



Attachment 1

Findings

PA24-0040

1 [AA01]

GENERAL PLAN

PA24-0040

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 [AA02]

ZONING

PA24-0040

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 [AA03]

COMPATIBILITY

PA24-0040

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 [AA04]

GENERAL WELFARE

PA24-0040

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

5 [AA05]

PUBLIC FACILITIES

PA24-0040

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 [ED03]

STATUTORALLY EXEMPT

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That the proposed project is Statutorily Exempt pursuant to California Code of Regulations Title 14, Section 15182 and Government Code Section 65457(a)

7 [VA01]

VARIANCE 1

PA24-0040

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:

1. Grading prior to adoption of the Specific Plan, December 19, 1991 – Based on historical aerial photographs, most of the grading was completed prior to the adoption of the specific plan. Historical aerial photos show the graded area was in existence since at least the early 1970's.
2. Site Topography - The steep topography on the project site requires a significant amount of cut to establish a usable building pad.

8 [VA02]

VARIANCE 2

PA24-0040

Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitation placed upon the properties in the vicinity and subject to the same zoning regulations, when the specified conditions are complied with because:

1. Grading prior to adoption of the Specific Plan - Grading activities that occurred prior to the specific plan adoption would be considered legal conforming. Thus, the applicant would have been allowed to grade in excess of 3,000 cubic yards before the adoption of the specific plan. There is documentation (historic aerial photos as shown as Attachment 4) that shows that grading was completed prior to the adoption of the specific plan, and although never permitted, based on aerial photos was the existing grade when the specific plan was adopted.
2. Site Topography - The primary purpose of limiting the difference in vertical grade from natural to proposed/existing grade is to reduce the visual impact of large retaining walls. Since the topography slopes downward and away from the road at such a steep angle that the grade of the road is higher than the roof of the house, none of the cut or supporting walls are visible from the public right-of-way. Thus, granting the variance to allow for a 16-foot change in vertical grade does not grant special privileges, but instead allows the applicant to use their property in a manner like neighbors.

8 [SP]

SPECIFIC PLAN CONSISTENCY

PA24-0020

That the proposed project, together with the provisions for its design and improvement, is consistent with the Foothill/Trabuco Specific Plan.