

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: August 16, 2007

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Site Planning & Environmental Services

SUBJECT: Public Hearing on Planning Applications PA 06-0098/PA 07-0023 for Use Permits and Site Development Permits for construction of a single-family residence on each of two adjacent sites.

PROPOSAL: The proposed project is a request for approval of Use Permits for overheight walls and Site Development Permits for grading in excess of 500 cubic yards on slopes greater than 30 percent, for the construction of a single-family residence on each of the adjacent sites.

LOCATION: The subject properties are located at 6502 and 6512 Fairlynn Boulevard Yorba Linda.

(Third Supervisorial District)

APPLICANT: Mike Scotto

STAFF CONTACT: Jerry Mitchell, Staff Planner
Phone: (714) 834-5389 FAX: (714) 667-8344

SYNOPSIS: The applicant seeks approval of Planning Applications PA 06-0098 and PA070023 for Use Permits for overheight walls and Site Development Permits for grading in excess of 500 cubic yards associated with the construction of new single-family residences on two adjacent undeveloped lots. PDS/Site Planning & Environmental Services recommends the Zoning Administrator conditionally approve Planning Applications PA 06-0098 and PA 07-0023.

BACKGROUND:

The subject sites, Lots 6 and 7 were previously approved for residential homes via Tract Map 5776. The project sites are located at 6502 and 6512 Fairlynn Boulevard, Yorba Linda. The applicant's agent has submitted letters (Attachment 1) proposing the development of two custom homes on undeveloped land. The construction of both structures would be basically identical. The two lots together would require 5,540 cubic yards of cut material (2,770 for each lot) which would all be exported off-site, as noted by each site plan. There would be no fill material required.

Each of the two five-bedroom residences would be constructed at 2,998 square feet with 504 square feet, two-car garages. These residences would be two-story structures consisting of

three levels (first level would contain the living room only). Because the plan exceeds 500 cubic yards of grading, a Site Development Permit is required. A Use Permit for overheight retaining walls is also required. The proposed walls vary in height from four feet up to 10 and a-half feet in height and are necessary to support the proposed development on the steep, greater than 30 percent terrain.

GENERAL PLAN AND ZONING CONSISTENCY:

The project sites are designated 1B by the General Plan Land Use Element and zoned R1/8000 ("Single-Family Residence" District) for the development and maintenance of medium density single-family residential neighborhoods. Therefore, the sites are consistent with the Zoning Code. Each site is approximately 13,000 square feet (0.30 acres) and; therefore, exceeds the 8,000 square-foot requirement for a building site. The proposed residences are within the 35-foot height requirement, with the exception of a small corner of the roof that protrudes about four and a-half feet beyond. This is an architectural roof feature; therefore, the structure is in compliance with the County's Zoning Code.

CEQA COMPLIANCE:

Mitigated Negative Declaration PA 06-0098 was prepared for the proposed project and was posted for a 30-day public review on March 16, 2007. Negative declaration PA 06-0098 together with an errata for PA 07-0023 (Attachment 2) satisfy the requirements of CEQA for the project. The required CEQA Finding is included in the attached Findings (Appendix A) 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.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing (Attachment 3) was mailed to all property owners of record within 300 feet of the subject sites. In addition, a public notice was posted on site and on the first floor of H.G. Osborne Building. A notice and this staff report were also mailed to the applicant and applicant's agent. No public comments have been received to date.

DISCUSSION/ANALYSIS:

The proposed project is consistent with the County's General Plan (designated 1B) and R1 Zoning Code for medium density single-family residential neighborhoods. The proposed residences meet the County's 35-foot building height requirement, which is calculated from the finished grade to the top of the structure (Zoning Code, Section 7-9-129.1(a), with the exception of the architectural projection of the roof form at one corner of the building discussed further below. As shown in applicant's site plans (Attachment 4), the plans are also consistent with all setback requirements for R1 zoning.

A small portion of the shed roofline extends over bedroom number three, four-foot six inches beyond the 35-foot height requirement. The shed roof form is an architectural feature necessary to vary the appearance of the front elevation and provide added definition of space and eliminate sameness of building appearance.

Because of the steep terrain, greater than 30 percent, the proposed project requires extensive retaining walls that are beyond the allowable height requirements. These walls vary from four feet upward of 10 and a-half feet and are necessary to support the proposed development. Therefore, a Use Permit is required for the overheight walls.

The property is currently undeveloped and part of an existing subdivision. It is surrounded by residential structures of similar scale and size. The proposed development would be compatible with the existing surrounding residences, since the steep sloped terrain is typical of the area requiring development of similar construction.

CONCLUSION:

The proposed project has been reviewed by appropriate County staff. There are no outstanding planning or environmental concerns with the recommended Findings noted in Appendix A and Conditions of Approval in Appendix B. The project, as conditioned, is consistent with all regulations and policies of the County Zoning Code. Staff supports the applicant's proposal and recommends the following action:

RECOMMENDED ACTION:

- a. Receive staff report and public testimony as appropriate; and
- b. Conditionally Approve Planning Applications PA 06-0098/PA 07-0023.

Respectfully submitted

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

APPENDICES:

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

ATTACHMENTS:

- 1. Letter of Justification
- 2. Mitigated Negative Declaration/Errata PA 06-0098/PA 07-0023
- 3. Notice of Public Hearing
- 4. Site Plan

APPEAL PROCEDURE:

Any interested person may appeal the decision of the County 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 fee of \$245.00 for single-family residential and \$760.00 for all others filed at the Resources and Development Management Department

(RDMD) 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 prior to the close of the public hearing.

