



OC DEVELOPMENT SERVICES REPORT

ITEM # 2

DATE: July 16, 2020

TO: Orange County Zoning Administrator

FROM: OC Development Services / Planning

SUBJECT: Public Hearing on a Site Development Permit and Variance (Planning Application PA19-0253)

PROPOSAL: A request for a Site Permit and Variance in conjunction with the construction of a single-family residence. A Site Development Permit is required per Ordinance 3179 to ensure land use compatibility and compliance with the conditions set forth in the Silverado-Modjeska Specific Plan. A Variance is requested to allow a reduced front setback of 10 feet for a single-story garage

ZONING: E1 (SR)(3179) "Estates" District (Sign Restriction)(Ordinance 3179) and OS(SR)(FP-2)(C3179) "Open Space" (Sign Restriction)("Floodplain 2")(Ordinance 3179)

GENERAL PLAN: 1B "Suburban Residential"

LOCATION: The property is a vacant parcel located at 17312 Lobdell Lane within the Silverado community, within the Third (3rd) Supervisorial District. (APN 866-051-17)

APPLICANT: Frank Granados, Property Owner

STAFF CONTACT: Kevin Canning, Contract Planner
Phone: (714) 667-8847
Email: kevin.canning@ocpw.ocgov.com

RECOMMENDED ACTIONS

OC Development Services/Planning recommends the Zoning Administrator:

- a) Receive staff report and public testimony as appropriate;
- b) Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under the Class 3 exemption pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- c) Approve Planning Application PA19-0253 for a Site Development Permit and Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The subject property is mostly vacant with some deteriorated out-buildings and sheds with small groups of olive trees. The property fronts onto Lobdell Lane, a short cul de sac connecting to Modjeska Canyon Road. A portion of the property is within the FP-2 floodplain zone of the adjacent Modjeska Creek.

PROPOSED PROJECT

The project includes the construction of a new two story 6,600 square foot single-family residence with an attached three car garage. A detached covered patio, with a half-bathroom and outdoor kitchen facilities will be located to the rear of the property, as will a shade structure adjacent to the proposed swimming pool. Associated site grading will include approximately 320 cubic yards of grading.

