

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

**DATE:** August 8, 2007

**TO:** Orange County Planning Commission

**FROM:** RDMD/PDS/Site Planning & Environmental Services

**SUBJECT:** Public Hearing on Planning Application PA 06-0096 for a Site Development Permit.

**PROPOSAL:** The proposal is for approval of a Site Development Permit for grading and construction of a single-family dwelling.

**LOCATION:** 19342 Live Oak Canyon Road in the Foothill Trabuco area (Third Supervisorial District).

**APPLICANT:** Goren Financial Services.

**STAFF CONTACT:** Ron Tippets (714) 834-5394

**SYNOPSIS:** The applicant seeks approval for grading and construction of a single-family dwelling on Lot Nine of Tentative Tract Map 14749, Attachment 1.

PDS/Site Planning & Environmental Services recommends Planning Commission conditionally approve Planning Application PA 06-0096.

**BACKGROUND:**

Area Plan 92-04 for Goren Financial Services was filed in 1991 as the first step in processing a project for the subdivision and development of nine residential lots on 3.4 acres. The processing of this subdivision and development was delayed by multiple appeals and a lawsuit, all of which have been resolved. Tract Map 14749 for the subdivision of 34.4 acres within the Foothill Trabuco Specific Plan area was recorded on July 6, 2004. To date, only one single-family residence (lot # 5 – PA 01-0072), has been constructed.

The previous approvals for Tract 14749 allow for the grading of all roads and driveways to the nine lots. No grading is allowed for the building pads, including the subject site, until a site development permit that includes building plans has been approved.

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This application includes a site development permit for grading and construction of a single-family dwelling.

**F/TSP REVIEW BOARD:**

The F/TSP Review Board reviewed this project on January 12, 2007 and recommended approval by a vote of 4 to 0, based on the condition that County staff determines that the current application conforms to the conditions of the previously approved area plan. Minutes to this meeting are provided as Attachment 2.

**CEQA COMPLIANCE:**

The proposed project is covered by Final EIR 531, previously certified on December 10, 1991 and Addendum PA06-0096 (Attachment 3). Prior to project approval, this EIR and Addendum must be found adequate to satisfy the requirements of CEQA for this project by your Commission. A finding for that purpose is included in Recommended Findings submitted as Appendix A. All appropriate mitigation measures have been included as Conditions of Approval submitted as Attachment B.

**PUBLIC NOTICE AND COMMENTS:**

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site. In addition, a public notice was posted on site, first floor of H.G. Osborne Building and first floor of 333 W. Santa Ana Boulevard. A notice and this staff report were also mailed to the members of the F/TSP Review Board, as well as to the applicant. No public comments have been received to date.

**PROJECT SITE:**

The 3.05-acre site is identified as Lot 9 of approved Area Plan 92-04 and Tract Map 14749. The site and surrounding area is zoned "Trabuco Canyon Residential" (TCR). The topography is hilly with steep slopes and heavy vegetation including oak trees. The site cannot be viewed from Live Oak Canyon Road. As allowed by Area Plan 92-04 and Site Development Permit PA 98-0174, the access driveways to Lots # 1 through 9 have been graded and paved. No grading has occurred on Lot 9.

**PROJECT DESCRIPTION:**

The applicant wishes to grade 350 cubic yards of cut and 500 cubic yards of fill, and construct a 5,094 square foot, 2-story, 28.6-foot high single-family residence with a three-car, 742 square-foot garage. The residence is well within the 35-foot height limit. The design of the house will be integrated to the extent possible into the natural terrain, which will allow minimization of grading to accommodate Orange County Fire Authority

fuel modification requirements. The natural topography and vegetation will serve to eliminate any visual impacts to Live Oak Canyon Road, a County designated scenic corridor. No structures can be viewed from Live Oak Canyon Road.

#### PROJECT ANALYSIS:

##### Consistency with Area Plan 92-04 and Foothill Trabuco Specific Plan

Site Development Permit PA 06-0096 is consistent with Area Plan 92-04 and such a finding is included in Appendix A. The Permit is also consistent with the Foothill Trabuco Specific Plan (F/TSP). The regulations and guidelines of the F/TSP germane to this project were addressed previously by Area Plan 92-04, including those regarding the following: wildlife corridor, grading, open space, and the consistency checklist.

