

# REQUEST FOR Planning Commission Action



## PLANNING COMMISSION MEETING DATE:

MAY 13, 2019

## TITLE:

PUBLIC HEARING – FILED BY JIMMY LY FOR  
APPEAL NO. 2019-01 OF MINOR EXCEPTION NO.  
2019-02 TO OVERTURN THE ZONING  
ADMINISTRATORS DENIAL AND ALLOW A FOUR-  
FOOT HIGH FRONT YARD FENCE AT 1105 SOUTH  
FLINTRIDGE DRIVE {STRATEGIC  
PLAN NO. 5, 4}

## PLANNING COMMISSION SECRETARY

### APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For \_\_\_\_\_

### DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO \_\_\_\_\_

Prepared by Vince Fregoso

A handwritten signature in blue ink, appearing to read "Vince Fregoso".

Executive Director

A handwritten signature in blue ink, appearing to read "Candida Noul".

Planning Manager

## RECOMMENDED ACTION

Review and select one of the following options:

1. Deny Appeal No. 2019-01 and adopt a resolution affirming the Zoning Administrator's decision to deny Minor Exception No. 2019-02; or,
2. Approve Appeal No. 2019-01 and adopt a resolution overturning the Zoning Administrator's decision to deny Minor Exception No. 2019-02 as conditioned.

## Executive Summary

The appellant, Mr. Jimmy Ly, who is a neighbor of the property owner and lives within 50 feet of the subject site, is requesting approval of Appeal No. 2019-01 to overturn the Zoning Administrator's denial of Minor Exception No. 2019-02 to allow the construction of a four-foot high front yard fence at 1105 South Flintridge Drive. Dr. Long Nguyen, property owner of the Flintridge Drive property, had requested approval of a minor exception from the Front Yard Fence ordinance (Santa Ana Municipal Code Section 41-610(a)(1) that limited his residential fence to a maximum of three feet in height. The Zoning Administrator (ZA) did not concur with staff's recommendation for approval and denied the minor exception on April 10, 2019.

Table 1: Project and Location Information

Item	Information	
Project Address	1105 South Flintridge Drive	
Nearest Intersection	Euclid Street and Lehnhardt Avenue	
General Plan Designation	Low Density Residential (LR)	
Zoning Designation	Single-Family Residential (R-1)	
Surrounding Land Uses	North	Single-Family Residential
	East	Single-Family Residential

Item	Information	
	South	Single-Family Residential
	West	Single-Family Residential
Property Size	6,695 square feet	
Existing Site Development	The site is currently developed with a one-story single-family residence that is under construction and nearing completion.	
Use Permissions	Allowed by right (three-foot high fence)	
Zoning Code Sections Affected	Front Yard Fence	SAMC Section 41-610(a)(1)

### **Project Description**

The subject property is a residential lot located at the southwest corner of Flintridge Drive and Crystal Lane (1105 South Flintridge Drive). The property owner is proposing to construct a four-foot tall decorative fence along the front and side property lines of the property. Pursuant to Santa Ana Municipal Code (SAMC) Section 41-610(a)(1), front yard fences are limited to three feet in height on residential properties located on non-arterial streets, such as the streets that this property fronts. The proposed fence is designed to match the newly constructed house in terms of material, color and design (Exhibit 3).

### **Project Background**

The property owner for the site located at 1105 S. Flintridge Drive purchased the subject property in 2004 with an intention to eventually renovate the existing structure. However, in March 2018, the applicant decided to demolish the structure and submitted plans to construct a new single-family residence. The project is in its last phases of construction, with minor improvements and landscaping remaining. During the review of the landscaping plan, the property owner was informed that the height of the fence on both Flintridge Drive and Crystal Lane was limited to three feet in height. Due to safety and security concerns, the property owner applied for a minor exception to construct a four-foot high fence.

### **Project Analysis**

In March 2019, the property owner filed a minor exception application to construct a four-foot tall front yard fence at the property located at 1105 South Flintridge Drive. After reviewing the request, staff recommended that the Zoning Administrator approve the minor exception, thereby allowing the four-foot-high fence on a property that is permitted to have a fence with a maximum height of three feet. However, at the April 10, 2019 Zoning Administrator's public hearing, the ZA denied the request due to concerns with findings of support for the taller fence. In response, a neighbor of the applicant who is supportive of a taller fence filed an appeal of the denial.

