

APPLICANT: OCHAL
ADDRESS: #1008
PROJECT: 3025 TRACT: 3125 LOT: 3
SCOPE OF WORK: NEW RESIDENCE W/MAJOR LANDSCAPE/HARDSCAPE
SUBMITTAL: PRELIMINARY RESUBMITTAL W/ VARIANCE
(Previously Deferred)
ARCHITECT: Scott Laidlaw
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LANDSCAPE ARCHITECT: Michael Dilley
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Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE RECOMMENDATION: APPROVAL OF THE PROJECT AND APPROVAL OF THE VARIANCE

HISTORY OF SUBMITTALS:

- | | | |
|-----------------|--------------------|--------------|
| • November 2021 | CONCEPT | ACKNOWLEDGED |
| • January 2022 | PRELIMINARY | DISAPPROVED |
| • February 2022 | PRELIMINARY RESUB. | DEFERRED |

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

The scope of work indicated in the Submittal Application is a new residence of approximately 6,156 SF, which includes a 3-car garage. Overlays were provided.

The areas indicated on the submittal are: EBCA calculation**

	Preliminary	Proposed	Change
• Upper Level	2,797.35 SF	2,749.58 SF	-47.77 SF
• Lower Level	2,534.67 SF	2,534.67 SF	0 SF
• Garage	871.75 SF	871.75 SF	0 SF
• Cantilevered Deck	944.33 SF	622.99 SF	-321.34 SF
• Supported Deck	172.44 SF	617.42 SF	+444.98 SF
• Roof Deck	430.93 SF	422.79 SF**	-8.14 SF

Proposed changes include:

- Upper Deck pushed back +/-2' from street with Southwest corner pushed 3' further from side yard
- Second floor lowered 1'
- Roof planes and ridges lowered from 1' to 4'-9"

- Side yard stair windows reduced in size; door made solid

A Variance Request has been submitted to allow the following proposed non-conforming elements:

- The applicant is proposing a sloped roof of 1.5:12 pitch. Total flat roof for the proposed new home exceeds 15%.

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: Spa, BBQ, paving, planting, irrigation.

STAFF ARCHITECTURAL FINDINGS:

1. ARCHITECT STAMP (Section B.2): The plans are stamped and signed. **OK**
This will be verified at each submittal.
2. ARCHITECTURAL REVIEW - SUBMITTAL COMPLETENESS (Section B.5): Submittal is generally complete enough for review. **OK**
3. LOT COVERAGE (Section C.1): A structure shall not exceed 40% coverage of the lot. Lot coverage shall be calculated as the total area of the roof less the overhang including anchored decks. Elevated surfaces (patios, pools, planters) greater than 5'-0" above finished grade is included in lot coverage. Cantilevered decks and covered below grade structures less than 6'-6" in height are not included.
A signed copy of the 1960 topo plan was submitted.
The lot coverage is stated on the Submittal Application as $3,556.99 / 9,180 = 38.7\%$ (reduced from 38.9%). **A separate Lot Coverage overlay was provided. OK**
4. SETBACKS (Section C.2): The structure appears to respect the 5'-0" minimum setbacks on 3 sides. **The roof/gutter projection appears to extend beyond 2' at the rear, North, setback and must be corrected. The Garage face, South, is noted at 23'-4" with the cantilevered Deck above pushed back +/- 2' to 14'-6" from last submittal.**
5. UTILITY EASEMENTS (Section C.3): Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **These will be reviewed by the Emerald Bay Service District prior to Final approval.**
6. PARKING (Section C.4): The parking requirement shown on the Submittal Application is **5,284.25 SF**. The garage area used for required parking (430 SF + 156 SF = 586 SF) is not included in the parking calculations. EBCA calculation $6,156 - 586 = 5,570$ SF. **This requires 5 spaces, a 2-car garage plus 3 off-street parking spaces (1 may be compact). A 3-car Garage is provided plus 3 regular off-street parking spaces (1 extra) shown in the driveway. OK**
7. SERVICE YARD (Section C.5): Shown on the left (West) side yard. **OK**

