

**MS Word Export To Multiple PDF Files Software - Please purchase license.PLANNING & DEVELOPMENT SERVICES REPORT**

**HEARING DATE:** September 29, 2004

**TO:** Orange County Planning Commission

**FROM:** Current & Advance Planning Services Division

**SUBJECT:** Site Development Permit PA04-0049 for Jacqui Moreland

**LOCATION:** 19281 Live Oak Canyon Road in Foothill/Trabuco (District 3)

**STAFF CONTACT:** Frank McGill (714-834-2099)

**SYNOPSIS:** The applicant seeks approval for a 2-story room addition. Staff recommends conditional approval.

**BACKGROUND:**

This is a site development permit per Foothill/Trabuco Specific Plan (F/TSP) section III.C.14 entitled "Minor Homeowner Improvements." Those regulations are included in Attachment C. Normally, such permits are approved administratively but, as provided for in the F/TSP, they may be forwarded to the Planning Commission for action.

**F/TSP REVIEW BOARD:**

The F/TSP Review Board recommended conditional approval of the project at their meeting on July 9, 2004. Their comments are discussed below and the minutes of their meeting are in Attachment D. A copy of this report has been mailed to Review Board members and Ray Chandos.

**CEQA COMPLIANCE:**

The project is categorically exempt from the requirements of CEQA (Classes 3 and 11).

**PROJECT DESCRIPTION:**

The applicant seeks approval to construct an attached garage with a second story bedroom and bath, to be on a portion of where an existing paved parking area is located. See site photos in Attachment B. The 2-acre project site is located in the Trabuco Canyon Residential (TCR) District of the F/TSP. The site plans and building plans are in Attachment E.

## **PROJECT ANALYSIS:**

The F/TSP normally requires that landowners dedicate 66 percent of their property to the County as an open space easement in return for the approval of a site development permit. However, minor improvements by existing homeowners are exempt from the requirement to dedicate if a number of standards are satisfied as follows:

- The existing dwelling must have been lawfully established. A building permit for the subject dwelling was issued prior to the adoption of the F/TSP in 1991. No discretionary permits were required at that time, thus the dwelling was lawfully established.
- The height of the improvements may not exceed 35 ft. The height of the proposed addition is 22 feet, which is even less than the 30-foot height of the existing house.
- The footprint of the improvements shall not be more than 50% of the footprint for the existing house. The footprint of the proposed improvements is 50% of the existing house.
- Grading for the foundation shall be limited to 150 cu. yd. on slopes less than 15% and manufactured slopes shall be less than 10 vertical ft. For the proposed project there are no natural slopes, no manufactured slopes, and grading for the foundation is 70 cu. ft.
- All trees shall be preserved. The proposed project will not impact any trees (or other vegetation).
- The proposed improvements shall not be within 50 feet of wildlife corridors, streambeds, and oak woodlands. The proposed project satisfies that standard.
- The improvements shall not be within the setback area for scenic highways (i.e.; for this project, 200 ft. from Live Oak Canyon Road). The proposed improvements and the existing house are both about 100 ft. from Live Oak Canyon Road. The 200 ft. setback on this property ends well beyond the location of the existing house. We believe that the purpose of this setback standard was to prevent encroachment into natural open space areas. In this case, the proposed improvements will be on a portion of where there is now a cement slab. The view of the improvements, vis-à-vis Live Oak Canyon Road, will be within the visual envelope of the existing house and no closer than the existing house. The F/TSP Review Board questioned whether the proposed project complies with this standard. For the reasons stated above, we believe that it complies with the spirit and intent of that standard.

## **CONCLUSION:**

The proposed project has been reviewed by appropriate County staff. With one possible exception, the project complies with all the standards of the F/TSP regarding minor homeowner improvements. Because of the special circumstances described above, we

believe that the Planning Commission could find that the project is also in compliance with the scenic highway setback and a finding to that effect is included in Attachment A.

**RECOMMENDED ACTION:**

1. Receive staff report and public testimony.
2. Approve Site Development Permit PA04-0049 subject to the findings and conditions in Attachment A.

Respectfully submitted,

John B. Buzas, Assistant Director  
Current & Advance Planning

**Attachments:**

- A Findings & Conditions
- B. Site Photos
- C. F/TSP Minor Homeowner Improvements
- D. F/TSP Review Board Minutes
- E. Site Plan/Building Plans