

OC DEVELOPMENT SERVICES REPORT

ITEM #3

DATE: April 21, 2022

TO: Orange County Zoning Administrator

FROM: OC Development Services / Planning

SUBJECT: Planning Application PA19-0228 A request of approval of a Site Development

Permit and Use Permit to permit a previously constructed structure at 19071 Live

Oak Canyon Road.

PROPOSAL: Site Development Permit is for a minor homeowner improvement to permit an

unpermitted 587 square foot barn. The Use Permit is to allow for an over height

accessory structure (barn) to be allowed in the rear setback area.

ZONING: Foothill/Trabuco Specific Plan; Upper Aliso Residential District

GENERAL PLAN: 1A "Rural Residential"

LOCATION: The project is located at 19071 Live Oak Canyon Road, in the Foothill/Trabuco

community, within the Third (3rd) Supervisorial District. (APN 856-021-21)

APPLICANT: Tyler Schraff, 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; and,
- 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 PA19-0228, for a Site Development Permit Use Permit for an overheight accessory structure in the rear and side setback areas, subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The subject property, 19071 Live Oak Canyon Road is located within the unincorporated community of Foothill/Trabuco in the County of Orange. The property is zoned Foothill/Trabuco Specific Plan (F/TSP) in the Upper Aliso Residential (UAR) District. The current property has:

- A 3,160 sq. ft. 2-story single family residence with an attached 2-car garage that was constructed in 1972.
- A 960 sq. ft. storage building that was 3 feet from the rear property line was constructed in 1979.
- A 587 sq. ft. barn on the property was constructed.

The original home and storage building structure was constructed/established prior to the adoption of the F/TSP.



Aerial of the Project Site

PROPOSED PROJECT

The applicant is applying for a Site Development Permit for a minor homeowner improvement pursuant to the Foothill/Trabuco Specific Plan (F/TSP) to permit the previously constructed 587 sq. ft. barn. The

barn was constructed prior to the property being purchased by the current property owner. The barn exceeds the maximum height limit within the setback area and will require the approval of a Use Permit to permit the excess height of the accessory structure.

Associated with this project, but not subject to this planning application or requires further discretionary permit action, is an existing permitted 960 sq. ft. accessory structure that was converted into an Accessory Dwelling Unit (ADU) without permits and a 408 sq. ft. covered deck attached to the accessory structure that was not permitted. The converted ADU will be legally permitted, while the 408 sq. ft. covered deck will be removed, both of which will be done by the current property owner. The proposed structures have all been previously constructed and there is no additional grading or tree removal proposed as part of this project.

SURROUNDING LAND USES

The subject site is a residential use and is zoned F/TSP – UAR. The surrounding properties are also zoned F/TSP - UAR. Surrounding the project site is a single-family residence and vacant properties. 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	F/TSP - UAR	Single-Family Dwelling
North	F/TSP - UAR	Vacant/Open Space
South	F/TSP - UAR	Vacant/Open Space
East	F/TSP - UAR	Vacant/Open Space
West	F/TSP - UAR	Single-Family Dwelling

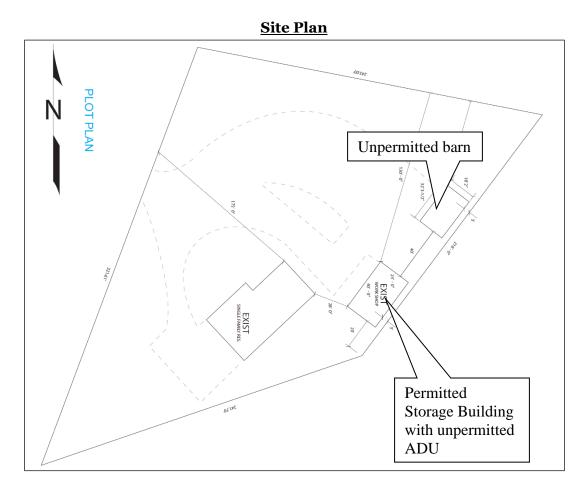
DISCUSSION/ANALYSIS

Below is a table comparing the development standards for Upper Aliso Residential District in the Foothill/Trabuco Specific Plan with the barn structure as part of the proposed project:

STANDARD	Requirement	PROPOSED
Structural Front Setback	20 foot minimum	200 feet*
Structural Side Setback (Detached Accessory Structures)	15 foot minimum	65 feet*
Structural Rear Setback (Detached Accessory Structures)	20 foot minimum	3 feet*
Accessory Structure Building Height in the setback area	12 foot maximum	14 feet 5 inches**
Building site coverage within a setback area for unenclosed accessory structures	50% maximum	5%*

^{*} Existing

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



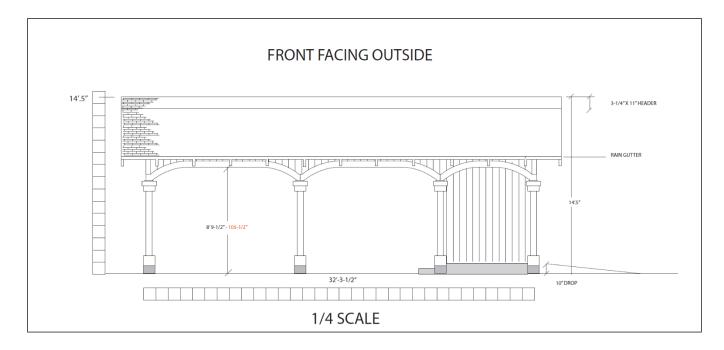
Under Section 14 of the F/TSP minor improvements shall be allowed for the lawfully established single-family residence subject to a Site Development Permit. Section 14 b of the F/TSP states that the residence may be expanded horizontally up to 50 percent of the existing building footprint and accessory structures on the same building site may be established/expanded with a building footprint up to 640 square feet. The proposed structure is 587 sq. ft., which meets the limitations set forth in section 14 of structures not exceeding 640 sq. ft. Pursuant to Section 14 of the F/TSP, the required dedication of open space as otherwise required is not applicable as the primary structure is a lawfully established single-family residence and the requested improvements are consistent with the limitations set forth in Section 14.