The property owner stated in his application that the purpose of the fence is to provide a secure area for their pets, provide additional security, and create a more usable yard space. First, the owner stated that he has a German Shepard as a family pet. In order to provide a secure environment for the pet and the neighborhood, and to minimize his liability and exposure due to pet ownership, he has requested a taller fence. As German Shepard's are typically mid to large sized dogs, the applicant argued that a three-foot high fence would not be tall enough to secure the dog. Second, the property owner has experienced theft and vandalism during the construction of the new

residence. Due to these concerns, he contends that a higher fence would provide an additional sense and level of security to him and his family. Finally, this residence is located on a corner lot and is subject to a 20-foot setback on Crystal Lane and a 10-foot setback on Flintridge Drive. Being a corner lot, street frontage on two sides of the lot reduce the amount of private yard area for the parcel. An increase in height for the front yard fence would provide a sense of a larger private yard area. The proposed front yard fence would allow the property owner the ability to enjoy their property rights including private yard space and to have a fence that matches in design and scale to the residence.

The proposed wall will comply with all other provisions of the City's fence and wall standards except for height. The lower 18 inches of the four-foot tall wall would consist of block with a stucco finish to match the residence. The upper 30 inches would consist of wrought iron that would allow visibility into the property as required by the Police Department and Fire Authority. The fence would complement the design of the residence, with the material and design of the wall compatible with the style of architecture. Further, the fence would be consistent with other fences in the neighborhood. A survey of the surrounding area found that fences range from three feet to almost six feet in height. Although these fences are legal nonconforming, approval of the proposed fence will not be out of character for the area and will be consistent with other nearby fences.

On April 10, 2019, a public hearing was held for the minor exception. After receiving input from staff and public testimony, the Zoning Administrator denied the applicants request for the minor exception. The ZA determined that he was unable to make findings in support of the request. Specifically, the ZA found that there was no unique circumstance related to the size or shape of the lot that would allow him to support the minor exception. The ZA noted that the lot was approximately 6,600 square feet in size, which is 600 square feet larger than the typical single-family lot in the City. He also noted that the lot was rectangular shaped, similar to other corner lots in the City, and did not possess any hardship or unique size related circumstances. Based on these reasons, the ZA denied the minor exception.

The appellant contends that the security of Dr. Nguyen's family and of the neighborhood are of the highest priority. Further, the appellant contends that the increase in the fence height to four feet will be compatible with several existing fences in the neighborhood and will not harm the community. Although these concerns have merit, staff is unable to identify unique circumstances or hardships related to the property that would warrant approval of appeal.

**Table 2: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach**

<b>CEQA</b>	
CEQA Type	Exempt per Section 15303(e) "New Construction or Conversion of Small Structures"
Document Type	Categorical Exemption (ER No. 2019-26)
Reason(s) Exempt or Analysis	Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; and, accessory structures such as garages, carports, swimming pools and fences.
<b>Strategic Plan Alignment</b>	
Goal(s) and Policy(s)	Approval of this item supports the City's efforts to meet Goal No. 5 (Community Health, Livability, Engagement and Sustainability) Objective No. 4 to support neighborhood vitality and livability.



Public Notification & Community Outreach	
Required Measures	A public notice was posted on the project site on March 28 and May 2, 2019.
	Notification by mail were mailed to all property owners and occupants within 500 feet of the project site on March 27 and May 2, 2019.
	Newspaper posting was published in the Orange County Reporter on March 29 and May 2, 2019
Additional Measures	The president of the Riverview West Neighborhood Association was contacted by phone and notified of this public meeting. The President expressed her support of the letters in opposition to the minor exception. No other issues were raised at the time of contact.

### **Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission deny Appeal No. 2019-01 and uphold the Zoning Administrator's denial of Minor Exception No. 2019-02. However, if the Planning Commission desires, and can make all findings for approval, the Planning Commission may approve Appeal No. 2019-01 and adopt a resolution approving Minor Exception No. 2019-02 as conditioned.



