



OC DEVELOPMENT SERVICES REPORT

ITEM # 1

DATE: June 10, 2021

TO: Orange County Zoning Administrator

FROM: OC Development Services / Planning

SUBJECT: Public Hearing on Planning Application PA19-0051 for a Use Permit to allow for an over-height accessory structure in the rear and side setback areas.

PROPOSAL: Use permit to allow for a 1,024 sq. ft. garage addition to the existing garage. The new structure will have a maximum height of 16 ft. and 11 in. and is located 6 ft. from the rear property line and 4 ft. from the side property line.

ZONING: A1 "General Agricultural"

GENERAL PLAN: 1B "Suburban Residential"

LOCATION: The project is located at 8182 La Monte Road, in the Stanton community, within the Second (2nd) Supervisorial District. (APN 131-221-10)

APPLICANT: Andy Fuentes, Property Owner

STAFF CONTACT: Ilene Lundfelt, Associate Planner
Phone: (714) 667-9697
Email: Ilene.Lundfelt@ocpw.ocgov.com

RECOMMENDED ACTIONS

OC Development Services/Planning recommends that the Zoning Administrator:

1. Receive staff report and public testimony as appropriate;
2. Find that the project is Categorically Exempt from the provisions of CEQA according to Class 1 (existing facilities) and Class 3 (new construction or conversion of small structures), pursuant to Sections 15301 and 15303, of the State CEQA Guidelines and Classes 1, and 3 of the Orange County Local CEQA Procedures Manual. In addition, find that none of the exceptions listed in Section 15300.2 of the State CEQA Guidelines to the Categorical Exceptions would apply; and

3. Approve Planning Application PA19-0051, for a Use Permit for an over-height accessory structure in the rear and side setback areas, a subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The subject property, 8182 La Monte Road is located within the unincorporated community of Stanton in the County of Orange. The property is zoned A1 “General Agricultural” District, which provides for agriculture, outdoor recreational uses, and those low-intensity uses which have a predominately open space character. The subject site is flat in topography and is a rectangular lot. The lot is 101 feet in width and 153 feet in depth totaling 15,453 square feet in size. The site has an existing 2,495 square feet detached single family residence with a detached 600 square feet garage.

Aerial of the Project Site



PROPOSED PROJECT

This application is proposing for a use permit for an over-height 1,024 sq. ft. garage addition with a maximum height of 16 ft. 11 in. in the setback area. The structure will be located 6 ft. from the rear property line and the 4 ft. from the side property line. The applicant has also added a bathroom so the owners can have access to a bathroom when using the pool in the backyard.

Per the Zoning Code, accessory structures within in the setback area shall be limited to 12 ft. in height. However, the height limit may be increased with a use permit approved by the Zoning Administrator per section 7-9-24.10.

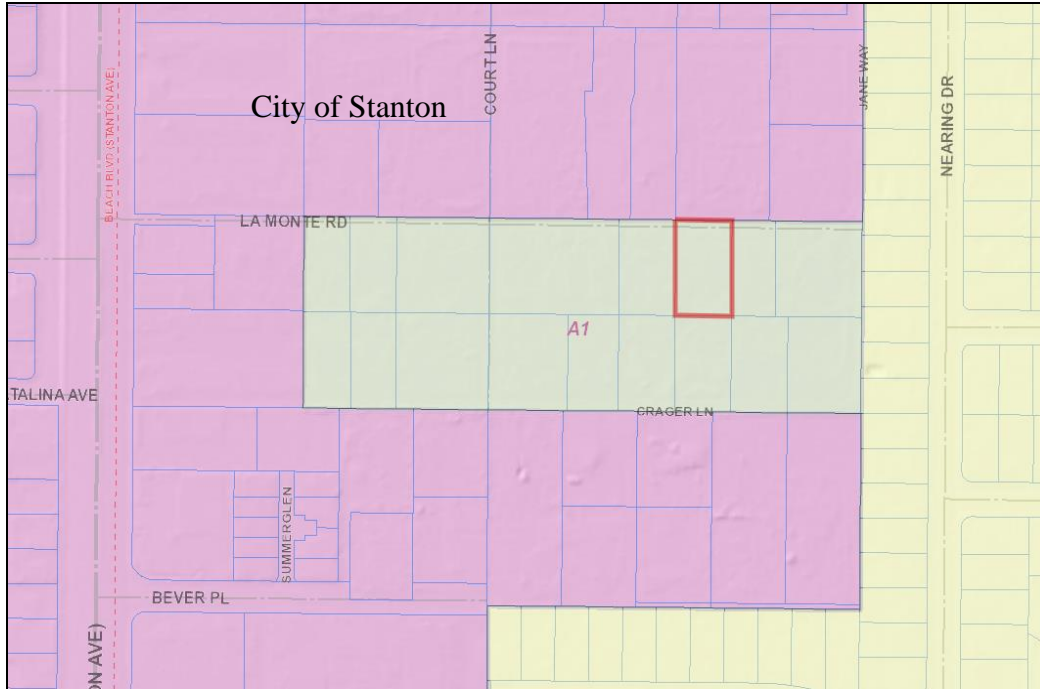
The proposed garage addition is currently built without the benefit of a permit and has an open code enforcement case. This application has been submitted to allow the existing structure to be permitted.

SURROUNDING LAND USES

The subject site and the surrounding properties are zoned A1“General Agricultural” District and are developed with single-family residences. The zoning and existing land use for the project site and surrounding properties are as follows:

Direction	Land Use Designation/Zoning	Existing Land Use
Project Site	A1 “General Agricultural” District	Single-Family Dwelling
North	City of Stanton	Single-Family Dwelling
South	A1 “General Agricultural” District	Single-Family Dwelling
East	A1 “General Agricultural” District	Single-Family Dwelling
West	A1 “General Agricultural” District	Single-Family Dwelling

