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**OC DEVELOPMENT SERVICES REPORT**

**DATE:** July 18, 2024

**TO:** County of Orange Zoning Administrator

**FROM:** OC Development Services / Planning

**SUBJECT:** Planning Application PA24-0015 for a Variance Permit

**PROPOSAL:** The applicant is seeking a Variance Permit to the Zoning Administrator for a proposed 1,590 square foot addition to an existing single-family dwelling located five (5) feet from the side property line instead of the required eight (8) feet.

**ZONING:** 100-E4 – “Small Estates”

**GENERAL PLAN:** 1B “Suburban Residential”

**LOCATION:** The project is located at 1601 Sierra Alta Dr, Santa Ana, CA 92705 within the Third (3rd) Supervisorial District (APN: 103-483-06)

**APPLICANT:** Antony Bitar, Property Owner  
Binh Tran, 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 Zoning Administrator:

1. Receive the staff report and public testimony as appropriate; and,
2. Find that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1 (Existing Facilities) pursuant to CEQA Guidelines Section 15301; and,
3. Approve Planning Application PA24-0015 for a Variance 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 6 of Tract 1821 (1601 Sierra Alta Dr, Santa Ana), is located within the unincorporated community of Santa Ana in the County of Orange. The property is zoned 100-E4 – “Small Estates” District. The subject site is a rectangular shaped lot and flat in topography. The lot is 11,200 square feet in size and has a width of 80 feet and a depth of 140 feet. The property faces Sierra Alta Dr. and has an existing 1,435 square foot one-story dwelling with an attached 504 square-foot garage. The existing house was built in 1954.

Proposed Project

The applicant is seeking a Variance Permit as identified in the Applicant’s Letter of Request/Justification (Attachment 3) and the Site Plan (Attachment 5) for the construction of a 1,590 square-foot addition to an existing single-family dwelling located five (5) feet from the side property line instead of the required eight (8) feet.