8. **BACKFLOW PREVENTION DEVICES (Section C.8):** New residences and renovations/remodels/additions which include the addition of 2 or more plumbing fixtures require a backflow prevention device. **The EBSD will review at the Final review.**
9. **NUMBER OF STORIES (Section D.1):** No structure shall exceed two stories. First Basement Rule: If the elevation of the finished floor level directly above a basement is more than 6 feet above Natural Grade for more than 50% of the perimeter or is more than 12 feet at any point then it shall be considered a story. The Submittal Application indicates a structure with 2 stories. **OK**
10. **BUILDING HEIGHT (Section D.2):** The maximum height envelope for this lot is “15 feet above the highest level of the Lot or Parcel and shall not exceed 20 feet above Natural Grade” as defined by the 1960 Topo Plan. The structure appears to be in conformance. **Roof planes and ridges were lowered from 1’ to 4’-9” in several areas.**
- Chimney heights are noted at 2’ and 2’-4” above the highest ridge. Chimney heights may be limited to the minimum code requirement above adjacent roofs. **OK**
11. **COMPATIBILITY (Section D.3):** Materials are noted as smooth plaster, aluminum clad windows and doors, stained wood Garage doors, painted metal and glass railings, stone chimney and an overhead wood trellis. **Materials will be verified at Final review.**
- The Committee has received neighbors’ concerns regarding the wrap around deck to the left of the garage, front setback/ massing as well as impacted views.**
- The height of the upper deck at the southwest corner has been lowered by 1’, pushed back +/-2’ from the street and the corner notched back reducing the massing.**
- The front setbacks are much greater than the minimum 5 foot with the Garage face noted as 23’- 4”.**
- The west side yard Garage wall is setback 8’-3” to 10’ with the Deck above at 6’-8” to 7’-6” from the property line.**
- See staking comments under Committee Recommendations.**
- The Committee discussed the compatibility, massing and harmony of the proposed new residence and found it was otherwise generally consistent with the general development of the other homes on the street.**
12. **NON-CONFORMING STRUCTURES (Section D.4):** A pre-existing, non-conforming Structure or portions of a Structure may be retained where the proposed alteration does not increase the square footage by 25% or more, increase the height of the Structure such that it is above the height envelope for the Tract and there is no change to the existing broad style of architecture.
- All new elements must conform to the current Architectural Regulations.**
- Existing non-conforming elements:**
- N/A
- New non-conforming elements:**
- Rear Setback projection/ gutter.
 - Flat Roof – VARIANCE submitted

13. ROOFS (Section D.5): The intent of the roof requirements includes that design is consistent with prevailing appearances within the Community.

Roof pitch: 3:12. **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the total aggregate roof area. **No roof overlay was provided.** The wood trellis does not appear 50% open and is considered a flat roof. **EBCA calculation 574.7 SF/ 3,216 SF = 17.9%. Provide overlay. VARIANCE submitted.**

Roof materials: Slate, BUR with grey ballast. Noted as Class "A". **OK**

Roof Equipment: None shown. **OK**

Parapet: Shown above M. Bath. Appears in compliance. **OK**

14. ROOF DECKS (Section D.6): A roof deck is considered to be a covered or uncovered exterior space constructed over any part of the residence Structure or garage. Roof decks are not allowed except when the deck is directly accessible from an interior living space on the same level and the area of the deck is equal to or less than the area of the living space from which access is taken. None identified, a small portion of the Middle Level appears to be in compliance. **A roof deck occurs above the Game Room. Minor inaccuracies occur in calculation noted. EBCA calculation determined that the roof deck area is smaller than the combined area that provides direct access to the deck. OK**

15. **MATERIALS AND COLORS (Section D.7):** Actual materials samples and exterior colors are required to be submitted on a board no smaller than 11 x 17 and no larger than 18 x 24. A color rendering must be included on the board to clearly identify the location of all proposed materials and colors. **The Committee will review the color and materials at the Final review.**

16. WINDOWS AND DOORS (Section D.8): Aluminum Clad windows and doors. **OK**

17. ANTENNAS (Section D.9): None shown. **OK**

18. SOLAR PANELS (Section D.10): None shown. **OK**

19. SKYLIGHTS (Section D.11): None shown. **OK**

20. ARCHITECTURAL EXTERIOR LIGHTING (Section D.12): Light fixtures must be down lit or shielded to prevent glare or be a nuisance to neighbors. Light fixtures must be complementary to the architectural style of the residence.

Light fixtures are indicated on elevations without notation. Provide factory cut sheets of exterior lighting fixtures.

