



**DATE:** August 6, 2026

**TO:** Orange County Zoning Administrator

**FROM:** OC Development Services/Planning

**SUBJECT:** Use Permit PA25-0060

**PROPOSAL:** A Use Permit to allow an over-height accessory structure (new uncovered deck) within the rear setback area of an existing single-family residence.

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

**ZONING DISTRICT:** 100-E4 "Small Estates" District

**LOCATION:** 19246 Fairhaven Extension, Santa Ana, California 92705 within the Third Supervisorial District

**APPLICANT:** Brad Dudley, Applicant

**STAFF CONTACT:** Ilene Lundfelt, Associate Planner  
Phone: (714) 667-9697  
Email: [Ilene.Lundfelt@pw.oc.gov](mailto:Ilene.Lundfelt@pw.oc.gov)

**RECOMMENDED ACTIONS:**

OC Development Services/Planning recommends the Zoning Administrator:

1. Receive staff report and public testimony.
2. Adopt Zoning Administrator Resolution No. 2026-11 (Attachment 1) to:
  - a. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 3 (New Construction or Conversion of Small Structure) pursuant to CEQA Guidelines section 15303.
  - b. Approve Use Permit PA25-0060 to allow an over-height accessory structure (new uncovered deck) within the rear setback area of an existing single-family residence, subject to the Findings and Conditions of Approval contained within the Resolution.

**INTRODUCTION**

**BACKGROUND**

The subject property, identified as 19246 Fairhaven Extension, is located within the unincorporated community of North Tustin in Orange County. The property is zoned 100-E4 “Small Estates” District, which requires a minimum lot width of 100 feet. The project site is an irregularly shaped parcel consisting of approximately 20,462 square feet (sq. ft.).

**EXISTING CONDITIONS**

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.

**SURROUNDING LAND USES**

The surrounding area consists primarily of single-family residential development within the 100-E4 “Small Estates” District.

| Direction    | Zoning Designation              | Existing Land Use                   |
|--------------|---------------------------------|-------------------------------------|
| Project Site | 100-E4 “Small Estates” District | Single Family Residence             |
| North        | 100-E4 “Small Estates” District | Single Family Residence             |
| South        | 100-E4 “Small Estates” District | Vacant Land/Single Family Residence |
| West         | 100-E4 “Small Estates” District | Single Family Residence             |
| East         | 100-E4 “Small Estates” District | Single Family Residence             |

A vicinity map (Attachment 2) and project map (Attachment 3) are included, illustrating the project site in context with surrounding areas.

**PROPOSED PROJECT**

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 13 feet and 2.5 inches within the required rear setback area. Per Zoning Code Section 7-9-116.1 (e), accessory structures can be located within required setback areas but are limited to 12 feet in height unless sited within 3 feet of a property line, in which case the maximum permitted height is limited to 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 pursuant to Zoning Code Section 7-9-116(e).

**DISCUSSION/ANALYSIS**

**GENERAL PLAN CONSISTENCY**

The project site is designated Suburban Residential (1B) in the General Plan. The proposed new uncovered deck does not involve a change in land use, an increase in residential density, or the introduction of new commercial, industrial, or public land uses. The project will remain ancillary to the existing residential use and will not alter the established land use pattern or character of the surrounding neighborhood. Accordingly, the project is consistent with the residential uses permitted under the Suburban Residential (1B) land use designation.**ZONING CODE CONSISTENCY**

The project site is zoned 100-E4 ("Small Estates"), which permits single-family residential uses and accessory structures. The proposed uncovered deck is accessory to the existing single-family residence and is consistent with the intent of the E4 District to accommodate single-family residential development and associated accessory improvements.

The following table compares the proposed project with the development standards for the Accessory Structures 7-9-116.1

**Project Comparison with Accessory Uses and Structure 7-9-116.1**

| <b>STANDARD</b>                                                                   | <b>PERMITTED</b>                                              | <b>PROPOSED</b>     |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------|
| Front Setback                                                                     | N/A                                                           | N/A                 |
| Side Setback                                                                      | 3 feet minimum for structures not exceeding 12 feet in height | N/A                 |
| Rear Setback                                                                      | 3 feet minimum for structures not exceeding 12 feet in height | 9 feet 9 inches     |
| Height                                                                            | 12 feet maximum                                               | 13 feet 2.5 inches* |
| Building site coverage within a setback area for enclosed accessory structures ** | 25% maximum                                                   | 15.3%               |

\*Indicate deviation from development standards

\*\*If any enclosed structure is located within a required setback area, all accessory structures within the required setback, whether enclosed or unenclosed, will be limited to the 25% rear coverage.