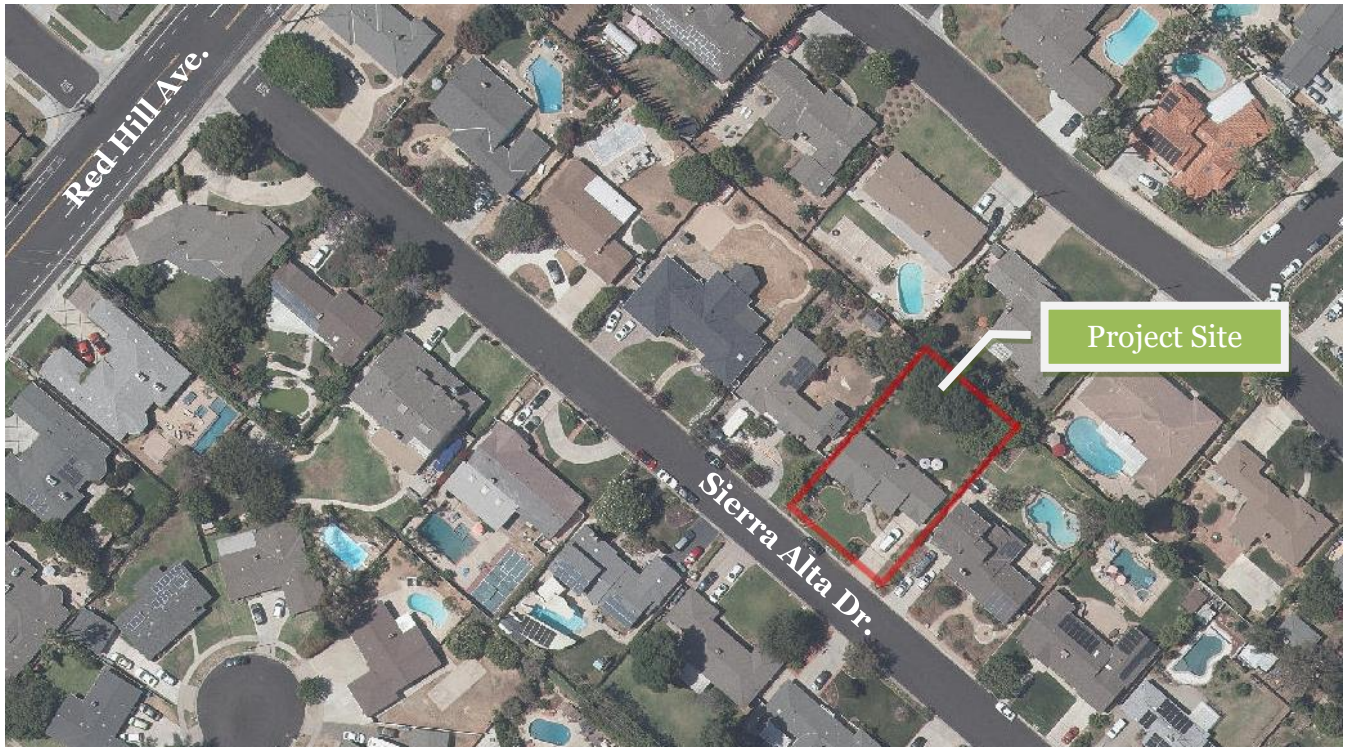
**SURROUNDING LAND USES:**

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

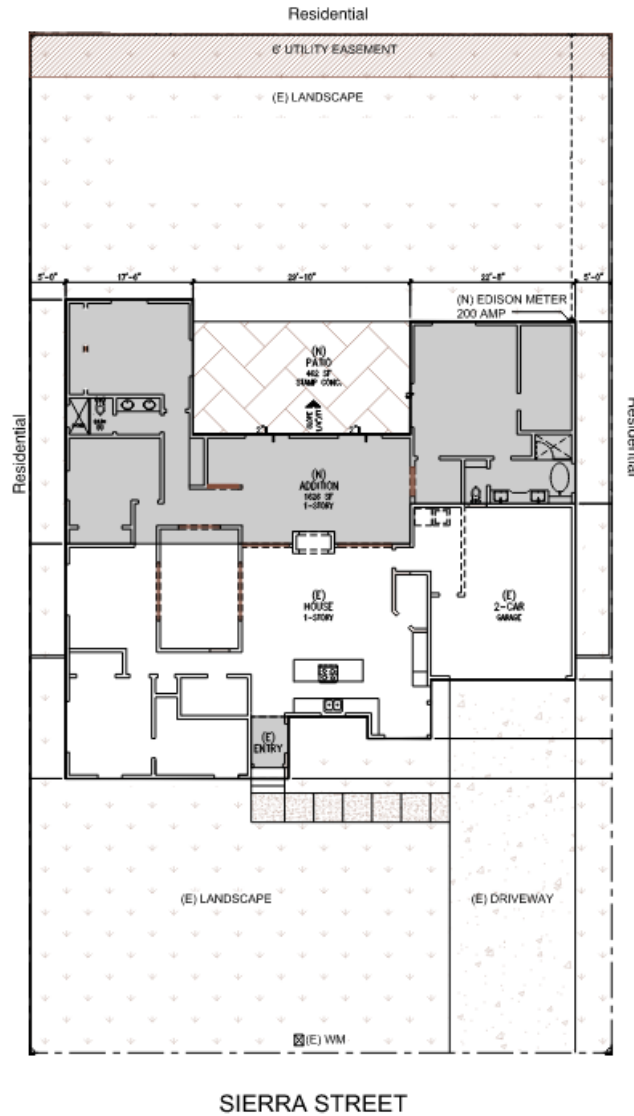
DIRECTION	ZONING DISTRICT	EXISTING LAND USE
Project Site	100-E4 – “Small Estates”	Single-Family Dwelling
North	100-E4 – “Small Estates”	Single-Family Dwelling
South	100-E4 – “Small Estates”	Single-Family Dwelling
East	100-E4 – “Small Estates”	Single-Family Dwelling
West	100-E4 – “Small Estates”	Single-Family Dwelling

### Aerial of Project Site

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



**SITE PLAN**



**DISCUSSION/ANALYSIS:**

Below is a table comparing the development standards for the 100-E4 – “Small Estates” district with the Applicant’s proposal.

