

RDMD/PLANNING & DEVELOPMENT SERVICES REPORT

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- DATE:** April 20, 2006
- TO:** Orange County Zoning Administrator
- FROM:** RDMD/PDS/Site Planning Section
- SUBJECT:** Public Hearing on Planning Application PA05-0075 for a Site Development Permit and Use Permit.
- PROPOSAL:** In conjunction with the construction of a single family residence:
Use Permit: Construction of over-height retaining walls with guard rails within the front setback; and 11.5% grade for driveway/off-street parking area.
Site Development Permit: Grading in excess of 500 cubic yards in building sites with slopes exceeding 30%; 100 cubic yards cut, 1,600 cubic yards fill, with 1,500 cubic yards of import
- LOCATION:** 12288 Circula Panorama. The project is located in the unincorporated area of Panorama Heights - Third Supervisorial District.
- APPLICANT:** Merhadad Michael Golshani, owner
- STAFF** Yosh Kawasaki, Project Planner
- CONTACT:** Phone: (714) 834-4389 FAX: (714) 667-8344
- SYNOPSIS:** Current and Advance Planning Services recommends Zoning Administrator approval of PA05-0075 for a Site Development Permit and Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The property is located at 12288 Circula Panorama (Lot 61, Tract 939). The lot is 21,897 square feet narrow and rectangular shaped, measuring 62.72 feet across the street frontage (front property line), 60 feet at the rear property line and an average depth of approximately 365 feet. The vacant site is also characterized by sloping from the front to the rear property line. The site is designated E4 - 20,000 "Small Estates" District. The "20,000" denotes that in addition to the standard E4 District regulations, the building site minimum is 20,000 square feet. Standard setbacks for the E4 Small Estates District is 30 feet front, 25 feet rear and ten percent (10%) of the ultimate net width of the building site (maximum of 20 feet).

The Applicant is proposing to construct a 5,737 square foot, four level, stepped, hillside, single family dwelling. The proposed dwelling will be situated 20 feet from the front property line based on averaging the existing front setbacks of the adjacent lots (Section-7-9-128.4). A three-car garage and driveway/off-street parking area will provide the required parking. In addition, an 11.5% down grade for the driveway/off-street parking area is proposed. Extensive grading will be required to prepare the site. An estimated 100 cubic yards of cut and 1,600 cubic yards of fill, of which 1,500 cubic yards would be import.

SURROUNDING LAND USE:

The project site and all surrounding properties are zoned E4 – 20,000 “Single-family Residence” District with a minimum 20,000 square feet site requirement, and is currently vacant (see photo below).



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 three County Divisions. In addition, the Planning Department distributed the proposed projects to the North Tustin Advisory Committee and the Foothill Community Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The North Tustin Advisory Committee approved this item at their January 18, 2006 public hearing. No other comments were received.

CEQA COMPLIANCE:

Negative Declaration No. PA050075 has been prepared and was posted for public review on December 22, 2005. It is attached for your consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

DISCUSSION/ANALYSIS:

As described earlier, the Applicant is proposing to build a 5,737 square foot, four level, stepped, hillside, single family dwelling. The proposed structure would be situated 20 feet from the front property line based on averaging the existing front setbacks of the adjacent lots (Section-7-9-128.4). The subject lot is irregular in shape, slightly less than rectangular, with a front width of 62.72 feet, 80 feet rear width and an average depth of 365 feet.

As proposed, the project would require the installation of retaining walls in the front, side and rear areas of the dwelling. The proposal shows retaining wall of varying heights, but none would exceed 22 feet, including safety/guard rails on top of the retaining walls. Except for portions of the northly and southerly retaining wall which extends into the front setback, the retaining walls are outside the setbacks. The maximum allowable wall height is three and one-half (3½) feet in the front setback (Section 7-9-137.5.b). The maximum height of the proposed walls within the front setback is 17.7 feet (includes safety/guard rail) and four (4) feet, respectively. Modifications to the wall height may be permitted, subject to the approval of a Use Permit by the Zoning Administrator.

These types of retaining walls are fairly common in the area, however the Zoning Administrator will be asked to make the finding that the over-height walls within the front setback will not impact the neighborhood. The specific wording of the required finding is: *“That the height and location of the fence or wall as proposed will not result in or create a traffic hazard”* and *“That the location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.”* They can both be found as Findings Numbers 9 and 10, respectively.

The Applicant also proposes an 11.5% down grade for the driveway and off-street parking area. Whenever access is taken from a street, alley or driveway to an off-street parking area, standards allow for “maximum down grade” of minus six percent (-6%) (Section 7-9-145). In addition, non-commercial parking spaces shall have a maximum five percent (5%). Alternatives to the off-street parking regulations may be permitted subject to the approval of a Use Permit. The neighborhood, for the most part, is characterized by homes on steep lots, accessed either by elevated driveways on artificially elevated grads, driveways that enter into garages sunken into upslopes, driveways that cross multiple properties, or driveways that meander through up or down curves in an effort to reduce steepness. The proposed driveway arrangement would be typical of the area, since there are those varieties of means of addressing the steepness of building sites and it is far from president setting.

Construction of the proposed dwelling will require extensive grading. Because over 500 cubic yards of soil will be graded on a slope of more than 15%, the proposal requires the approval of a Site Development Permit (Section 7-9-139). Grading will be done to facilitate the construction of the building pad for the garage, house and driveway/off-street parking area. The structures will be constructed in such a way that most of the dwelling will be below the grade of the roadway. Grading quantities include 100 cubic yards of cut and 1,600 cubic yards of fill, of which 1,500 cubic yards would be import. A haul route will be included as part of the required grading permit (Condition No. 15).

The proposed project will meet all other codes requirements applicable to the construction of a single family home in the E4 - 20,000 “Small Estates” District zoning, including the 35 foot height limit. The practice for interpreting the height limit “envelope” requirement in the Zoning Code is that a structure’s

height is measured from the average of all finished grade elevations, five (5) feet from the front of the structure (towards the street), and five (5) feet from the rear of the structure (towards the back of the lot).

RECOMMENDED ACTION:

RDMD/Planning/Site Planning Section recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Negative Declaration No. PA050075; and,
- c. Approve Planning Application PA050075 Site Development Permit and Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Signature on file

Charles M. Shoemaker, Chief
RDMD/Planning/Site Planning Section

APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos
3. Site Plans
4. Environmental Documentation

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 for a single family dwelling matter or \$760.00 for all other matters, to be 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 Department.