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

- (e) *Height limit*. Accessory structures 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%
Rear	25%	50%
Side	25%	50%

Elevation



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 a barn.

This structure was built for the purpose to house large animals and is currently being used for storage. The noncommercial keeping of pets and animals is an allowed use in the UAR district. Section 7-9-105 (d) of the County of Orange Zoning Code states in addition to the required setbacks in sections 7-9-60, and 7-9-116, pens, cages, and other structures specifically for keeping birds or animals, other than in the residence, shall be located at least twenty-five (25) feet from any residential window located on an adjoining building site. Which this structure will comply.

While the proposed structure exceeds the height limitations, there are no windows or areas within the proposed accessory structure that would allow visibility into the neighboring properties. The adjacent neighboring properties closest to the structure are currently vacant land used for open space mitigation

for

and would not cause a visual impact to any existing adjacent residential properties. Allowing the owner permission for this structure would not be out of character with the area.

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 April 8, 2022. 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.

The Foothill/Trabuco Specific Plan Review Board (F/TSPRB) reviewed the application and unanimously recommended approval (5-0) of the proposed project at their February 9, 2022, meeting. Their meeting agenda are included as Attachment 5.

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 PA19-0228 for a Site Development Permit and Use Permit subject to Findings and Conditions of Approval provided as Attachments #1 and #2 to this report.

Submitted by: Concurred by:

Large Alonso Amanda Carr, Interim Deputy Director Justin Kirk, Planning Manager OC Public Works/Development Services

OC Public Works/Development Services

ATTACHMENTS:

- 1. Recommended Findings
- 2. Recommended Conditions of Approval
- 3. Applicant's Letter of Explanation
- 4. Notice of Exemption PA19-0228
- 5. Draft Minutes from the February 9, 2022 Foothill/Trabuco Specific Plan Review Board
- 6. Site Plans
- 7. 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 PA19-0228

1 GENERAL PLAN PA19-0228

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 PA19-0228**

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 PA19-0228

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 PA19-0228

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

5 CATEGORICALLY EXEMPT PA19-0228

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 PA19-0228

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 PA19-0228

1 BASIC/ZONING REGULATIONS

PA19-0228

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.

BASIC/TIME LIMIT

PA19-0228

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.

BASIC/LAND USE PLAN

PA19-0228

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.

BASIC/COMPLIANCE

PA19-0228

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

PA19-0228

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

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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 PA19-0228

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 PA19-0228

- 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.

September 10, 2019

County of Orange, OC Public Works, OC Planning Land Use Planning

601 North Ross St. (3rd Floor)

Santa Ana, CA 92702-4048

RE: Letter of Project Proposal and Scope of Work: The Schraff Residence Casita Owner: Mr. Brian

D. Schraff

19071 Live Oak Canyon Road Trabuco Canyon, CA 92679

APN: 85602121

The project proposes to permit the interior of an existing permitted structure. The barn sits on a subfloor foundation of approximately 949 square feet. The proposed permit will allow Schraff to keep existing interior in the permitted structure. The barn has 36 inches of setback. The barn was built and permitted in 1972 and is in compliance with applicable County land use regulations at that time. In planning preview meetings it was determined there were several outstanding questions which I have answered in the 9) Pre-planning meeting questions.

How the proposed use is justified:

Compatibility-

The existing permitted structure is 3 feet from the property line. The adjacent property is vacant open space by three property lines and one neighbor (County Mitigation Land).

General Welfare-

This proposed Casita will in no way effect the public health and safety and the general welfare of residents, visitors or others concerned and due to its fitting rural character will remain unnoticed.

No Special Privileges-

The existing building has been permitted since 1972. The owner and the County of Orange both stipulate that the approved plans are not available but a permit was issued and signed off.

This will additional dwelling unit allows the Schraff family to continue to live on the same property enjoying the benefits a tight family unit.

Sincerely,

Brian Schraff

Property Owner and Applicant

September 10, 2019

County of Orange, OC Public Works, OC Planning Land Use Planning

601 North Ross St. (3rd Floor)

Santa Ana, CA 92702-4048

RE: Letter of Project Proposal and Scope of Work: The Schraff Residence Barn Owner: Mr. Brian

D. Schraff

19071 Live Oak Canyon Road Trabuco Canyon, CA 92679

APN: 85602121

The project proposes to permit an existing barn structure. The barn sits on a foundation of approximately 590 square feet. The proposed permit will allow Schraff to keep existing structure. The barn has 36 inches of setback. The barn was submitted to the county for review 10/18/1991 and the plan was accepted and found in compliance with applicable County land use regulations at that time. However, in planning preview meetings it was determined that the barn is over height and requires a variance. Schraff does not know why the barn did not receive permits and a final inspection.