Zoning Designation



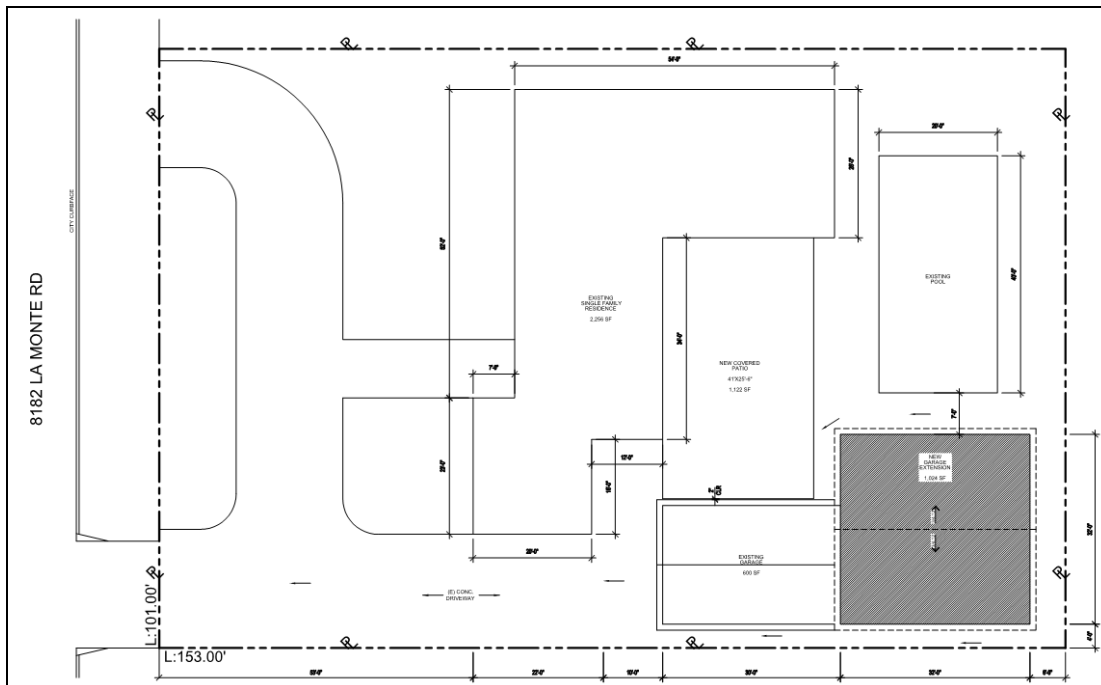
DISCUSSION/ANALYSIS

Below is a table comparing the development standards for A1 zoning District with the proposed project:

STANDARD	PERMITTED in A1 DISTRICT	PROPOSED
Structural Front Setback	20 foot minimum	existing
Structural Side Setback (Detached Accessory Structures)	3 foot minimum for structures not exceeding 12 feet in height	4 feet
Structural Rear Setback (Detached Accessory Structures)	3 foot minimum for structures not exceeding 12 feet in height	6 feet
Maximum Accessory Structure Building Height in the setback area	12 foot maximum	16 feet 11 inches*
Building site coverage within a setback area for enclosed accessory structures	25% maximum	24%

*Use permit for over-height structure in the setback area

Site Plan



County Zoning Code Section 7-9-116.1 (d)-(f) - states the design guidelines for the Accessory uses and structures for all districts.

(d) *Location of other accessory structures.* The building face of any detached accessory structure shall be at least three (3) feet from the building face any other structure and the eaves or projections of any structures shall not be closer than two (2) feet apart. Accessory structures other than in (c) above, shall be permitted anywhere on the same building site as the pre-existing primary use except within the following areas, unless otherwise permitted by this section:

- (1) Within the ultimate right-of-way.
- (2) Within the area designated on an approved building line plan as a setback area applicable to accessory buildings.
- (3) Within those areas where fences and walls are limited to a maximum height of three and one-half (3.5) feet, as specified in section 7-9- 64.
- (4) Within the required front setback area unless provided for by a Use Permit approved by the Zoning Administrator.
- (5) Within the panhandle portion of a panhandle building site.

(e) *Height limit.* Accessory structures, which are within the required setback areas shall be limited to twelve (12) feet in height, unless sited within three (3) feet of a property line, in which case it shall be limited to eight (8) feet in height. However, the height limit may be increased to the maximum allowed in section 7-9-24.10 with a Use Permit approved by the Zoning Administrator.

(f) *Building site coverage within setback areas.* Accessory structures shall be limited to the following site coverage within the required setback area:

(Required Setback Area	Enclosed Structure	Unenclosed Structure
Front	0%	0% (subject to (g) below
Rear	25%	50%
Side	25%	50%

Under the Accessory uses and structures section this addition would be allowed by right if the structure was 12 feet in height. The applicant is requesting a use permit to allow for the additional height for storage space and the ability for other hobbies. The owner has been an aviation maintenance engineer for over 23 years; on his free time he enjoys working on cars, and he as always wanted to have a work area that he would be able to install a car lift. Unfortunately, a 12 feet height accessory structure would not allow him to install a car lift and would not allow the owner the full enjoyment of his property. The owner wants to create a space where he is able to work on his hobby and be able to watch his kids play in the pool and the backyard.

A1 “General Agricultural” Districts provide for agriculture, outdoor recreational uses, and those low-intensity uses. In this type of zoning district, it is common to find larger detached accessory structures. Many of the properties in the area have larger detached accessory structures. Directly adjacent to the accessory structure on the neighboring property to the west is an existing detached accessory structure which effectively screens this structure from view, minimizing any visual impact to that property. The adjacent property to the south has a very large setback distance to the primary residence providing a separation of approximately 80 feet from the proposed structure. As a result of the physical

characteristics of these properties, it will not cause any significant aesthetic intrusion on the neighbor to the south. Additionally, although the structure is proposed over height, there are no windows or areas within the proposed accessory structure that would allow visibility into the neighboring properties, preserving privacy for the adjacent properties. Allowing the owner permission for this structure would not be out of character with the area, and it has also been designed to match the existing home and garage providing a cohesive visual appearance.

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 on May 28th, 2021. Additionally, a notice was posted at the project site, the County Hall of Administration and at the County Administration South building at 601 N. Ross Street, as required by established public hearing posting procedures. A copy of the planning application and the proposed site plan were distributed for review and comment to various County Divisions. Staff has reviewed the comments received from County Divisions, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment #2 to this report.

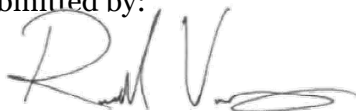
CEQA COMPLIANCE:

The proposed project is recommended to be found to be categorically exempt under Class 1 (existing facilities), and Class 3 (new construction or conversion of small structures), from the provisions of CEQA for further environmental impact documentation pursuant to Section 15301 and 15303 of the CEQA Guidelines. That determination is attached for consideration and must be approved prior to project approval.

CONCLUSION:

Staff has analyzed the proposed project and concluded that the size and scale of the proposed project is not detrimental to surrounding land uses, and that it has been planned in a manner that is the least intrusive, both on the project site and to the surrounding community. Staff therefore supports the applicant's proposal and recommends approval of Planning Application PA19-0051 subject to Findings and Conditions of Approval provided as Attachments #1 and #2 to this report.

Submitted by:



Richard Vuong, Interim Deputy Director
OC Public Works/Development Services

Concurred by:



Amanda Carr, Interim Deputy Director
OC Public Works/Development Services

ATTACHMENTS:

1. Recommended Findings

2. Recommended Conditions of Approval
3. Applicant's Letter of Explanation
4. Notice of Exemption PA19-0051
5. Site Plans
6. Site Photos

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$500 filed at the Development Processing Center, 601 N. Ross Street, 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 OC Development Services/Planning Division.



