

**OC DEVELOPMENT SERVICES REPORT**

**DATE:** December 16, 2021

**TO:** Orange County Zoning Administrator

**FROM:** OC Development Services / Planning Division

**SUBJECT:** Planning Application PA19-0188 for a Site Development Permit and Use Permit

**PROPOSAL:** The applicant is seeking a Site Development Permit for grading of 995 cubic yards into a slope greater than 30% and a Use Permit for over height walls in the setback areas.

**ZONING:** R1-10000(SR) - Single-Family Residence

**GENERAL PLAN:** 1B "Suburban Residential"

**LOCATION:** The project is located at 12561 Baja Panorama within the Third (3rd) Supervisorial District (APN: 094-233-15)

**APPLICANT:** Paul Phangsavanh, Property Owner  
Phillip Bennett, Agent

**STAFF CONTACT:** Cynthia Burgos, Contract Staff Planner  
Phone: (714) 667-8898 E-mail: Cynthia.Burgos@ocpw.ocgov.com

**RECOMMENDED ACTION(S):**

OC Development Services/Planning recommends the:

1. Receive the staff report and public testimony as appropriate
2. Find that the proposed project is exempt from CEQA because the Class 3 (New Construction) Section 15303, consists of construction of limited numbers of new structures (One single-family residence) and Appendix F of the Orange County Local CEQA Procedures Manual provides an exemption for residential structures.
3. Approve Planning Application PA19-0188 for a Site Development Permit and Use Permit subject to the Findings and Conditions of Approval provided as attachments #1 and #2 to this report.

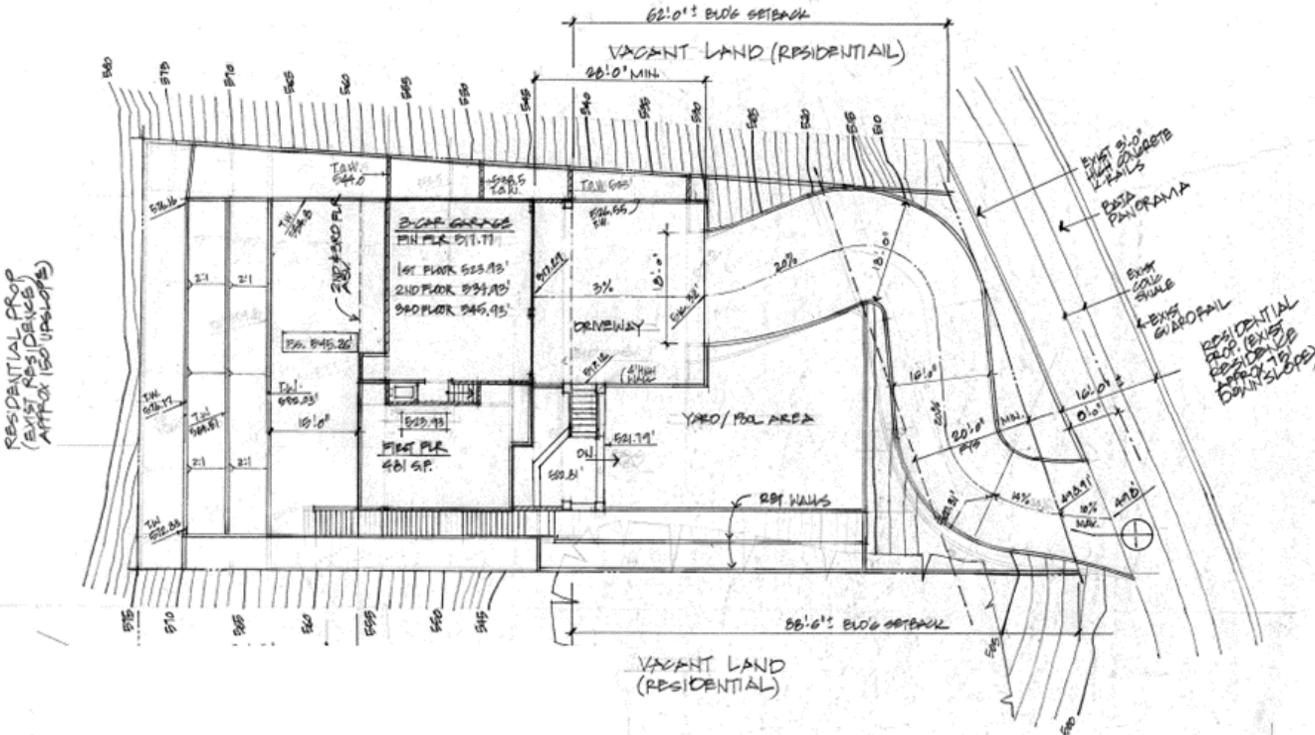
**BACKGROUND AND EXISTING CONDITIONS:**

The subject property, lot 9 of Tract Map 904, is located within an area designated R1-10000(SR) "Single-Family Residence" District in the unincorporated Santa Ana area. The "10,000" denotes that in addition to the standard R1 District regulations, the building site minimum is 10,000 square feet. The subject site is located on a hillside and faces Baja Panorama. The vacant lot is rectangular shaped and is 0.23 acres in size. The lot has an average depth of 146 feet and an average width of 70 feet.

Proposed Project

The applicant is requesting a Site Development Permit for grading of 995 cubic yards into a slope greater than 30% and a Use Permit for over height walls in the setback areas. The applicant is proposing to build a new three-story stepped, hillside, single family dwelling on a sloped lot of 30%. The driveway will be cut into the middle of the property creating a level pad for the first floor, garage and the front yard area. The second and third floors will be stepped up the slope to minimize the cut and the retaining walls. The finished residence will be a total of 3,630 square feet of living space with an attached 759 square foot 3-car garage. Extensive grading will be required to prepare the site with a total of 995 cubic yards of cut and 64 cubic yards of fill.

**SITE PLAN**



**SURROUNDING LAND USES:**

Zoning and existing land uses for the project site and for other surrounding properties beyond are as follows.

DIRECTION	ZONING DISTRICT	EXISTING LAND USE
Project Site	R1-10000(SR) "Single-Family Residence" District	Vacant
North	R1-10000(SR) "Single-Family Residence" District	Vacant
South	R1-10000(SR) "Single-Family Residence" District	Vacant
East	R1-10000(SR) "Single-Family Residence" District	Single Family Dwelling
West	R1-10000(SR) "Single-Family Residence" District	Single Family Dwelling

**Aerial of Project Site**

An aerial photograph of the Project site and surrounding properties within unincorporated Santa Ana is provided below.



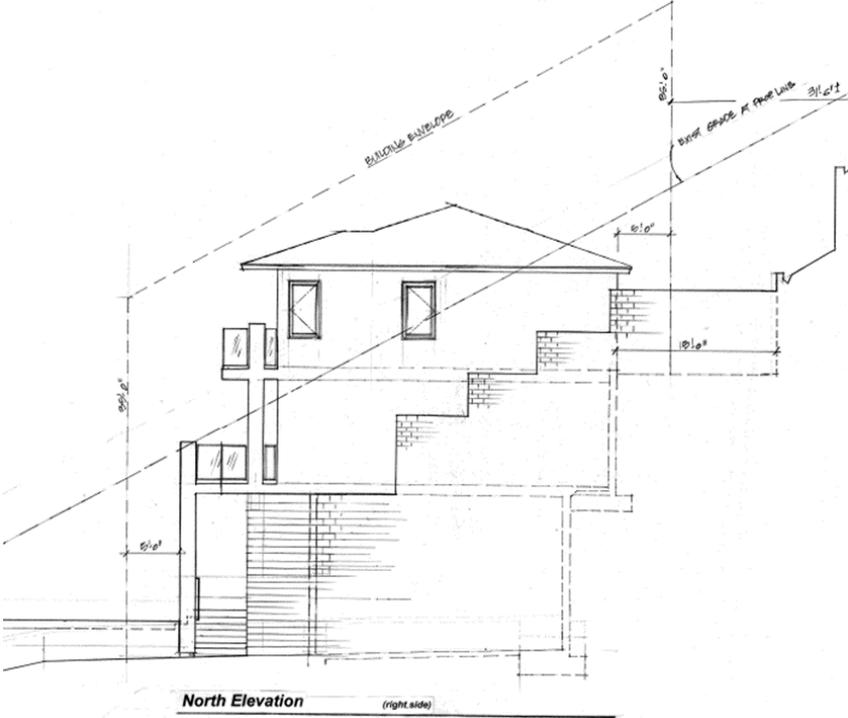
**DISCUSSION/ANALYSIS:**

Below is a table comparing the development standards for the R1-10000(SR) "Single-Family Residence" District with the Applicant's proposal.

STANDARD	PERMITTED	PROPOSED
Building Site Area	10,000 square feet minimum	10,006 square feet (existing)
Maximum Fence and Wall Height	3 1/2 feet (within the front setback area) 6 feet (within side or rear setback)	8 feet 5 inches maximum height within the front setback (proposed)* 23 feet maximum height within the side setback (proposed)*
Structural Front Setback	20 feet minimum	62 feet - house (proposed)
Structural Side Setback	5 feet minimum	5 feet - house right side (proposed) 9 feet 9 inches -house left side (proposed)
Structural Rear Setback	25 feet minimum	4 feet 5 inches - block wall (proposed) 36 feet 8 inches - house (proposed)

\*Indicates deviation from Site Development Standards

**ELEVATION**



Grading

The applicant is requesting a Site Development Permit for grading of 995 cubic yards into a slope greater than 30%. Per Section 7-9-66 of the Orange County Zoning Code a Site Development Permit is required if any grading operation involves more than five hundred (500) cubic yards on a slope greater than thirty percent (30%). The applicant is proposing to build a new three-story house on a sloped lot of 30%. The driveway will be cut into the middle of the property creating a level pad for the first floor, garage and the front yard area. The second and third floors will be steeped up the slope to minimize the cut and the retaining walls. The finished residence will be a total of 3,630 square feet of living space with an attached 759 square foot 3-car garage. Construction of the proposed dwelling will require extensive grading consequently a Condition of Approval has been added that prior to issuance of grading permits a haul route be provided (Attachment 2). This condition also serves to address the specific concerns regarding the impact the truck will have on the neighborhood as reflected in the attached minutes from the November 17, 2021 NTAC meeting (Attachment 7).