21. GUTTERS AND DOWNSPOUTS (Section D.13): Noted as copper. **OK**

OTHER COMMENTS:

- **Written comments were received from 1010 EB (Pierce), 1006 EB (Hood), 1103 EB (Holte), and 1109 EB (Peterson), objecting to various aspects of the proposed project. These were shared with the Applicant and considered by the Committee as part of its review.**

- **The Committee was informed that the Architect has scheduled meetings with the neighbors.**
- **Location of windows facing neighbors were considered. A large window configuration facing 1010 EB is located at the rear stairwell. Additionally, the side door as shown has glazing. Window and door configuration was lowered along with the floor level. Window massing was also reduced.**

STAFF LANDSCAPE FINDINGS:

1. **SUBMITTAL COMPLETENESS (Section B.5):** Submittal must be generally complete enough for review. **OK, except for items described below.**

2. **LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits):** Except for fences and walls, structures are 5' from PL. **OK**

UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. **Submit at time of final**

3. **LOT COVERAGE (Sec C.1):** Landscape features such as raised patios and/or freestanding structures must not create a lot coverage overage. **OK**

4. **SITE DRAINAGE (Sec C.6):** A conceptual grading and drainage plan must be included, generally showing adequate site drainage. **OK**

5. **CURBS AND GUTTERS (Sec C.7):** For new residences and major remodels, plans must show complete replacement of curb and gutter along entire street frontage with reference to EBSD requirements. **OK**

6. **BACKFLOW PREVENTION (Sec C.8):** A backflow prevention device must be installed for proposed irrigation systems and must not be located on Association Property. **Show at time of final submittal.**

7. **EXTERIOR MECHANICAL EQUIPMENT (Sec E.1):** Mechanical equipment shall not be located in easement areas. **OK**

Mechanical spa equipment appears to be screened from view. **Probably...7' walls surround the mechanical area**

Noise impacts on adjacent neighbors must be avoided and/or minimized. **Reviewed at time of acoustical report submittal.**

An acoustical report prepared by a qualified expert is submitted showing that anticipated noise impacts are less than the County maximum at the nearby property lines. **Submit at time of final submittal for the AC units and spa.**

Acoustical report assumptions and recommendations are consistent with submittal drawings. **Reviewed at time of final**

8. EXTERIOR LIGHTING (Sec E.2): Landscape lighting proposals must be shown and must appear to limit glare and annoyance. **OK**

9. FENCES, WALLS, AND HEDGES (Sec E.3):

In front yard setback areas fences, hedges, and walls are to be 4' high or less as compared to adjacent top of curb elevations. For corner lots, the maximum height is 3'. **OK**

Between the front yard setback and the house structure fences, walls, hedges, railings or other features are to be 4' high or less compared to finished grade. **OK**

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape. **OK**

In side yard and rear yard setback areas fences, hedges, and/or walls must be 6' high or less as compared to existing grade along neighbor's side of property line. **Probably OK, except a few spot elevations are incorrect: on sheet A201 a finished surface elevation in east side yard is shown as 261 when it should be 260; on A100 at east side yard gate the TW and FG elevations are incorrect and overheight; on Section 1 Sheet A300 the wall scales at 7' instead of max 6'; and the height of the east side yard gate should be shown and confirmed as conforming.**

Property line fences, walls, and footings must be constructed completely on the subject property. **OK**

Block walls are finished on all sides. **OK**

At the street fences, walls, and railings must be held back a minimum of 18 inches from face of curb. **OK**

10. PLAY EQUIPMENT AND PLAY HOUSES (Sec E.5): Issues of noise and visual impact have been adequately addressed. **None proposed. NA**

11. MAILBOXES (Sec E.6): Design and location must be shown. **OK**

12. OUTDOOR FIREPLACES, FIREPITS, COOKING ELEMENTS (Sec E.7): Outdoor fireplaces, BBQs, and ovens shall be a minimum of 5' clear of any property line and must be gas only. **OK**

The minimum setback for any open firepit shall be a minimum of 10'. **None proposed. NA**

13. WATER FEATURES, SWIMMING POOLS, SPAS (Sec E.8): Pool and spa structures are located entirely outside the 5' utility easement area. **OK**

Issues of noise and visual impact must be adequately addressed **OK**

Security/pool fencing is shown. **NA. Spa is on deck inaccessible except through house.**

14. PARKWAY ACCESS (Sec E.12): Planting and paving within 18-24" of face of curb shall allow for convenience of on-street parking **OK**

15. IMPROVEMENTS ON EBCA PROPERTY (Section C, Part 21): Trees, hedges, and structures are not proposed on EBCA property. **OK**

16. POTENTIAL OBSTRUCTION OF VIEW (Sec A.5): Trees and shrubs must not unreasonably block a neighbor's view. **A tall hedge in the east sideyard (Laurus may impact views for uphill neighbor's downstairs window. Two of three Olives have been staked, at 14'-15' instead of mature height. The Olive closest to the entry and the street isn't on the staking plan but was apparently staked at 20'. The two Olives closest to the uphill neighbor could feasibly and significantly impact views.**