Vince Fregoso, AICP  
Principal Planner

VF:

s:\Planning Commission\5-13-19\Appeal 2019-01 1105 S Flintridge

### **Attachments:**

Exhibit 1 – Resolution for Denial of Appeal

Exhibit 2 – Resolution for Approval of Appeal

Exhibit 3 – Site Plan with Fence Design

Exhibit 4 – Zoning Administrator's Staff Report with Written Comments in Opposition

# **EXHIBIT 1**

## RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF SANTA ANA DENYING APPEAL NO. 2019-  
01 TO NOT ALLOW A FOUR-FOOT-HIGH FRONT YARD  
FENCE AT THE PROPERTY LOCATED AT 1105 SOUTH  
FLINTRIDGE DRIVE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF  
SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds,  
determines and declares as follows:

- A. Jimmy Ly ("Appellant") is requesting approval of Appeal No. 2019-01 to overturn the denial of Minor Exception No. 2019-02 to allow the construction of a four (4) foot high fence within the front yard setback area of the property located at 1105 South Flintridge Drive, a non-arterial street.
- B. Pursuant to Santa Ana Municipal Code ("SAMC") Section 41-610(a), approval of a minor exception is required to allow a fence higher than three (3) feet if a property is located on a non-arterial street.
- C. Minor Exception No. 2019-02 came before the Zoning Administrator of the City of Santa Ana on April 10, 2019, for a duly noticed public hearing.
- D. For Minor Exception No. 2019-02, the Zoning Administrator of the City of Santa Ana determined that the following finding has not been established and therefore denied the minor exception:
  - 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this Chapter.

There are no special circumstances applicable to the subject property where the interpretation of the zoning ordinance would deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of the zoning code. The property is 6,600 square feet in size, which exceeds the minimum lot size in the City by 600 square feet. Further, the lot is rectangular in shape and does not contain any encumbrances or restrictions that would limit development on the site. Since the property is larger than a typical lot and has a shape consistent with other lots in the City, there are no unique circumstances related to size or shape that warrant a taller perimeter fence.

- E. This project was reviewed in accordance with the Guidelines for the California Environmental Quality Act (CEQA). The project is exempt from further review pursuant to Section 15303. This Class 3 exemption applies to projects consisting of construction and location of limited numbers of new, small facilities, or structures of up to 10,000 square feet in floor area insofar as the project and site meet the following criteria: that the project site is zoned for such use, that the project not involve the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive; and applies to accessory structures such as garages, carports, patios, swimming pools and fences. Based on these criteria and staff analysis, Categorical Exemption Environmental Review No. 2019-26 will be filed for this project.

Section 2. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 3. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby denies Appeal No. 2019-01, thereby upholding the Zoning Administrator's denial of Minor Exception No. 2019-02 as found in Exhibit A, attached hereto and incorporated herein for the project located at 1105 South Flintridge Drive. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: The Request for Zoning Administrator Action dated April 10, 2019, and exhibits attached thereto; the Request for Planning Commission Action dated May 13, 2019, and exhibits attached thereto, and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 13<sup>th</sup> day of May, 2019.

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Mark McLoughlin  
Chairperson

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: \_\_\_\_\_  
Lisa Storck  
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Sarah Bernal, Recording Secretary for the Planning Commission, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 13, 2019.

Date: \_\_\_\_\_

\_\_\_\_\_  
Recording Secretary  
City of Santa Ana



## **EXHIBIT 2**

## RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF SANTA ANA APPROVING MINOR  
EXCEPTION NO. 2019-02 AS CONDITIONED TO ALLOW  
A FOUR-FOOT-HIGH FRONT YARD FENCE AT THE  
PROPERTY LOCATED AT 1105 SOUTH FLINTRIDGE  
DRIVE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF  
SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds,  
determines and declares as follows:

- A. Dr. Long Nguyen ("Applicant") is requesting approval of Minor Exception No. 2019-02 to allow the construction of a four (4) foot high fence within the front yard setback area of the property located at 1105 South Flintridge Drive, a non-arterial street.
- B. Pursuant to Santa Ana Municipal Code ("SAMC") Section 41-610(a), approval of a minor exception is required to allow a fence higher than three (3) feet if a property is located on a non-arterial street.
- C. Minor Exception No. 2019-02 came before the Zoning Administrator of the City of Santa Ana on April 10, 2019, for a duly noticed public hearing and was denied by the Zoning Administrator due to a lack of findings in support of the request.
- D. Appeal No. 2019-01 to overturn the denial of the Zoning Administrator's action came before the Planning Commission on May 13, 2019, for a duly noticed public hearing.
- E. For Appeal No. 2019-01, the Planning Commission of the City of Santa Ana determines that the following findings have been established:
  - 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this Chapter.