Over Height Walls

As proposed, the project would require the installation of retaining walls in the front, side and rear areas of the dwelling. The steep slope of the property requires retaining walls that exceed the allowed height. The retaining walls will vary in height from a maximum of 23 feet along the side setback to a maximum of 8 feet 6 inches feet within the front setback area. Per the County of Orange Zoning Code any deviation from the maximum height shall require approval of a Use Permit to the Zoning Administrator. Consequently, the applicant is requesting approval to allow the height of the walls to exceed the maximum allowable height within the setback areas.

County of Orange Zoning Code Section 7-9-64(f), state that exceptions and modifications to the wall height provisions may be permitted by approval of a Use Permit by Zoning Administrator if the following findings can be made:

- A. *That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.*
- B. *The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.*

The proposed walls have been reviewed by traffic engineering and it has been determined that the walls will not result in or create a traffic hazard. Furthermore, since the walls follow the slope of the property only a maximum of 24 inches of the walls will be visible from the adjacent neighborhood’s property. The location, size and design of the walls are consistent with similar improvements throughout the area. As a result, this project will not be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

Additionally, similar projects in the area have been proposed and approved. Below is a table of similar project approved in the last twenty (20) years.

APPLICATION	LOCATION	PERMITTED	HEIGHT
PA170018	12421 Newport Ave	Use permit for an over height wall block wall of 10 ft high on the northern property line.	10 feet

APPLICATION	LOCATION	PERMITTED	HEIGHT
PA070041	12262 Circula Panorama	Use Permit for 16-foot-tall wall/guardrail in rear setback	16 feet
PA050090	12486 Vista Panorama	Use permit for over height walls and Site Plan for grading on a slope greater than 30%.	11 feet
PA050075	12288 Circula Panorama	Use Permit to allow over-height retaining walls to a maximum of 17'9" feet tall within the front setback	17 feet 9 inches
PA040074	12286 Baja Panorama	Use Permit for walls in the front setback to a height of 11'6"	11 feet 6 inches
PA010111	12237 Circula Panorama	Site plan for grading in excess of 500 cubic yards on 15% slope. Use permit for over height walls in the front and side setbacks.	17 feet

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County division. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment 2. Public notices were mailed to all owners of record within 300 feet of the subject property, and posted in front of the project site, the Orange County Hall of Administration at 333 W. Santa Ana Blvd., and in the lobby at the County Administration South building located at 601 N. Ross Street, Santa Ana, CA 92701, at least ten days prior to this public hearing, as required by established public hearing posting procedures. As of the writing of this staff report, no comments raising issues with the project have been received from OCFA or other County divisions.

The North Tustin Advisory Committee (NTAC) reviewed the applicants request at its November 17, 2021 meeting. After reviewing the project, NTAC voted 4-1 to recommend approval of the project. Minutes from the meeting are included in the staff report as Attachment 7.

**CEQA COMPLIANCE:**

The proposed project is exempt from CEQA because the Class 3 (New Construction) Section 15303, consists of construction of limited numbers of new structures (One single-family residence) and Appendix F of the Orange County Local CEQA Procedures Manual provides an exemption for residential structures.

**CONCLUSION:**

Staff has reviewed the applicant’s request for a Site Development Permit and Use Permit for grading and over-height walls and found it to be compliant with the special findings necessary under Zoning Code Section 7-9-64(f). Staff recommends Zoning Administrator approval of Planning Application PA19-0188

for a Site Development Permit and Use Permit subject to the attached Recommended Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:

Concurred by:

*Laree Alonso*

Laree Alonso, Interim Planning Division Manager  
OC Development Services/Planning

*Amanda Carr*

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

**ATTACHMENTS:**

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter of Justification
4. Environmental Documentation NOE PA19-0188
5. Site Photos
6. Site Plans
7. NTAC Meeting Minutes

**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 deposit 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



**Attachment 1**  
**Findings**  
**PA19-0188**

1	<b>ZONING</b>	<b>PA19-0188</b>
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.		
2	<b>COMPATIBILITY</b>	<b>PA19-0188</b>
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.		
3	<b>GENERAL WELFARE</b>	<b>PA19-0188</b>
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.		
4	<b>ENVIRONMENTAL</b>	<b>PA19-0188</b>
That the proposed project is exempt from CEQA because the Class 3 (New Construction) Section 15303, consists of construction of limited numbers of new structures (One single-family residence) and Appendix F of the Orange County Local CEQA Procedures Manual provides an exemption for residential structures.		
5	<b>FISH &amp; GAME</b>	<b>PA19-0188</b>
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.		
6	<b>GENERAL PLAN</b>	<b>PA19-0188</b>
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.		
7	<b>PUBLIC FACILITIES</b>	<b>PA19-0188</b>
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.).		
8	<b>OVER HEIGHT WALL 1</b>	<b>PA19-0188</b>
That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.		

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**OVER HEIGHT WALL 1**

**PA19-0188**

That the location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

Attachment 2



**Attachment 2  
Conditions of Approval  
PA19-0188**

**BASIC/APPEAL EXACTIONS - Z06**

**BASIC**

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.

**BASIC/COMPLIANCE - Z04**

**BASIC**

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.

**BASIC/INDEMNIFICATION - Z05**

**BASIC**

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, 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, but such participation shall not relieve applicant of his/her obligations under this condition. 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 shall promptly notify the applicant of any such claim, action or proceeding.

**BASIC/LAND USE PLAN - Z03**

**BASIC**

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

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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.

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**BASIC/TIME LIMIT - Z02**

**BASIC**

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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**BASIC/ZONING REGULATIONS - Z01**

**BASIC**

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.

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**HAUL ROUTE**

Prior to issuance of a grading permit, the applicant must obtain approval of a truck route to haul the dirt into/out of the site, detailing the number of trucks and number of trips necessary to export 995 cubic yards of cut as proposed, meeting the approval of the Manager of Subdivision and Grading

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**CONSTRUCTION NOISE**

**BASIC**

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

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Attachment 3

**Phillip Bennett, Architect**  
3360 Horizon Street  
Corona, Ca 92881  
Phone 714 997-4956 Cell 714 931-6720

June 14, 2019  
**Revised March 01, 2021**

**County of Orange, OC Public Works, OC Planning  
Land Use Planning  
601 N. Ross Street Santa Ana, Ca 92701  
Attn: Ms Cynthia Burgos Planning Dept.**

**RE: Letter of Project proposal and scope of work  
12561 Baja Panorama Santa Ana, Ca 92705**

Owner: Mr and Mrs Paul and Pat Phangsavanh  
3030 Mary Common Santa Ana, Ca 92703

The project consist of construction a new 3-story hillside residence on the address referenced above. The site is currently vacant, upslope of approx.. 30 degrees with access from the existing developed roadway. The driveway will be cut into the middle of the property, creating a level pad for the first floor, garage and the front yard area. The second and third floors will be stair stepped up the slope to minimize the cut and the retaining walls.

The finished residence will be a total of 3630 s.f. of living space with an attached 759 s.f. 3-car garage.

All utilities are accessible to the site. Sewer is in street, gas and water are in street with electrical on adjacent side of existing roadway. Existing fire hydrants are within 50' of the property.

**Justification:**

There are no special zoning requirements, the property is zoned for residential use. (R1-10000 (SR). A discretionary permit is required for grading over 500 cubic yards and over height walls exceeding 3.5 feet in the front yard setback and 6'-0" in the side and rear yard setbacks.

The proposed development is consistent with adjacent surrounding properties.

The proposed development will have no adverse effect on the public health and safety or the general welfare of residents or general public.

There are no special circumstances associated with the proposed development.

The approval of this request does not provide any special privileges that are not provided to any other land owner who wish's to develop his or her property.

P. Paul P. Paul

Signed and notarized by Agent or Owner

Paul PHANGSAVANH

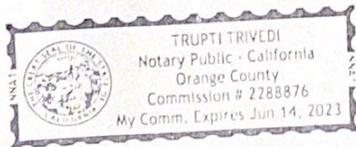
Concurrence by City Manager, OC Planning

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF Orange  
Subscribed and sworn to (or affirmed) before me on this 11<sup>th</sup> day of March  
2021 by Paul P. Phangsavanh,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Trupti Trivedi  
(Signature of Notary)



Attachment 4

## CEQA Exemption Exceptions Worksheet

**Project Name:** Phangsavanh Residence

**Project Number:** PA 19-0188

**Project Location:** 12561 Baja Panorama, North Tustin, CA 92703

**Project Description:** Single-family residence

Eligible Orange County Local CEQA Exemption(s)	Description
Class 3 (Appendix F)	One residential structure of four or less dwelling units
Eligible State CEQA Guidelines Exemption(s)	Category
Class 3	New Construction or Conversion of Small Structures
Exemption Exceptions (Guidelines §15300.2)	Analysis
<p><b>§15300.2(a) Location.</b> Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.</p>	<p>This exception does not nullify the use of the eligible exemptions. The site is in an existing single-family residential neighborhood. The site would not impact an environmental resource.</p>
<p><b>§15300.2(b) Cumulative Impact.</b> All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.</p>	<p>This exception does not nullify the use of the eligible exemptions. The construction project is temporary and does not include or require additional or successive projects to implement the proposed project.</p>
<p><b>§15300.2(c) Significant Effect Unusual Circumstances.</b> A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.</p>	<p>This exception does not nullify the use of the eligible exemptions. In the 2015 California Supreme Court Case (Berkeley Hillside Preservation v. City of Berkeley) the court created a two-part test to determine if unusual circumstances are operative that would nullify the use of an exemption: 1) Is there an unusual circumstance? 2) If yes, is there a reasonable possibility it will create a significant impact?</p> <ul style="list-style-type: none"> <li>• The project site is on a site zoned for development.</li> <li>• The project is within an established residential neighborhood.</li> <li>• The proposed improvements have been completed on other residential properties adjacent to and in the vicinity of the project,</li> </ul> <p>Neither of the tests for Unusual Circumstances have been met.</p>