How the proposed use is justified:

Compatibility-

The existing barn is 3 feet from the property line. The adjacent property is vacant open space by three property lines and one neighbor.

The barn size and design is consistent with the rural character of the area. The barn location was reviewed by the Orange County Fire Authority who found the barn not to require a submittal to them per Becky Shade, Fire Prevention Analyst. See attached email.

General Welfare-

This proposed barn will in no way effect the public health and safety and the general welfare of residents, visitors or others concerned and due to its fitting rural character will remain unnoticed.

No Special Privileges-

Barns are a normal manner to house horses in the Canyon area and the square footage is under the maximum allowed of 640 SQ FT.

This will allow Schraff to enjoy benefits of having a barn for future planned equines.

Sincerely,

Brian Schraff

Property Owner and Applicant



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 19-0228
Project Title: 19071 Live Oak Canyon
Project Location(s): 19071 Live Oak Canyon Road, Trabuco Canyon, CA
Project Description: Site Development Permit is for a minor homeowner improvement to permit an unpermitted 587 square foot barn. The Use Permit is to allow for an over height accessory structure (barn) to be allowed in the rear setback area.
Name of Applicant Carrying-Out Project: Tyler Schraff, Property Owner
Address of Applicant: 19071 Live Oak Canyon Road, Trabuco Canyon, 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















FOOTHILL/TRABUCO SPECIFIC PLAN REVIEW BOARD

Trabuco Canyon, California

Meeting minutes of the regular meeting of the Foothill/Trabuco Specific Plan Review Board held February 9th, 2022 at 7:00 P.M.

In attendance were Board Chairman Dale Weber, Vice-Chairman Jake Reed, Secretary Robert Borland, and members Richard Gomez and Mike McClanahan. Joining the meeting were members of the public and County representatives.

Item 1) Call to Order

The meeting was called to order at 7:05 PM by Dale Weber

Item 2) Approval of Minutes

Motion by McClanahan: Approve minutes as presented

Second by Gomez

No further discussion

Vote: 4-Ayes 1-Abstain

Item 3) Old Business

None

<u> Item 4)</u>

PA19-0228

A Site Development Permit and Use Permit at 19071 LiveOak Canyon Road. Site Development Permit is for a minor homeowner improvement to permit an unpermitted 587 square foot barn and to convert an existing 960 square foot storage building into an Accessory Dwelling Unit. The Use Permit is to allow for an over height accessory structure (barn) to be allowed in the setback area.

Applicant explained the history of the property and what changes he wanted to make.

Board Discussion:

McClanahan asked if there were any neighbors that had any concerns, or if the over height barn would be seen by anyone. Applicant explained that it was set back from the road and backed up to the Toll Road land. No neighbor concerns and it wouldn't block anyone's view. Borland asked for clarification on the setback.

Public Comments:

Susan Piazza has toured the property and explained that you cannot see the barn from the street.

FOOTHILL/TRABUCO SPECIFIC PLAN REVIEW BOARD

Trabuco Canyon, California

Believes we should approve the application.

Motion:

McClanahan made a motion to approve

Reed seconded

Vote: 5-Ayes, unanimous.

PA18-0015

Use Permit for the addition of dining area to an existing restaurant located at 20782 Trabuco Oaks, Trabuco Canyon and for approval of alternative parking to the required off-street parking.

Applicants representative gave a history of the property and presented the applicants request.

Board Discussion:

Gomez and Reed asked about alternative places to park in the area, and the only possible option is future use of some land behind the general store, but that is not available today. Gomez and McClanahan shared concerns about fire safety and evacuation if there was ever a fire in the canyon behind the restaurant.

Applicant confirmed that there are "No Parking" signs, and no one will be parking on the road in front of the property potentially blocking traffic if there was a need for evacuation.

Public Comments:

Susan Piazza shared her support for approval. Said 790 people live up the road and she and 10 other people walk to the restaurant every weekend to reduce the number of cars.

Michelle Johnson said the steakhouse is very important to the community and supported approval.

Ray Chandos asked about the presence of a site development plan. Brian from the county clarified that the use permit the applicant is applying for has a higher threshold of approval than a site development plan, so it was unnecessary.

Motion:

Borland made a motion to approve

McClanahan Seconds

Vote: 5-Ayes, unanimous.