AERIAL OF PROJECT SITE

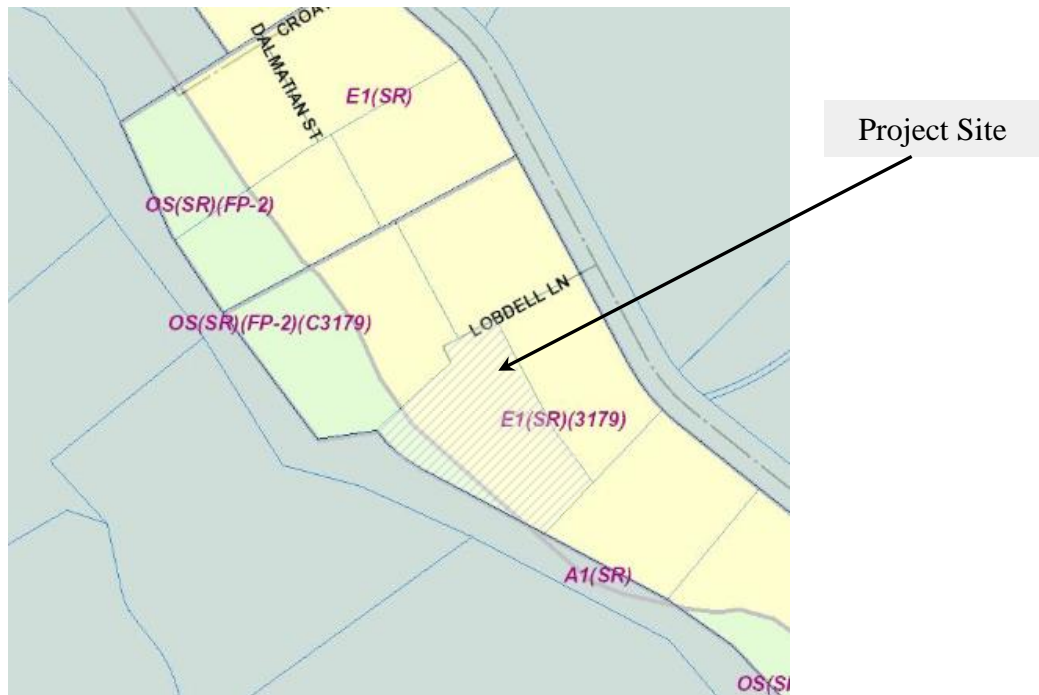


SURROUNDING LAND USE

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

Direction	Zoning Description	Existing Land Use
Project Site	“Estates” District E1 (SR)(3179)	Vacant
North	“Estates” District E1 (SR)(3179)	Single-Family Dwelling
South	“Estates” District E1 (SR)(3179)	Single-Family Dwelling
East	“Estates” District E1 (SR)(3179)	Single-Family Dwelling
West	OS(SR)(FP-2)(C3179)	Open Space/Creek

SURROUNDING ZONING



DISCUSSION/ANALYSIS

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

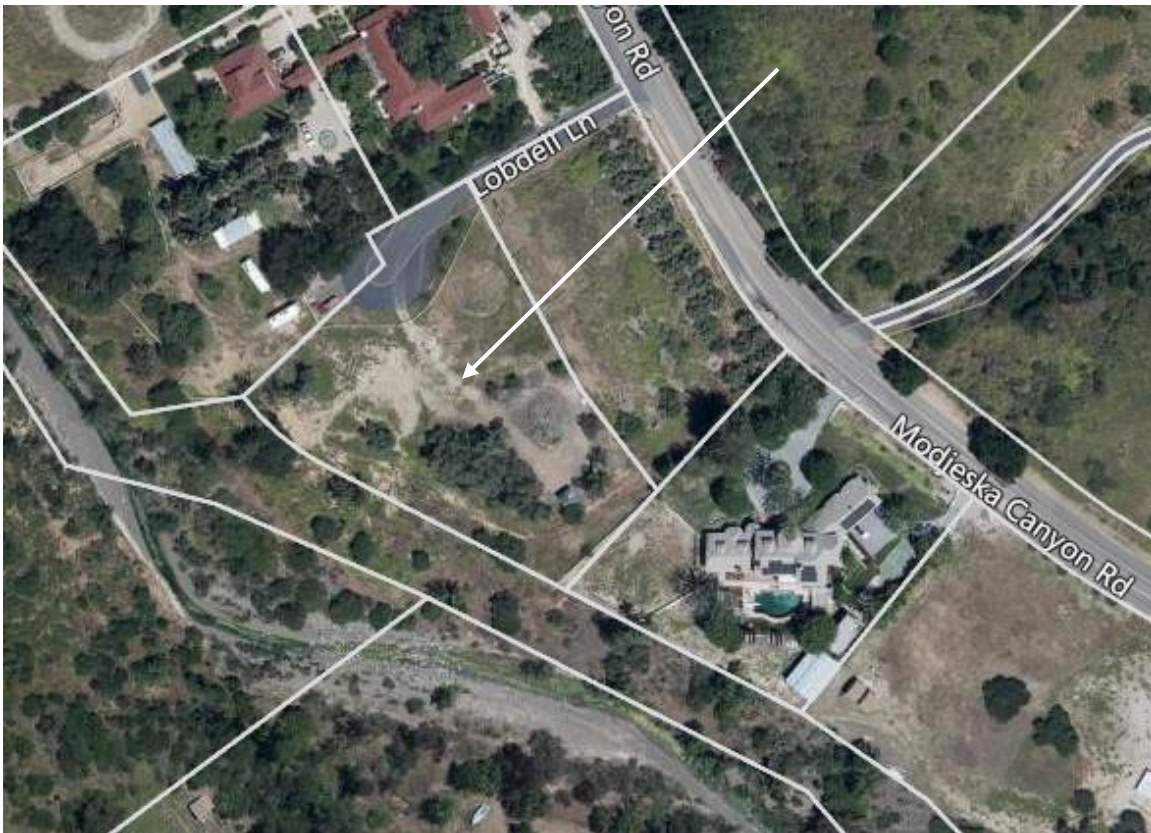
Project Comparison with “Estate” Residential District Site Development Standards

Standard	Zoning Code	Proposed
Building Site Area	1 acre	1.32 acres (existing)
Building Height	35 feet maximum	32 feet
Min. Structural Front Setback	45 feet	10 feet ¹ (minimum at garage)
Min. Structural Rear Setback	50 feet	162 feet