## CEQA Exemption Exceptions Worksheet

**Project Name:** Phangsavanh Residence

**Project Number:** PA 19-0188

**Project Location:** 12561 Baja Panorama, North Tustin, CA 92703

**Project Description:** Single-family residence

Eligible Orange County Local CEQA Exemption(s)	Description
<p><b>§15300.2(d) Scenic Highways.</b> A categorical exemption shall not be used for a project, which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.</p>	<p>This exception does not nullify the use of the eligible exemptions. There are no State-designated or State-eligible scenic highways in the vicinity of the site.</p>
<p><b>§15300.2(e) Hazardous Waste Sites.</b> A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.</p>	<p>This exception does not nullify the use of the eligible exemptions. The project site is not identified on the California Department of Toxic Substances Control EnviroStor hazardous waste database. Database queried on December 3, 2021.</p>
<p><b>§15300.2(f) Historical Resources.</b> A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.</p>	<p>This exception does not nullify the use of the eligible exemptions. The project site is undeveloped; therefore, no potential for an adverse change in a historical resource would not occur.</p>

Attachment 5

Supervisor  
District 3  
Donald P. Wagner

R1-10000(SR)

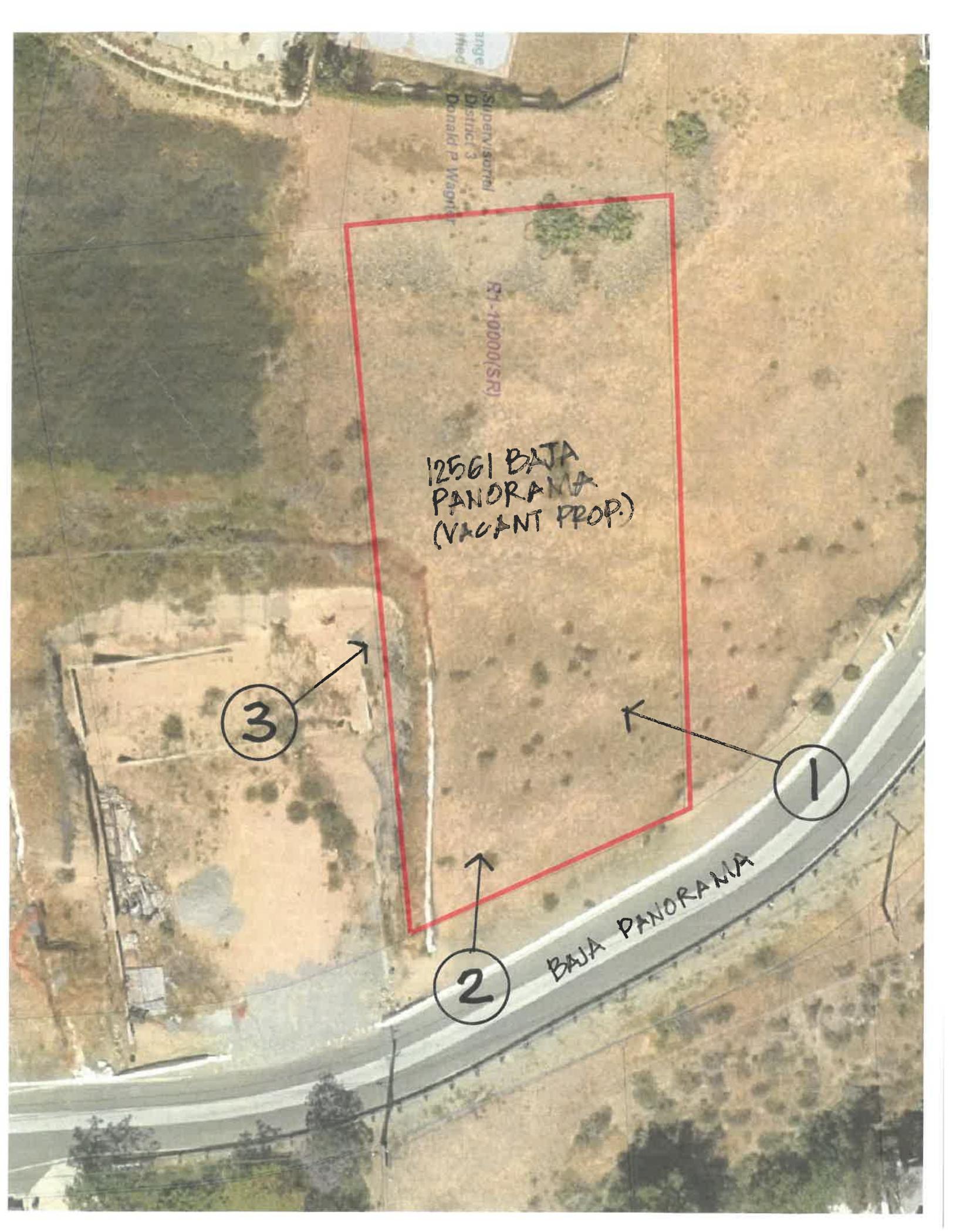
12561 BATA  
PANORAMA  
(VACANT PROP.)

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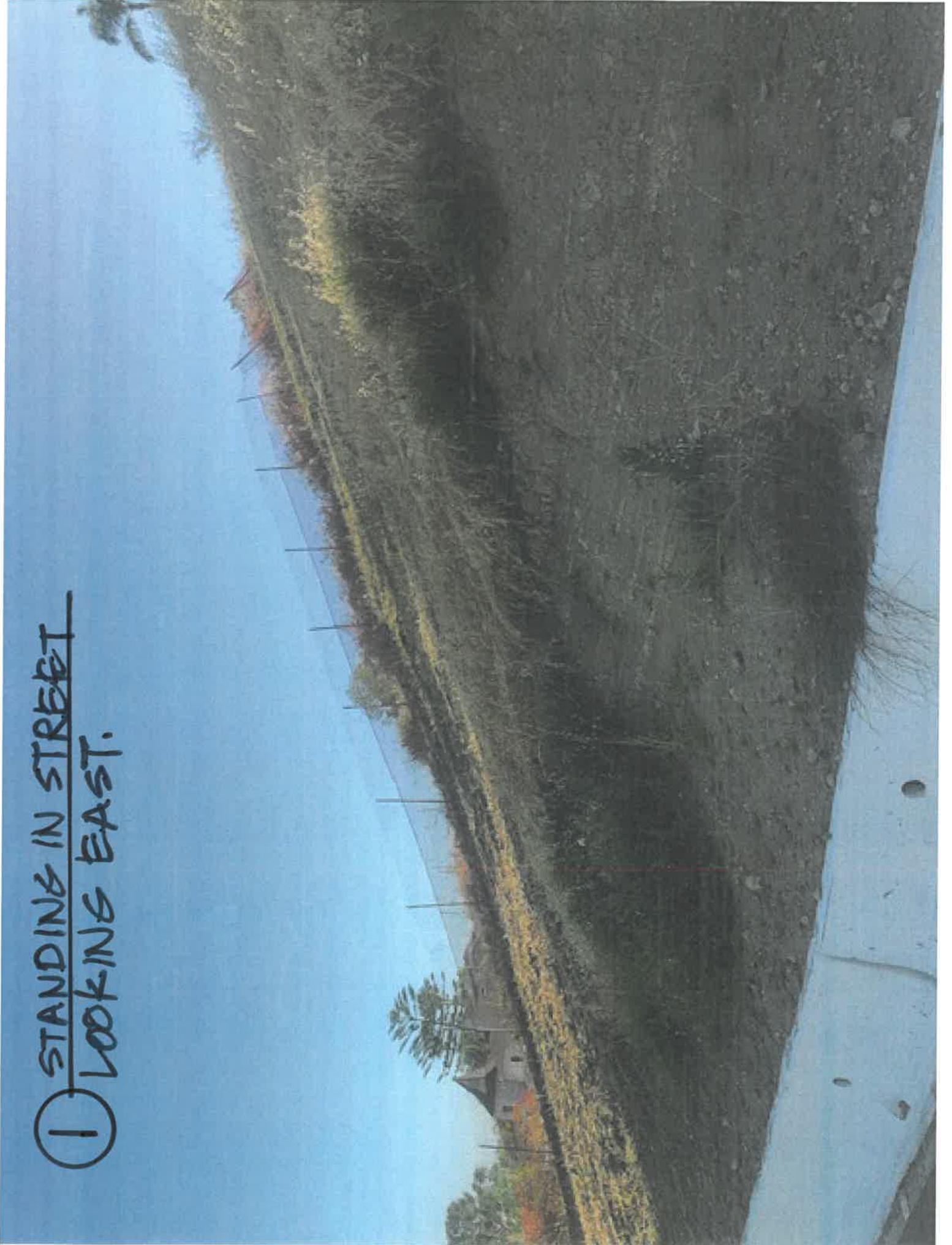
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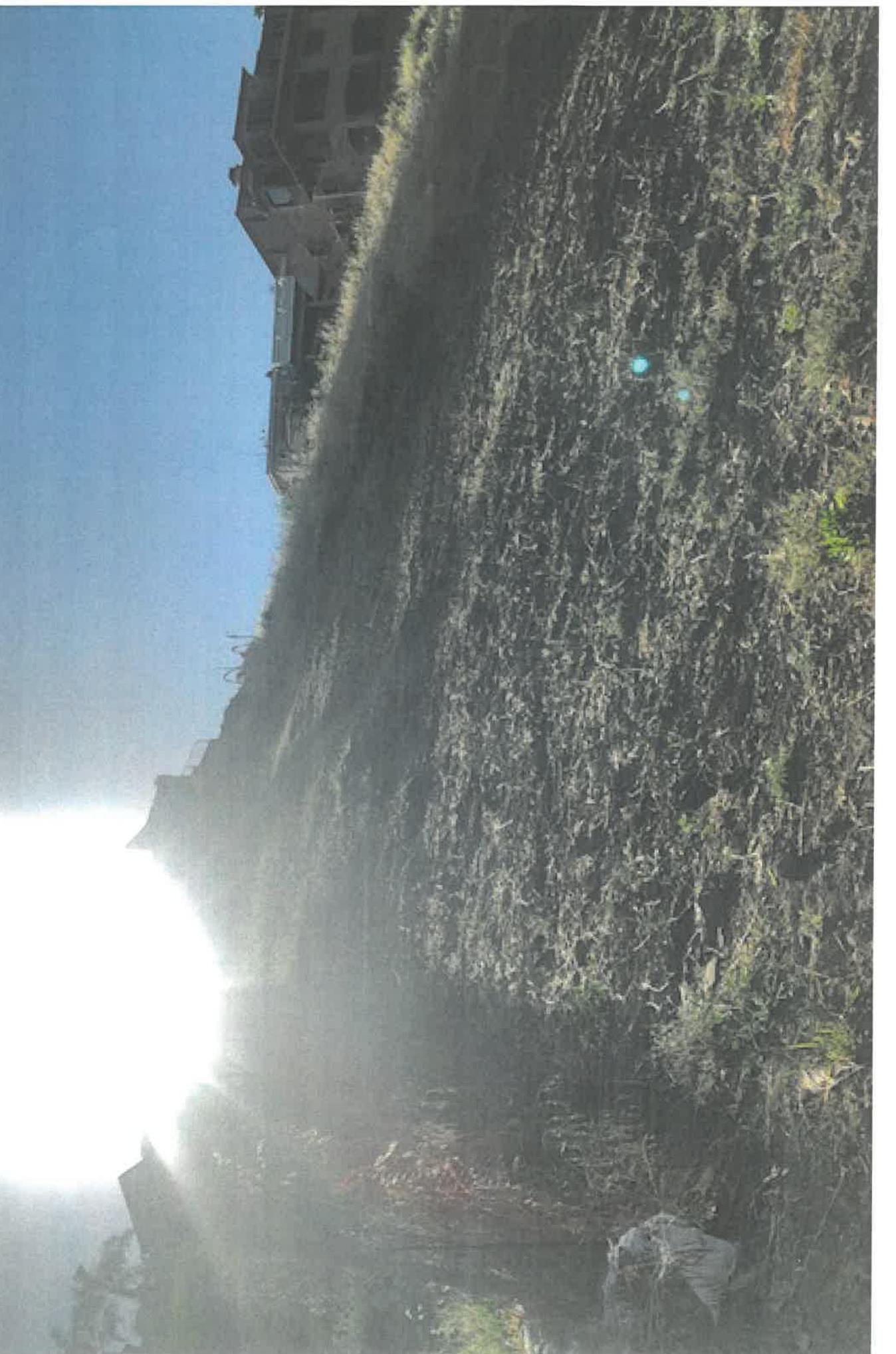
BAJA PANORAMA