FOOTHILL/TRABUCO SPECIFIC PLAN REVIEW BOARD

Trabuco Canyon, California

Item 6) Public Comments

None

Item 7) Administrative Matters

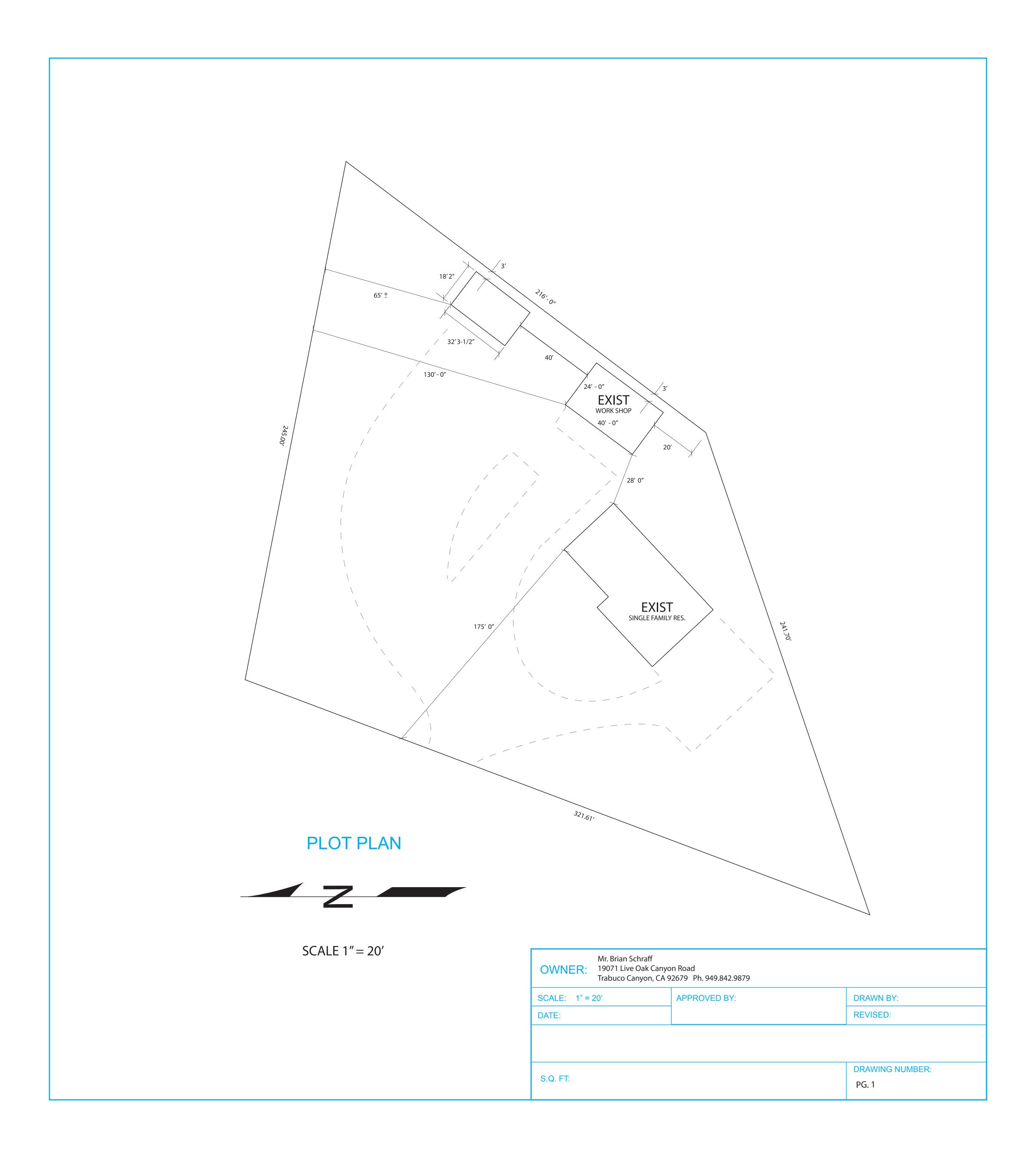
Annual officer elections. Weber to continue as Chair, Reed as Vice-Chair, and Borland as Secretary. Reed made a motion to approve