Standard	Zoning Code	Proposed
Structural Side Setback	10% of lot width, up to 20 feet maximum	30 feet (east side) 72 feet (west side)
Parking	2 covered spaces	3 covered spaces

¹Variance request

SUBJECT SITE



Site Development Permit

A Site Development Permit is required pursuant to Ordinance 3179 adopted by the Board of Supervisors on January 30, 1980 relating to Zone Change 79-33, rezoning approximately 8.6 acres within the Silverado-Modjeska Specific Plan from A1 to E1. The exact Condition of the zone change is as follows:

“Prior to clearance of building or grading permits for the property which is the subject of this zone change, a site development plan shall be submitted in the manner and containing the information required by the Assistant Director of the Environmental Management Agency. The Assistant Director shall review the site development plan and may approve, approve with conditions, or disapprove the plan. The purpose of the site plan review is to assure land use compatibility and compliance with the conditions set forth in the Silverado-Modjeska Plan

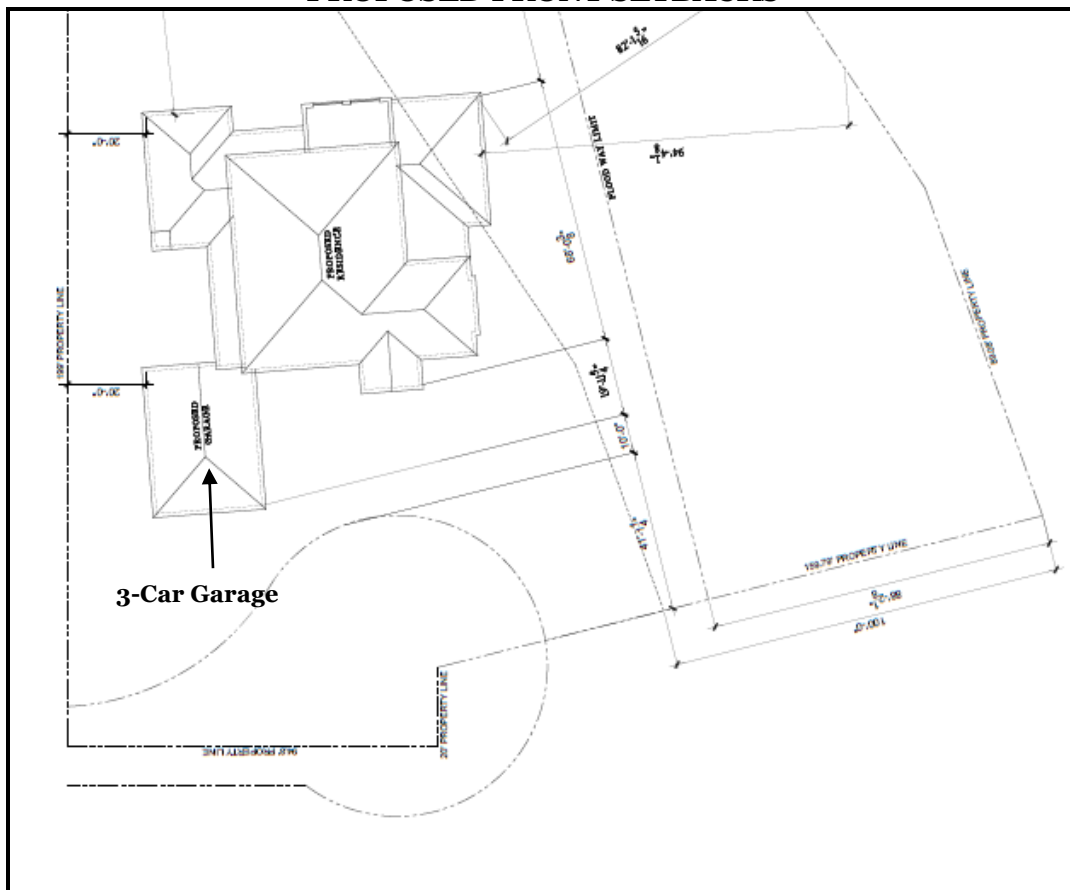
regarding grading, planting of slopes and preservation of the natural character of the water course.”