- c. There is no substantial evidence in the entire record to support a fair argument that the project, with the implementation of mitigation measures included in the Negative Declaration, will have a significant effect on the environment.
- d. All mitigation measures are found to be fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have been adopted as Conditions of Approval or incorporated as part of project design.

6. [D01a] DRAINAGE STUDY PA 06-0098/PA 07-0023
Approval: SG SG RG

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, 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.

7. [G01] GEOLOGY REPORT PA 06-0098/PA 07-0023
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. [WQ01] WATER QUALITY MANAGEMENT PLAN PA 06-0098/PA 07-0023
Approval: BI BI RGB

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Inspection Services Division, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine structural and non-structural measures specified in the current Drainage Area Management Plan (DAMP). The WQMP must also:

- Address Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, and conserving natural areas;
- Incorporate applicable Routine Source Control BMPs as defined in the DAMP;
- Include an Operation and Maintenance (O&M) Plan that identifies the mechanism(s) by which long-term O&M of all structural BMPs will be provided.

9. [WQ02] WQMP FOR PRIORITY PROJECTS PA 06-0098/PA 07-0023
Approval: BI BI RGB

Prior to the issuance of any grading or building permits, the applicant shall include in the WQMP the following additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division:

- Include post-construction Treatment Control BMP(s) as defined in the DAMP;
- For applicants relying on Regional Treatment Controls, discuss applicable regional water quality and/or watershed program;
- Include a Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).

Prior to the issuance of any grading or building permits, the applicant shall include in the WQMP the following additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division:

- Include post-construction Treatment Control BMP(s) as defined in the DAMP;
- For applicants relying on Regional Treatment Controls, discuss applicable regional water quality and/or watershed program;
- Include a Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).

10. [WQ03] COMPLIANCE WITH THE WQMP PA 06-0098/PA 07-0023
Approval: BI BI U

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Inspection Services Division, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the project's WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- 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.

11.[WQ05] EROSION AND SEDIMENT CONTROL PLAN PA 06-0098/PA 07-0023
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.

12.[A01] ARCHAEO SURVEY PA 06-0098/PA 07-0023
Approval: HP HP G

Prior to the issuance of any grading permit, the applicant shall obtain approval from the Manager HBP/Coastal and Historical Facilities of a report on a literature and records search and field survey of the project site. The applicant shall retain a County-certified archaeologist to complete the literature and records search for recorded sites and previous surveys. The archaeologist shall conduct a field survey unless the entire proposed project site has been documented as previously surveyed in a manner which meets the approval of the Manager, HBP/Coastal and Historical Facilities, The applicant shall implement the mitigation measures recommended in this report in a manner meeting the approval of the Manager, HBP/Coastal and Historical Facilities.

13.[A05] PALEO SURVEY PA 06-0098/PA 07-0023
Approval: HP HP G

Prior to the issuance of any grading permit, the applicant shall obtain approval from the Manager, HBP/Coastal and Historical Facilities of a report on a literature and records search and field survey of the project site. The applicant shall retain a County-certified paleontologist

to complete the literature and records search for recorded sites and previous surveys. The paleontologist shall conduct a field survey unless the entire proposed project site has been documented as previously surveyed in a manner which meets the approval of the Manager, HBP/Coastal and Historical Facilities. The applicant shall implement the mitigation measures in the report in a manner meeting the approval of the Manager, HBP/Coastal and Historical Facilities.

14. [N10] CONSTRUCTION NOISE PA 06-0098/PA 07-0023
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.

15. STAGING AREA (CUSTOM) PA 06-0098/PA 07-0023

- A. Prior to the issuance of any grading or building permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services that:
- a. All staging areas for stockpiling, construction vehicles, equipment or operations shall be located solely in a designated area, approved by the Manager, Building Permits Services, on applicant's property; and
 - b. No construction vehicles, equipment or operations shall adversely impact traffic along Fairlynn Boulevard.
- 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.

16. HAUL ROUTE (Custom) PA 06-0098/PA 07-0023

Prior to issuance of any grading permit the applicant shall submit to the Manager, Subdivision & Grading Services Division, for review and approval, a proposed Haul Route Plan for all earthen material to be exported off-site.

17. COMBUSTIBLE GAS MITIGATION (FP12) PA 06-0098/PA 07-0023
Service Code: 2.48 (Gas Mitigation Review)

Prior to the issuance of any building permit, the applicant shall submit and obtain the approval of the Fire Chief for a combustible gas/methane assessment and mitigation plan if the property is located in an Administrative Boundary. These boundaries are determined by the Department of Oil, Gas and Geothermal Resources. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guideline for Combustible Soil Gas Hazard Mitigation."

18. FIRE ACCESS ROADS (FP4) PA 06-0098/PA 07-0023
Service Code: 2.12 (Emergency Access & Fire Hydrant Locations)

Prior to the issuance of any building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site. Fire sprinklers may be required depending on square footage of structure, access to all points of structure, or available fire flow. This will be determined at the site review. The applicant may contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access."

19. WATER AVAILABILITY (FP2) PA 06-0098/PA 07-0023
Service Code: 2.8.1 (Emergency Access & Fire Hydrant Location)

Prior to the issuance of any building permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.

20. AUTOMATIC FIRE SPRINKLER SYSTEMS (FP3) PA 06-0098/PA 07-0023
Service Codes: 2.27 (Residential Fire Sprinklers)

- A) Prior to the issuance of a building permit, the applicant shall submit plans for the required automatic fire sprinkler system in the structure to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."
- B) Prior to the issuance of a certificate of occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.