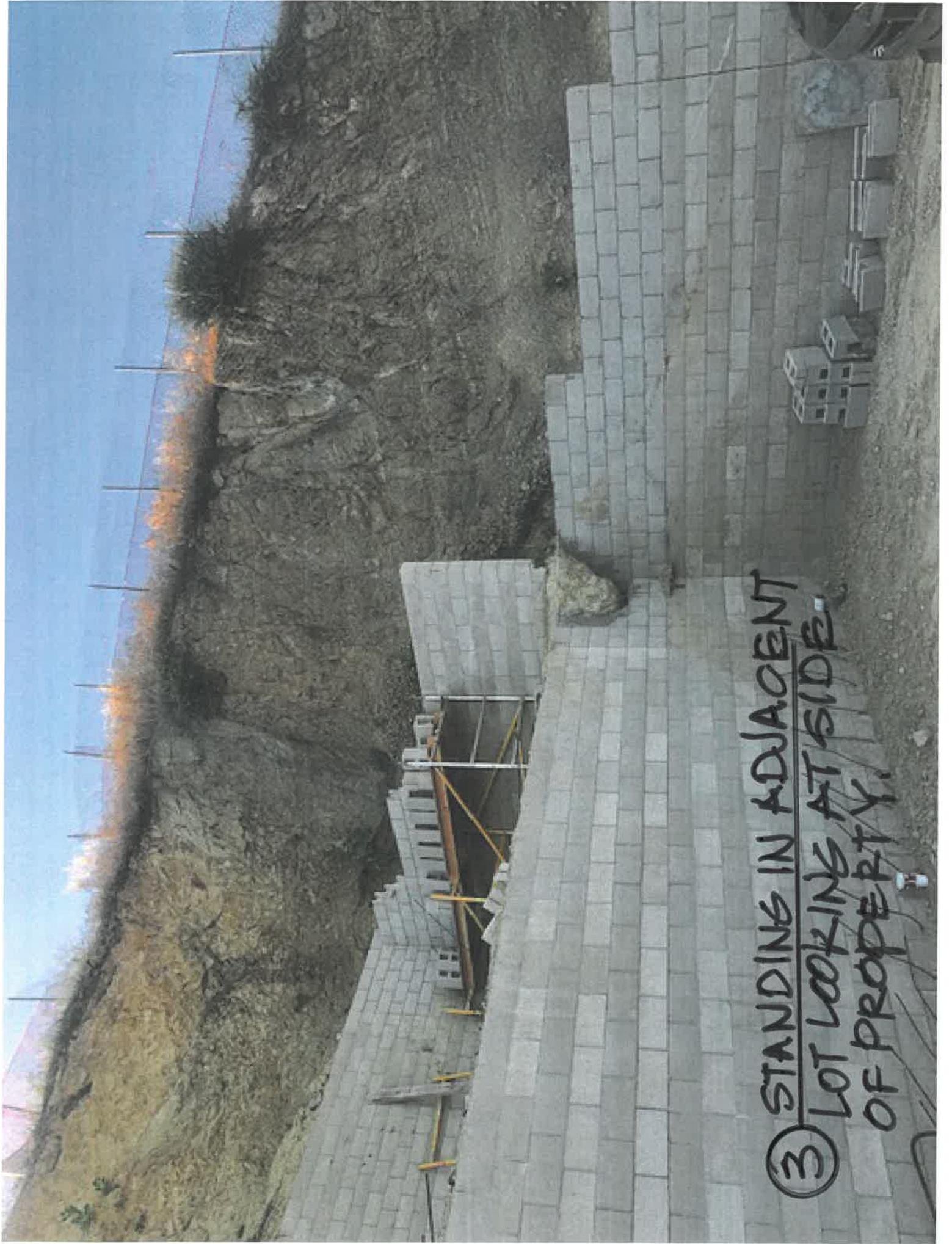
① STANDING IN STREET  
LOOKING EAST.



② STANDING IN STREET  
LOOKING UP.



③ STANDING IN ADJACENT  
LOT LOOKING AT SIDE  
OF PROPERTY.