Beyond the aspects mentioned above regarding grading, planting of slopes and preservation of natural character of the water course, the Silverado-Modjeska Specific Plan does not provide a significant amount of guidance regarding the development of individual properties.

The project proposes to construct a new two-story single-family residence with an attached 3-car garage space, with two small accessory structures (a detached patio and a shade structure) at the rear of the property. The project site is generally flat and therefore will require minimal grading and no creation of slopes. Due to the floodplain overlay on the western portion of the site, the proposed home and improvements will be required to setback back from the adjacent water course, and therefore the project will preserve the natural character of the water course. Because there is no proposed development within the FP-2 portion of the site, no Site Development Permit is necessary pursuant to Zoning Code Section 7-9-113. The Plan does encourage preservation of larger trees, and the proposed project will preserve a single oak tree on the site. Three smaller olive trees, with burn scars from past fires, will be removed. However, the applicant will be replacing these trees as a part of the project’s landscape plan.

In summary, the project will minimize the grading and disturbance of the site, and thus will be consistent with the development guidance provided within the Silverado-Modjeska Specific Plan.

PROPOSED FRONT SETBACKS



Front Setback Variance

The property lies within a high fire hazard area and a State Responsibility Area for fire safety. Reasonable development of the property in a manner consistent with both zoning setbacks and required fuel modification safety zone setbacks is not feasible. The Orange County Fire Authority (OCFA) has required that the main structure observe significant setbacks from the natural areas on two sides of the property. In order to meet the OCFA criteria, the applicant must move the main structure forward on the site.

The OCFA-compliant project would have a front setback of 10 feet to the single-story side-entry garage, a 32-foot setback to the porch entry and a 40-foot setback to the main residence. This site location is necessary to achieve the setback from the natural area of the creek as well as from an adjoining residentially zoned property. The applicant sought obtaining a fuel modification easement over a portion of the adjacent residential property, but it was infeasible due to the location of the existing residence.

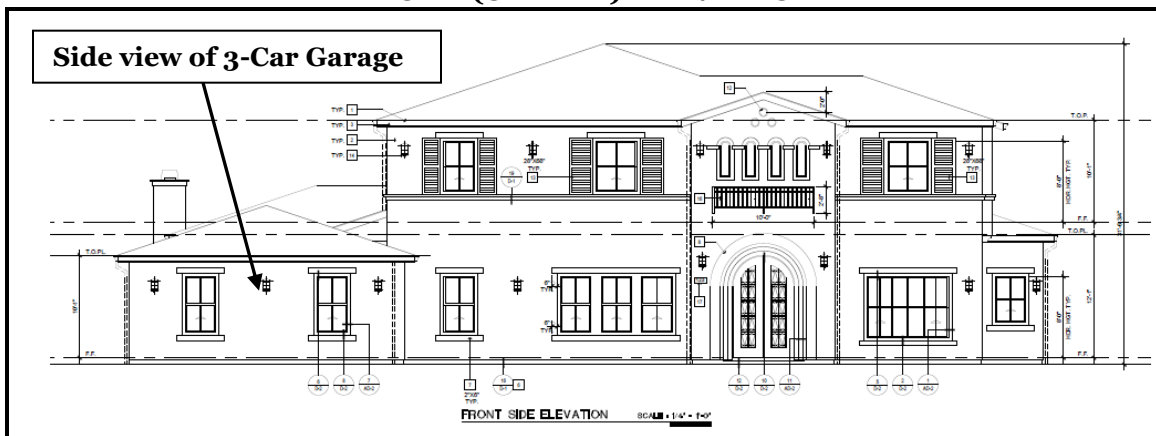
Zoning Code Section 7-9-150.3 requires that certain findings be made to approve a variance request, as follows:

- a. Special circumstances. 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 by other property in the vicinity and subject to the same zoning regulations.
- b. No special privileges. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations, when the specified conditions are complied with.

Staff finds that the special circumstances do relate to the property including its location in a high fire hazard area and adjacent to the FP-2 flood zone of the creek which, in combination significantly limit the fire-safe development of the property. These are unique aspects to the subject lot in this location when compared to other properties within the vicinity.

Further, staff finds that due to these special circumstances, the proposed setback variance would not be a special privilege as it is consistent with general development criteria of the Silverado-Modjeska Specific Plan area.