There are special circumstances applicable to the subject property where the interpretation of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of the zoning code. The purpose and intent of the code requirement is to prevent a "fortress-like"

appearance in residential areas; however, the size and scale of the proposed fence is compatible with the residence and similar fences in the surrounding neighborhood. The proposed four-foot tall fence would complement the size and scale of this structure.

2. That the granting of the appeal for a minor exception is necessary for the preservation and enjoyment of one or more substantial property rights.

The granting of the appeal for the approval of the minor exception is necessary for the preservation and enjoyment of substantial property rights as approval of this minor exception maintains the rights of the property owners to utilize their property as other residential property owners and to have a private and secure usable yard area. Since the subject lot is a corner lot, a four-foot high fence would be required to be constructed ten feet from the side yard property line, which would not create a private and secure usable area.

3. That the granting of the appeal for a minor exception will not be materially detrimental to the public welfare or injurious to surrounding property.

The granting of the appeal for the approval of the minor exception will not be detrimental to the public or surrounding properties as the proposed front yard fence will be designed (block with stucco and wrought iron) to complement the residence in terms of material and style. Further, the view of the residence will not be obstructed as it has been designed to maintain visibility into the site as required by the Police Department and Fire Authority.

4. That the granting of the appeal for a minor exception will not adversely affect the General Plan of the City.

The project will not adversely affect the General Plan as the proposed minor exception is consistent with Goals 1, 2 and 3 of the Land Use Element of the General Plan. These goals encourage the development and occupation of single-family residences. Policy 1.4 supports the development of single-family residential lots, Policy 2.10 supports new development which is harmonious in scale and character with existing development in the area, Policy 3.1 supports development which provides a positive contribution to neighborhood character and identity, and Policy 3.5 encourages new development and/or additions to existing development that are compatible in scale, and consistent with the architectural style and character of the neighborhood. Further, Goal 2.0 of the Urban Design Element states that new development should be proportionally and aesthetically related to its district setting. The proposed fence is proportional for a residential area and to the residence. Goal 2.7 of

the Urban Design Element states that projects must exhibit a functional, comfortable scale in relation to the neighborhood. This proposed fence is in scale with existing fencing and structures in the neighborhood.

- F. This project was reviewed in accordance with the Guidelines for the California Environmental Quality Act (CEQA). The project is exempt from further review pursuant to Section 15303. This Class 3 exemption applies to projects consisting of construction and location of limited numbers of new, small facilities, or structures of up to 10,000 square feet in floor area insofar as the project and site meet the following criteria: that the project site is zoned for such use, that the project not involve the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive; and applies to accessory structures such as garages, carports, patios, swimming pools and fences. Based on these criteria and staff analysis, Categorical Exemption Environmental Review No. 2019-26 will be filed for this project.

Section 2. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 3. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Appeal No. 2019-01 to overturn the denial Minor Exception No. 2019-02 as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 1105 South Flintridge Drive. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: The Request for Zoning Administrator Action dated April 10, 2019, the Request for Planning Commission Action dated May 13, 2019 and exhibits attached thereto; and, the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 13<sup>th</sup> day of May, 2019.

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Mark McLoughlin  
Chairman

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: \_\_\_\_\_  
Lisa Storck  
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Sarah Bernal, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on May 13, 2019.

Date: \_\_\_\_\_

\_\_\_\_\_  
Recording Secretary  
City of Santa Ana



## EXHIBIT A

### **Conditions of Approval for Minor Exception No. 2019-02**

Minor Exception No. 2019-02 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this minor exception.

The Applicant must remain in compliance with all conditions listed below throughout the life of the minor exception. Failure to comply with each and every condition may result in the revocation of the minor exception.

