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## OC DEVELOPMENT SERVICES REPORT

ITEM # 1

**DATE:** December 1, 2022

**TO:** Orange County Zoning Administrator

**FROM:** OC Development Services / Planning

**SUBJECT:** Public Hearing on a Coastal Development Permit, Use Permit and Variance (Planning Application PA22-0095)

**PROPOSAL:** A request for a Coastal Development Permit, Use Permit and Variance in conjunction with the remodeling and additions to an existing two-level 3,622 square foot home. 875 square feet of new living area is proposed with an additional 32 square feet in a garage expansion. The completed project would total 5,029 square feet of living area and a 531 square foot attached garage.

The Coastal Development Permit is required for the improvements to the existing home with associated site grading. The Variance is required for reduced front setback of 8 feet, where the Zoning Code would require 13.4 feet for new construction utilizing the average adjoining setbacks criteria. The existing structure has a nonconforming front setback of 8.67 feet. A Use Permit is required to permit over-height wall of 6.5 feet in the front setback area where a maximum height of 3.5 feet is otherwise required. A Use Permit is also required to allow the required third off-street parking space to be uncovered.

**ZONING:** R1 “Single Family Residence”, with a CD “Coastal Development” Overlay and an SR “Sign Restrictions” Overlay within the Emerald Bay Local Coastal Plan area

**GENERAL PLAN:** 1B “Suburban Residential”

**LOCATION:** The project is located at 1016 Emerald Bay, Laguna Beach, CA within the Fifth Supervisorial District. (APN 053-320-73)

**APPLICANT:** Douglas and Joan Hansen, Property Owners  
Shawna Schaffner, CAA Planning, Agent

**STAFF CONTACT:** Kevin Canning, Contract Planner  
Phone: (714) 667-8847  
Email: [kevin.canning@ocpw.ocgov.com](mailto:kevin.canning@ocpw.ocgov.com)

## RECOMMENDED ACTIONS

OC Development Services/Planning recommends the Zoning Administrator:

- a) Receive staff report and public testimony as appropriate;
- b) Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under the Class 1, Class 2, and Class 3 exemptions pursuant to Sections 15303, 15302 and 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- c) Approve Planning Application PA22-0095 for a Coastal Development Permit, Use Permit, and Variance subject to the attached Findings and Conditions of Approval.

## BACKGROUND AND EXISTING CONDITIONS

The subject property is developed with an existing 3,622 square foot (approximate) single-family residence with an attached garage built in 1958. The building site was created as Lot 62 of Tract 3125, recorded in 1957. The lot is on a short cul de sac and falls away from the street level.

**AERIAL OF PROJECT SITE**





**PROPOSED PROJECT**

The project includes remodeling and additions to the existing residence adding approximately 875 square feet of new living area and an additional 32 square feet in a minor garage expansion. Minimal grading associated with the project will be an estimated 76 cubic yards of cut, 73 cubic yards of fill and 3 cubic yards of export. The residence, constructed in 1958, currently has a nonconforming front setback of 8 feet 8 inches to the garage face, however the minor garage expansion would increase this encroachment by approximately 8 inches to a proposed 8-foot front setback. Over-height privacy walls, at 6 feet 6 inches, are proposed within the front setback area, similar to what currently exists on the site.

**SURROUNDING LAND USE**

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

Direction	Zoning Description	Existing Land Use
Project Site	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
North	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
South	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
West	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
East	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling

**DISCUSSION/ANALYSIS**

Below is a table comparing the development standards for “Single-Family Residence” District with the proposed project:

**Project Comparison with R1 “Single-Family Residence” District Site Development Standards**

STANDARD	REQUIRED	PROPOSED
Building Site Area	7,200 square feet	8,814 square feet (existing)
Maximum Building Height	35 feet maximum	31 feet
Structural Front Setback	8 feet 8 inches <sup>1</sup> (existing nonconforming)	8 feet <sup>2</sup>
Structural Side Setback	5 feet minimum	5 feet minimum
Structural Rear Setback	25 feet	30 feet 9 inches
Walls within Front Setback	3 feet 6 inches	6 feet 6 inches <sup>3</sup>
Off-street parking	3 covered spaces	2 covered/ 2 uncovered <sup>3</sup>

<sup>1</sup> 13 feet 9 inches if using average of adjacent setbacks  $[8'6" + 19'1"]/2$

<sup>2</sup> Indicates Variance requested by the applicant

<sup>3</sup> Indicates Use Permit requested by the applicant

Coastal Development Permit

The project includes the remodeling and expansion of an existing residence with an attached two-car garage. Grading associated with the project will be minimal.

Within the Coastal Development Overlay zone, and specifically within the Emerald Bay Local Coastal Program (LCP), the project requires the approval of a Coastal Development Permit (Zoning Code Section 7-9-40 and Emerald Bay Local Coastal Program Section III.A.). The proposed project conforms to the goals and objectives of the LCP through its design and the application of standard conditions of approval. The project is consistent with the approved intensity of development, as well as the applicable Land Use Policies contained in LCP Section E regarding resources Management – Watershed, Environmental Hazards – Geologic and Fire Hazard.