FRONT (STREET) ELEVATION



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 and all occupants of dwelling units within 100 feet of the site (Coastal Development Permit Requirement) on July 3, 2020. Additionally, a notice was posted at the project site, the County Hall of Administration and at the County Administration South building, 601 North Ross Street, as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions, and the Orange County Fire Authority. All comments by County Divisions and OCFA have been addressed through incorporation of proposed Conditions of Approval provided as Attachment 2.

CEQA COMPLIANCE

The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. (CEQA Guidelines §15300-15332). Following is a brief analysis of the project's consistency with Class 3 categorical exemptions.

Class 3 Categorical Exemption

The Class 3 (Section 15303) exemption consists of construction and location of limited numbers of new, small facilities or structures. Examples of the exemption include:

- (a) *One single-family residence or a second dwelling unit in a residential zone. . .*
- (e) *Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

The proposed project is eligible for a Class 3 exemption because construction of a single-family residence and the related improvements including the garage, pool, and patio are specifically included in the list of examples.

Additionally, Guidelines Section 15300.2 applies to the project. This section provides that for certain classes of categorical exemptions (including Class 3 exemptions) location of the project should also be considered as a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The section lists several criteria to be considered. No component of the project, including the site grading and the construction of the residence and accessory structures, meets the criteria outlined in the Section 15300.2 that would except the project from a Class 3 exemption. The project will not result in a cumulative impact, nor a significant environmental effect, and will not damage scenic or historic resources. Staff has concluded that the appropriate environmental document for this project is a Notice of Exemption. Standard conditions of approval applied by the County for all construction projects of this nature will address any less than significant short-term construction related concerns.

CONCLUSION

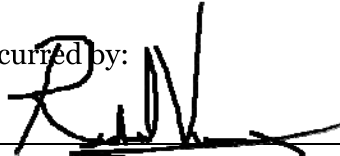
Staff has reviewed the applicant's request for a Site Development Permit and Variance and found the proposed project to be compliant with both the Condition of Ordinance 3179, the Silverado-Modjeska Specific Plan, and Zoning Code. It is an allowed Principal Permitted Use in the "Estate" District and has been found to be compatible with adjacent residential and open space uses. Staff supports approval of the planning application subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:



Brian Kurnow, Land Use Manager
Planning, OC Development Services

Concurred by:



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

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter
4. Site Photos
5. Project 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 deposit of \$500 filed at the County Administration South building, 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.



**Attachment 1
Findings
PA19-0253**

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- 1** **GENERAL PLAN** **PA19-0253**
 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.
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- 2** **ZONING** **PA19-0253**
 That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code and Specific Plan regulations applicable to the property.
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- 3** **COMPATIBILITY** **PA19-0253**
 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** **PA19-0253**
 That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
-
- 5** **PUBLIC FACILITIES** **PA19-0253**
 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.).
-
- 6** **CATEGORICALLY EXEMPT** **PA19-0253 CUSTOM**
 That the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), Class 3 (New Construction or Conversion of Small Structures) pursuant to Section 15303. The Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures, including single-family residences and accessory structures. The proposed project is eligible for a Class 3 exemption because it consists of the construction of a single-family residence with attached three-car garage and related improvements. The project will not result in a cumulative impact, significant environmental effect or damage scenic or historic resources. Standard conditions of approval applied by the County for all construction projects of this nature will address any short-term construction related impacts.
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- 7** **FISH & GAME - EXEMPT** **PA19-0253**
 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.
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- 8** **NCCP NOT SIGNIFICANT** **PA19-0253**
 That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective

subregional Natural Communities Conservation Planning (NCCP) Program.

9

VARIANCE 1

PA19-0253 CUSTOM

That 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 by other property in the vicinity and subject to the same zoning regulations, specifically its size and location.

10

VARIANCE 2

PA19-0253 CUSTOM

That approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with, in that the proposed additions are in conformance with the pattern of development within the community.