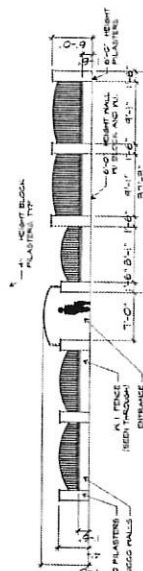
#### **A. Planning Division**

1. All proposed site improvements must conform to the plan attached to this minor exception, except as modified in the conditions of approval.
2. Any amendment to this minor exception must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the minor exception must be amended.

## **EXHIBIT 3**

[illegible]

TYPE	SYN	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	ACRES NATIVE	REMARKS
1	T1	STREPTOCARPA	FLORINDIA	15 GAL	1	LOW	STANDARD
2	T2	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
3	T3	ANACARDIUM	WALNUT	15 GAL	1	HIGH	STANDARD
4	T4	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	LOW	STANDARD
5	T5	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
6	T6	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
7	T7	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
8	T8	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
9	T9	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
10	T10	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
11	T11	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
12	T12	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
13	T13	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
14	T14	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
15	T15	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
16	T16	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
17	T17	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
18	T18	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
19	T19	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
20	T20	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
21	T21	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
22	T22	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
23	T23	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
24	T24	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
25	T25	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
26	T26	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
27	T27	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
28	T28	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
29	T29	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
30	T30	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
31	T31	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
32	T32	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
33	T33	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
34	T34	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
35	T35	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
36	T36	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
37	T37	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
38	T38	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
39	T39	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
40	T40	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
41	T41	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
42	T42	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
43	T43	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
44	T44	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
45	T45	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
46	T46	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
47	T47	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
48	T48	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
49	T49	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
50	T50	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
51	T51	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
52	T52	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
53	T53	PRUNUS AUSTRIACA	CHERRY	15 GAL	1	HIGH	STANDARD
54	T54	PRUNUS AUSTRIACA	CHERRY	15 GAL</			



WALL ELEVATION VIEW

2

2018\_A3

NO 1785  
SET ON

1000

**CONSTRUCTION**  
SUTLAND V3 (DOWNS) Ⓢ  
BY - CONSTRUCTION &  
AIRCRAFT INC.  
LICENSE NO.: 806118  
CLASSES: A, B, C-27, G-33  
2941 HOOVER STREET  
MARDEN GROVE, CA 95940  
TEL: 714-271-1442  
[www.downdown.com](http://www.downdown.com)

MR. VIET NGUYEN  
LANDSCAPING  
SOUTH FLINTRIDGE DRIVE  
SANTA ANA, CA 92704

**118**

PLANTING PLAN,  
AND NOTES

## **EXHIBIT 4**

# REQUEST FOR Zoning Administrator Action



ZONING ADMINISTRATOR MEETING DATE:

APRIL 10, 2019

TITLE:

**PUBLIC HEARING – FILED BY DR. LONG NGUYEN  
FOR MINOR EXCEPTION NO. 2019-02 TO ALLOW  
A FOUR-FOOT HIGH FRONT YARD FENCE AT  
1105 SOUTH FLINTRIDGE DRIVE {STRATEGIC  
PLAN NO. 5, 4}**

Prepared by Vince Fregoso

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For \_\_\_\_\_

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO \_\_\_\_\_

\_\_\_\_\_  
Planning Manager

## **RECOMMENDED ACTION**

Adopt a resolution approving Minor Exception No. 2019-02 as conditioned.

## **Executive Summary**

The applicant and property owner, Dr. Long Nguyen, is requesting approval of Minor Exception No. 2019-02 to allow the construction of a four-foot high front yard fence at 1105 South Flintridge Drive. The applicant is proposing to obtain a minor exception from the Front Yard Fence ordinance (Santa Ana Municipal Code Section 41-610(a)(1) requirements that limits residential fencing on non-arterial streets to a maximum of three feet in height. Pursuant to SAMC Section 41-632(3)(i), minor exceptions related to fences are determined by the Zoning Administrator. Staff is recommending approval of the minor exception because the project will have minimal impacts on the surrounding vicinity.