##### F/TSP Architectural Guidelines

The Specific Plan contains many development and design guidelines, which have been addressed by Area Plan 92-04 with the exception of the architectural guidelines. Regarding the development and design guidelines, the Specific Plan states the following:

*“While the Development and Design Guidelines are not regulatory, all discretionary approvals... shall be reviewed by the Planning Commission for a determination of consistency with the Guidelines. The Planning Commission may find a project in overall compliance with the Guidelines without the project being consistent with each and every Guideline,”*

Staff concludes that the architectural design for this project (see building plans Attachment 4) is in overall compliance with the F/TSP architectural guidelines and such a finding is included in Appendix A.

#### CONCLUSION:

The proposed project has been reviewed by appropriate County staff and the F/TSP Review Board. With the recommended Findings noted in Appendix A and Conditions of Approval in Appendix B, there are no remaining planning or environmental concerns. The project, as conditioned, is consistent with all regulations and policies of the County Zoning Code and the F/TSP.

**RECOMMENDED ACTION:**

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Site Development Permit PA 06-0096 subject to the recommended Findings and Conditions.

Respectfully submitted,

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Tim Neely, Director  
RDMD/Planning and Development Services

**APPENDICES:**

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

**ATTACHMENTS:**

1. Applicant's Letter of Justification
2. F/TSP Review Board Minutes
3. Addendum PA 06-0096
4. Site Plan

## **APPENDIX A FINDINGS PA 06-0096**

### **GENERAL PLAN**

**PA 06-0096**

1. 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.

### **ZONING**

**PA 06-0096 (Custom)**

2. That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code and Foothill/Trabuco Specific Plan regulations and guidelines applicable to the property.

### **COMPATIBILITY**

**PA 06-0096**

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

### **GENERAL WELFARE**

**PA 06-0096**

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

### **PUBLIC FACILITIES**

**PA 06-0096**

5. 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.).

**CONSISTENCY WITH  
AREA PLAN 92-04**

**PA 06-0096 (Custom)**

6. That Use Permit/Site Development Permit PA 06-0096 is consistent with Area Plan 92-04.

**ARCHITECTURAL GUIDELINES**

**PA 06-0096 (Custom)**

7. Site Development Permit PA06-0096 is consistent, overall, with the F/TSP architectural design guidelines.

**PREVIOUS EIR  
And ADDENDUM**

**PA 06-0096 (Custom)**

8. That Final EIR 531 previously certified on 12/10/91 and Addendum PA 06-0096 reflect the independent judgment of the lead agency and are approved for the proposed project based on the following additional findings:
  - a. The circumstances of the project are substantially the same and EIR No. 531, and Addendum PA 06-0096 adequately addresses the effects of the proposed project. No substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the previous EIR No. 531 was certified had become known and no further environmental review is required.
  - b. Together, these documents are adequate to satisfy the requirements of CEQA for the proposed project.
  - c. The minor and/or technical additions, clarifications and/or changes to Final EIR No. 531, disclosed in Addendum PA 06-0096 do not raise new significant issues which were not addressed by the Final EIR, and none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR/Negative Declaration exist.
  - d. All mitigation measures are fully enforceable pursuant to CEQA and have either been adopted as conditions of approval or incorporated as part of the project design.





HBP/Coastal and Historical Facilities.

**10. HP HP G PALEO SURVEY PA06-0096**

Prior to the issuance of any grading permit, the project applicant shall provide written evidence to the Manager, Subdivision and Grading, that applicant has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage.

**11. SG SG GB DRAINAGE STUDY PA 06-0096**

Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Subdivision and Grading:

- A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
- B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
- C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

**12. SG SG GB DRAINAGE IMPROVEMENTS PA 06-0096**

- A. Prior to the issuance of any grading permits, the applicant shall in a manner meeting the approval of the Manager, Subdivision and Grading:
  - 1) Design provisions for surface drainage; and
  - 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
  - 3) Dedicate the associated easements to the County of Orange, if



**16. F F RBU                      AUTOMATIC FIRE SPRINKLER      PA06-0096 (Custom)**  
**Service Codes: 1 18-1 28 (Commercial), 1.27-**  
**1.28.1 (Residential)**

- A. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the OCFA for review and approval.
- B. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.