Attachment 2
Conditions of Approval
 PA19-0253

1 BASIC/ZONING REGULATIONS PA19-0253

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2 BASIC/TIME LIMIT PA19-0253

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 BASIC/PLAN PA19-0253

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 Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4 BASIC/COMPLIANCE PA19-0253

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 PA19-0253

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, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6 BASIC/APPEAL EXACTIONS PA19-0253

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 GEOLOGY REPORT PA19-0253

A. Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Building and Safety Division, for approval. The report shall include the information and be in the form as required by the Grading and Excavation Code and Grading Manual.

B. The site is located within a State of California Seismic Hazard Zone (SHZ) susceptible to liquefaction. The proposed development will require site specific liquefaction analysis and evaluation in accordance with SP117A requirements.

8 CONSTRUCTION NOISE PA19-0253

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.

9 EROSION AND SEDIMENT CONTROL PLAN PA19-0253

Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

10 DRAINAGE STUDY PA19-0253

Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Permit Services

- A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
- B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
- C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

11 DRAINAGE FACILITIES PA19-0253

Prior to issuance of grading or building permits, drainage studies that demonstrate the following shall be submitted to and approved by Manager, Building and Safety Division:

1. All surface runoff and subsurface drainage directed to the nearest acceptable drainage facility, as determined by the Manager, Building and Safety Division
2. Drainage facilities discharging onto adjacent property shall be designed to imitate the manner in which runoff is currently produced from the site and in a manner meeting the satisfaction of the Manager, Permit Services. Alternatively, the project applicant may obtain a drainage acceptance and maintenance agreement, suitable for recordation, from the owner of said adjacent property. All drainage facilities must be consistent with the County of Orange Grading Ordinance and Local Drainage Manual.

12 WATER QUALITY MANAGEMENT PLAN PA19-0253

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building and Safety, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

13 FIRE HAZARD SEVERITY ZONE PA19-0253

Prior to the issuance of a building permit, in all Fire Hazard Severity Zones within State Responsibility Areas (SRA) and within Very High Fire Hazard Severity Zones within the Local Responsibility Areas (LRA), the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with all requirements of Chapter 47 and Chapter 7A or shall have and approved Fire Protection Plan which provides protection equivalent to the risk for the site.

14 FUEL MODIFICATION PLAN PA19-0253

A. Prior to the issuance of a preliminary grading permit (whichever occurs first), the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a conceptual or precise fuel modification plan.

B. Prior to the issuance of a precise grading permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a precise fuel modification plan.

15 PRIVATE LANDSCAPING PA19-0253

A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).

B. Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.

16 ROAD FEE PROGRAM PA19-0253

Prior to the issuance of building permits, the applicant shall pay applicable fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Permit Services.

a. Foothill/Eastern Transportation Corridor

Project Proposal Letter

PA19-0253

June 11, 2020

To Whom it may concern,

We, Frank and Sandra Granados, are looking to build our dream home. We hope to raise a family in beautiful Orange County. The proposed location is 17312 Lobdell Ln. Modjeska Canyon CA 92676. We are looking to build a two-story Santa Barbara Style Single Family Residence. The home is projected to be roughly 6,600 square feet. The residence is in a State Responsibility Area for Fire Safety. The residence must adhere to more strict regulations. The Orange County Fire Authority has advised of the 100ft Fuel Modification State requirement. We will ask the County of Orange Planning for a Variance to move the residence forward in order to achieve more clearance to the rear of the structure. The Variance will tremendously increase the survivability of the structure during a wildfire. The home will be fully sprinklered and the homes features will help it sustain any fire impingement. We are working closely with the Orange County Fire Authority to set up a fuel modification plan. The current location of the home has two maintained fire hydrants no more than 50ft in distance. The land is currently vacant with some medium/light vegetation. The lot is predominantly flat. One Oak Tree exists just outside the property. It is our intention to preserve the tree. The tree is located west of the proposed build site. We currently have one small shed towards the rear of the property. The shed will be demolished. It is currently being used as storage. The property would require the removal of three olive trees. The trees have burn scars at the base. The trees have become fragile and create a hazard for the proposed homesite. It is also important to remove the trees for vegetation clearance around the house. We intend to replant the trees that we cut. We will incorporate the replantation in our landscaping plan. The property has water and electricity available. It is our intentions to follow Orange County guidelines to create a septic system capable of handling the home's needs. In addition, we are looking to set up a solar system to help offset the associated costs of electricity. Thank you for taking the time to read this scope of work.

Sincerely,



Frank and Sandra Granados

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