. Approve Area Plan 02-01 and Site Development Permit PA02-0074 with the recommended findings and conditions in Attachment A.

Respectfully submitted,

John B. Buzas, Manager
Current & Advance Planning Services Division

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Attachments:

- A. Findings & Conditions
- B. Aerial & Site Photos
- C. Applicant's Statement
- D. F/TSP Review Board Minutes
- E. Public Comments
- F. Development & Design Guidelines
- G. F/TSP Goals & Objectives
- H. Biotic Report & Certification
- I. Viewshed Analysis
- J. Consistency Checklist
- K. Environmental Documentation
- L. Site Plans & Certification
 - Alternative Grading Plan
 - Baseline Grading Plan
 - Landscaping Plan