Attachment 6

# PRECISE GRADING AND DRAINAGE PLAN

## 12561 BAJA PANORAMA, SANTA ANA, CA 92705

### LOT 9 TRACT 904

#### GRADING NOTES:

- ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA ANA AND THE LATEST STATE CODES AS MANDATED TO BE ENFORCED BY THE CITY.
- AN APPROVED SET OF PLANS SHALL BE ON THE JOB AT ALL TIMES.
- NO WORK SHALL BE STARTED WITHOUT FIRST NOTIFYING THE PLANNING AND BUILDING DEPARTMENT AT (714) 647-5800.
- EXISTING CITY STREETS SHALL BE KEPT CLEAN OF ALL MATERIALS RESULTING FROM THE GRADING OPERATIONS. THE STREET RIGHT-OF-WAY SHALL BE CLEANED UP DAILY AND AS NECESSARY TO MAINTAIN PEDESTRIAN AND VEHICULAR PASSAGE OVER THE PUBLIC RIGHT-OF-WAY AT ALL TIMES.
- THE PERMITEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL AT LEAST 24 HOURS BEFORE THE GRADING OPERATION IS READY FOR EACH OF THE FOLLOWING:
  - PRE-GRADE MEETING: WHEN THE PERMITTED IS READY TO BEGIN WORK AND BEFORE ANY GRADING OR BRUSHING IS STARTED, THE FOLLOWING PEOPLE MUST BE PRESENT - OWNER, GRADING CONTRACTOR, BUILDING OFFICIAL OR THEIR REPRESENTATIVE.
  - TOE INSPECTION: AFTER THE NATURAL GROUND IS EXPOSED AND PREPARED TO RECEIVE FILL AND BEFORE ANY FILL IS PLACED.
  - EXCAVATION INSPECTION: AFTER THE EXCAVATION IS STARTED AND BEFORE THE DEPTH OF EXCAVATION EXCEEDS 10 FEET.
  - FILL INSPECTION: AFTER THE AREA TO RECEIVE FILL HAS BEEN PREPARED AND INSPECTED BY THE SOILS ENGINEER.
  - DRAINAGE DEVICE INSPECTION: AFTER FORMS, STEEL AND PIPE ARE IN PLACE, AND BEFORE ANY CONCRETE IS POURED.
  - ROUGH GRADING: WHEN ALL ROUGH GRADING HAS BEEN COMPLETED.
  - FINAL INSPECTION: WHEN ALL WORK, INCLUDING INSTALLATION OF ALL DRAINAGE STRUCTURES AND OTHER PROTECTIVE DEVICES HAS BEEN COMPLETED AND THE "AS-GRADED" PLAN AND REQUIRED REPORTS HAVE BEEN SUBMITTED AND APPROVED.
- THE PERMITEE SHALL WAIT FOR APPROVAL BY THE INSPECTOR BEFORE PROCEEDING WITH THE WORK.
- SUFFICIENT TESTS OF SOIL PROPERTIES, INCLUDING SOIL TYPES AND SHEAR STRENGTH SHALL BE MADE DURING THE GRADING OPERATIONS TO VERIFY COMPLIANCE WITH DESIGN CRITERIA. THE RESULTS OF SUCH TESTING SHALL BE FURNISHED TO THE BUILDING OFFICIAL UPON COMPLETION OF GRADING OPERATIONS OR WHEN NECESSITATED BY FIELD CONDITIONS UPON REQUEST OF THE BUILDING OFFICIAL.
- THE GRADING CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT VERIFYING THAT WORK DONE UNDER HIS DIRECTION WAS PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND REQUIREMENTS OF CHAPTER 33 OF THE UNIFORM BUILDING CODE OR DESCRIBING ALL VARIANCES FROM THE APPROVED PLANS AND REQUIREMENTS OF THE CODE.
- THE LOCATION AND PROTECTION OF ALL UTILITIES IS THE RESPONSIBILITY OF THE PERMITEE.
- DUST SHALL BE CONTROLLED BY WATERING.
- SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE FROM THE BEGINNING TO COMPLETION OF GRADING OPERATIONS.
- ALL GRADING SHALL CONFORM TO THE RECOMMENDATIONS IN THE APPROVED GEOTECHNICAL REPORT.
- THE CONTRACTOR SHALL INCORPORATE EROSION CONTROL MEASURES WHEN DEEMED NECESSARY BY THE BUILDING OFFICIAL.
- THE SOIL'S ENGINEER SHALL INSPECT AND APPROVE ALL CUT SLOPES.
- PRIOR TO ISSUANCE OF THE BUILDING PERMITS, A SOIL EXPANSION TEST PERFORMED IN ACCORDANCE WITH THE PROCEDURES OF UNIFORM BUILDING CODE STANDARD NO. 18-2 IS REQUIRED.
- PRIOR TO PLACING COMPACTED FILL, THE SURFACE SHALL BE STRIPPED OF VEGETATION AND THE SURFACE SCARIFIED TO A DEPTH OF 12 INCHES OR AS SPECIFIED BY THE SOILS ENGINEER AND APPROVED BY THE BUILDING OFFICIAL, BROUGHT TO OPTIMUM MOISTURE CONTENT, RECOMPACTED TO 90% MAXIMUM DENSITY AND INSPECTED BY THE GRADING INSPECTOR AND THE SOIL TESTING AGENCY.
- CUT SLOPES SHALL BE NO STEEPER THAN 2 HORIZONTAL TO 1 VERTICAL.
- FILLS SHALL BE COMPACTED THROUGHOUT TO 90% OF MAXIMUM DENSITY AS DETERMINED AND CERTIFIED BY THE SOILS ENGINEER. NOT LESS THAN ONE FIELD DENSITY TEST WILL BE MADE FOR EACH 2 FEET OF VERTICAL LIFT OF FILL NOR LESS THAN ONE SUCH TEST FOR EACH 1,000 CUBIC YARDS OF MATERIAL PLACED. AT LEAST ONE-HALF OF THE REQUIRED TESTS SHALL BE MADE AT THE LOCATION OF THE FINAL FILL SLOPE.
- FILL SLOPES SHALL BE NO STEEPER THAN 2 HORIZONTAL TO 1 VERTICAL AND SHALL BE COMPACTED TO NO LESS THAN 90% OF MAXIMUM DENSITY OUT TO THE FINISHED SURFACE. ALL FILL SLOPES GREATER THAN 5 FEET IN VERTICAL HEIGHT SHALL BE GRID ROLLED TO COMPACT THE OUTER 6' TO 8' TO AT LEAST 90% OF MAXIMUM DENSITY.
- NO ROCK OR SIMILAR MATERIAL GREATER THAN 12 INCHES IN DIMENSION WILL BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY THE SOILS ENGINEER IN ADVANCE AND APPROVED BY THE BUILDING OFFICIAL.
- NO FILL SHALL BE PLACED UNTIL STRIPPING OF VEGETATION, REMOVAL OF UNSUITABLE SOILS AND INSTALLATION OF SUBDRAINS (IF REQUIRED) HAVE BEEN INSPECTED AND APPROVED BY THE SOILS ENGINEER AND THE CITY GRADING INSPECTOR.
- CONTINUOUS INSPECTION BY THE SOILS ENGINEER OR HIS RESPONSIBLE REPRESENTATIVE WILL BE PROVIDED DURING ALL FILL PLACEMENT AND COMPACTION OPERATIONS.
- ALL EXISTING FILLS SHALL BE APPROVED BY THE SOILS ENGINEER AND THE BUILDING OFFICIAL OR HIS REPRESENTATIVE BEFORE ANY ADDITIONAL FILLS ARE ADDED.

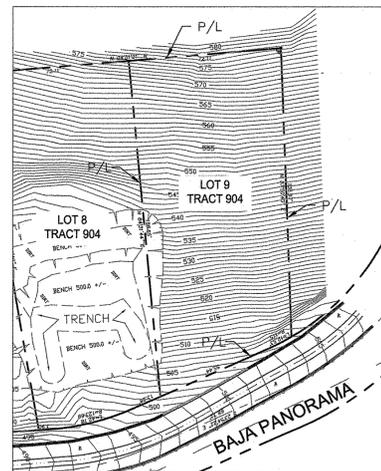
- ALL TRENCH BACKFILLS SHALL BE TESTED AND CERTIFIED BY THE SOILS ENGINEER.
- ALL CONCRETE STRUCTURES THAT COME IN CONTACT WITH THE ONSITE SOILS SHALL BE CONSTRUCTED WITH TYPE 5 SIX (6) SACK CEMENT UNLESS SULFATE-CONTENT TESTS CONDUCTED BY THE SOILS ENGINEER SHOW IT TO BE UNNECESSARY.
- THE SOILS ENGINEER SHALL PROVIDE SUFFICIENT INSPECTION DURING THE PREPARATION OF NATURAL GROUND AND PLACEMENT OF COMPACTION TO VERIFY THAT SUCH WORK IS BEING PERFORMED IN ACCORDANCE WITH THE CONDITIONS OF THE APPROVED PLAN. REVISED RECOMMENDATIONS RELATING TO CONDITIONS DIFFERING FROM THE APPROVED SOILS ENGINEERING REPORT SHALL BE SUBMITTED TO THE PERMITEE, THE BUILDING OFFICIAL, AND THE CIVIL ENGINEER.
- THE SOILS ENGINEER SHALL PROVIDE A PROFESSIONAL INSPECTION OF THE BEDROCK EXCAVATION TO DETERMINE IF CONDITIONS ENCOUNTERED ARE IN ACCORDANCE WITH THE APPROVED REPORTS, THE PLANS, SPECIFICATIONS AND CODE WITHIN THEIR PURVIEW.
- THE PERMITEE SHALL BE RESPONSIBLE FOR THE WORK TO BE PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS. THE PERMITEE SHALL ENGAGE CONSULTANTS, IF REQUIRED, TO PROVIDE PROFESSIONAL INSPECTIONS ON A TIMELY BASIS. THE PERMITEE SHALL ACT AS A COORDINATOR BETWEEN THE CONSULTANTS, THE CONTRACTOR AND THE BUILDING OFFICIAL IN THE EVENT OF CHANGED CONDITIONS. THE PERMITEE SHALL BE RESPONSIBLE FOR INFORMING THE BUILDING OFFICIAL OF SUCH CHANGE AND SHALL PROVIDE REVISED PLANS FOR APPROVAL.
- ANY REVISION MADE IN THE APPROVED GRADING AS SHOWN ON THE GRADING MUST BE SPECIFICALLY APPROVED BY THE BUILDING OFFICIAL OR HIS DESIGNATED REPRESENTATIVE.
- FINISH GRADING WILL BE COMPLETED AND APPROVED AND SLOPE PLANTING AND IRRIGATION SYSTEM INSTALLED BEFORE OCCUPANCY OF ANY BUILDING AND BEFORE RELEASE OF ANY GRADING BONDS.
- ALL CUT AND FILL SLOPES OVER 5 FEET IN VERTICAL HEIGHT SHALL BE PLANTED AND PROVIDED WITH AN IRRIGATION SYSTEM IN ACCORDANCE WITH AN APPROVED LANDSCAPE PLAN.