**Table 1: Project and Location Information**

Item	Information	
Project Address	1105 South Flintridge Drive	
Nearest Intersection	Euclid Street and Lehnhardt Avenue	
General Plan Designation	Low Density Residential (LR)	
Zoning Designation	Single-Family Residential (R-1)	
Surrounding Land Uses	North	Single-Family Residential
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	West	Single-Family Residential
Property Size	6,695 square feet	
Existing Site Development	The site is currently developed with a one-story single-family residence that is under construction and nearing completion.	
Use Permissions	Allowed by right (three-foot high fence)	
Zoning Code Sections Affected	Front Yard Fence	SAMC Section 41-610(a)(1)



### **Project Description**

The subject property is a residential lot located at the southwest corner of Flintridge Drive and Crystal Lane (1105 South Flintridge Drive). The applicant is proposing to construct a four-foot tall decorative fence along the front and side property lines of the property. Pursuant to Santa Ana Municipal Code (SAMC) Section 41-610(a)(1), front yard fences are limited to three feet in height on residential properties located on non-arterial streets, such as the streets adjacent to this property. The proposed fence is designed to match the house in terms of material, color and design.

### **Project Background**

The applicant purchased this property in 2004 and had intended to renovate the existing structure. However, in March 2018, the applicant decided to demolish the structure and rebuild a new single-family residence. The project is in its last phases of construction, with minor improvements and landscaping remaining. During the review of the landscaping plan, the applicant was informed that the height of the fence on both Flintridge Drive and Crystal Lane was limited to three feet in height. Due to concerns by the applicant, he has applied for a minor exception to allow the construction of a four-foot high fence.

### **Project Analysis**

The applicant has filed an application to construct a four-foot tall front yard fence at the property located at 1105 South Flintridge Drive. Staff has reviewed the applicants request and is supportive of the minor exception.

The purpose of the proposed fence is to provide a secure area for the applicant's pets, provide additional security, and create a more usable yard space. First, the applicant has a German Shepard as a family pet. In order to provide a secure environment for the pet and for the neighborhood, the applicant is requesting an increase in fence height. German Shepard dogs are typically mid to large sized dogs. Therefore, a three-foot high fence is not high enough to secure the dog. Second, the property owner has experienced theft and vandalism during the reconstruction of the new residence. Due to these concerns, the applicant contends that a higher fence will provide an additional level of security to him and his family. Finally, this residence is located on a corner lot and is subject to a 20-foot setback on Crystal Lane and a 10-foot setback on Flintridge Drive. Being a corner lot, street frontage on two sides of the lot reduce the amount of private yard area for the parcel. An increase in height for the front yard fence will provide a sense of a larger private yard area. The proposed front yard fence allows the property owner to enjoy their property rights including private yard space and to have a fence that matches in design and scale to the residence.

The applicant proposes to construct a four-foot tall wall, with the lower 18 inches consisting of block with a stucco finish to match the residence. The upper 30 inches will use wrought iron material that will allow visibility into the property as required by the Police Department and Fire Authority. The fence complements the design of the residence, with the material and design of the wall compatible

with the style of architecture. Further, the fence will be consistent with other fences in the neighborhood. A survey of the surrounding area found that fences range from three feet to almost six feet in height. Although these fences are legal nonconforming, approval of the proposed fence will not be out of character for the area and will be consistent with other nearby fences.

**Table 2: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach**

<b>CEQA</b>	
CEQA Type	Exempt per Section 15303(e) "New Construction or Conversion of Small Structures"
Document Type	Categorical Exemption (ER No. 2019-26)
Reason(s) Exempt or Analysis	Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; and, accessory structures such as garages, carports, swimming pools and fences.
<b>Strategic Plan Alignment</b>	
Goal(s) and Policy(s)	Approval of this item supports the City's efforts to meet Goal No. 5 (Community Health, Livability, Engagement and Sustainability) Objective No. 4 to support neighborhood vitality and livability.
<b>Public Notification &amp; Community Outreach</b>	
Required Measures	A public notice was posted on the project site on March 28, 2019
	Notification by mail were mailed to all property owners and occupants within 500 feet of the project site on March 27, 2019
	Newspaper posting was published in the Orange County Reporter on March 29, 2019
Additional Measures	The president of the Riverview West Neighborhood Associations was contacted by phone and notified of this public meeting. No issues were raised at the time of contact.