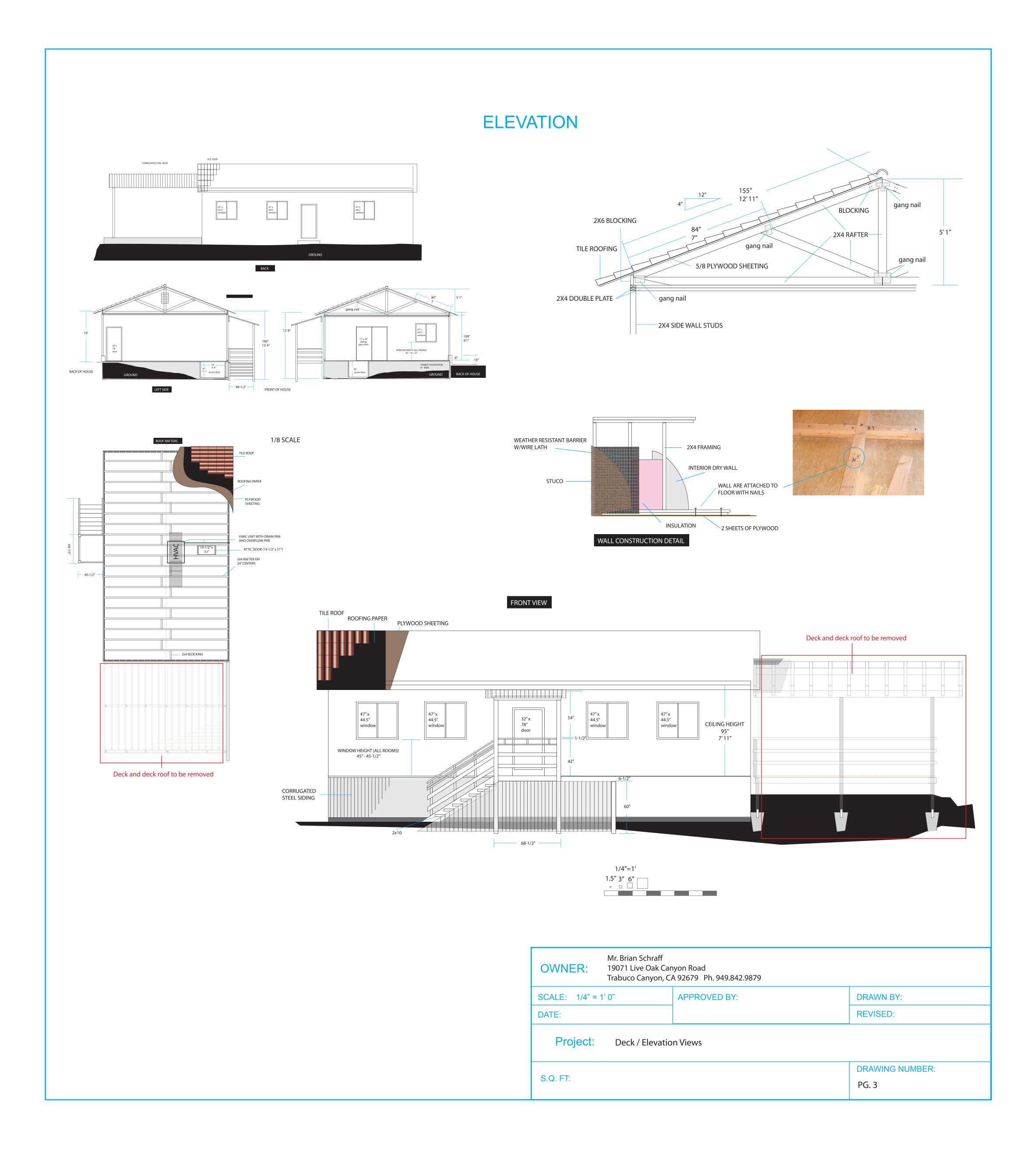
Gomez seconds the motion

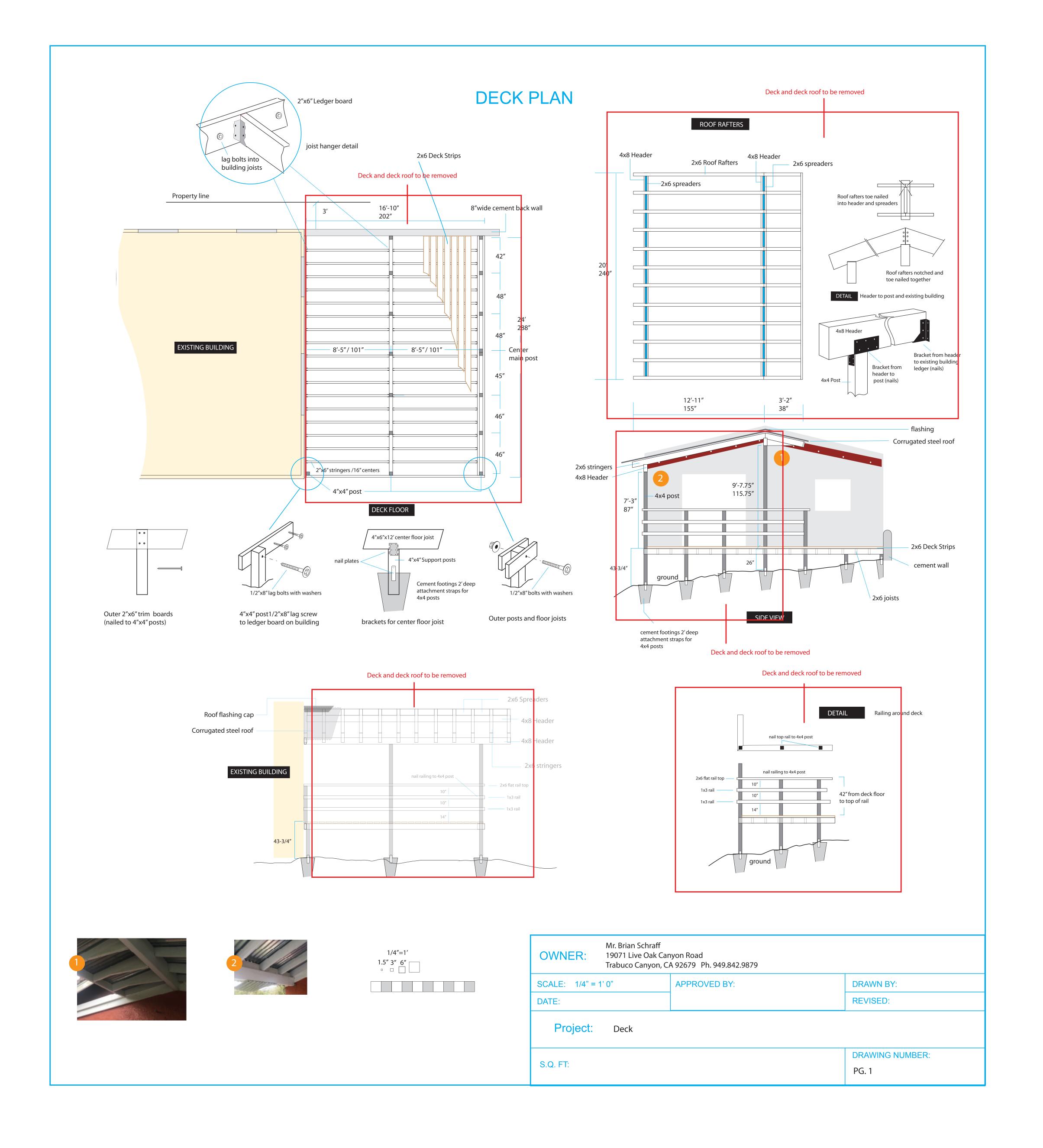
Vote: 5 Ayes, unanimous

Weber shared with the county representatives that the link for the FTSP documents doesn't seem to be working.