Attachment 1
Findings
PA19-0051

1 **GENERAL PLAN** **PA19-0051**

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** **PA19-0051**

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** **PA19-0051**

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** **PA19-0051**

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

5 **CATEGORICALLY EXEMPT** **PA19-00051**

That the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 1(*Existing Facilities*) and Class 3 (*New Construction or Conversion of Small Structures*) exemptions pursuant to Section 15301 and Section 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures.

6 **FISH & GAME - EXEMPT** **PA19-0051**

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.



Attachment 2
Conditions of Approval
PA19-0051

1 **BASIC/ZONING REGULATIONS** **PA19-0051**

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 or approval of the project regarding any other applicable ordinance, regulation or requirement.

2 **BASIC/TIME LIMIT** **PA19-0051**

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 **BASIC/LAND USE PLAN** **PA19-0051**

Except as otherwise provided herein, this permit is approved as a land use 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, OC Development Services, for approval. If the Director, OC Development Services, determines that the proposed change complies with the provisions and the spirit and intent of the original 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 **BASIC/COMPLIANCE** **PA19-0051**

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 **INDEMNIFICATION** **PA19-0051**

Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Subdivision Committee, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee

awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6 BASIC/APPEAL EXACTIONS PA19-0051

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 CONSTRUCTION NOISE PA19-0051

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:

(1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet 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.

8 EROSION AND SEDIMENT CONTROL PLAN PA19-0051

Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program 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 BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

9 [G01] GEOLOGY REPORT PA19-0205

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

10 **[Go4]**

SOILS REPORT

PA19-0051

Prior to the recordation of a subdivision map, or issuance of any grading permits, whichever comes first, the applicant shall submit a soils report which demonstrates that an on-site sewage disposal system can be designed in accordance with County standards, in a manner meeting the approval of the Manager, Permit Services.

January 22, 2019

County of Orange, OC Public Works, OC Planning
Land Use Planning
300 N. Flower
Santa Ana, CA

**RE: Letter of Project Proposal and Scope of Work:
The Andy Fuentes Unpermitted Garage Addition**

Owner: Andy Fuentes
8182 La Monte Road
Stanton, CA 92804
APN: 131-221-10

Project Description

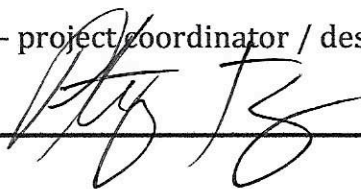
The project seeks to obtain the necessary permits for an unpermitted garage extension per OCCO 3-13-3(f)(m) Public Nuisance, Declared. We are requesting an approval of the additional 4' 11" foot height extension of the garage, which is currently approved at 12 feet. The overall height will be 16 feet 11 inches.

The granting of the variance will go unnoticed in the area, especially since the extension is hidden by a neighboring property building on one side as well as trees on another neighboring property. The increased height of the structure allows for additional space for the storage. This request will allow the property owner to take pleasure in the benefits and additional space for him and his family for years to come, without the worry of having an unpermitted structure on his property.

Sincerely,

Agent for the owner - project coordinator / designer

Anthony Fagundes



CEQA NOTICE OF EXEMPTION

To: County Clerk, County of Orange

From: County of Orange
OC Public Works, Development Services/Planning

Planning Application Number (PA): PA 19-0051

Project Title: La Monte Garage

Project Location(s): 8182 La Monte Road, Stanton, CA

Project Description: Use permit to allow for a 1,024 sq. ft. garage addition to the existing garage. The new structure will have a maximum height of 16 ft. and 11 in. and is located 6 ft. from the rear property line and 4 ft. from the side property line.

Name of Applicant Carrying-Out Project: Andy Fuentes, Property Owner

Address of Applicant: 8182 La Monte Road, Stanton, CA

Exempt Status:

- ☐ Ministerial (Guidelines Section No. 15268)
- ☐ Emergency Project (Guidelines Section No. 15269)
- ☐ Common Sense (Guidelines Section No. 15061(b)(3))
- ☐ Statutory Exemption: State Code number: Government Code Section 65457(a)
- ☒ Categorical Exemption: Class 1 and Class 3; (Sections 15301 and 15303)
- ☐ Other Exemption: California Code of Regulations (CCR) Section 15182(c)

Reason(s) why project is exempt: The Orange County Local CEQA Procedures Manual and the State CEQA Guidelines provides a Class 3 exemption for new construction and conversion of small structures that includes single-family residences.

Date of Decision: June 10, 2021

CEQA Contact Person: Kevin Shannon, Consultant – Environmental Planner

Project Manager Signature: _____

Name: Ilene Lundfelt

Title: Associate Planner

Fish & Game Fees: Pursuant to Section 711.4 (c) (2)(A) of the California Fish and Game Code, this project is exempt from the required fees, as it is exempt from CEQA.

