

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: January 25, 2007

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Environmental and Site Planning

SUBJECT: Public Hearing on Planning Application PA 060084 for Use permit and Variance

PROPOSAL: An **Off-street Parking Modification Use Permit** is requested to allow existing garage driveway length of 16 feet to remain rather than being reconstructed at 18 feet in connection with the addition of more than 50 percent of the existing house floor space. A **Variance** is also being requested for a three-foot two-inch rear wall setback with a roof-eave setback of two feet, two inches associated with attaching the existing detached garage to the single-family dwelling and retention of a portion of the existing residence within front yard setback at 15 feet four inches from front property line.

LOCATION: The subject property is located at 11372 Foster Road Rossmoor, CA 90720 Second Supervisorial District.

APPLICANT: Howard and Betty Arakawa

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

SYNOPSIS: RDMD/PDS/Site Planning recommends Zoning Administrator approval of Planning Application PA060084 for a Use Permit and Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The single-family residence is located on a corner lot at 11372 Foster Road Los Alamitos (Rossmoor) and is zoned R1/28. The residence was constructed in the early sixties and is characterized as a single-story ranch style home. A single-family one-story residence at 11362 Foster Road shares the north property line of the subject property and a single-family one story residence at 11411 Donovan shares the east property line. The lot is slightly irregular shaped with the existing residence sighted along property line on Kittrick Drive. Foster Road is a major arterial street and has regular heavy traffic, while Kittrick Drive is a less traveled commuter street.

The proposed single-family dwelling reconstruction consists of adding a second floor of 2,063 square feet, a 132 square-foot covered rear balcony, both in compliance with the current Zoning Code, and

remolding the existing first floor to reuse the maximum existing structure and foundation. Also included is a new one-car garage addition to be attached to the existing two-car garage and a five-foot six-inch covered breeze-way, separating the two garages from the main structure on the first floor.

The need for an Off-street Parking Modification Use Permit and Variance arises from utilizing the existing garage on the southeast corner of the property and keeping an existing pool located next to the existing garage.

The existing garage has a legal non-conforming driveway length of 16 feet and an existing rear setback of three feet two inches. The Off-street Parking Modification Use Permit is requested to allow the existing garage driveway length to remain rather than to be reconstructed at 18 feet in connection with the addition of more than 50 percent of the existing floor space.

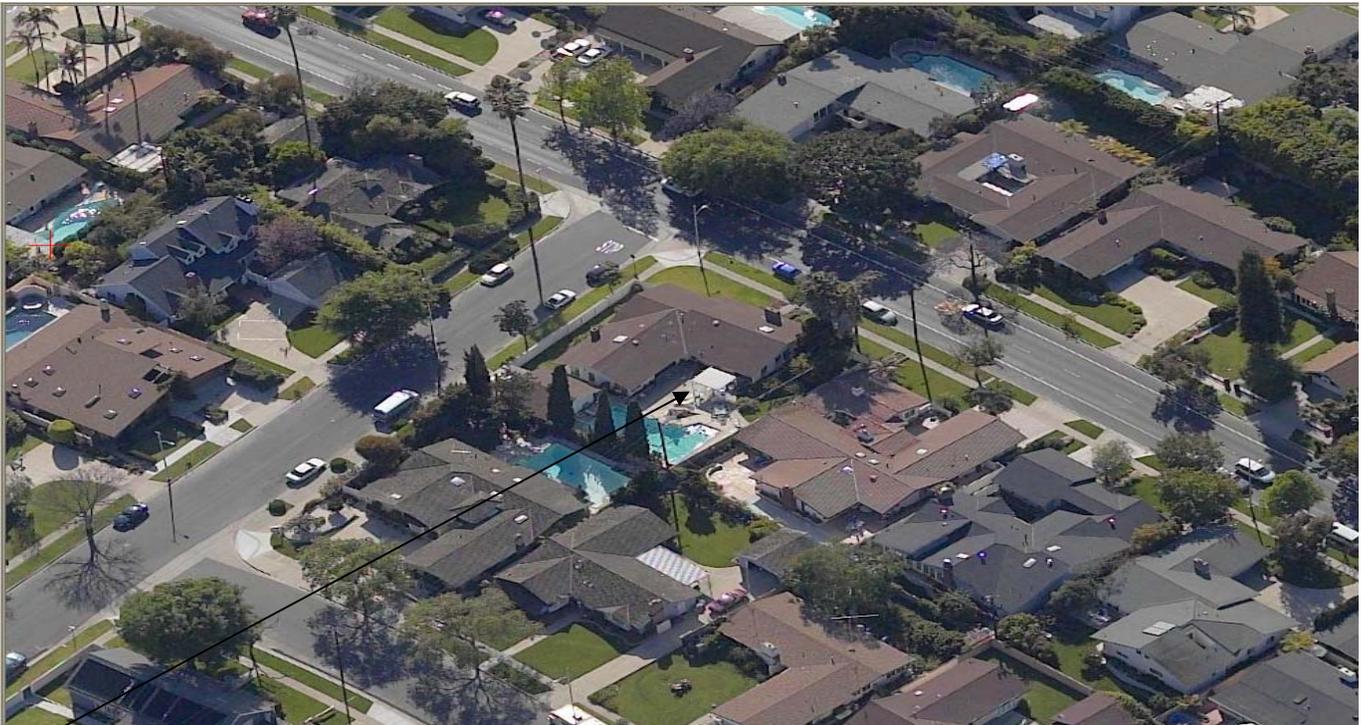
A proposed new single-car garage attached to the existing garage will have the required 18-foot driveway length and allow an oversized vehicle to park properly on the property. A proposed five-foot six-inch covered breeze-way will connect the garages to the main structure at the second floor. The proposed second floor addition will have a Master Bedroom and Study located over the breeze-way and a new single-car garage with a roofline that blends and attaches to the existing detached garage.