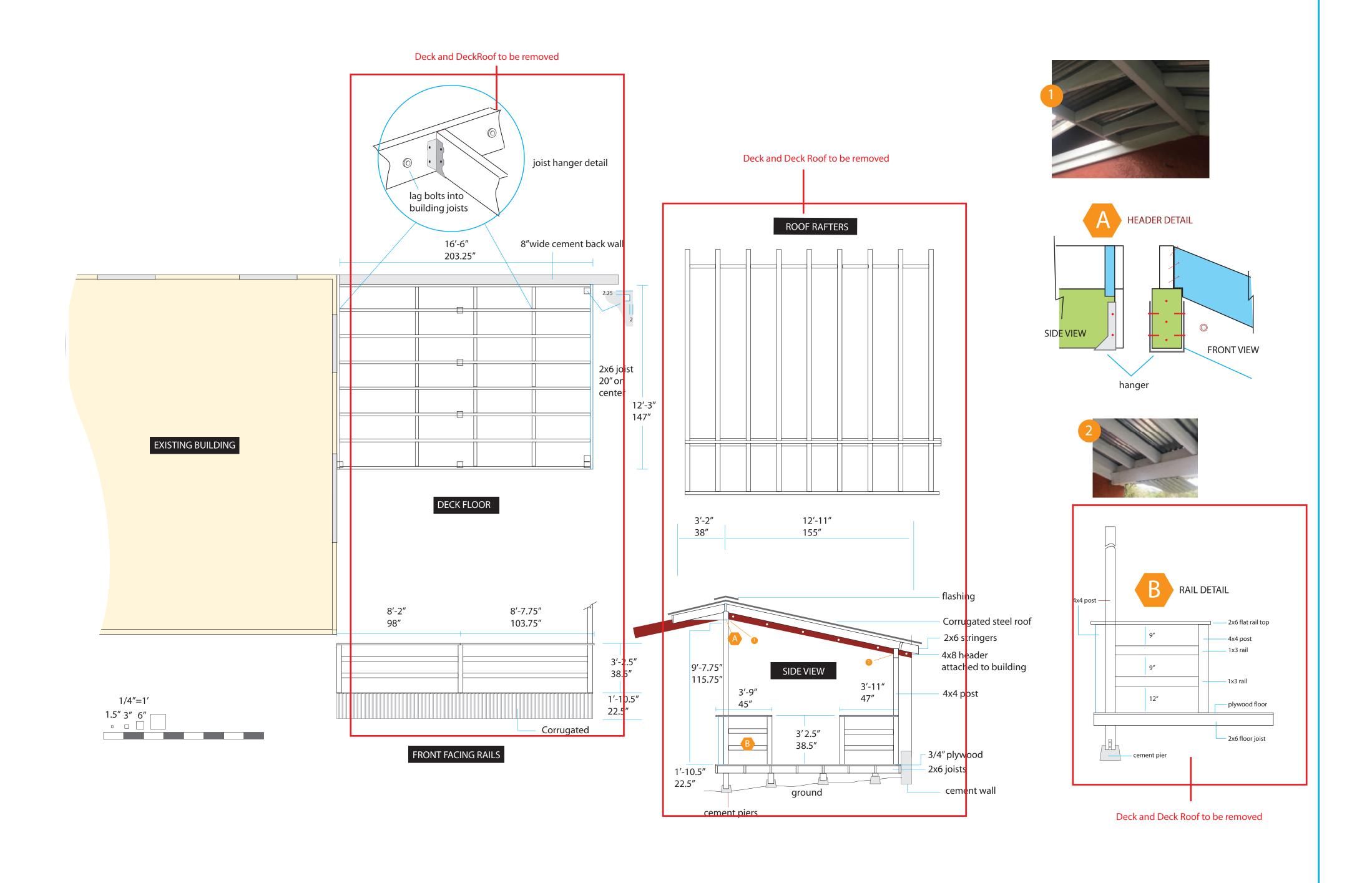
McClanahan made a motion to adjourn, Borland seconds. Meeting adjourned at 8:41 PM