17. PREPARATION BY LANDSCAPE ARCHITECT (Sec B.2): **OK**

18. FUEL MODIFICATION (Sec E.14): Highly flammable target species shall not be proposed. **OK**

Perimeter properties appear to be consistent with Orange County requirements for Zone A. **OK**

19. OTHER:

- **Applicant may wish to consider OCFA guidelines for defensible space and fire safety, including vegetation close to structure, vertical and horizontal separation, etc.**
- **The rear yard eave and gutter extend into rear yard setback more than 2'**
- **Grading intent between the service yard and the street is unclear. It is unclear why service yard wall needs to be 8.5' tall.**

FINAL COMMITTEE RECOMMENDATIONS:

1. The applicant submitted a Variance Request to allow the following proposed non-conforming element:

- The applicant is proposing a sloped roof of 1.5:12 pitch. Total flat roof for the proposed new home may exceed 15%.

Applicant stated benefits to the Community:

- The requested reduced roof slope is required to preserve more of the uphill neighbors existing views.
2. The Committee recommended Deferral of the project in February to allow applicant time to allow proper viewing of the staking by the committee and by adjacent neighbors. The following items were adequately addressed. Therefore, the Committee recommends **Approval of the Project** and **Approval of the Variance.**

The Committee viewed the staking and finds:

- i. The front setbacks appear to be consistent with the neighboring homes and are adequate.
 - a. The Committee requests a better solution for the oversized stucco chimney to be addressed prior to the EBCA Board of Director's meeting. **Reduced OK**
 - b. The Committee encourages the applicant to continue to work with neighbors to evaluate if there are opportunities to address their concerns. **OK**
 - c. Eave/gutter encroachment in rear yard setback is greater than the allowed 2'. **Reduced OK**
 - d. Provide roof overlay for flat roof percentage. **Provided OK**
 - e. Provide factory cut sheets of exterior lighting fixtures. **Provided OK**
 - f. Regarding tall trees in front, delete two Olives furthest uphill in front, one marked by stake #51 and the one near the front entry. Propose locations and/or smaller trees that will not rely on significant periodic pruning to avoid view impacts. **Replaced with Pineapple Guava OK**
 - g. Revise incorrect elevation callouts as described in Section 9 above, confirm conformance with height restrictions in setback areas. **Corrected OK**
 - h. Delete tall Laurus hedge in east sideyard between house and street **Removed OK**
 - i. Clarify the grading intent of the area between the service yard and the street, lower service yard wall (currently proposed at 8.5'). **Wall lowered OK**
 - j. Lower the tall service yard wall (which is parallel to the face of garage) by at least 12". **Wall Lowered OK**
 - k. **If packaged spa is installed with remote equipment, an Acoustical Report will need to be provided. OK**
3. At time of FINAL submittal:
- a. An executed Easement Agreement recorded with the County of Orange for improvements on EBCA property will be required. An Encroachment Permit application and exhibits prepared by a licensed civil engineer describing the area of the Easement and legal descriptions are required for EBCA to prepare the Agreement. This is required to be approved by the EBCA Board of Directors prior to the approval of the project.
 - b. Provide Trellis at Pool/AC equipment area
 - c. For review of proposed changes to the existing color and materials, a board must be submitted of actual color and material samples, not photographs.
 - d. An acoustical report prepared by a qualified expert must be submitted showing that anticipated noise impacts are less than the County maximum at the closest property line. Submitted plans must be consistent with the recommendations of the report.
 - e. Submit drawings and the application fee of \$400 to EBSD for review. Provide evidence of EBSD review and approval. The preliminary plans must be developed in sufficient detail to

confirm that there will be no structural encroachments into the 5' easement. If caissons are required for the foundation, they must be shown on the Final submittal for review by the District Engineer and approved by the Service District.

4. Note:

- a. If a Member would like to appeal the recommendation of the Architectural Committee or determination of the Board, please to the CC&Rs, ARTICLE VIII, Section 5 – Notice and Hearing Requirements.
- b. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
- c. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
- d. If it becomes necessary or desirable for the Association to utilize its easements within private property boundaries, it is the responsibility of the owner of such property to remove improvements (whether previously approved by the Association or not) to provide access and to replace or repair improvements subsequent to Association access at no cost to the Association.
- e. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction.

Committee members Chris Brown and Chris Gwaltney recused themselves and were not present for the review

Scott Laidlaw (Architect) and Dylan Ochal (Owner – via Zoom) were in attendance to further discuss the submittal.

Members Present:
Karen Pierce #1010

At their meeting on April 5, 2022 the Board voted to Approve the recommendation of the Architectural Committee and adopted Resolution 2022-04-05-01 for the Variance stated.