Form Rev. 3.12.20



County Administration South
601 North Ross Street
Santa Ana, California 92701



P.O. Box 4048
Santa Ana, CA 92702-4048



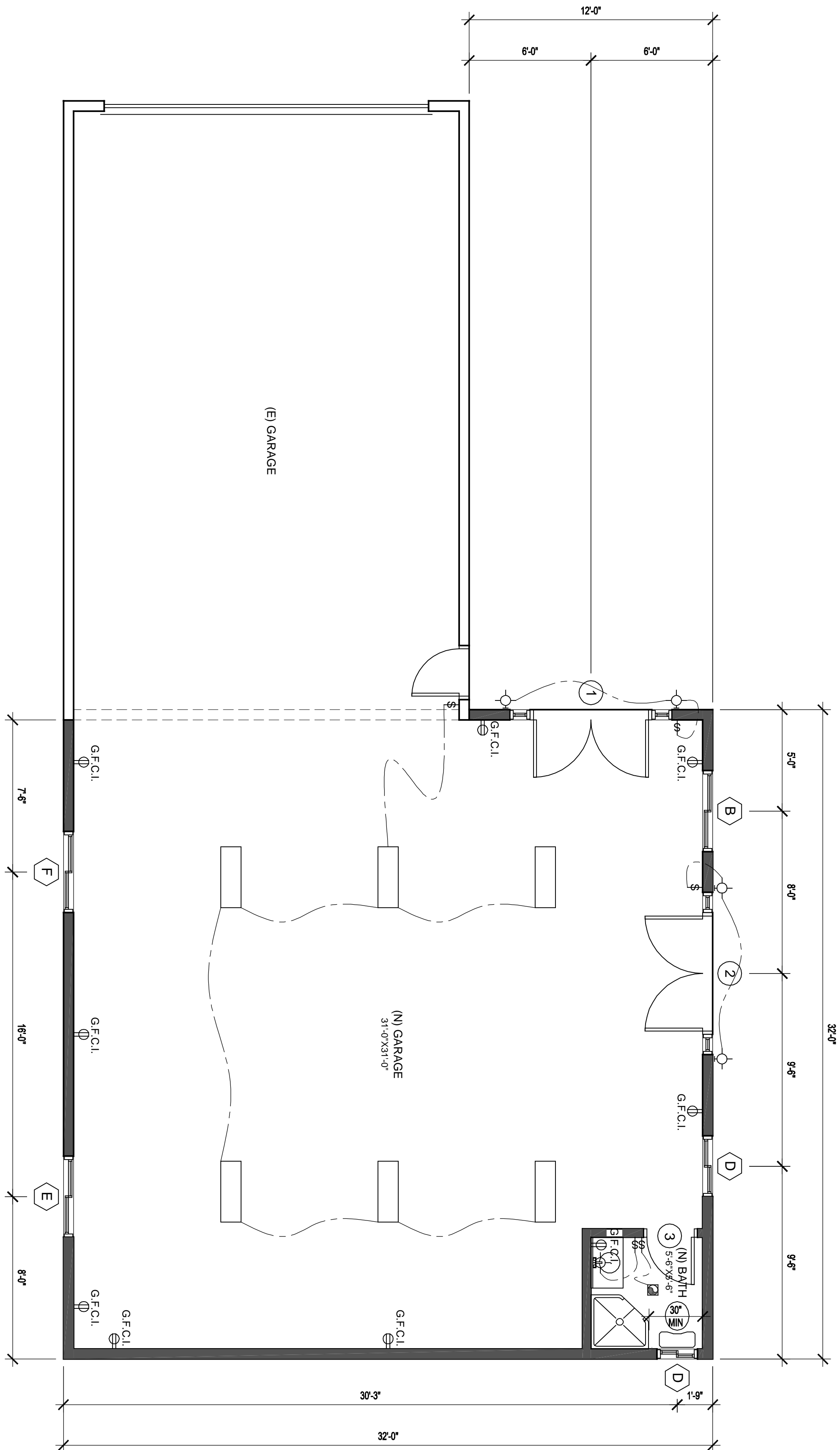
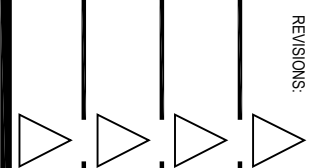
info@ocpw.ocgov.com



(714) 667-8800

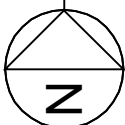


OCPublicWorks.com

ANDY FUENTES
8182 LA MONTE RD
STANTON, CA 92804Ronald Hale
civil engineer
1441 W 7TH ST
SAN PEDRO, CA 90732
(310) 833-2129

GARAGE PLAN

SCALE: 1/4" = 1'-0"



WALL LEGEND

NEW WALLS

WALLS TO REMAIN

WALLS TO BE REMOVED

SYMBOL LEGEND

SYMB	DESCRIPTION
	STANDARD DUPLEX OUTLET (110V)
	GROUND FAULT INTERRUPTER
G.F.C.I.	GROUND FAULT CIRCUIT INTERRUPTER
W.P.	WEATHER PROOF
	SINGLE POLE SWITCH
	LIGHT FIXTURE
	EXHAUST FAN 50 CFM TO BE ENERGY STAR COMPLIANT AND EQUIPPED WITH HUMIDISTAT
	4 FT FLORESCENT LIGHT BARS

WINDOW SCHEDULE

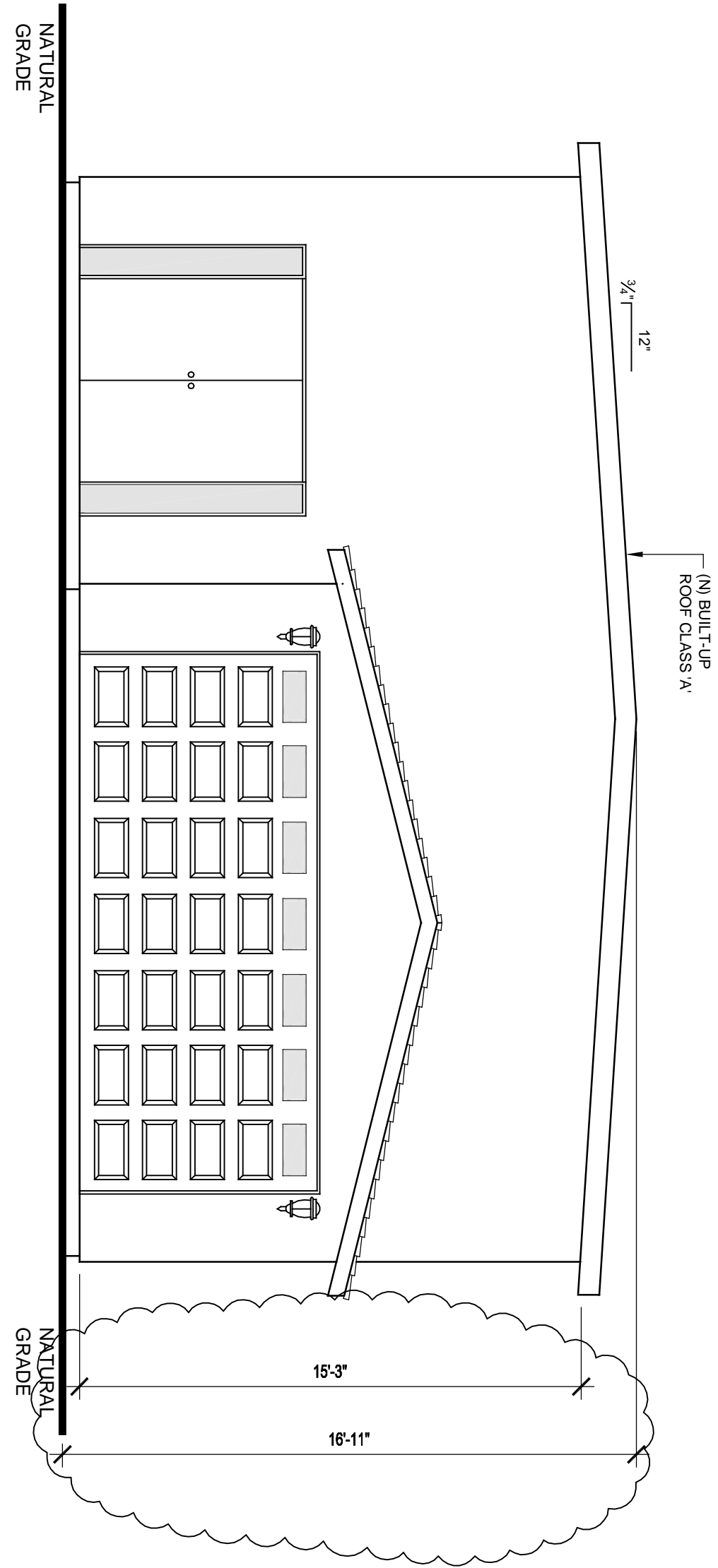
KEY	WIDTH	HEIGHT	TYPE	GLZNG	HDR. HGT. FROM F.F.	MATERIAL	REMARKS
(A)	8'-0"	4'-0"	SLIDER CLEAR	6'-8"		VINYL	DUAL GLAZE
(B)	4'-0"	4'-0"	SLIDER CLEAR	7'-1"		VINYL	DUAL GLAZE
(C)	8'-0"	4'-0"	SLIDER CLEAR	6'-8"		VINYL	DUAL GLAZE
(D)	3'-0"	4'-0"	SLIDER CLEAR	6'-8"		VINYL	DUAL GLAZE
(E)	4'-0"	4'-0"	SLIDER CLEAR	6'-8"		VINYL	DUAL GLAZE
(F)	4'-0"	4'-0"	SLIDER CLEAR	6'-8"		VINYL	DUAL GLAZE