As required by the LCP, the project was reviewed by the Emerald Bay Community Association (EBCA) and approved in July 2022. The project is compatible with surrounding development in its size, design, and massing. The subject property is not within the ‘appealable jurisdiction’ area of the LCP.

### Use Permit – Wall Height

Within the front setback area, where 3.5 feet is the maximum wall height under the Zoning Code, the project proposes two separate over-height privacy walls of 6.5 foot wall (exterior facing height) located 8 and 10 feet from the front property line and parallel to the street. The new walls would replace two existing walls of similar height that situated in approximately the same location, if not somewhat closer to the street.

### **Existing Front Walls**



Zoning Code Section 7-9-64(f), Modifications permitted, states that exceptions and modifications to the fence and wall height provisions may be permitted by approval of a Use Permit by the Zoning Administrator if the following findings can be made:

- 1) That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.
- 2) That 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.

The proposed walls will be located away from and/or parallel to the street and will not result in or create a traffic hazard. The location, size and design of the walls are consistent with similar improvements throughout Emerald Bay and will not be objectionable, detrimental, or incompatible with other permitted uses within the community. Staff recommends that the two required findings to modify permitted wall height can be made. Recommended findings are included in Attachment 1.

#### Use Permit – Uncovered Parking Space

The remodeled home proposes four bedrooms and a home office, which the Zoning Code requires be counted as a bedroom. The Zoning Code would require that a five bedroom home provide three covered parking spaces (more precisely, two covered spaces plus and one-half space – rounded up to one full space, which is also to be covered). The application requests approval of a Use Permit to permit modification of the off-street parking standards, in this instance that the third off-street space not be covered. The project is in compliance with other provisions of the Zoning Code regarding parking.

One of the standards under which the Zoning Code would permit modifications to parking standards is to allow such modifications when necessary to preserve the architectural or historical character of a structure or property with the approval of a Use Permit by the Zoning Administrator.

The Emerald Bay community has numerous situations where the development does not meet strict R1 zoning standards due to substandard lot areas (for lots created under a different zoning standard), topographical constraints where constructable areas are pushed forward on a hillside lot, and also the application of very strict local architectural controls intended to preserve ocean views and property value.

The proposed project would provide four total off-street parking spaces, two garage spaces and two uncovered in a front area away from the garage entry, however the requirement that the third parking spaces would be covered requires some relief under the Zoning Code.

The subject project is a remodel and not fully new construction, which creates conflicts to meet current Zoning standards. The nonconforming front setback of the garage area of the home, constructed over 60 years ago, does not provide for a driveway space nor would it accommodate a covered space without additional relief to permit a carport in the front yard. Staff notes that the subject property is located on a short cul de sac which permits on-street parking and that there are two properties across the street from the site that do not front onto this cul de sac, thus reducing the number of homes utilizing the street for parking opportunities.



Regarding the local architectural controls, the community's guidelines in fact impose a higher parking criterion on single family homes than does the County Zoning Code, relating the number of required off-street parking to the size of the home.

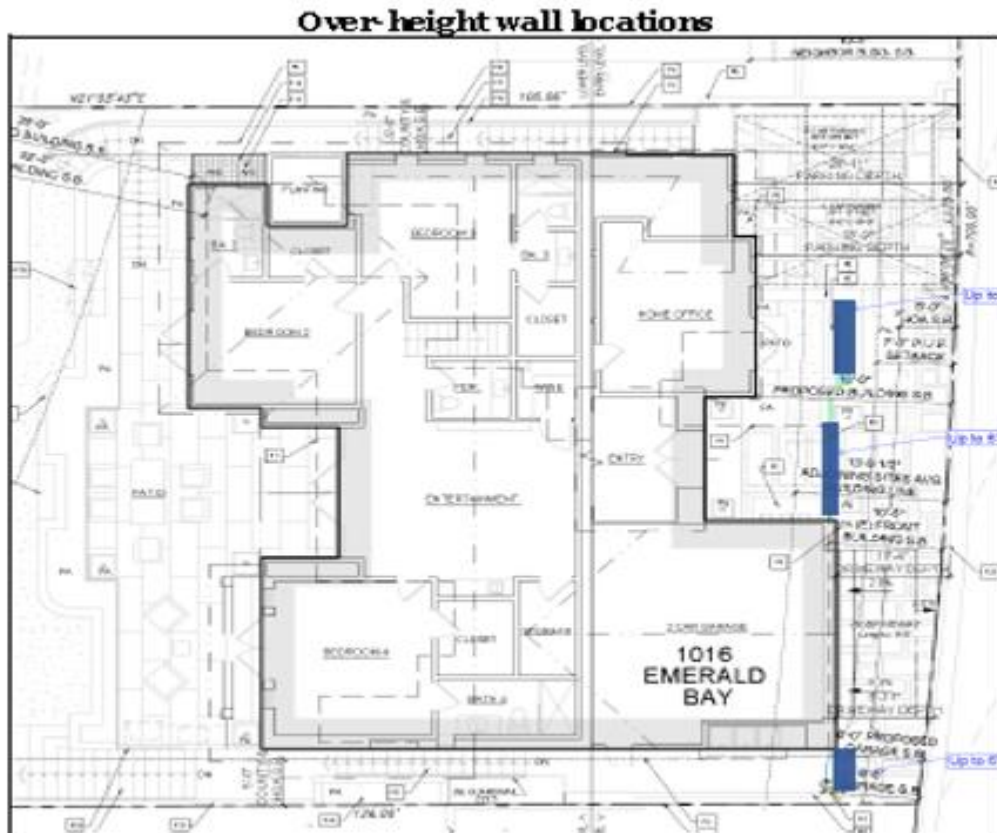
The Emerald Bay Community Association has reviewed the proposed project and found it consistent with their local design criteria. All streets within the community are private and on-street parking is regulated based upon local standards.

