

RESOLUTION NO. 2026-09  
RESOLUTION OF THE ZONING ADMINISTRATOR OF  
ORANGE COUNTY, CALIFORNIA  
July 16, 2026

By action of the Zoning Administrator, the following Resolution was adopted:

WHEREAS, Planning Application PA25-0165 was submitted by the applicant, Brian Dong on behalf of the owner Don Brantley, requesting approval of a Use Permit to allow for a new nine (9)-foot wall on the northeast side of the property, abutting the side yard of the adjacent neighboring property, of an existing single-family residence;

WHEREAS, the project does not alter existing land use designations, and will not result in impacts to public access, recreational amenities, or environmentally sensitive habitat areas;

WHEREAS, the project is consistent with the Orange County General Plan Land Use designation Suburban Residential (1B). This designation allows for a wide range of residential development types and densities, from estate residences on large lots to attached and multi-family housing. The permitted density range for Suburban Residential (1B) is 0.25 to 43.5 dwelling units per acre (du/ac). The proposed project of an over-height wall is accessory to the existing single-family residence use and will not change the density of the existing residence and is therefore consistent with the Suburban Residential (1B) land use designation.;

WHEREAS, the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, inclusive of the County of Orange E4 – “Small Estates” Zoning District;

WHEREAS, the proposed project is Categorically Exempt (Class 3) from the provisions of CEQA pursuant to Section 15303, because it consists of construction of limited numbers of new, small accessory structures including fences;

WHEREAS, a duly noticed public hearing was held on July 16, 2026, before the Orange County Zoning Administrator, at which time all interested persons were given the opportunity to be heard, and the Zoning Administrator reviewed and considered all evidence presented, including the staff report and public testimony;

WHEREAS, the Zoning Administrator reviewed and fully considered the proposed Use Permit PA25-0165 and has heard and considered any public comments received on this request,

including the recommendations from the North Tustin Advisory Committee, and determined after review and consideration to approve Use Permit PA25-0165.

NOW, THEREFORE, BE IT RESOLVED THAT the Orange County Zoning Administrator adopts this resolution to:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 3 (New Construction or Conversion of Small Structures) pursuant to CEQA Guidelines section 15303.
2. Adopt Planning Application PA25-0165 for a Use Permit to allow for a new 9-foot wall on the northeast side of the property, abutting the side yard of the adjacent neighboring property, subject to the Findings and Conditions of Approval contained within the Resolution.

**Recommended Findings:**

1. General Plan
  - a. The General Plan Land Use designation for the project site is Suburban Residential (1B). This designation allows for a wide range of residential development types and densities, from estate residences on large lots to attached and multi-family housing. The permitted density range for Suburban Residential (1B) is 0.25 to 43.5 dwelling units per acre (du/ac). The proposed project of an over-height wall is accessory to the existing single-family residence use and will not change the density of the existing residence and is therefore consistent with the Suburban Residential (1B) land use designation.
2. Zoning Code
  - a. The use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, inclusive of the County of Orange 100-E4 – “Small Estates” Zoning District.
3. California Environmental Quality Act (CEQA)
  - a. The proposed project is Categorically Exempt (Class 3) from the provisions of CEQA pursuant to Section 15303, because it consists of construction of limited numbers of new, small accessory structures including fences.
4. Compatibility
  - a. The location, size, design and operating characteristics of the proposed 9-foot wall on the northeasterly side yard will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

5. General Welfare

- a. The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare because the proposed project was evaluated for CEQA compliance and the required findings per the Zoning Code can be made to allow for the proposed 9-foot high wall to be located in the northeasterly side yard of the existing residence.

6. Public Facilities

- a. The approval of the permit application complies with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).

7. Use Permit – Over-Height Wall

- a. The proposed height and location of the new 9-foot wall will not create a traffic hazard. The proposed wall is located on the northeast side of the property, abutting the side yard of adjacent neighboring property. The proposed wall will not be near any road or driveways and will not create a hazard to traffic.
- b. The location, size, design, and overall characteristics of the 9-foot wall will not create conditions that are objectionable, detrimental, or incompatible with permitted residential uses in the vicinity. The over-height retaining wall is necessary to accommodate the site's natural slope and to stabilize the property in a manner that minimizes grading and visual disruption. The proposed wall will match the style and height of walls in the surrounding properties, which also share a similar sloping topography. The applicant will obtain all required building permits prior to construction to ensure the wall conforms to current building codes.

**Recommended Conditions of Approval:**

1. Basic/Zoning Regulations

- a. 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

- a. 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, unless a valid extension is approved.

3. Basic/Plan

- a. 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

- a. 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

- a. 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

- a. 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. California Building Code Compliance

- a. Prior to the issuance of any building permits and throughout all phases of construction, the project shall comply with all applicable requirements of the current California Building Code (CBC), as adopted and amended by the local jurisdiction. Compliance shall be demonstrated to the satisfaction of the Building Official.

8. Geology Report

- 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.

9. Approval from Neighboring Property Owner

- a. Prior to Building Permit Issuance, the applicant shall obtain a notarized approval to grade off-site from the neighboring property owner located at 11641 Marble Arch Drive, Santa Ana CA 92705, allowing for the construction of the retaining wall and fence on their property, if the wall encroaches into the adjacent property, as depicted on the approved site plans.

I HEREBY CERTIFY that the foregoing Resolution No. 2026-09 was adopted on July 16, 2026 by the Orange County Zoning Administrator.

---

By: Justin Kirk, Deputy Director OC Public Works  
ORANGE COUNTY ZONING ADMINISTRATOR