



DATE: November 16, 2006

TO: File/Record/Applicant

FROM: Timothy S. Neely, Director, RDMD/Planning and Development Services

SUBJECT: Planning Application PA06-0086 for Administrative Site Development Permit

APPLICANT: Steve and Sylvia Kelekian, property owners

LOCATION: 19362 St. Jude, Cowan Heights

I. NATURE OF PROJECT:

Owner requests a Site Development Permit to place more than 500 cubic yards of fill on existing slopes that are greater than 30%. In this case, approximately 2250 cubic yards of grading is being done, some on existing slopes that are less than 30%. Previously, via GB030062 and PA020133, 3210 cubic yards of grading, again mostly fill, was done on another portion of this same site.

The project was reviewed by the North Tustin Advisory Committee, which unanimously recommended approval of the project on October 18, 2006, with “the condition(s) that the applicant work with neighboring properties to find equitable arrangements for making (private) road repairs at the close of project”.

As background, many of the older private residential roads in unincorporated Orange County were constructed with engineering for which at the time there was no County review and for which there is now no record. In recent years, as the size of home improvement projects has increased, with a corresponding increase in the size of construction equipment, instances of damage to the pavement and/or base of these private roads have been noted during and as a result of larger home improvement projects. As a general rule, if homeowners limit themselves to the import or export of dirt solely by bobtail dump trucks with a maximum 5 cubic yard payload that weigh 13,000 lbs. empty, the risk of private road damage is small, but increases considerably with the use of heavier equipment.

It would seem the intent of NTAC was to require a condition for this project along the lines of one imposed for similar reasons on PA040075. The recommended wording here would be as follows:

“Applicant will bear the responsibility of repairing damages to St. Jude in the event these damages are from the direct result of misuse, negligence or the willful misconduct by applicant or any of their contractors during this project. This does not apply to normal wear and tear of the road. The preexisting condition of the road will be noted by applicant with photos and or a video before the start of the project.”

The property is zoned E4 (100) Small Estates, and has a General Plan land use designation of “Suburban Residential”.

II. REFERENCE: (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code Sections 7-9-139(b)(2) and 7-9-150 "Discretionary Permits and Procedures".

III. ENVIRONMENTAL DOCUMENTATION:

The project has, under its documentation requirements of CEQA, an Addendum to previously certified Negative Declaration IS PA0200133. Appendix A contains the required Finding.

IV. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Timothy S. Neely, Director
RDMD/Planning and Development Services

By: _____
Ron Tippetts, Chief
Site Planning, Land Use Services

ATTACHMENTS:

Appendix A - Findings
Appendix B - Conditions of Approval

APPEAL PROCEDURE

Any interested person may appeal the decision of the Director 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.



Appendix A Findings PA060086

1	GENERAL PLAN	PA060086
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	ZONING	PA060086
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	COMPATIBILITY	PA060086
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	GENERAL WELFARE	PA060086
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.		
5	PUBLIC FACILITIES	PA060086
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).		
6	NEGATIVE DECLARATION AND ADDENDUM	PA060086 (Custom)
That the decision-maker has considered Negative Declaration IS PA020133, previously adopted on April 17, 2003, and Addendum IS PA060086 prior to project approval. The Addendum is approved for the proposed project based upon the following findings:		
<ul style="list-style-type: none"> a. Together, these documents are adequate to satisfy the requirements of CEQA by the decision-maker; and b. The additions, clarifications, and/or changes to the original document caused by the Addendum do not raise new significant issues that were not addressed by the Negative Declaration; and c. The consideration of the Negative Declaration and the approval of the Addendum for the proposed project reflect the independent judgment of the Lead Agency. 		
7	FISH & GAME - EXEMPT	PA060086
That pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.		
8	NCCP NOT SIGNIFICANT	PA060086
That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.		



Appendix B Conditions of Approval PA060086

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- 1 CP CP NA BASIC/ZONING REG PA060086**
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 CP CP NA BASIC/TIME LIMIT PA060086**
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.
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- 3 CP CP NA BASIC/PRECISE PLAN PA060086**
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 CP CP NA BASIC/COMPLIANCE PA060086**
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 Planning Commission.
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- 5 CP CP NA BASIC/OBLIGATIONS PA060086**
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.
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- 6 CP CP NA BASIC/APEAL EXACTIONS PA060086**
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.
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- 7 SG SG G GEOLOGY REPORT PA060086**
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.
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- 8 CP CP Z PRIVATE STREET MAINTENANCE PA060086 (Custom)**
Applicant will bear the responsibility of repairing damages to St. Jude in the event these damages are from the direct result of misuse, negligence or the willful misconduct by applicant or any of their contractors during this project. This does not apply to normal wear and tear of the road. The preexisting condition of the road will be noted by applicant with photos and or a video before the start of the project.
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- 9 BI BI GB EROSION AND SEDIMENT CONTROL PLAN PA060086**
Prior to the issuance of any grading or building permit, the applicant shall submit a 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.