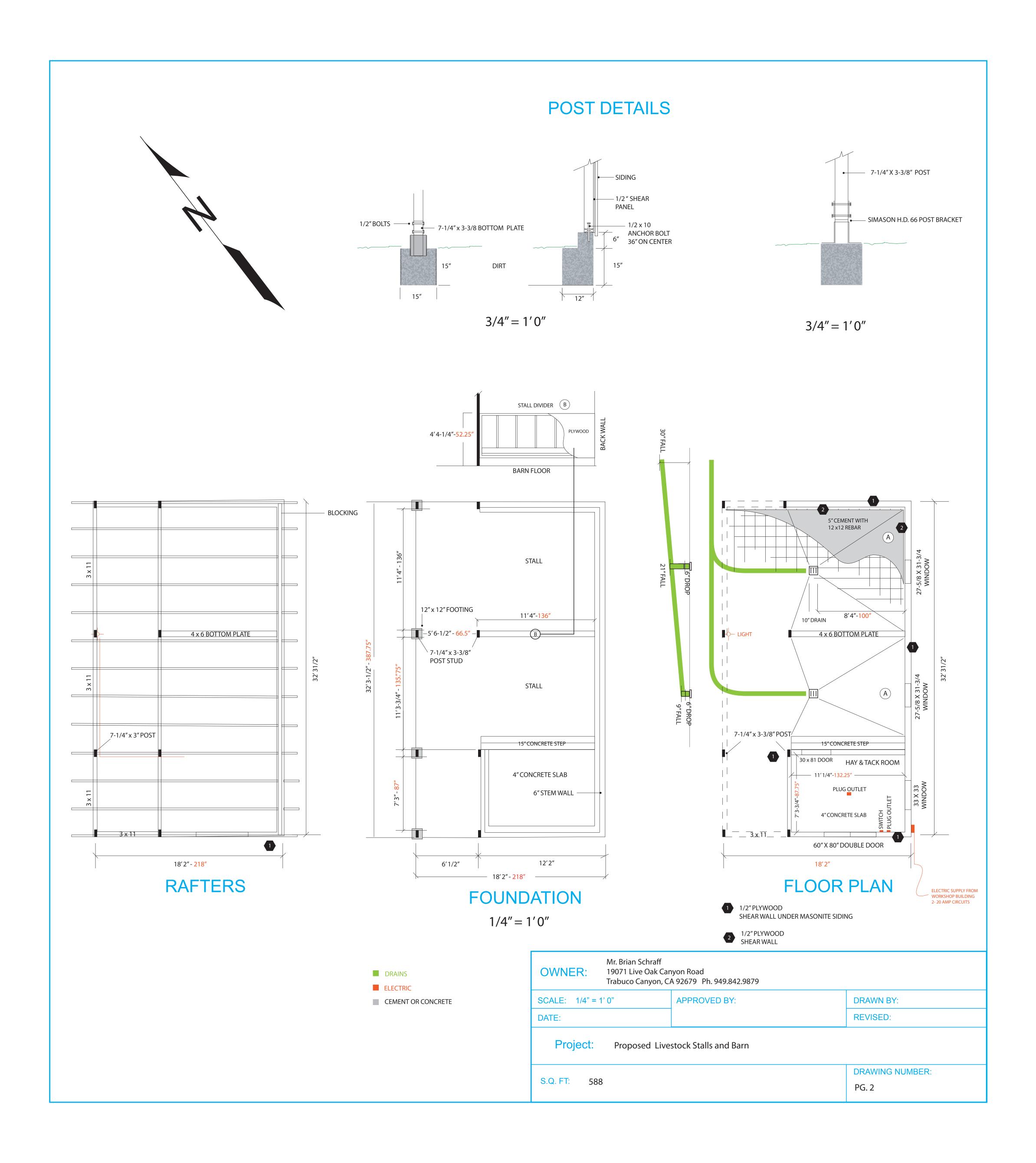




DECK PLAN

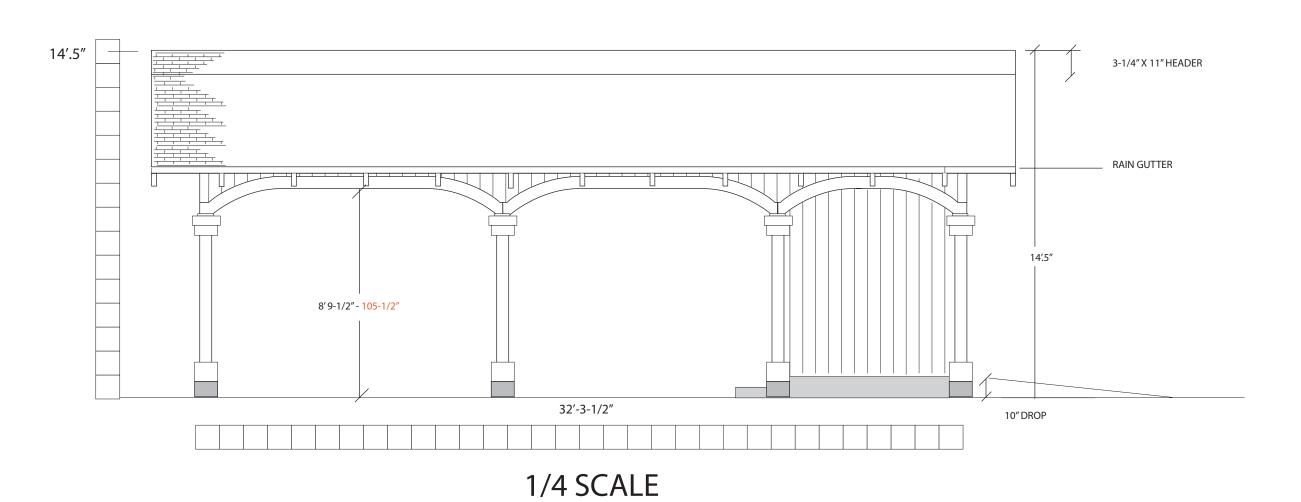


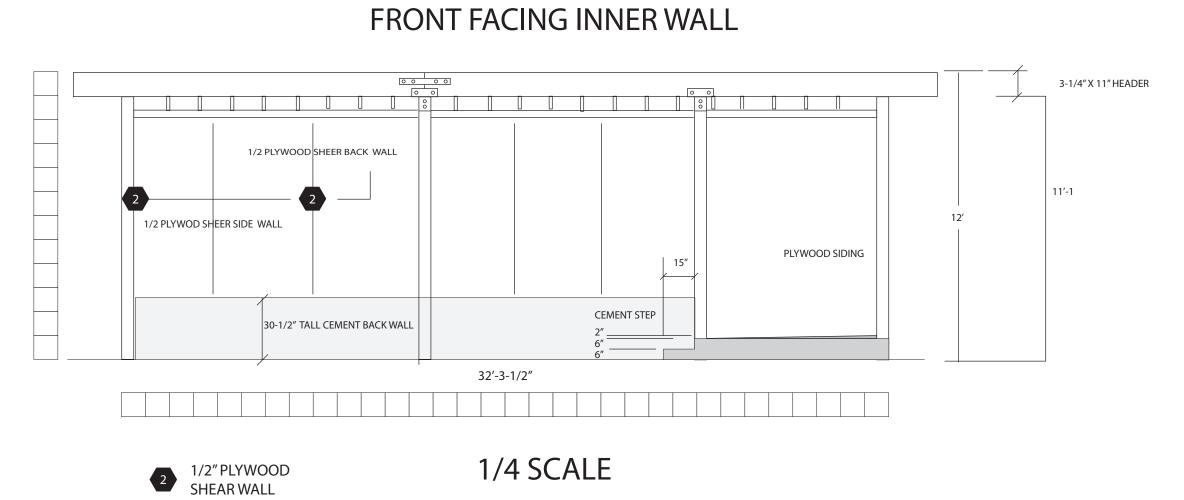
OWNER:	Mr. Brian Schraff 19071 Live Oak Canyon Road Trabuco Canyon, CA 92679 Ph. 949.842.9879		
SCALE: 1/4" =	1' 0"	APPROVED BY:	DRAWN BY:
DATE:			REVISED:
Project:	Deck		
S.Q. FT:			DRAWING NUMBER:
S ∩ ET·			DRAWING NOWBER.



PLYWOOD SHEETING **ASPHALT SHINGLES** 18" OVERHANG 18" OVERHANG 14'.5" POWER INTO BUILDING 32'-3-1/2" PLYWOOD TOP ____ OVERHEAD STORAGE ☐ 2" STEP UP INTO TACK ROOM