## **Conclusion**

Based on the analysis provided within this report, staff recommends that the Zoning Administrator approve Minor Exception No. 2019-02 as conditioned.

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Vince Fregoso, AICP

Principal Planner

VF:

s:\Zoning Administrator\4-10-19\ME-2019-02 1105 S Flintridge.za

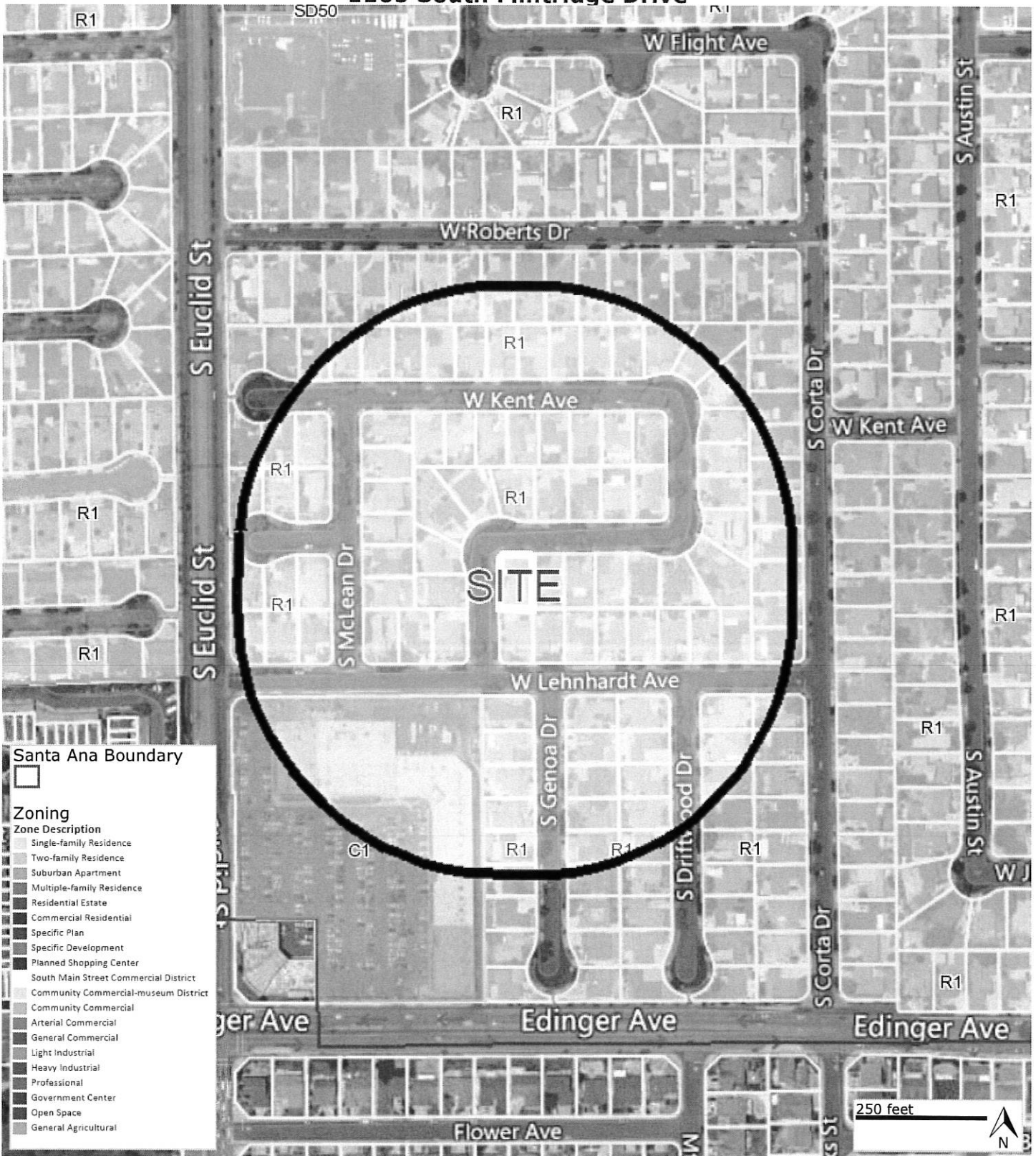
## **Attachments:**

Exhibit 1 – Resolution

Exhibit 2 – Vicinity and Zoning Map

Exhibit 3 – Site/Landscape Plan

# Minor Exception No. 2019-02, Dr. Nguyen Front Yard Fence 1105 South Flintridge Drive



**Exhibit 2 - Vicinity Zoning and Aerial View**



**From:** Bernal, Sarah  
**To:** Pezeshkpour, Ali  
**Subject:** FW: Minor Exception #2019-02  
**Date:** Wednesday, April 03, 2019 9:09:46 AM

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Zoning Administrator:

Please see below public comment regarding the matter to be heard on April 10, 2019.

**Sarah Bernal**

Phone: 714-667-2732

City of Santa Ana, Planning and Building Agency  
20 Civic Center Plaza, Santa Ana, CA 92702

City Hall is closed every other Friday. Click [here](#) for dates.

 Please consider the environment before printing this email. Thank you

**From:** Roy Melcher <[REDACTED]>  
**Sent:** Tuesday, April 2, 2019 3:58 PM  
**To:** eComment <[eComment@santa-ana.org](mailto:eComment@santa-ana.org)>  
**Cc:** Fregoso, Vince <[VFregoso@santa-ana.org](mailto:VFregoso@santa-ana.org)>  
**Subject:** Minor Exception #2019-02

**Re: Zoning Administrator**

Ms. Sarah Bernal,

My Wife Julie and I are 53 year residents of Santa Ana and we are active in multiple community oriented city organizations. We are against the subject minor exception due to the negative proliferation of citizens projects in our area that do not comply with previously established Santa Ana city ordinances. Our city has too many scofflaws modifying their properties without proper permits as it is. Now, city standards controlling these standards are being changed via zoning exceptions.

It is your responsibility to control the scofflaws and the citizens wanting to take exceptions that are unwarranted and only for perceived decorative reasons which may be unwanted by neighbors. Please reject this minor exception and require the requestor to comply with current building requirements for the good of the community.