STANDARD	PERMITTED	PROPOSED
Building Site Area	10,000 square feet minimum	11,200 square feet (existing)
Structural Front Setback	30’ minimum	37’ 8” (existing)

Structural Side Setback	Ten (10) percent of average ultimate net width of building site, not to exceed 20'— (8' minimum)	5' left side (proposed)* 5' right side (proposed)*
Structural Rear Setback	25' minimum	36'7" (proposed)

\*Indicates deviation from Site Development Standards

The applicant is seeking approval of a Variance Permit to facilitate the construction of an addition that will include three bedrooms, two bathrooms, and a great room. The proposed addition is 1,590 square feet and would be located along the rear of the property. The proposed addition will be five (5) feet from the side setback of which three (3) feet will be within the required side setback area. If approved the side setback of this portion of the house will be five (5) feet rather than the minimum eight (8) feet required.

Pursuant to Zoning Code Section 7-9-125.6 (b), in order to approve a Variance, two (2) specific findings need to be made. These findings are:

1. **Special Circumstance:** There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed in the vicinity and subject to the same zoning regulations.
2. **No Special Privileges:** Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations place upon other properties in the vicinity and subject to the same zoning regulations when specified conditions are complied with.

**Special Circumstance:**

The assessor records indicate that the house was built in 1954. In the early 1950's, the unincorporated County had a 5-foot side yard setback that applied to many of the Zone districts that existed at the time. At the time of issuance of the building permits this property was approved with a 5-foot side setback. Consequently, the proposed addition would be aligned with the existing house as identified in the site photos provided as Attachment 4. Furthermore, the proposed addition would be located in the rear of the property which would not be visible from any public right-of-way; therefore, it is not expected to impact the character of the neighborhood.

**No Special Privileges:**

Similar projects in the area have been proposed and approved. Below is a table of similar projects approved that are of a similar nature to the proposed project.

APPLICATION	LOCATION	PERMITTED	New Setback
PA180025	11291 Vista Del Lago, Santa Ana	Side Yard Variance requesting a side yard setback of 5'10" instead of the required 13'10"	5'10"
PA130043	18012 Rainier, Santa Ana	Variance to reduce required side setback of 10 feet to 5 feet	5'

APPLICATION	LOCATION	PERMITTED	New Setback
PA120025	1721 Sierra Alta Dr, Santa Ana	Variance to reduce side setbacks from required 10+ feet to 6 feet 2 inches.	6'2"
PA050074	1829 Loma Roja, Santa Ana	Side yard structural setback variance from required 8.7 ft. (average width of lot plus exclusive use easement) to proposed minimum 6 ft. 1.5 inches	6'5"

Staff finds that the two required findings can be made. Multiple variances for setbacks have been previously approved in this vicinity and this proposal is typical of those previous approvals. Staff believes approval of the requested side setback variance would not constitute the granting of special privileges inconsistent with the limitations placed upon other properties in the area because as previously stated other variances have been granted in the vicinity.

#### **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 divisions. 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, posted at the project site, published in a local newspaper, and posted at the posting kiosk at the County Administration buildings located in Santa Ana, 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) will review the applicant's request at its July 17, 2024 meeting instead of the scheduled June 19, 2024 meeting due to an unforeseen circumstance. Due to the July 17, 2024 NTAC meeting being held after the posting date for the scheduled July 18, 2024 Zoning Administrator meeting for this project, recommendations from NTAC will be provided as an update to the Zoning Administrator during the Zoning Administrator public hearing.

#### **CEQA COMPLIANCE:**

The proposed project is categorically exempt (Class 1) from the provisions of CEQA pursuant to section 15301, because it involves the addition to an existing single-family residence.

#### **CONCLUSION:**

Staff has reviewed the applicant's request for a Variance Permit for an addition to be located five (5) feet from the side property line instead of the required eight (8) feet and found it to be compliant with the special findings necessary under Zoning Code Section 7-9-125.6 (b). Staff recommends Zoning

Administrator approval of Planning Application PA24-0015 for a Variance Permit subject to the attached Recommended Findings (Attachment 1) and Conditions of Approval (Attachment 2).

Submitted by:

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*Cynthia Burgos*  
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Cynthia Burgos, Contract Planner  
OC Development Services/Planning

Concurred by:

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*Cindy Salazar*  
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Cindy Salazar, Planning Division Manager  
OC Public Works/Planning

**ATTACHMENTS:**

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter of Justification
4. Site Photos
5. Site Plans

**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 County Service 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.