KEY	WIDTH	HEIGHT	THICK	TYPE	GLAZING	MATERIAL	REMARKS
(1)	8'-0"	8'-0"	1 1/2"	FRENCH	N/A		
(2)	8'-0"	8'-0"	1 1/2"	FRENCH	N/A		
(3)	2'-6"	6'-0"	1 1/2"	SINGLE	N/A		

DOOR SCHEDULE

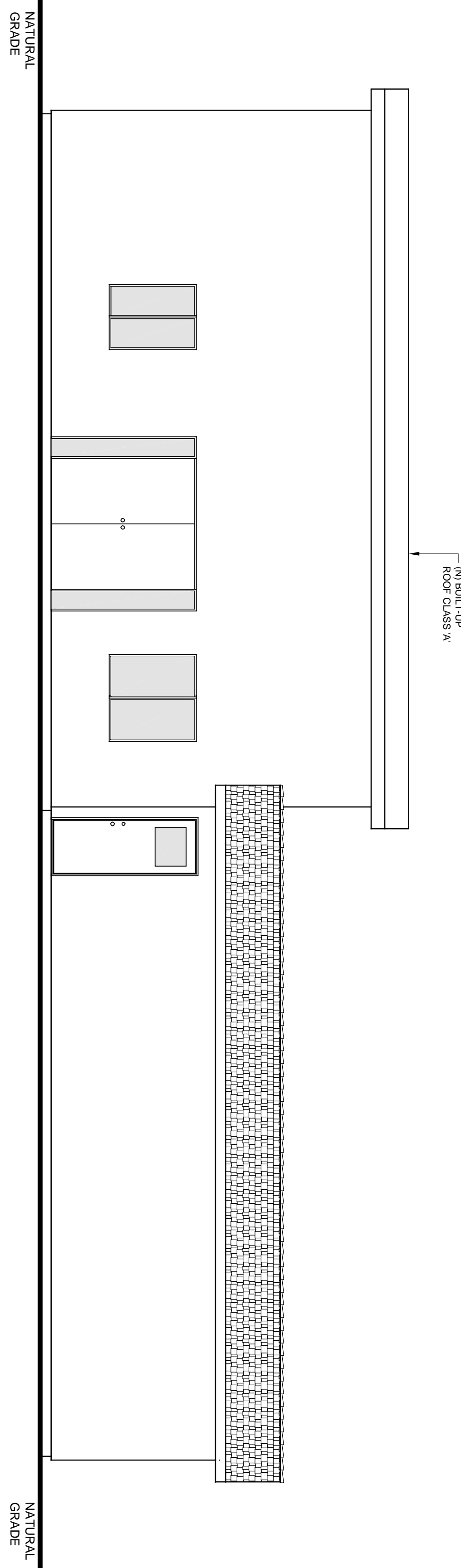
FLOOR PLAN NOTES

- PROVIDE ALL NECESSARY FUEL SUPPLY LINES WITH SHUT-OFF VALVES TO ALL GAS OPERATED APPLIANCES.
- PLUMBING FIXTURES ARE REQUIRED TO BE CONNECTED TO A SANITARY SEWER OR TO AN APPROVED SEWAGE DISPOSAL SYSTEM (R306.3)
- PROVIDE ULTRA FLUSH WATER CLOSETS FOR ALL NEW CONSTRUCTION. EXISTING SHOWER HEADS AND TOILETS MUST BE ADAPTED FOR LOW WATER CONSUMPTION.
- ALL BATHROOMS AND LAUNDRY ROOMS SHALL HAVE AN EXHAUST FAN 50 CFM TO BE ENERGY STAR COMPLIANT AND EQUIPPED WITH HUMIDISTAT AND SHALL BE CONNECTED DIRECTLY TO THE OUTSIDE.
- PROVIDE 24" CLEAR SPACE IN FRONT OF ANY WATER CLOSET. (CALIF. PLUM. CODE 407.6)



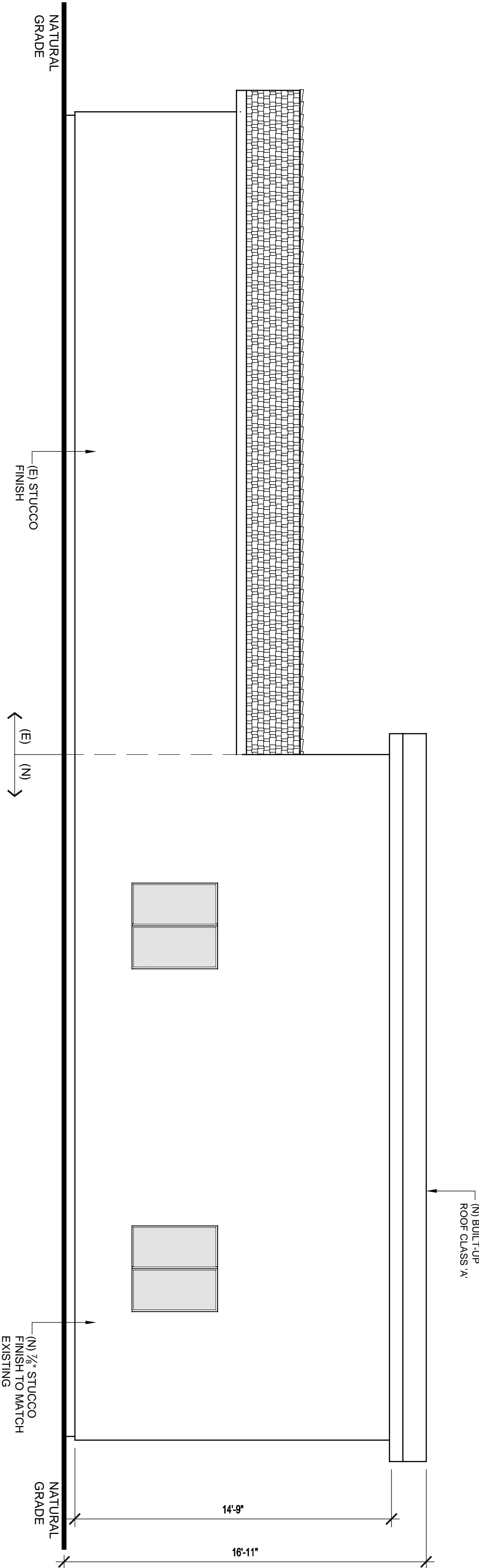
NORTH ELEVATION

SCALE: 1/4"=1'-0"