Respectfully,

Roy and Julie Melcher

**From:** [Mitre-Ramirez, Norma](#)  
**To:** [Bernal, Sarah](#); [Magalona, Jocelyn](#)  
**Cc:** [Fregoso, Vince](#)  
**Subject:** FW: Zoning Administrator, Sarah Bernal  
**Date:** Thursday, April 04, 2019 2:51:51 PM

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Good Afternoon,

The following communication has been received for your review and consideration.

Respectfully,

Norma Mitre  
Acting Clerk of the Council  
City of Santa Ana | Clerk of the Council Office  
20 Civic Center Plaza | Santa Ana, CA 92701  
714-647-5237 | [nmitre@santa-ana.org](mailto:nmitre@santa-ana.org)

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**From:** Keith Carpenter [REDACTED]  
**Sent:** Thursday, April 4, 2019 1:33 PM  
**To:** eComment <[eComment@santa-ana.org](mailto:eComment@santa-ana.org)>  
**Subject:** Zoning Administrator, Sarah Bernal

To whom it may concern;

This email is in response to the NOTICE OF PUBLIC HEARING for a Minor Exception No. 2019-02 for the property located at 1105 S. Flintridge Drive.

I am opposed to the granting of the exception for the following reasons;

1. there is no justification for a four foot fence in the front yard.
2. granting this exception will only encourage more exceptions and degrade the overall character of the neighborhood.
3. the construction style of the home located at 1105 S. Flintridge Drive does not maintain the character of the neighborhood. The home is quasi Spanish hacienda style whereas the neighborhood is predominately single story ranchers. A tall fence will further degrade the neighborhood character.
4. the home located just south of 1105 S. Flintridge Drive, 5013 Lehnhardt Drive, was required to lower their fence to comply with the City's fence requirements and maintain the neighborhood character

In keeping with the City's goal of improving the City "one neighborhood at a time" this exception must not be granted for the betterment of the neighborhood as a whole.



It is time the good of the many out weighs the benefit of the few.

Thank you

Keith Carpenter

