



DATE: July 16, 2026

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning

SUBJECT: Use Permit PA25-0165 for a new nine-foot wall on the northeasterly side yard of an existing single-family residence.

PROPOSAL: The applicant is requesting approval of a Use Permit to allow a nine-foot wall on the northeast side of the property, abutting the side yard of the adjacent neighboring property, where six feet is the maximum permitted wall height.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

ZONING DISTRICT: 100-E4 "Small Estates"

LOCATION: 11651 Marble Arch Drive, Santa Ana, California, 92705 within the Third Supervisorial District

APPLICANT: Brian Dong, Agent

STAFF CONTACT: Josias Gonzalez, Senior Planner
Josias.Gonzalez@pw.oc.gov, (714) 667-8898

RECOMMENDED ACTIONS:

OC Development Services/Planning recommends the Zoning Administrator:

1. Receive staff report and public testimony; and
2. Adopt Zoning Administrator Resolution No. 2026-09 (Attachment 1)
 - a. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 3 (Small Structures) pursuant to CEQA Guidelines section 15303.
 - b. Approve Planning Application PA25-0165 for a Use Permit to allow for a new nine-foot wall on the northeast side of the property, abutting the side yard of adjacent neighboring property, subject to the Findings and Conditions of Approval contained within the Resolution.

INTRODUCTION

BACKGROUND:

The subject site is located at 11651 Marble Arch Drive, Santa Ana, California, on Lot 41 of Tract No. 3596. The property is zoned 100-E4 – "Small Estates" District.

EXISTING CONDITIONS

The property is approximately 10,906 square feet in size and has an approximate width of 100 feet and depth of 107 feet. The subject site is a square shaped corner lot with a curved property line along the front and southwest side yard. The property is situated on a sloping parcel with elevation changes towards the northeast of the property. The property is adjacent to Flaminian Way, and has an existing 2,732 square-foot, two-story single-family dwelling with a detached 2-car garage. The existing house was built in 1960.

SURROUNDING LAND USES

The project site is a residential use and is surrounded by existing residential uses. The zoning and existing land use for surrounding properties are as follows:

Direction	Zoning District	Existing Land Use
Project Site	100-E4 – “Small Estates”	Single-Family Dwelling
North	100-E4 – “Small Estates”	Single-Family Dwelling
South	100-E4 – “Small Estates”	Single-Family Dwelling
East	100-E4 – “Small Estates”	Single-Family Dwelling
West	100-E4 – “Small Estates”	Single-Family Dwelling

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 seeking approval of a Use Permit for over-height walls, taller than eight feet in height, on the northeasterly side yard. The existing six (6)-foot concrete masonry unit (CMU) wall is currently experiencing structural failure and deflection due to a previous 30-inch slope removal conducted on the adjacent parcel (11641 Marble Arch Drive). The proposed scope of work involves the demolition and replacement of the compromised 89.1 linear foot wall with a retaining wall (ranging from 2.33 feet to 2.94 feet in height) surmounted by a 6-foot fence, thereby stabilizing the grade while maintaining residential privacy.

DISCUSSION/ANALYSIS

GENERAL PLAN CONSISTENCY

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.

ZONING CODE CONSISTENCY

Below is a table comparing the applicable development standard for E4 “Small Estates” District with the proposed project:

**Project Comparison with 100-E4 “Small Estates” District
Site Development Standard**

<u>STANDARD</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Walls and Gates in Setback	6 feet side and rear setback	9 feet maximum wall height in the northeast side*

*indicate deviation from development standards

Use Permit – Over-Height Wall

The proposed project involves the demolition and replacement of an 89.1 linear foot wall with a retaining wall (ranging from 2.33 feet to 2.94 feet in height) surmounted by a 6-foot fence. On the northeast side of the property, abutting the side yard of adjacent neighboring property, where the Zoning Code allows a maximum wall height of 6 feet, the project proposes an over-height retaining wall/fence with a maximum exposed height of 9 feet, as illustrated in the Plans (Attachment 4).

Pursuant to Zoning Code Section 7-9-64(f), exceptions or modifications to fence and wall height standards may be approved through a Use Permit for fences or walls exceeding 8 feet in height, subject to approval by the Zoning Administrator in accordance with Section 7-9-125. In addition to the findings required under Section 7-9-125, approval of a fence or wall height Use Permit requires findings to be made that:

1. The proposed height and location will not create a traffic hazard.
2. The location, size, design, and overall characteristics of the fence or wall will not create conditions that are objectionable, detrimental, or incompatible with permitted uses in the vicinity.

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.

Compatibility:

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 not create conditions or situations that are objectionable, detrimental, or incompatible with the surrounding residential uses. 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.

FINDINGS

Proposed PA25-0165 Use Permit is consistent with:

1. General Plan – 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 – 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.
3. California Environmental Quality Act (CEQA) - 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 - The location, size, design and operating characteristics of the proposed 9-foot wall on the northeasterly side yard along the property line, will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.
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 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 - The approval of the permit application complies with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
7. Over-Height Wall Use Permit (Height and Location) – 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.
8. Over-Height Wall Use Permit (Location, Size, Design) – 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.

Therefore, the findings required under Zoning Code Sections 7-9-125.6 and 7-9-64 (f) can be made in support of this request for a Use Permit to demolish the existing wall and replace with a new 9-foot wall on the northeast side of the property, abutting the side yard of adjacent neighboring property.

REFERRAL FOR COMMENT

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions – Building and Safety, Traffic, Civil Engineering and Geotechnical Division. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval.

As required by the Bylaws of the North Tustin Advisory Committee (NTAC), the project was referred to the NTAC for review and comment. The NTAC recommended approval of the project at their meeting on June 17, 2026.

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

COMPLIANCE WITH CEQA

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.

CONCLUSION

Staff has reviewed the applicant's request for a Use Permit and found the proposed project to be compatible with adjacent residential uses, including similar previous approvals. Staff supports approval of the project subject to the attached Findings and Conditions of Approval within Resolution No. 2026-09.

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 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:

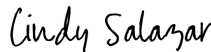
Signed by:



Josias González, Senior Planner
OC Development Services/Planning

Concurred by:

DocuSigned by:



Cindy Salazar, Division Manager
OC Development Services/Planning

ATTACHMENTS:

1. Zoning Administrator Resolution No.2026-09
2. Vicinity Map
3. Project Map
4. Plans