

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: February 13, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA02-0132 for Use Permit

PROPOSAL: The applicant requests approval of a Use Permit as allowed by Zoning Code Section 7-9-137.5 "Fences and walls", to replace an existing retaining wall varying in height from 4 feet to 6 feet and topped with a 3 feet high tempered glass screen with a new retaining wall varying in height from 4 feet to 8 feet and topped with a 3 feet high tempered glass screen.

LOCATION: The project is located at 1965 La Cuesta Drive, Santa Ana, which is in the Lemon Heights area of North Tustin, on the north side of Vista Del Lago, northerly of the intersection of La Cuesta Drive and Vista Del Lago. Third Supervisorial District.

APPLICANT: Arthur Alvarez, property owner

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 PA02-0132 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is an irregular shaped 21,000 square foot parcel zoned 125-E4-20,000 (Small Estates, 125 feet minimum lot width, 20,000 square feet minimum lot area). The property is development with a single-family dwelling. The southern property line of the property is also the right-of-way line of Vista Del Lago, a public street. The site does not have access from Vista Del Lago because of a steep slope. Access to is site is from an easement road on the north side of the property via La Cuesta Drive to the west (see air photo on the next page).

There is an existing 107 feet long retaining wall on the Vista del Lago property line supporting a pool and lawn area above that according to the applicant is in need of repair. The applicant claims the existing wall is failing. The applicant proposes to replace this old retaining wall with a new more stable retaining wall constructed with caissons. The proposed new retaining wall is in the same location as the existing wall and is a little taller than the existing. Because the proposed wall is in a setback area and exceeds the standard height limit of 6 feet, approval of a Use Permit is required as permitted under Zoning Code Section 7-9-137.

SURROUNDING LAND USE:

Direction	Zoning District	Existing Land Use
Project Site	125-E4-20,000	Residential – Single-family
North	125-E4-20,000	Residential – Single-family
South	125-E4-20,000	Residential – Single-family
East	125-E4-20,000	Residential – Single-family
West	125-E4-20,000	Residential – Single-family



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 six County Divisions and the North Tustin Advisory Committee (NTAC). As of the writing of this staff report, no comments raising issues with the project have been received from other County. NTAC approved the proposal at their January 15, 2003 meeting (Exhibit 2).

CEQA COMPLIANCE:

The proposed project is Categorically 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:

The proposed retaining wall and glass windscreen are proposed to replace an exiting retaining wall and glass windscreen in the same location. The major difference between the existing wall and the proposed wall will be an increase in maximum height of 2 feet and the use of caissons with grade beams in the construction methods. The new wall construction is proposed to increase stability of the site's slope adjacent to Vista del Lago.

It is important to know that Planning Application PA02-0003 was approved for the property to the west for construction 110 lineal feet of retaining walls/fences up to 16 feet in height and 570 lineal feet of 8 feet high screen wall/fence. These new walls were a completion of walls previously approved at a height of up to 22 feet in height along La Cuesta Drive. The 8 feet high screen wall/fence follows the subject site's western property line along the entire length. Exhibit 4 was part of the exhibits for PA02-0003 showing the retaining wall and screening wall.

The retaining wall to be replaced was built in conformance with the 6 feet wall height standards and did not need approval of a Use Permit or a Site Development Permit. Staff sees no substantial issues associated with the minor increase in two feet of wall height. A visit to the site by staff, together with facts presented in PA02-0003, determined that there is a need to replace the existing retaining wall. The proposed wall is setback far enough from the pavement of Vista del Lago so as not to interfere with vehicular or pedestrian traffic. The proposed wall is in harmony with the walls approved on the adjoining property under PA02-0003. The two mandatory findings for fences and walls are included with Appendix A, Findings 9 and 10. Staff supports the proposal and recommends project approval as shown below.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0132 for Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: C:\My Documents\Use Permits\Use Permit 2002\PA02-0132 Staff Alvarez.doc

APPENDICES:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. NTAC minutes of the January 15, 2003 meeting
- 3. Site Photos
- 4. Exhibit from PA02-0003 showing proposed wall on adjacent property
- 5. 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.