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## **OC DEVELOPMENT SERVICES REPORT**

**DATE:** May 15, 2025

**TO:** Orange County Zoning Administrator

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

**SUBJECT:** Public Hearing on Planning Application PA24-0133 for a Use Permit

**PROPOSAL:** The applicant is seeking a Use Permit for approval of a 10 foot tall fence within the front and side setback of the property located at 1322 Faren Dr, Santa Ana, CA 92705.

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

**ZONING:** 125-E4-20000 - Small Estates

**LOCATION:** The project is located at 1322 Faren Dr, Santa Ana, CA 92705 (APN 502-283-09) within the Third Supervisorial District.

**APPLICANT:** Edon Kagasoff, Property Owner  
Meghan Heitmann, Agent

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

## **RECOMMENDED ACTIONS**

OC Development Services/Planning Division recommends Zoning Administrator:

- a) Receive staff report and public testimony as appropriate; and,
- b) Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 3 (New Construction or Conversion of Small Structures) pursuant to CEQA Guidelines section 15303; and
- c) Approve Planning Application PA24-0133 for a Use Permit subject to the attached Findings (Attachment 1) and Conditions of Approval (Attachment 2).

## **BACKGROUND AND EXISTING CONDITIONS**

The subject site is located at 1322 Faren Dr, Santa Ana, on Lot 3 of Tract No. 4846. It is zoned 125-E4-20000– Small Estates. The subject site is a rectangular shaped lot with sloped topography. The lot is 20,088 square feet in size and has an approximate width of 139 feet and a depth of 144 feet. The property faces Faren Drive and has an existing 4,100 square foot two-story dwelling.

Map of the Project Site and the surrounding properties



PROPOSED PROJECT

The applicant is requesting a Use Permit for installation of a 10-foot-high chain-link fence within the front and side setback area. Per Section 7-9-64(f) of the County of Orange Zoning Code, chain link fences and over height structures are not permitted within the front and side setback areas unless approved by the Zoning Administrator.

SURROUNDING LAND USE

The project site is a residential use and is surrounded by existing residential uses. The zoning and existing land use for surrounding properties is as follows:

Direction	Zoning District	Existing Land Use
Project Site	125-E4-20000– Small Estates	Single-Family Dwelling
North	125-E4-20000– Small Estates	Single-Family Dwelling
South	125-E4-20000– Small Estates	Single-Family Dwelling
East	125-E4-20000– Small Estates	Single-Family Dwelling
West	125-E4-20000– Small Estates	Single-Family Dwelling

DISCUSSION/ANALYSIS

Below is a table comparing the development standards for “Small Estates” District with the proposed project:

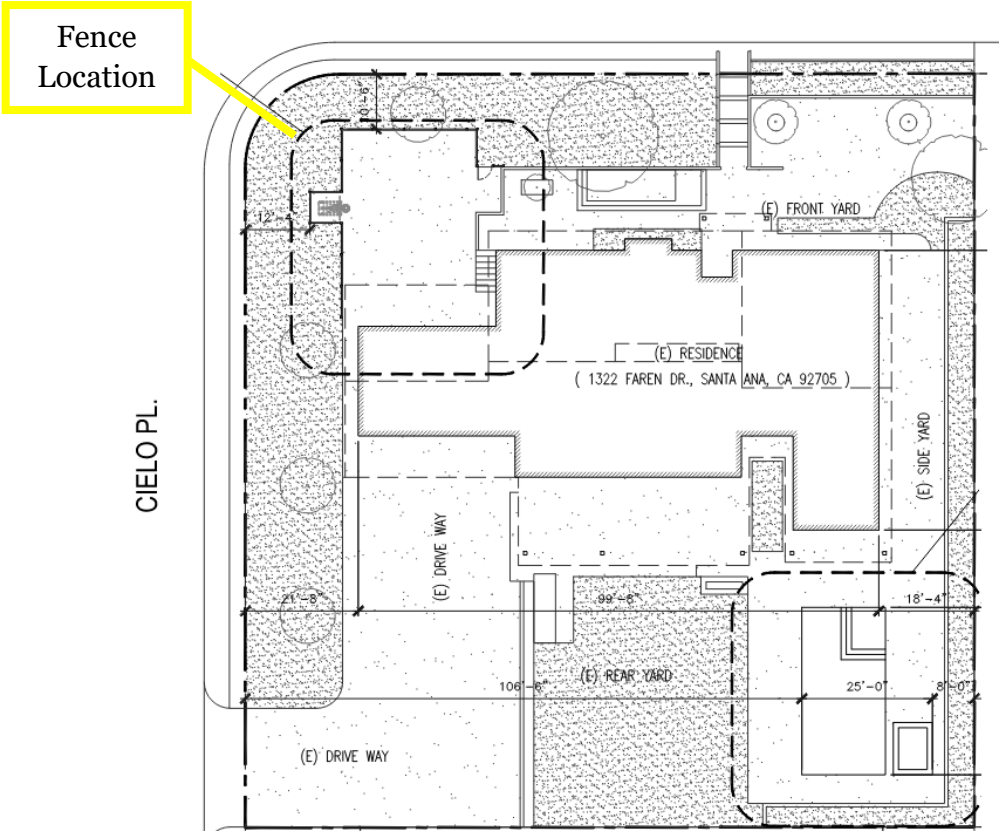
Project Comparison with 125-E4-20000– Small Estates District Standards

