

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

**DATE:** October 5 , 2006

**TO:** Orange County Zoning Administrator

**FROM:** RDMD/PDS/Environmental and Site Planning

**SUBJECT:** Public Hearing on Planning Application PA 060049 for Variance

**PROPOSAL:** The variance request is to allow encroachment of eight feet into the 30-foot front setback area to accommodate expansion of the garage and porch area.

**LOCATION:** The subject property is located at 13102 Palomar Way, Santa Ana, CA 92705 (North Tustin)  
First Supervisorial District.

**APPLICANT:** Mark Knutson.

**STAFF CONTACT:** Jerry Mitchell, Staff Planner  
Phone: (714) 834-5389 FAX: (714) 834-6132

**SYNOPSIS:** RDMD/PDS/Environmental and Site Planning recommends Zoning Administrator approval of Planning Application PA06-0049 for a Variance subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The single-family residence is located at 13102 Palomar Way, Santa Ana (North Tustin) and was constructed about 50 years ago. The proposed addition would increase the square footage by approximately 327 square feet making the total structure 2,025 square feet. The project consists of adding onto the garage and front porch areas, which requires encroaching eight feet into the 30-foot setback, leaving the front setback area at 22 feet.

**SURROUNDING LAND USE:**

The location, size and design characteristics of this project are consistent with other original and upgraded single-family residences found in this North Tustin area. Several other residents in the neighborhood have added porches encroaching into their setback areas as well. The proposed expansion would extend the garage and porch areas eight feet into the front setback. The building materials used and methodologies employed will adhere to current building code standards and practices.

**AERIAL PHOTO OF PROJECT SITE**



**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions. As of the writing of this staff report, no comments raising significant issues with the project have been received from other County divisions.

**CEQA COMPLIANCE:**

Initial Study, Number PA060049 was prepared for the proposed project. The project is Categorically Exempt (Class 3) from CEQA per Section 15303 of the CEQA Guidelines. Class 3 of the CEQA Guidelines provides for new construction or conversion of small structures. It is included in the attached Findings for the Zoning Administrator's consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

**DISCUSSION/ANALYSIS:**

The existing use of the property is a single-family dwelling which is consistent with current land use and zoning. It is a single-story residence constructed about 50 years ago and is located mid-block on the east side of Palomar Way.

The variance request is to allow an eight-foot encroachment into the front setback (30 feet), which would then be reduced to 22 feet, for expansion of the garage and porch area. The front of the garage currently

measures 42 feet from the curb, which would be reduced to 34 feet with the approved variance. This paved neighborhood street is 35 feet wide but is designated for an ultimate width of 60 feet. However, there appears to be little if any function in the future widening of this street, especially when you consider that this is only a 12-lot residential street.

A variance is being requested to allow an expansion of the garage and front porch area. The residents' will incorporate conventional architecture that is consistent with the neighborhood, be of modest physical size and reflect similar changes as those already implemented by other residents in the neighborhood.

The proposed remodeling project is subject to the attached Findings and Conditions of Approval, is consistent with adjacent zoning (E4) and surrounding land uses.

Staff supports the applicant's proposal and recommends approval as noted below.

**RECOMMENDED ACTION:**

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA06-0049 for a variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

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Ronald L. Tippetts, Chief  
RDMD PDS/Environmental & Site Planning

**APPENDICES:**

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

**ATTACHMENTS:**

1. Letter Requesting Variance - Applicant's Agent
2. Minutes from NTAC Supporting Variance
3. Five Letters of support (neighbors)
4. Notice of Public Hearing
5. Site Plan

**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 Planning and Development Services.



**APPENDIX A**  
**Knutson Variance, PA 060049**  
**13102 Palomar Way, Santa Ana**  
**Findings**

**1. [AA01] General Plan**

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

**2. [AA02] Zoning**

That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

**3. [AA03] Compatibility**

That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

**4. [AA04] General Welfare**

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

**5. Categorical Exemption (Custom)**

That the proposed project is Categorically Exempt (Class 3, Section 15303) from the provisions of CEQA. Class 3 of the CEQA Guidelines provides for the new construction or conversion of small structures.

**6. [VA01] VARIANCE 1 PA060049 (Custom)**

That there are special circumstances applicable to the subject building site which, when

applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations. The homes in this neighborhood are predominately Ranch Style. Other residences within the neighborhood have done similar construction encroaching into the front setback; therefore, approval of this variance would not be out of character for the neighborhood.

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**7. [VA02]**

**VARIANCE 2**

**PA060049**

That approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.



**APPENDIX B**  
**Knutson Variance, PA 060049**  
**13102 Palomar Way, Santa Ana**

**Conditions of Approval**

**1. [Z01] BASIC/ZONING REG**

**Approval: CP CP NA**

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

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**2. [Z02] BASIC/TIME LIMIT**

**Approval: CP CP NA**

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

**3. [ Z03 ] BASIC/PRECISE PLAN**

**Approval: CP CP NA**

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

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**4. [Z04] BASIC/COMPLIANCE**

**Approval: CP CP NA**

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

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**5. [Z05] BASIC/OBLIGATIONS**

**Approval: CP CP NA**

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

**6. [Z06] BASIC/APPEAL EXACTIONS****Approval: CP CP NA**

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

**7. [N10] CONSTRUCTION NOISE****Approval: BP BP G**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permit Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

**8. [WQ05] EROSION AND SEDIMENT CONTROL PLAN****Approval: BI BI GB**

Prior to the approval of any grading permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMP's will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

**9. [T07] SIGHT DISTANCE****Approval: SG SG G**

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

**10. [N10] CONSTRUCTION NOISE**

**Approval: BP BP G**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

**11. [FPR]**

**Accessory Structure**

**Fire Service Code: 2.12.5**

Prior to the issuance of any building permits, the applicant shall submit plans and obtain approval from the Fire Chief for any accessory structures.