A Variance is requested to maintain the three-foot two-inch rear wall setback and a roof-eave setback of two feet, two inches associated with attaching the existing detached two-car garage to the single-family dwelling. The variance also acknowledges that a portion of the originally constructed single-story residence will remain, located at the northwest corner of the property, that encroaches a maximum of four feet eight-and a-half inches into the front yard setback (caused by the irregular front yard setback line angle along Foster Drive), which crosses into the existing structure sited along Kittrick Drive. The proposed remodel will utilize this portion of the existing structure. No additional encroachment will occur as a result of the new construction.

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 Rossmoor area. Several other residents in the neighborhood have upgraded their properties as well.

AERIAL PHOTO OF PROJECT SITE



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.

Comments also were received in a letter dated October 11, 2006 from the Community Standards Committee of the Rossmoor Homeowners Association (Attachment 1). The letter indicates strong opposition to allowing the existing driveway to remain at 16 feet instead of the required 18 feet (safety reasons cited). They believe the owners should revise their plan to accommodate the additional two feet of driveway, thus eliminating the need for a Use Permit. Also, they were concerned about the existing garage roof touching an existing wall and requested County fire inspectors look carefully at this aspect of the plan.

CEQA COMPLIANCE:

Initial Study, Number PA060084 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 residential dwelling unit which is consistent with current land use and zoning (R1/28). It is a single-story residence constructed about 40 some years ago and is located at 11372 Foster Road in the County unincorporated area of Rossmoor.

The existing legal non-conforming driveway length of 16 feet does not appear to create any safety hazards given the addition of the new 18-foot driveway associated with the new one-car garage addition, to be attached to the existing garage. This 18-foot driveway will accommodate any oversized vehicle to preclude obstructing the existing sidewalk. This should be adequate to satisfy the noted objection from the Rossmoor Homeowners Association that in general, 16-foot driveways create unsafe conditions for children, forcing them to enter the street to go around vehicles parked over the sidewalk. Requiring the applicant to remove and rebuild the existing garage to construct an 18-foot driveway would create an unnecessary hardship and jeopardize the utility of the swimming pool, which is currently about seven feet from the back of the garage wall.

A Variance is requested to maintain a three-foot two-inch rear wall setback and a roof-eave setback of two feet, two inches associated with attaching the existing detached two-car garage to the single-family dwelling and keeping an existing pool located next to the existing garage. The variance request is consistent with a variance granted for a similar corner lot within the same tract.

Also, the Association's concern regarding the existing garage roof-eave touching the existing wall is addressed through the Fire Authority's condition for the applicant to submit plans for review prior to issuance of a building permit.

As noted above, a portion of the existing single-story structure at the northwest corner of the property that encroaches four-foot eight-and a-half inches into the front yard setback (caused by the irregular front yard setback line angle along Foster Drive), will remain. The proposed remodel will utilize this portion of the existing structure. The single-story encroachment portion and a covered front porch balance the Foster Street elevation with the single-story transitioning into two-story elements at the Entry turret and main second floor, with the existing single-story garage completing the transition along the Kittrick Drive portion. The remodel has been designed to maintain existing sight clearances from adjoining properties to have the least impact on the neighborhood

The proposed remodeling project is subject to the attached Findings and Conditions of Approval, provided as Appendices "A" and "B" and is consistent with adjacent zoning (R1/28) and surrounding land uses. Staff, therefore, 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 PA060084 for a **Use Permit and Variance** subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Ronald L. Tippetts, Chief
RDMD PDS/Site Planning

APPENDICES:

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

ATTACHMENTS:

1. Applicant's Letter Requesting Use Permit and Variance
2. Minutes from NTAC
3. Letter of support (neighbor)
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

Howard and Betty Arakawa Use Permit/Variance, PA060084 11372 Foster Road, Rossmoor

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. CEQA - Categorical Exemption PA060084 (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 PA060084 (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; therefore, approval of this variance would not be out of character for the neighborhood.

7. [VA02] VARIANCE 2 PA060084

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

Howard and Betty Arakawa Use Permit/Variance, PA060084 11372 Foster Road, Rossmoor

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.

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.

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.

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. [G01] GEOLOGY REPORT

Approval: SG SG G

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the Grading Manual.

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. [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.

10. [FPR]

Residential Site Plan (Custom)

Fire Service Code: 2.8.1 (Site Development Review)

Prior to the issuance of any building permit, the applicant shall submit plans for review and approval by the Orange County Fire Authority for a residential site review. The plan submitted shall contain the information listed on the "Residential Site Review Assistance" form, which can be obtained at <http://www.ocfa.org/innerpage/pandd.htm>, or by calling (714) 573-6100.