STANDARD	REQUIRED	PROPOSED
Building Site Area	10,000 square feet	20,088 square feet (existing)
Maximum Building Height	35 feet maximum	N/A
Structural Front Setback	30 feet minimum	10’6” (proposed)*
Structural Side Setback	Ten (10) percent of average ultimate net width of building site— 14 feet minimum.	12’4” (proposed)*
Structural Rear Setback	25 feet minimum	97’8” (proposed)
Maximum Open Fencing Height	5 feet front setback 6 feet side and rear setback	10’ maximum height (proposed)*

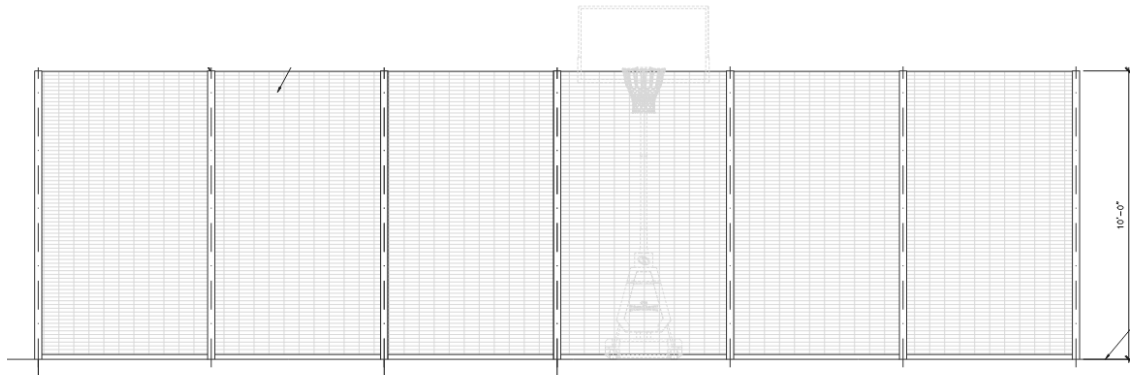
\*Indicates requested deviation from code standard.

PROPOSED SITE PLAN

FAREN DR.



## PROPOSED ELEVATION PLAN



Section 7-9-64(b) of the County of Orange Zoning Code states that open fencing shall not exceed five (5) feet in the front setback, six (6) feet in the side setback, and prohibits chain-link fences within the front setback area. The applicant requests a Use Permit to install a 10 foot high chain-link fence, located 10 feet 6 inches from the front property line (where 30 feet is required) and 12 feet 4 inches from the left side property line (where 14 feet is required). The Use Permit would allow for a chain-link fence in the front setback and permit it to exceed the height limits of 5 feet in the front and 6 feet in the side setback.

County of Orange Zoning Code Section 7-9-64(f) state that exceptions and modifications to the fence and wall height provisions may be permitted by approval of a Use Permit to the 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 chain link fence would enclose an existing basketball court located in the front yard, as shown in the plans provided in Attachment 3. Due to the steep slope of the property, outlined in the Applicant's Letter of Justification (Attachment 4) and documented in the site photos (Attachment 5) the fence is necessary to enhance safety for children and family members using the court. It will help prevent accidental falls and contain stray balls that could otherwise enter adjacent streets, creating potential hazards for vehicles and pedestrians.

While identified as a chain link fence, the design features a modern, streamlined aesthetic that more closely resembles a metal fence than traditional chain link. An illustration of the proposed fence is included as Attachment 6. This contemporary appearance allows the fence to blend seamlessly into its surroundings. The height and placement of the fence have been reviewed by Traffic Engineering, which has determined that the proposed fence will not create or contribute to a traffic hazard. Therefore, the proposed fence will promote safe conditions for both the property occupants and the surrounding community.

Additionally, similar projects in the area have been proposed and approved. Below is a table of similar projects approved.

<b>APPLICATION</b>	<b>LOCATION</b>	<b>PERMITTED</b>	<b>MAXIMUM HEIGHT</b>
PA140064	11831 Las Palmas Dr., Santa Ana	Use Permit for over height wrought iron fence within front setback.	5'
PA130021	10552 Ridgeway, Santa Ana	Use Permit for over height walls within the front setback.	5'6"
PA100024	2231 Liane, Santa Ana	Use Permit for over height walls and sliding gate in the front setback.	7'6"
PA040096	10511 Easter Hill Dr., Santa Ana	Use Permit to allow over height walls within the front setback area	5'4"

The location, size, and design of the proposed fence are consistent with similar improvements in the area and will not be objectionable, detrimental, or incompatible with other permitted uses in the vicinity. Based on this analysis, staff recommends that the two required findings to approve a modification to the permitted fence material and height can be made.

### **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.

The North Tustin Advisory Committee (NTAC) reviewed the applicant's request at its April 16, 2025. The board voted 4-0 in favor of the project.

### **CEQA COMPLIANCE**

The proposed project is Categorically Exempt (Class 3) from the provisions of CEQA pursuant to Section 15303, because the exemption provides for construction of accessory structures including fences.

## CONCLUSION

Staff has reviewed the applicant's request for a Use Permit to approve a 10 foot tall chain link fence within the front and side setback. Staff supports approval of the project subject to the attached Findings (Attachment 1) and Conditions of Approval (Attachment 2).

Submitted by:

Concurred by:

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

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*Cindy Salazar*  
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Cindy Salazar, Division Manager  
OC Public Works/Development Services

## ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Architectural Plans
4. Applicant's Letter
5. Site Photos
6. Illustration of proposed fence

## 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 filed online at [myoceservices.ocgov.com](http://myoceservices.ocgov.com) or in person at the County Service Center, located at 601 N. Ross St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services.