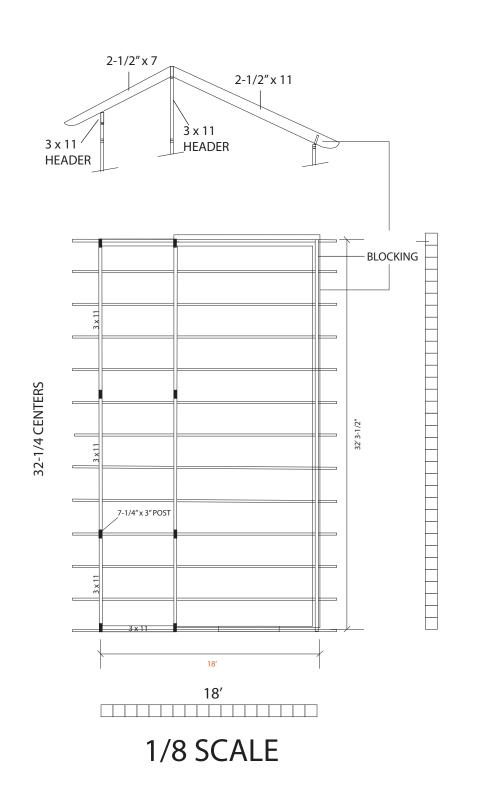
FRONT FACING OUTSIDE



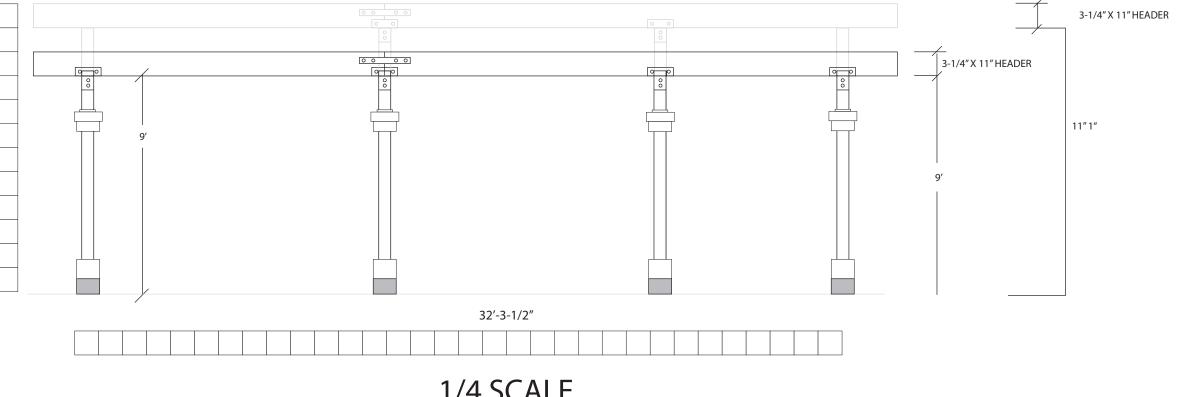




77-1/2" FROM CEMENT TO END OF ROOF



FRONT FACING OUTER WALL



1/4 SCALE

Mr. Brian Schraff OWNER: 19071 Live Oak Cany Trabuco Canyon, CA	on Road 92679 Ph. 949.842.9879	
SCALE: 1/4" = 1'0"	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
Project: Proposed Livesto	ck Stalls and Barn	
CO FT: F00		DRAWING NUMBER:
S.Q. FT: 588		PG. 3

RAFTERS

ELECTRIC ■ CEMENT OR CONCRETE











