



**FILE:** PA05-0021

**DATE:** June 24, 2005

**TO:** File/Record/Applicant

**FROM:** Timothy S. Neely, Director, RDMD/Planning and Development Services

**SUBJECT:** Planning Application PA05-0021 for Site Development Permit

**LOCATION:** 11062 Gold Star Lane, Lemon Heights unincorporated area

**APPLICANT:** Jo and Steve Tucker, property owners  
Bart Stryker, Stryker Engineering, civil engineer

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**I. NATURE OF PROJECT:**

Applicant requests approval of an administrative Site Development Permit for grading in excess of 500 cubic yards on slopes greater than 15% for future single-family dwellings per Condition of Approval 1 of TPM 2004-198. Condition of Approval 1 states: "Prior to the issuance of any grading permits and prior to recordation or any extension of time to record, the applicant shall obtain an approved Site Development Permit, per Zoning Code section 7-9-139 and section 7-9-150. Such permit shall demonstrate that the project area can be developed as two building sites in compliance with all site development standards and in a manner that is compatible with existing nearby residential development..."

The property and the surrounding properties are zoned E4/20000. The plan involves grading approximately 6,800 cubic yards, mostly fill, to create a new private road/driveway serving two single family dwellings, plus a very large and mildly sloped fire-fighting equipment apparatus turnaround. "Nested" retaining walls to support the drive and turnaround and the pad for one house to be built at this time are involved. While said walls never appear to be more than 8 feet in height, they structurally connect to one another and thus technically are much higher when height is measured from the very top of the highest wall to the lowest portion of any wall that it touches at any point. For example, the top of the highest wall on the house pad is at 538 feet above MSL, while the grade below the lowest connected wall is 508. Similarly, the top of the highest connected wall above the driveway is at 552, while the lowest point below another connected wall is 539.

These walls are a considerable distance from any setback lines, and thus present no requirement for a use permit, regardless of their interconnected height.

Most important in this application is that one stretch of an entire drainage course is being relocated around the house pad. The existing drainage structure is not simply being buried, but that stretch identified on the plans is being physically demolished and removed.

The North Tustin Specific Plan Board of Review examined this proposal on April 19, 2005 and unanimously recommended approval with a condition that a debris barrier be installed. Although this would be accomplished through compliance with standard County NPDES measures for all grading permits, such a specific condition has been included in the recommended action.

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**II. REFERENCE:** (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code Section 7-9-150 "Discretionary Permits and Procedures"; and Section 7-9-139(b)(2), "Grading and Excavation".

**III. ENVIRONMENTAL DOCUMENTATION:**

The proposed project is covered by a Negative Declaration, which became final on June 8, 2005. Mitigation measures were included to address geology, drainage, a construction haul route, line of sight at driveway/street intersections, and construction noise. These mitigation measures have been transposed into recommended conditions of approval for the project. Prior to project approval, the decision-maker must conclude this ND is adequate to satisfy the requirements of CEQA for the proposed project. An appropriate finding to that effect is included.

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**IV. CERTIFICATION:**

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Timothy S. Neely, Director  
Planning and Development Services

By: \_\_\_\_\_

John B. Buzas, Manager  
Land Use Planning Division

**ATTACHMENTS:**

Appendix A - Findings  
Appendix B - Conditions of Approval

**APPEAL PROCEDURE**

Any interested person may appeal the decision of the Director 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 of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.