**Use Permit**

The applicant is requesting approval of a Use Permit to allow the construction of a new uncovered deck with a maximum height of 13 feet 2.5 inches within the required rear setback area. Pursuant to the applicable zoning regulations, accessory structures located within required setback areas are limited to a maximum height of 12 feet unless located within 3 feet of a property line, in which case the maximum permitted height is 8 feet. The proposed deck exceeds the permitted 12-foot height limitation by approximately 1 foot 2.5 inches; therefore, approval of a Use Permit by the Zoning Administrator is required per Zoning Code Section 7-9-116(e).

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. In addition to complying with the applicable setback requirements, the proposed deck complies with the building site coverage for accessory structures within required setback areas established in Section 7-9-116.1(f) of the Zoning Code, with a setback coverage of 15.3 percent. 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. Therefore, consistency with the Zoning Code can be found through approval of a Use Permit for the proposed over-height uncovered deck within the rear setback area pursuant to Zoning Code Section 7-9-116(e).

## **FINDINGS**

Proposed Use Permit PA25-0060 is consistent with:

1. General Plan – The project is consistent with the Orange County General Plan Suburban Residential (1B) land use designation because it consists of the construction of an uncovered deck accessory to an existing single-family residence and maintains the existing residential use of the property. The project does not involve a change in land use, an increase in residential density, or the introduction of commercial, industrial, or public land uses, and is compatible with the established land use pattern and residential character of the surrounding neighborhood.
2. Zoning Code – The project consists of the construction of an uncovered deck within the required rear setback area of an existing single-family residence with a maximum height of 13 feet, 2.5 inches. The proposed deck, as conditioned, would not adversely impact adjacent properties or materially alter the character of the surrounding neighborhood. Pursuant to Section 7-9-116 (e) of the Zoning Code, an increase in height may be approved through a Use Permit by the Zoning Administrator. Therefore, the proposed project is consistent with the provisions of the Orange County Zoning Code with the approval of a Use Permit.
3. California Environmental Quality Act (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.
4. Compatibility – 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 because the project consists of a small-scale residential accessory structure that is compatible with the surrounding residential neighborhood and will not adversely affect adjacent properties.
5. General Welfare – The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare because the proposed uncovered deck is accessory to an existing single-family residence, complies with applicable development standards except for the approved height deviation, and will not introduce hazardous conditions or adversely affect the surrounding neighborhood. The project will be subject to all applicable building and safety requirements, ensuring the deck is constructed in accordance with current building codes.
6. Public Facilities – The approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities because the proposed project consists of a minor accessory improvement to an existing single-family residence and will be served by existing public facilities and services, including fire protection, law enforcement, roadway infrastructure, utilities, and other public services. The project will not increase residential density or create a demand for additional public facilities beyond those currently serving the property.

Therefore, the findings can be made in support of the approval of this request for a Use Permit to allow an over-height accessory structure (new uncovered deck) within the rear setback area of an existing single-

family residence, subject to the conditions of approval contained in the Resolution 2026-11 (Attachment 1).

### **REFERRAL FOR COMMENT**

A copy of the planning application and the proposed site plan were distributed for review and comment to the Orange County Fire Authority and the appropriate County divisions - Building and Safety and Environmental Planning. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval. The North Tustin Advisory Committee (NTAC) reviewed the applicant's request at the June 17, 2026, meeting and recommended approval of the project (Attachment 5).

### **PUBLIC NOTICE**

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 building located in Santa Ana, CA at least ten days prior to this public hearing, as required by established public hearing posting procedures.

### **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.

### **CONCLUSION**

Staff has reviewed the applicant's request for a Use Permit and finds the proposed project to be consistent with the County of Orange General Plan and the County of Orange Zoning Code. Staff recommends approval of Use Permit PA25-0060, subject to the required Findings and Conditions of Approval within Resolution No. 2026-11.

### **APPEAL PROCEDURE**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the 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.

Submitted by:

DocuSigned by:



Ilene Lundfelt, Associate Planner  
OC Development Services/Planning

Concurred by:

DocuSigned by:



Cindy Salazar, Division Manager  
OC Development Services/Planning

**ATTACHMENTS:**

1. Zoning Administrator Resolution No. 2026-11
2. Vicinity Map
3. Project Map
4. Plans
5. June 17, 2026 NTAC Agenda