#### ENGINEER'S NOTICE TO CONTRACTOR:

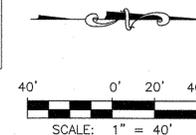
- CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL APPLY NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON CONTINUOUSLY AND THIS PROJECT EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.
- ALL UNDERGROUND UTILITIES OR STRUCTURES, REPORTED OR FOUND ON PUBLIC RECORDS, ARE INDICATED WITH THEIR APPROXIMATE LOCATION AND EXTENT. THE OWNER, BY ACCEPTING THESE PLANS OR PROCEEDING WITH THE IMPROVEMENTS HEREON, AGREES TO ASSUME LIABILITY AND TO HOLD THE ENGINEER HARMLESS FOR ANY DAMAGES RESULTING FROM THE EXISTENCE OF UNDERGROUND UTILITIES OR STRUCTURES NOT REPORTED OR INDICATED ON PUBLIC RECORDS, OR THOSE CONSTRUCTED AT VARIANCE WITH REPORTED OR RECORDED LOCATIONS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES OR STRUCTURES SHOWN AND ANY OTHERS FOUND AT THE SITE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE OWNERS OF ALL UTILITIES OR STRUCTURES CONCERNED BEFORE STARTING WORK.
- THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.
- THE ENGINEER DOES NOT RECOMMEND OR ENDORSE THE USE OF ASBESTOS-CEMENT WATER PIPE OR ANY PRODUCTS CONTAINING ASBESTOS DUE TO THE HEALTH HAZARD CONNECTED WITH SUCH PRODUCTS. SPECIFICATION HEREON OF ANY SUCH PRODUCT IS AT THE DIRECTION OF THE JURISDICTIONAL AGENCY. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ALL CONSTRUCTION, CONNECTION AND REMOVAL OF ASBESTOS PRODUCTS AND SHALL FOLLOW ALL OSHA & EPA GUIDELINES TO MINIMIZE HEALTH HAZARDS.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL ELEVATIONS, DIMENSIONS AND CONDITIONS SHOWN HEREON AT THE JOB SITE PRIOR TO ANY CONSTRUCTION. DESIGN EVEREST, INC. SHALL BE NOTIFIED OF ANY DISCREPANCIES. REVISIONS TO THE PLAN SHALL BE APPROVED BY THE ENGINEER IN WRITING PRIOR TO IMPLEMENTATION.

#### UNDERGROUND UTILITIES & STRUCTURES:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN IN THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND IS RESPONSIBLE FOR THE PROTECTION OF, AND ANY DAMAGE TO THESE LINES OF STRUCTURES.



SITEPLAN



#### EARTHWORK QUANTITIES:

THE FOLLOWING ARE THE ENGINEER'S EARTHWORK QUANTITY ESTIMATE:

CUT	=	995.0 CY
FILL	=	64.0 CY
NET (CUT)	=	931.0 CY

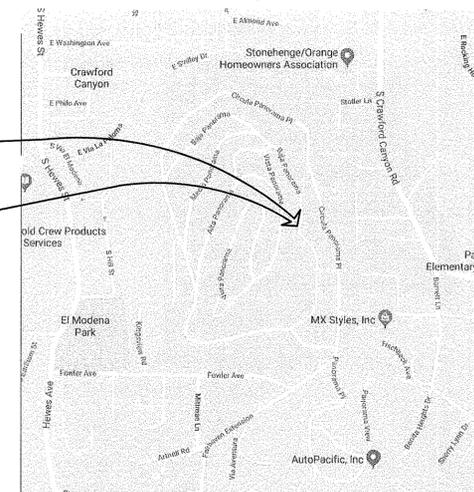
THE ABOVE QUANTITIES ARE NOT FOR CONTRACTOR'S USE. THIS IS FOR PLAN CHECKING PURPOSES ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFYING HIS OWN EARTHWORK QUANTITIES.

SLOPE OF SITE PLAN = 30° SLOPE

#### LEGEND AND ABBREVIATION

---200---	EXISTING CONTOUR LINE	APN	ASSESSOR'S PARCEL NUMBER
---200---	NATURAL GRADE CONTOUR LINE	AC	ASPHALT
⊙	FOUND CITY MONUMENT BOX, OR AS NOTED	BOT	BOTTOM ELEVATION
---	BOUNDARY OF PROPERTY SURVEYED	BM	BENCH MARK
( )	RECORD INFORMATION	BVC	BEGINNING OF VERTICAL CURVE
---	CENTERLINE	BW	BACK OF WALK
△	CURB INLET	CATV	CABLE TELEVISION OVERHEAD
---	CURB LINE	D	CURVE DELTA
---	DRIVEWAY APRON	DG	DECOMPOSED GRANITE
⊖	ELECTROLIER	DRWY	DRIVEWAY
---x---	FENCE	DS	DOWNSPOUT
⊕	FIRE HYDRANT	EOP	EDGE OF PAVEMENT
⊖	FLAT GRATE INLET	EVC	END OF VERTICAL CURVE
O.H. PWR	OVERHEAD POWER LINE	FF	FINISH FLOOR
O.H. TEL	OVERHEAD TELEPHONE LINE	FG	FINISH GRADE
SS	SANITARY SEWER LINE	FL	FLOW LINE ELEVATION
⊙	SANITARY SEWER MANHOLE	FL-HP	FLOW LINE ELEVATION-HIGH POINT
⊙	SANITARY SEWER CLEANOUT	FS	FINISH SURFACE
⊖	SIGN	GF	GARAGE FLOOR ELEVATION
---	STORM DRAIN LINE	GL	GARAGE LIP ELEVATION
⊙	STORM DRAIN MANHOLE	IP	IRON PIPE
⊙	UTILITY BOX	INV	INVERT ELEVATION
⊖	UTILITY POLE	H	HEIGHT OF WALL
W	WATER LINE	HP	HIGH POINT
⊖	WATER METER	L	CURVE LENGTH
⊖	WATER VALVE	R	RADIUS
⊖	ELECTRIC METER	R#	REFERENCE DOCUMENT
⊖	WATER HEATER	M-M	MONUMENT TO MONUMENT
⊖	GAS	O.H. PWR	OVERHEAD POWER LINE
		O.H. TEL	OVERHEAD TELEPHONE LINE
		P	PROTECT-IN-PLACE
		PCL	PARCEL
		PL	PROPERTY LINE
		P.M.	PARCEL MAP
		PTN	PORTION
		R	RADIUS
		SD	STORM DRAIN
		SS	SANITARY SEWER
		T	TANGENT
		THRSHLD	THRESHOLD
		TOP	TOP ELEVATION
		TC	TOP OF CURB ELEVATION
		TG	TOP OF GUTTER
		TW	TOP OF WALL
		TEMP.	TEMPORARY
		PUE	PUBLIC UTILITY EASEMENT
		PV	POINT OF VERTICAL INTERSECTION
		VC	VERTICAL CURVE
		WLE	WATER LINE EASEMENT
		SDMH	STORM DRAIN MANHOLE
		SSMH	SANITARY SEWER MANHOLE

PROJECT LOCATION



VICINITY MAP  
NOT TO SCALE

#### OWNER

MR AND MRS PAUL PHANGSAVANH  
3030 MARY COMMON  
SANTA ANA, CA 92703

#### CIVIL ENGINEER

DESIGN EVEREST  
365 FLOWER LANE,  
MOUNTAIN VIEW, CA 94043  
RAY ERILLO  
(909) 569-5270

#### LEGAL DESCRIPTION

LOT 9, TRACT NO. 904  
APN: 094-233-15

#### INDEX TO DRAWINGS

SHEET 1	TITLE SHEET
SHEET 2	PRECISE GRADING AND DRAINAGE PLAN
SHEET 3	DETAILS

#### BENCHMARK

OCS 3A-128-09 ELEV. = 561.823 NAVD88  
ALUM. OC BM DISK NEAR FH NW OF CL  
INTERSECTION BAJA PANORAMA & VISTA PANORAMA

#### BASIS OF BEARING

BEARING BASED ON RS 239/44

#### CURRENT ZONING

R1-10,000

#### CONSTRUCTION NOTES:

CN	DESCRIPTION
1	CONSTRUCT 3" ASPHALT PAVEMENT OVER 6" THICK CLASS II AGGREGATE BASE COURSE.
2	CONSTRUCT 4" CONCRETE PAVEMENT WITH #4 REBAR AT 18" O.C.
3	CONSTRUCT 2" WIDE TERRACE DRAIN PER DETAIL 1/3 SHOWN ON SHEET 3.
4	CONSTRUCT RETAINING WALL PER SEPARATE PERMIT.
5	INSTALL 4" PVC SDR35 STORM DRAIN LINE OR APPROVED EQUAL
6	INSTALL 12"x12" BROOKS BOX WITH GRATED INLET OR APPROVED EQUAL.
7	INSTALL 6" PVC SDR35 STORM DRAIN LINE OR APPROVED EQUAL
8	INSTALL 6" GRATED DRAIN INLET PER DETAIL 2/3 SHOWN ON SHEET 3.
9	INSTALL STORM DRAIN CLEANOUT PER DETAIL 3/3 SHOWN ON SHEET 3.
10	INSTALL 6" DRAIN OUTLET PER DETAIL 4/3 SHOWN ON SHEET 3.
11	REMOVE EXISTING K-RAIL.
P	PROTECT-IN-PLACE

GRADING QUANTITIES SHOWN ABOVE ARE FOR BONDING PURPOSES ONLY. SITE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES PRIOR TO BIDDING AND CONSTRUCTION.

NOTE:  
IT SHALL BE RESPONSIBILITY OF THE PROPERTY OWNER AND OWNER'S CONTRACTOR TO REPAIR ANY DAMAGE TO THE EXISTING PUBLIC IMPROVEMENTS AS A RESULT OF THE PROPOSED CONSTRUCTION ACTIVITIES. ADDITIONALLY, ALL NECESSARY REPAIRS, AS REQUESTED BY PUBLIC WORKS INSPECTOR, SHALL BE PERFORMED, BASED ON THE INSPECTOR'S REVIEW OF THE CURRENT CONDITIONS OF THE PUBLIC IMPROVEMENTS.