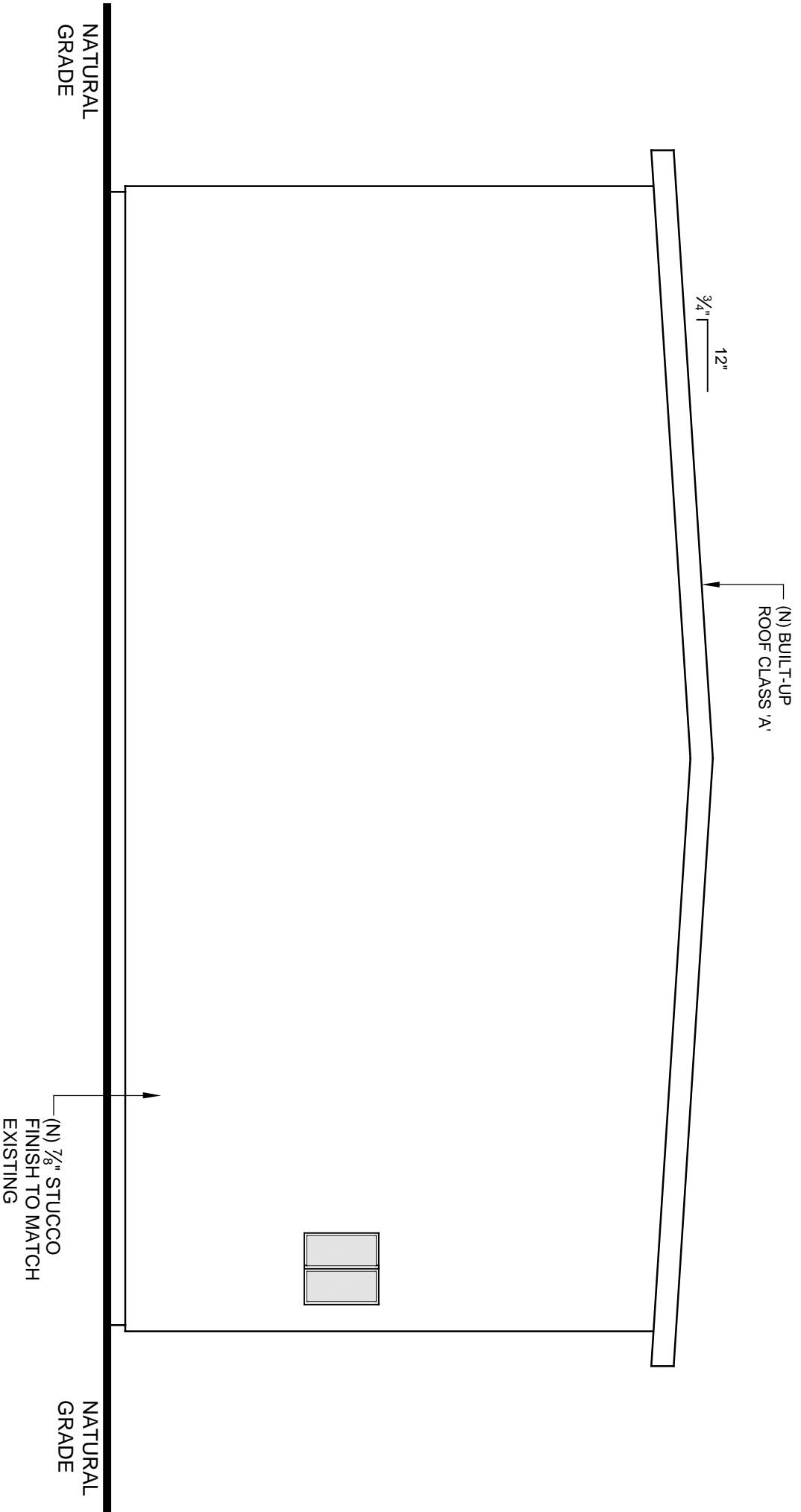
WEST ELEVATION

SCALE: 1/4"=1'-0"



EAST ELEVATION

SCALE: 1/4"=1'-0"



SOUTH ELEVATION

SCALE: 1/4"=1'-0"

THESE DRAWINGS AND SPECIFICATIONS, AS AN INSTRUMENT OF SERVICE ARE THE PROPERTY OF HILLTOP DESIGN/BUILD, INC. AND SHALL NOT BE COPIED IN PART OR IN WHOLE WITHOUT WRITTEN PERMISSION FROM HILLTOP DESIGN/BUILD, INC. WRITTEN DIMENSIONS TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE AND ANY DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF HILLTOP DESIGN/BUILD, INC. AND/OR THE ENGINEER OF RECORD PRIOR TO COMMENCEMENT OF WORK.

FIRM NAME & ADDRESS

HILLTOP
DESIGN • BUILD

1441 W 7th St, San Pedro, CA 90732
310. 833. 2129
info@hilltopdb.com

CLIENT

ANDY FUENTES
8182 LA MONTE RD
STANTON, CA 92804

ENGINEER OF RECORD

Ronald Hale
civil engineer
1441 W 7TH ST
SAN PEDRO, CA 90732
(310) 833-2129



DRAWN BY

A.E.

CHECKED BY

R.H.

PROJECT

GARAGE ADDITION

SHEET NAME

ELEVATIONS

NOTES

DATE

9-03-19

SCALE

1/4"=1'-0"

JOB NO.