**17. F F RRB                      FIRE HAZARD NOTIFICATION                      PA06-0096 (Custom)**  
**No OCFA Service Code**  
**Special Fire Protection Area Development**

Prior to the issuance of a building permit, the applicant shall meet all requirements for development and construction within a Special Fire Protection

Area, including increased street widths, Class A roof assemblies, fire sprinklers, etc.

**18. F F GBU                      FUEL MODIFICATION    PA06-0096**  
**Service Codes: 1.9, 1.10**

- A. Prior to the issuance of a preliminary grading permit, the applicant shall obtain the approval of the Fire Chief, in consultation with the Manager Subdivision and Grading Services, of a conceptual fuel modification plan and program.
- B. Prior to the issuance of any precise grading permit, the applicant shall obtain the approval of the Fire Chief, in consultation with the Manager, Subdivision and Grading Services, of a precise fuel modification plan and program. The plan shall indicate the proposed means of achieving an acceptable level of risk to structures by vegetation.
- C. Prior to the issuance of a building permit, the developer shall have completed, under the supervision of the Fire Chief, that portion of the approved fuel modification plan determined to be necessary by the Fire Chief before the introduction of any combustible materials into the project area. Approval shall be subject to on-site inspection.
- D. Prior to the issuance of any certificate of use and occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Chief. Further, the installed fuel modification plant pallet shall be established to

a degree meeting the approval of the Fire Chief. The CC&R's, or other approved documents, shall contain provisions for maintaining the fuel modification zones including the removal of all dead and dying vegetation subject to triennial inspections.

**19. F F G                                      ACCESS GATES                                      PA06-0096**  
**Service Code: 1.13**

Prior to the issuance of any grading permits, the applicant shall submit and obtain the Fire Chief's approval for the construction of any gate across required fire authority access roads/drives. Contact the Orange County Fire Authority at (714) 744-0499 for a copy of the 'Guidelines for Design and Installation of Emergency Access Gates and Barriers.

**20. F F B                                      COMBUSTIBLE CONSTRUCTION LETTER                                      PA 06-0096**  
**No OCFA Service Code; usually received**  
**during 1.12.1**

Prior to the issuance of a building permit for combustible construction, the builder shall submit a letter on company letterhead stating that water for fire-fighting purposes and the all weather fire protection access roads shall be in place and operational before any combustible material is placed on-site. ***Approval shall be subject to an on-site inspection prior to the Issuance of a building permit.***

**21. SG SG G                                      GEOLOGY REPORT                                      PA06-0096**

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.

**22. SG SG G                                      GRADING DEVIATION                                      PA 06-0096**

Prior to the issuance of any grading permits, if the applicant submits a grading plan which the Manager, Subdivision and Grading, determines to show a significant deviation from the grading shown on the approved tentative map, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Subdivision Committee shall review the plan for a finding of substantial conformance. If the Subdivision Committee fails to make such a finding, the applicant shall process a revised tentative map; or, if a final map has been recorded, the applicant shall process a new tentative map or a site development permit application per Orange County Zoning Code Sections 7-9-139 and 7-9-150. Additionally, the applicant shall process a new environmental assessment for determination by the decision making entity.



- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the incoming occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan; and
- Demonstrate that the applicant has agreed to and recorded one of the following: 1) the CC&R's (that must include the approved WQMP and O&M Plan) for the project Home Owner's Association; 2) a water quality implementation agreement that has the approved WQMP and O&M Plan attached; or 3) the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

**26. [WQ05]                      EROSION AND SEDIMENT CONTROL PLAN                      PA 06-0096**  
**Approval: BI    BI    GB**

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.

**27.    SG SG/BI GU                      PRIVATE LANDSCAPING                      PA06-0096 (Custom)**

- A. Prior to the issuance of precise grading permits, the applicant shall prepare a detailed landscape plan for the project area which shall be approved by the Manager, Subdivision and Grading. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan, County Standard Plans for landscape areas, adopted plant palette guides, applicable Foothill/Trabuco Specific Plan

requirements, water conservation measures contained in Board Resolution 90-487, Board Resolution 90-1341 (Water Conservation implementation Plan), and Area Plan 92-04.

- B. Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.
- C. Prior to the issuance of any certificates of use and occupancy, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Building Inspection Services.

**28. EP BP B                      LIGHT AND GLARE                      PA06-0096**

Prior to issuance of any building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Building Permit Services,

**29. BP BP G                      CONSTRUCTION NOISE                      PA 06-0096**

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