



ORANGE COUNTY Public Works MEMORANDUM

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DATE: June 17, 2026
TO: North Tustin Advisory Committee
FROM: Ilene Lundfelt, Associate Planner
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SUBJECT: PA25-0060 – Use Permit request to allow an over-height accessory structure within the rear setback area of an existing single-family residence located at 19246 Fairhaven Extension, Santa Ana, California 92705 (APN 393-091-15).
APPLICANT: Brad Dudley, Applicant

RECOMMENDATION

By motion find that:

1. The Advisory Committee received the proposed project memorandum and finds that the proposed project is consistent with the applicable land use regulations; and
2. The Advisory Committee recommends that the Zoning Administrator approve the proposed Use Permit request to allow an over-height accessory structure within the required rear setback area.

SUMMARY

The applicant is requesting approval of a Use Permit by the Zoning Administrator to allow the construction of a new uncovered deck with a maximum height of thirteen (13) feet two and one-half (2.5) inches within the required rear setback area. Accessory structures located within required setback areas are limited to twelve (12) feet in height unless sited within three (3) feet of a property line, in which case the maximum permitted height is limited to eight (8) feet. However, the height limit may be increased up to the maximum height otherwise permitted under Section 7-9-24.10 with approval of a Use Permit by the Zoning Administrator.

BACKGROUND

The subject property is zoned 100-E4 “Small Estates” District, which requires a minimum lot width of approximately 100 feet. The project site is an irregularly shaped parcel consisting of approximately 20,462 square feet (sq. ft.). The site is currently developed with a 1,968-sq.-ft., two-story single-family residence and a detached two-car garage. The residence was originally constructed in 1951.

DISCUSSION

The applicant is requesting approval of a Use Permit to allow the construction of a new uncovered deck with a maximum height of thirteen (13) feet two and one-half (2.5) inches within the required rear setback area. The proposed deck also includes a request to reduce the required rear yard setback, with the structure proposed at five (5) feet from the rear property line in lieu of the required twenty-five (25) feet required by the zoning district. Pursuant to the applicable zoning regulations, accessory structures located within required setback areas are limited to a maximum height of

twelve (12) feet unless located within three (3) feet of a property line, in which case the maximum permitted height is eight (8) feet. The proposed deck exceeds the permitted twelve (12)-foot height limitation by approximately one (1) foot two and one-half (2.5) inches; therefore, approval of a Use Permit by the Zoning Administrator is required.

The proposed structure remains below the maximum height otherwise permitted within the zoning district and is intended to provide additional outdoor living space while maintaining compatibility with the surrounding residential development. Staff has evaluated the request and determined that the proposed deck, as conditioned, would not adversely impact adjacent properties or materially alter the character of the surrounding neighborhood.

COMPLIANCE WITH CEQA

The proposed project is Categorically Exempt (Class 3) from the provisions of CEQA pursuant to CEQA Guidelines Section 15303, because it consists of construction of new accessory structures including patios and fences.

Attachments:

1. Plans
2. Scope of Work/Justification Letter