16-0659

REVISIONS

1

2

3

4

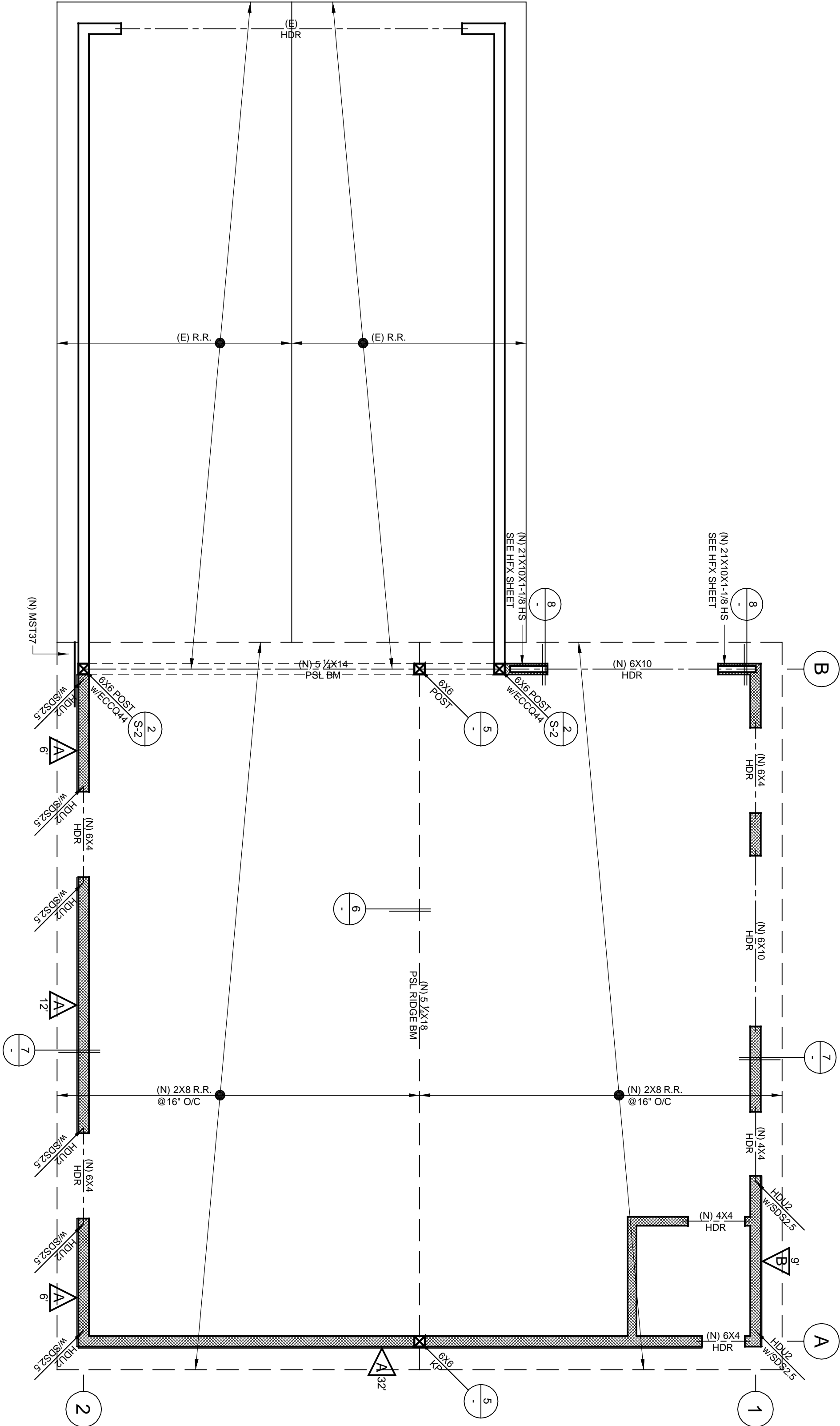
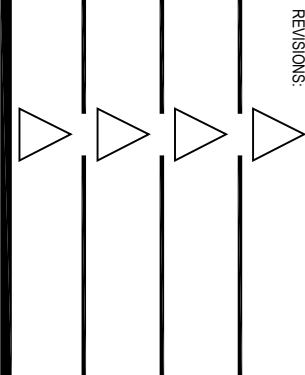
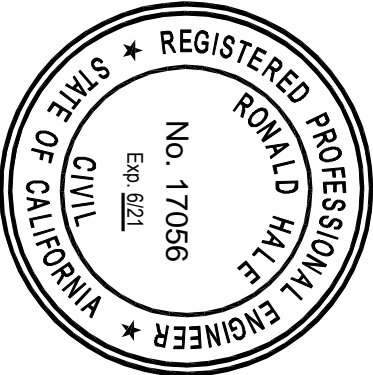
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SHEET NO.

