

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**  
**ZONING ADMINISTRATOR – AGENDA ITEM**

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**DATE:** July 26, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA010049

**PROPOSAL:** Use Permit/Site Development Permit for grading in excess of 500 cubic yards on 15% slope and one wall in excess of the permitted 6' height within the side and rear setback areas.

**LOCATION:** 1742 Lemon Heights Drive, Santa Ana in the Lemon Heights area (District #3).

**APPLICANT:** Gary Karamardian - property owner  
Rick Rouland Associated Group - agent

**STAFF CONTACT:** Chad Brown, Project Manager  
Phone: (714) 834-2179 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA 01-0049 subject to findings and conditions.

**BACKGROUND:**

The project site is an irregularly shaped 20,722 square feet lot with an existing single-family dwelling. The site is zoned 125-E4-20,000 "Small Estates" District. The purpose of the "Small Estates" District is to maintain low to medium density single-family residential neighborhoods where deep setbacks predominate. Currently the rear of the house is approximately 60 feet from the rear property line. The lot slopes sharply down from the rear of the house to the rear property line. From the first level of the house to the rear property line, the rear yard drops approximately 25 feet in elevation.

To create usable space in the backyard, an over-height retaining wall is proposed. The proposed retaining walls in the rear and side setback areas vary in height from 7 to 18 feet. The walls exceed the development standard height of 6 feet within a setback area and therefore require a Use Permit subject to Section 7-9-137.5 of the Zoning Code. Additionally, the project involves grading of over 500 cubic yards on a site with an average slope greater than 15 percent. Therefore, a Site Development Permit is required per Zoning Code Section 7-9-139 and is included with this proposal. A total of 1,000 cubic yards of grading, all fill, is expected for this proposal.

In 1998 a similar proposal was presented to the Zoning Administrator, PA 97-0157. The proposal requested over-height retaining walls and fences, grading in excess of 500 cubic yards on slopes in excess of 15 percent, and landscaping. During the public hearing proceedings for PA 97-0157, neighbors expressed concerns regarding drainage. However, with confidence that detailed engineered studies were required to obtain necessary grading permits, the Orange County Zoning Administrator conditionally approved the Planning Application on March 12, 1998.

In addition to the wall and grading elements of this current application, other planned improvements on the property, not relating to this planning application, call for renovating a portion of an existing wooden deck, demolishing existing concrete stairs that lead to the existing wooden deck, removal of existing driveway and replace with new driveway, and removing existing concrete walk and replace with new concrete walk.

**SURROUNDING LAND USE:**

The site and all surrounding land use is zoned 100-E4-20,000. The surrounding land use is all single-family residential with lot sizes from 20,000 square feet to 2 acres.

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. The proposal was distributed for review and comment to seven County divisions for review and comment. Those comments have been addressed and/or the recommended conditions of approval are included within Appendix B.

As of the writing of this staff report, comments on the project have been received from the Geotechnical and Grading Section. They are asking for a grading permit, segmental wall calculations for internal and external stability, and compliance with footing setback criteria from O.C. Grading Code and the UBC (Universal Building Code). Comments have also been received from Subdivision and Grading recommending implementation of standard drainage conditions of approval that will facilitate a full review of the site drainage.

**NTAC COMMENTS:**

North Tustin Advisory Committee reviewed the proposal during their meeting on June 20, 2001. Concerns from adjacent downstream property owners were raised regarding the potential increased run-off from the proposed improvements. NTAC evaluated concerns expressed by surrounding property owners and recommends in their action that the County evaluates the site drainage. NTAC unanimously recommended approval, subject to County review of drainage details and existing drainage infrastructure capacity, grading hours of operation are to comply with County Noise standards, and streets and driveways are to be repaired at the applicants expense if any construction related damage is to occur. A copy of the NTAC minutes from the June 20, 2001 meeting is included as Exhibit 3 of this report.

**CEQA COMPLIANCE:**

The proposed project is covered by an Addendum to Negative Declaration PA970157, which was filed on November 10, 1997, and approved and certified on March 12, 1998. Prior to project approval, the decision maker must assert that together they are adequate to satisfy the requirements of CEQA for the proposed project.

**DISCUSSION/ANALYSIS:**

This Planning Application proposes two retaining keystone walls to be constructed and backfilled to create a flat, usable back yard area. The space will be used to construct a lower level concrete deck with

planters. To implement the proposed plan, approximately 1,000 cubic yards of earth is required to be imported to the project site. Keystone walls are systematically constructed with compacted backfill material and layers of geo-grid material that uses gravity and engineering for stability. Keystone walls also possess an undulating face that allows vine material to grow, as proposed in the landscape plan to soften the external appearance.

It should be noted that the current design of the proposed project is smaller in scope than the previously approved project described above that was never implemented. There are several differences between the two Planning Applications. Previous plans proposed a sump pump to transfer drainage back up to Becknoll Lane. Currently, the new plan proposes to implement a 6-inch drainage line that connects to an existing drainage line, which is located behind the residence. The previous plan also proposed more hardscape and another wall that extended further into the rear set back area. Previously, the plan called for a retaining wall two feet from the rear property line, the current proposed retaining wall is approximately 12 feet from the back property line.

Neighbors below the Karamardians' have voiced concern regarding overloading the drainage system in the area. Staff has contacted Subdivision and Grading Services and discussed the proposal's drainage plan. Subdivision and Grading Services staff does not identify any issues from the proposed plan and has expressed that the existing drainage facilities infrastructure should be sufficient to carry the drainage from the proposed plan. Additionally, Subdivision and Grading staff has stated to staff that they would not expect a significant increase in surface drainage run-off from the proposed plan and that the proposed plan will eliminate some of the current sheet flow over the existing slope into the adjacent properties. However, in order to insure run-off is correctly and safely drained from the property, several conditions have been issued from Subdivision and Grading Services. Prior to issuance of a grading permit, a drainage study will be required indicating volumes and any drainage improvements that may need to be completed or improved. Additionally, a grading soils report will need to be completed before a grading permit will be issued. These subsequent detailed studies will insure proper and sufficient drainage of the project site. These conditions can be found in Attachment B.

Landscaping and screening shall be used to minimize visual impacts of the surrounding neighborhood. The proposed landscaping will soften the wall's appearance viewed from the property owner to the rear of the site. The landscape improvements proposed in the vicinity of the proposed retaining walls include bougainvillea vines on the face of the wall and numerous 24 inch boxed size trees between the wall and the rear property line. The trees include various fruit trees, and Brisbane trees. Together the vines, proposed groundcover, and tree plantings will mature to conceal the apparent mass of the wall. In addition to the new trees, existing California Pepper trees along the perimeter of the property are to remain in place.

Before the Zoning Administrator can approve this request for over height walls, Zoning Code Section 7-9-139.5(f)(2) requires the following special findings addressing over height fences and walls must be made:

The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

Staff believes the Zoning Administrator is able to make this finding because of the setback from the property line that allows for implementation of landscaping that will screen the wall from adjacent properties. Additionally, staff notes that other properties in the neighborhoods surrounding the project site have obtained approval of over height walls. Staff has included the finding above in Attachment A of this report for consideration.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 010049 for Gary Karamardian subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief  
Site Planning and Consistency Section

**ATTACHMENTS:**

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Environmental Documentation
- 3. NTAC June 20 Meeting Minutes
- 4. Site Photos
- 5. Project Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Orange County Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee filed at the Development Processing Center, 300 N. Flower St., Santa Ana.