**UNDERGROUND SERVICE ALERT**  
CALL-TOLL FREE  
8-1-1  
TWO WORKING DAYS BEFORE YOU DIG

DESIGN EVEREST, INC

365 FLOWER LANE  
MOUNTAIN VIEW, CA 94043

FOR SALES:  
PHONE: (888) 311-3015  
FOR CONSTRUCTION SUPPORT:  
PHONE: (888) 512-3152

EMAIL: constructionsupport@designeverest.com

TITLE SHEET

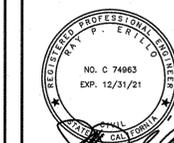
PAUL PHANGSAVANH RESIDENCE

12561 BAJA PANORAMA  
SANTA ANA, CA 92705

DESCRIPTION

DATE

REV



SIGN DATE: 11-14-2020

DATE: AS NOTED

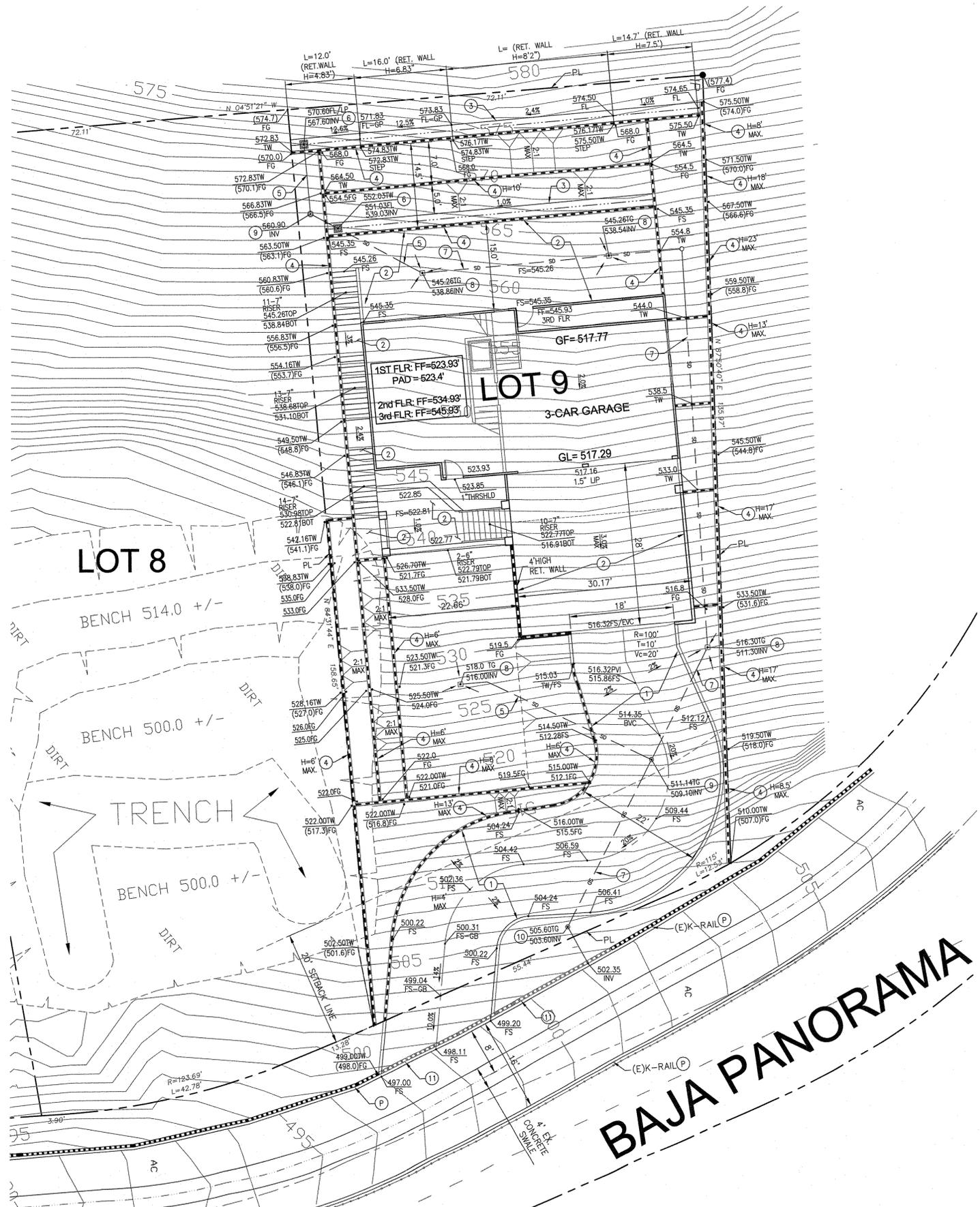
SCALE: AS NOTED

DRAWN BY: EDE

CKD BY: RPE

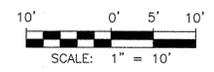
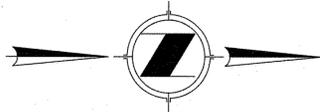
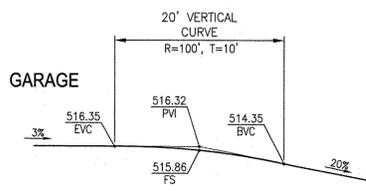
PROJECT #: DE19-07095

1  
OF 3



**CONSTRUCTION NOTES:**

CN	DESCRIPTION
1	CONSTRUCT 3" ASPHALT PAVEMENT OVER 6" THICK CLASS II AGGREGATE BASE COURSE.
2	CONSTRUCT 4" CONCRETE PAVEMENT WITH #4 REBAR AT 18" O.C.
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11	REMOVE EXISTING K-RAIL.
P	PROTECT-IN-PLACE



**DESIGN EVEREST, INC**  
 365 FLOWER LANE  
 MOUNTAIN VIEW, CA 94043  
 FOR SALES:  
 PHONE: (888) 311-3015  
 FOR CONSTRUCTION SUPPORT:  
 PHONE: (888) 512-3152  
 EMAIL: construction@designeverest.com

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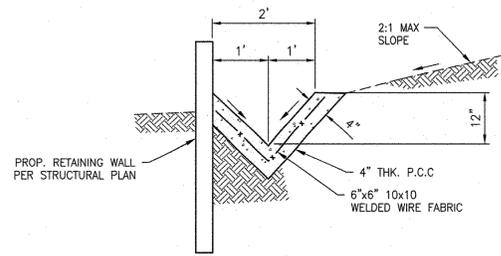
**PRECISE GRADING AND DRAINAGE PLAN**

**PAUL PHANGSAVANH RESIDENCE**  
 12561 BAJA PANORAMA  
 SANTA ANA, CA 92705

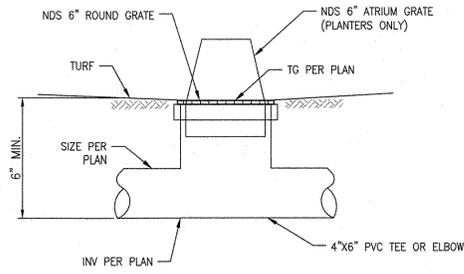
REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		

SIGN DATE: 11-14-2020  
 DATE: AS NOTED  
 SCALE: AS NOTED  
 DRAWN BY: EDE  
 CKD BY: RPE  
 PROJECT #: DE19-07095

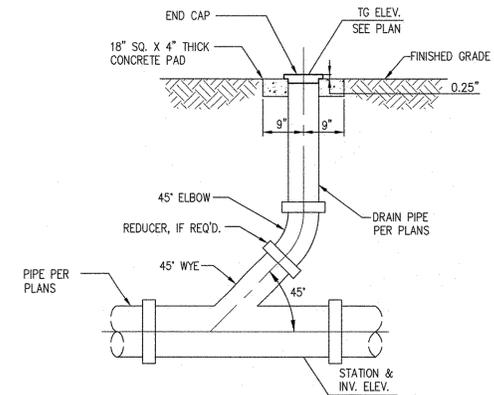
**2**  
OF 3



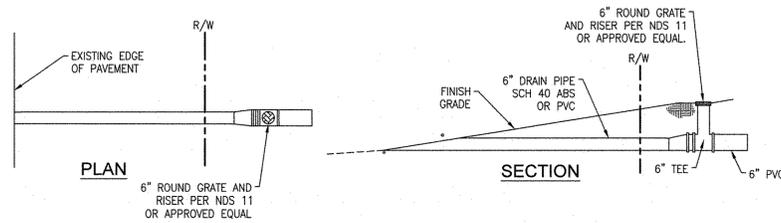
**2' WIDE TERRACE DRAIN DETAIL** 1  
4  
N.T.S.



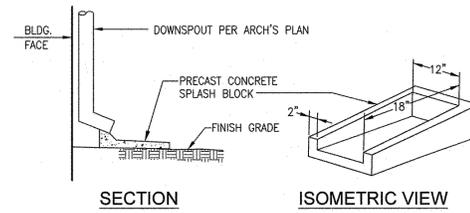
**TYPICAL 6" GRATED DRAIN INLET DETAIL** 2  
4  
N.T.S.



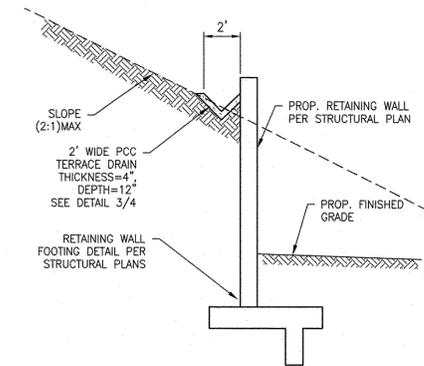
**STORM DRAIN CLEANOUT** 3  
3  
NOT TO SCALE



**6" DRAIN OUTLET DETAIL** 4  
4  
N.T.S.



**SPLASH BLOCK DETAIL** 5  
4  
N.T.S.



**TYPICAL SECTION** A  
3  
NOT TO SCALE

REV	DESCRIPTION	DATE
1		
2		
3		
4		
5		

PROFESSIONAL ENGINEER  
NO. C 74963  
EXP. 12/31/21  
SIGN DATE: 11-14-2020

DATE: AS NOTED  
SCALE: AS NOTED  
DRAWN BY: EDE  
CKD BY: RPE  
PROJECT #: DE19-07095

Attachment 7

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# MEETING MINUTES

**North Tustin Advisory Committee (NTAC)  
Wednesday, November 17, 2021  
7pm @ Tustin Unified School District boardroom**

## I. CALL TO ORDER

Peter Schneider called the in-person meeting to order at 7:15PM.