A-3

OF 6 SHEETS

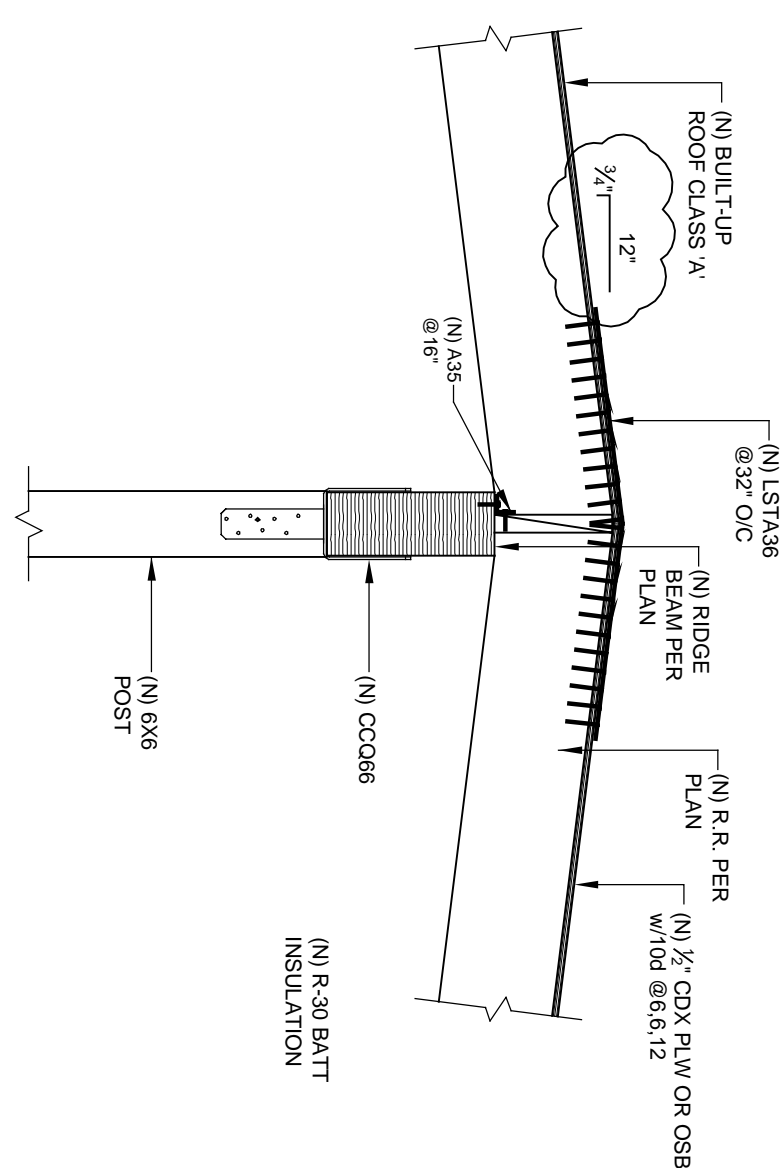
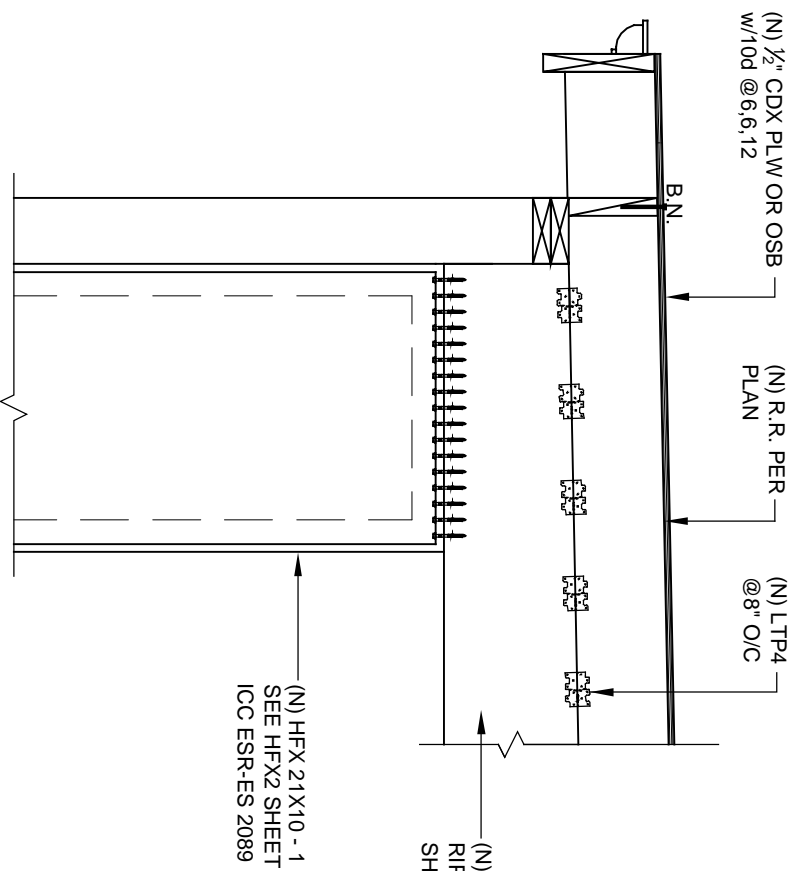
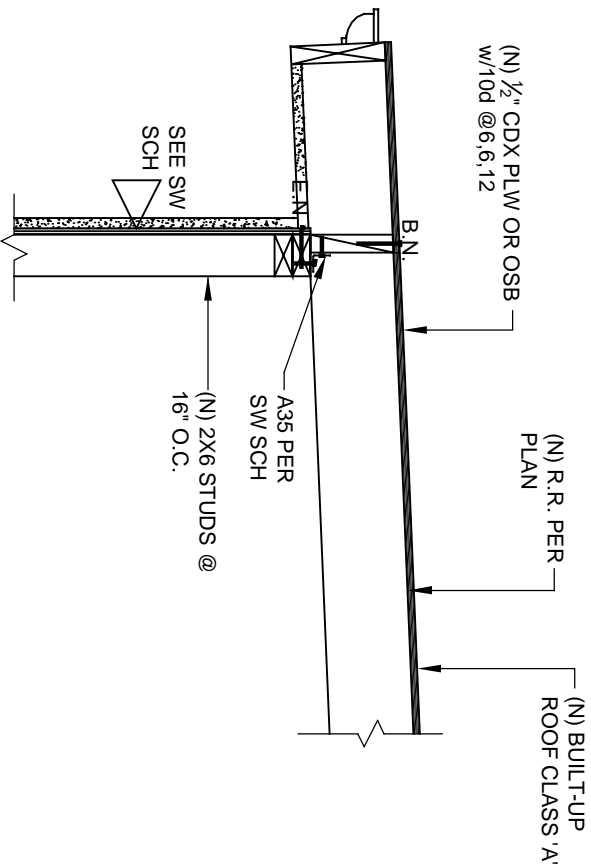
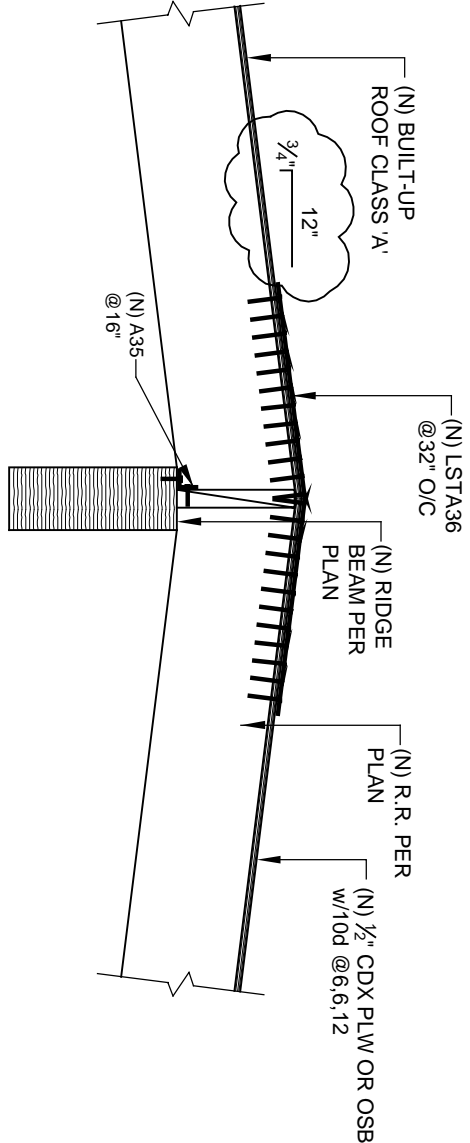
ANDY FUENTES
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STANTON, CA 92804Ronald Hale
civil engineer
1441 W 7TH ST
SAN PEDRO, CA 90732
(310) 833.2129

FRAMING PLAN

SCALE:1/4"=1'-0"

WALL LEGEND

- NEW WALLS
- WALLS TO REMAIN
- WALLS TO BE REMOVED

NTS
BM TO BM CONNECTIONNTS
EAVE CONNECTIONNTS
HFX CONNECTIONNTS
POST TO BM CONNECTION

5















