

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: February 7, 2007
TO: Orange County Planning Commission
FROM: RDMD/PDS/Site Planning
SUBJECT: PA06-0081, a site development permit to address grading performed in recent years without permit to be corrected by grade recontouring back toward natural, and hydroseed landscaping. No dedication of “permanent, natural open space” is proposed in connection with this project proposal. The applicant requests the Commission allow existing property perimeter chain-link fencing to remain, which is otherwise prohibited under Foothill-Trabuco Specific Plan Section III.D.6.7.d.

The 4.58 acre (gross) site is in the “Trabuco Canyon Residential” (TCR) District of the Foothill-Trabuco Specific Plan, and was created by Tract 7685 in 1973.

LOCATION: 20182 Trabuco Oaks Drive, Trabuco Canyon (District 3)

APPLICANT: Kiran Patel, Owner

STAFF CONTACT: Jim Swanek (Jim.Swanek@pdsd.ocgov.com)
Phone (714) 796-0140 FAX (714) 834-4772

SYNOPSIS: Planning & Development Services recommends Planning Commission approval of PA06-0081 for Site Development Permit, subject to the Recommended Conditions of Approval and Findings herein

PROJECT ANALYSIS:

The project site is located in the Trabuco Canyon Residential (TCR) District of the Foothill/Trabuco Specific Plan, with a 2 acre minimum lot size. The 4.58 acre lot was created by a 1973 tract map. A frontage easement was dedicated to the County at that time for management of the floodplain of Hickey Creek, which passes through the front of the lot.

The site was partially graded, approximately 1974-75, when the house immediately to the north was constructed. That grading created an access road across this property to said adjoining lot, and a separate access road to a small pad at the top of this lot. Development of this pad may be very difficult because fire access and fuel modification requirements have changed dramatically since the mid 1970s. Nonetheless, the applicant proposes to retain the older grading. The current grading without benefit of permit began in 2003. In the following aerial photo, taken early 2003, north is located at the top of the image.



The applicant is proposing a site development permit to grade some 1,563 additional cubic yards to redress grading done without permit. That grading was done to establish a fruit orchard. No other development is proposed at this time. The TCR District grading yardage limitation of 3,000 cubic yards would be met by the proposed plan.

Specific Plan Section II.C.3.0 requires a “site-specific oak woodlands analysis” whenever a project is within 100 feet of any designated oak woodland. Only the bottom of the existing driveway meets that standard, and staff, under Section III.G.2.0 f. (Page III-93), accordingly required no site-specific analysis. Two oak trees exist near the edge of the placement of uncertified fill, but seem not to have been impacted.

Specific Plan Section II.C.4.2 requires a “site-specific streambed analysis” whenever a project is within 100 feet of any designated streambed. Only the bottom of the existing driveway meets that standard, and staff accordingly required no site-specific analysis.

Specific Plan Section II.C.2.2 c) requires a “site-specific wildlife corridor analysis” whenever a project is within 150 feet of any designated wildlife corridor. This property is not within 150 feet of the corridor to the north.

No portion of this property is within 200 feet of either a major ridgeline or major outcropping as those are depicted in Specific Plan Exhibit II-6.

Open space dedication of a required 66% for permanent open space is not included. The wording of the Specific Plan is that “each individual project proposal...shall preserve a minimum of sixty-six (66) percent of the site in permanent, natural open space which shall be offered for dedication in fee or within preservation easements to the County of Orange...”.

Since over thirty-four (34) percent of the site has already been graded, either in the 1970s or more recently, it is no longer physically possible to preserve, let alone dedicate, 66 percent as “natural” open space, with the Specific Plan itself defining a “natural slope” as one that “is not man-made”.

The open space preservation topic may be reconsidered in the future when site development is proposed. Staff would suggest that deferral of the open space dedication to a later date when a specific development proposal is under consideration is reasonable. However, because of the current condition of most of the site, having been grubbed, cleared and/or graded, preservation of 66 percent of the site as natural open space may never be attainable.

Finally, the applicant asks the Commission to allow existing property perimeter chain-link fencing to remain, otherwise prohibited under Foothill-Trabuco Specific Plan Section III.D.6.7.c. This subsection indicates that the use of chain-link fencing is prohibited “...except during construction activities”.

The applicant requests the use of the chain-link fencing be permitted during the initial replanting and hydroseeding, as well as the period of reestablishment and monitoring noted in Condition of Approval #11.

Staff agrees that some form of fencing is appropriate; however, staff would recommend that the consultants overseeing the restoration activities provide recommendations relative to type and duration of fencing needed to achieve success. Applicant must comply with the prohibition of chain-link fencing requirement of the Specific Plan unless it is determined necessary to the site restoration.

FOOTHILL/TRABUCO SPECIFIC PLAN REVIEW BOARD:

On October 13, 2006, the Foothill-Trabuco Specific Plan Review Board reviewed this project. Their minutes of approval, attached as Exhibit 2, identify the provision of a revegetation plan. The applicant has since produced a plan for the Commission’s review which would hydroseed the disturbed area with native species that should ultimately re-establish a coastal sage scrub community. Three species typical of that plant community; black mustard, sagebrush, and buckwheat, were not included as they are on the Fire Authority’s mandatory removal list for fire protection. The applicant will be responsible for demonstrating plant establishment success over a 5 year period (see Condition 11).

PUBLIC NOTICE:

Notices of Hearing were mailed and posted as required by state law. Additionally, public notice has been mailed to those parties that have requested notification on projects in the Foothill-Trabuco Specific Plan area. As of the writing of this staff report, no objections have been recorded from said noticing.

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project has been found Categorically Exempt, Class IV, as a minor alteration of land.

SUMMARY:

Attached as Exhibit 4 is the Foothill-Trabuco Specific Plan Project Consistency Checklist completed for this project. Staff concludes the project proposal is generally consistent with Specific Plan Regulations, Guidelines, Goals and Objectives.

RECOMMENDED ACTION:

1. Receive staff presentation and public testimony; and
2. Approve PA06-0081, subject to recommended findings and conditions (Appendices A-B).

Respectfully submitted,

Tim Neely, Director
Planning and Development Services

APPENDICES:

- A. Recommended Findings for Project Approval
- B. Recommended Conditions for Project Approval

EXHIBITS:

1. Applicant's Letter of Justification
2. Foothill-Trabuco Specific Plan Review Board meeting minutes
3. Project Plans (Planning Commission copies only)
4. Foothill-Trabuco Specific Plan Project Consistency Checklist (Planning Commission only)
5. Site Photos

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Planning Commission on this permit to the Orange County Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.