- *NTAC members in attendance:* Mike Fioravanti (Secretary), Peter Schneider (Chair), Dessa Schroeder, Kirk Watilo, Pat Welch.
- *County of Orange attendees:* None

## II. APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

Kirk Watilo made a motion to approve the minutes from the October 2021 meeting. Dessa Schroeder second the motion and the committee then voted to approve the minutes. All voted in favor.

## III. COMMITTEE BUSINESS

Mike Fioravanti suggested it might be helpful if the committee created an overview on NTAC so that new project applicants will better understand the committee's role, process and how to maximize the meeting results (bringing key attendees to support project, detailed information, etc.). There was a positive interest from the committee so Kirk Watilo offered to help assemble a draft copy that can be reviewed at the next meeting. Once it is finalized the document will be sent to the County to be shared with the general public.

## IV. OLD BUSINESS - None

## V. NEW / CONTINUED BUSINESS

**Project:** Planning Application - PA19-0188 (Baja Panorama Residence)

**Owner:** Paul Phangsavanh

**Agent:** Phillip Bennett (Architect)

**Location:** 12561 Baja Panorama, Santa Ana

**Proposal:** The applicant is seeking a Use Permit for over height walls, to a maximum height of 18 feet, within the setback areas and a Site Development Permit for grading of 995 cubic yards on a slope of greater than thirty percent (30%).

## QUESTIONS FOR APPLICANT AND ARCHITECT

Paul Phangsavanh, the property owner, was present along with Phillip Bennett, the project architect. Peter Schneider picked up the discussion from the last NTAC meeting (October 2021) and spoke directly to Phillip Bennett given his knowledge of the project. Peter noted the land is currently vacant and wondered why there is a need to ask for variance since the project is being built from scratch. He suggested the residence could be designed so that a variance would NOT be needed. Phillip Bennett responded that he has built 15-20 homes in the same area and this is the first time he was told it would need to be reviewed by NTAC.

Mr. Bennett further said one of the main issues was the grading and the requirement by the County to be less than 1,000 cubic yards. It is now 995 cubic yards of cut. That requirement impacted the design of the residence and the overall project. He also noted the upslope driveway requirement that was adjusted by the County several times including slope and width. The project has been in process for 2.5 years now due to the many changes that have taken place with the design.

Peter Schneider asked about the over-height wall requirement. Mr. Bennett said it is needed due to the slope and that only 6" of wall will be above grade from the neighbors view --- unlike the empty lot next door which has been over cut.

## NTAC COMMITTEE QUESTIONS:

Dessa Schroeder asked for clarification on the photos that have been shared with the committee. Phillip Bennett stated the one in question was actually the property next door --- not this project.

Pat Welch asked if the previous projects noted by Phillip Bennett if these were also in unincorporated Orange County and he confirmed yes.

Pat Welch also asked if there are any other alternatives to reduce the height needed for this project. Phillip Bennett said there isn't any other option given the County requirements for the driveway layout. Pat Welch expressed the height is dramatic, compared to other projects. Phillip Bennett agreed and shared it's going to require a lot of time/money for the project cut. He explained the current project dimensions are the result of the many conversations, submittals, re-designs, more submittals, etc. with the County over the past 2.5 years to get the walls down to the shortest level possible (the walls were 20' in earlier plans).

Mike Fioravanti raised the concerns shared by Paul Phangsavanh from the last NTAC meeting about the slide/erosion potential for this site. Mike Fioravanti shared this same concern based on a site visit today and asked how this potential will be minimized. Phillip Bennett said the entire site is "pretty much all bedrock" that will be cut into. He also said a soil report has been done and it's been through the County for approval. Mike Fioravanti stated that since NTAC doesn't have access to the report he will assume the approvals were met as it relates to soil testing results.

Mike Fioravanti then asked about the plan for removing the 995 cubic yards given the road is very narrow. Phillip Bennett said the contractor who will be selected for the project will address the plan along with a traffic crew to support the work. Pat Welch asked about the timing for the removal of the dirt and Phillip Bennett stated it would take about two months --- with work not being done every day.

Mike Fioravanti requested clarification on the flow of the grading trucks entering leaving the project. Would this be done with the “short” route (east facing) via Baja Panorama or via the “long” route (west facing) via Circula Panorama? Phillip Bennett said if the trucks came up the short route they would need to exit via the long route but that would ultimately be the project contractor’s call. Mike Fioravanti asked more details regarding the number of round trips needed for this project using a measurement of 10 cubic yards per truck. Phillip Bennett stated it would be 90-100 truckloads. Paul Phangsavanh said it would be 2-3 truckloads per day, five days a week. Peter Schneider calculated it to be about 1.5 months at that rate. Phillip Bennett said the designated contractor will need to submit the plan to the County. It could also include smaller truck sizes (5-6 cubic yards) to lessen the road weight.

Kirk Watilo discussed the surrounding neighbors (above) and two lots to the south. He wanted to ensure the neighbors won’t see any walls. Phillip Bennett said the walls will not be seen once the empty lot next door (currently with exposed walls only) is completed.

Peter asked if the project could be built without oversized walls. Phillip Bennett said that was not possible due to the 15’ setback requirement. Peter wondered if the site was “suitable for building”. Phillip Bennett feels ANY lot is suitable and depends on the effort being put into it. He feels most every lot on the hill will ultimately be built on at some point in time.

No other questions from the committee.

#### PUBLIC COMMENT

None

#### COMMITTEE DISCUSSION

Mike Fioravanti shared his concern on the need for the trucks to use the full loop (short and long routes together) with 200 round trips. He acknowledged that this would ultimately be approved by the County via the plan presented by the contractor. Pat Welch referenced the project proposal submitted to NTAC states “.....grading of 995 cubic yards on a slope of greater than thirty (30) percent”--- meaning there are two items to review. Mike feels this would still fall under the plan by the contractor if approved by NTAC.

Peter Schneider raised a question to the applicant that if NTAC denied the application they would not be able to build. He further clarified that if the planning commission

and/or Board of Supervisors did not waive the zoning rules on height and grading then the project could not continue. Phillip Bennett confirmed that is the case. Dessa Schroeder wondered if this would set a precedent for the area going forward but Mike noted that other properties have already been built without coming through the NTAC review.

Peter Schneider expressed his concern that if the committee does not recommend to grant relief, and it is accepted, that would mean the applicant cannot build (assuming the planning commission and/or Board of Supervisors is in agreement). Phillip Bennett said the adjacent property has been in the same state for four years (with over height walls)....and has been sold three different times. Mike Fioravanti asked why not buy/build on that property but Phillip Bennett said the owner(s) price was too costly. Phillip Bennett said this option was explored but no reasonable offer was accepted.

Peter Schneider pondered aloud that that project owner has been essentially told that it *“would be OK to build as long as the rules are bent”*. That puts NTAC in a difficult position. Phillip Bennett feels the reason for the change in the rules is not because of the walls on the side or back but the over height walls in the *“front with the 20’ set back requirement”*. He continued that the front walls are necessary in order to accommodate the design set forth by the County.

Pat Welch noted this proposal is for walls....plural....meaning all of the walls. Kirk Watilo feels this isn't new given the other homes in the area that have faced similar challenges. He said he's OK with the height of the walls but more concerned about the grading issue with the ingress/egress, moving the soil to an appropriate place, etc. and that all of the County requirements are met (and would defer to the County). However, NTAC needs to look at this project on behalf of the neighbors to determine if this is appropriate for this specific spot.

Mike Fioravanti expressed concern again about 200 roundtrip trucks coming through the entire neighborhood (full loop). Phillip Bennett said this has been done many times prior with the other homes that were built but Mike noted those projects were never reviewed by NTAC. Mike Fioravanti said the “short” route is so close to the project site but is troubled with having trucks take the full circular route for this project. Paul Phangsavanh offered that the property next door could be possibly used for a U-turn (to use the short route both ways) with likely approval from the current owner. Pat Welch stated that could happen but then change later if the property is sold and the new owner was not in agreement. Mike Fioravanti said this is simply an idea and not something that can be guaranteed so it's not a viable option.

Phillip Bennett then suggested that the area in front of the property could be dug out first to create a turn-around area for the trucks to come up/down the short route (not the full route) but that would ultimately be determined by the project contractor. He also said the smaller truck option could be considered as well. The whole route would need to be approved by the County before any permits are issued. It's one of the key challenges for building on that hill. Mike Fioravanti felt this option would address his concerns and is in agreement.

Kirk Watilo outlined a motion that NTAC support the Planning Application (PA19-0188) for a variance on the wall height and that the grading is subject to all County requirements approved by County staff. Mike Fioravanti requested adding further clarification on the truck route. Kirk then amended the wording to ask the County to look at the truck route plan for the grading contractor to reduce as much as possible the impact on the residents that live in that neighborhood. Kirk then made the motion as follows:

**NTAC supports the Planning Application PA19-0188 for a variance on the wall height and the grading is subject to all County requirements approved by County staff. NTAC requests the County look at the truck route plan for the grading contractor to reduce as much as possible the impact on the residents that live in that neighborhood**

Peter second the motion.

Roll call vote was taken on the motion:

Mike Fioravanti (yea), Peter Schneider (yea), Dessa Schroder (yea), Kirk Watilo (yea), Pat Welch (nay)

RESULT: 4 = yea 1 = nay

Motion approved.

## **VI. PUBLIC COMMENT (OTHER ITEMS) - NONE**

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Peter brought up committee business that wasn't mentioned earlier. He made a motion that NTAC be dark in December due to the holidays and the committee would resume in January. Pat second the motion. All voted in agreement.

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## **VII. ADJOURNMENT**

Mike made a motion to adjourn the meeting, Dessa second. All agreed and meeting was closed at 7:58pm

*Meeting notes compiled by Mike Fioravanti (Secretary)  
29 November 2021*