Staff supports the approval of the provision of the third parking space as uncovered as being necessary to preserve the architectural or historical character of a structure or property.

Use Permit for Front Walls

The subject property is a sloping lot, and the 1958 construction located the residence more forward on the lot than would be permitted under current Zoning standards. The applicant is remodeling the home and thus has constraints on meeting current standards. With the residence located closer to the street, the front walls are used to increase privacy and noise intrusion.

The Emerald Bay community is typified with many, if not most, of the properties being substandard to the assigned R1 zoning standard, of having to accommodate often steeply sloping topography, and often oddly shaped lots. These constraints apply to the proposed remodel on the subject property.



Zoning Code Section 7-9-64(f), Modifications permitted, states that exceptions and modifications to the fence and wall height provisions may be permitted by approval of a Use Permit by the Zoning Administrator if the following findings can be made:

- 1) That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.
- 2) That 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.

The proposed wall will be located away from and/or parallel to the street and will not result in or create a traffic hazard. The location, size and design of the walls are consistent with similar improvements throughout Emerald Bay and will not be objectionable, detrimental, or incompatible with other permitted uses within the community. Staff recommends that the two required findings to modify permitted wall height can be made. Recommended findings are included in Attachment 1.

#### Variance for Front Setback (Garage)

As noted above, the residence was constructed in 1958 and has a nonconforming minimum front setback of 8 feet 8 inches as measured at one corner of the garage. In the proposed remodeling of the residence, all new construction will meet current Zoning standards for setbacks, with the exception of the garage area. The applicant proposes minor improvements to the garage to increase its functionality, which would result in the front facing wall encroaching an additional 8 inches into the front setback. The minor nature of this encroachment will not be significant and will not materially alter existing conditions.

Zoning Code Section 7-9-125.6 requires that certain findings be made to approve a variance request, as follows:

- a. *Special circumstances. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations. (The special circumstances shall be specified in the adopted finding.)*
- b. *No special privileges. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations, when the specified conditions are complied with.*

Staff finds that the special circumstances relating to the property include its shape and topography, and its location in a coastal community with strict architectural guidelines. All of these are unique aspects to the subject lot and vicinity when compared to other R1 zoned properties within the County.

The community of Emerald Bay has had many previous variance requests approved for reduced front yard setbacks. The proposed setback variance would not be a special privilege as it is consistent with other approved variances within the immediate area allowing for the reasonable development of the property consistent with homes in the vicinity.

## REFERRAL FOR COMMENT AND PUBLIC NOTICE

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site and all occupants of dwelling units within 100 feet of the site (Coastal Development Permit Requirement) on November 17, 2022. Additionally, notice was published in a newspaper of general circulation in the area affected by the proposed project. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions, Orange County Fire Authority, and the Emerald Bay Community Association. All comments by County Divisions and OCFA have been addressed through incorporation of proposed Conditions of Approval provided as Attachment 2. The Emerald Bay Community Association approved the proposed project at their Board meeting in July 2022.

## CEQA COMPLIANCE

The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. (CEQA Guidelines §15300-15332). Following is a brief analysis of the project's consistency with Class 1, Class 2 and Class 3 categorical exemptions.

### *Class 1 Categorical Exemption*

The Class 1 (Section 15301) exemption provides for the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. Examples include:

*(l) Demolition and removal of individual small structures listed in this subdivision:*

*(1) One single-family residence. . .*

The project includes the demolition of an existing single-family residence and construction of a new single-family residence with attached garage spaces. Accessory structures are also listed in the Class 1 exemption, and demolition of "Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences" are exempt. The project will include demolition of an existing garage, and fences/walls as well as other hardscape improvements, all of which are addressed in the Class 1 exemption.

### *Class 2 Categorical Exemption*

The Class 2 (Section 15302) exemption consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. As noted in the Class 1 Exemption discussion above, the existing residence will be demolished, and a new residence will be constructed in substantially the same footprint as shown on the attached site plan. While Class 2 does not specifically list a single-family residence, it is noted that the exemption is not limited to the examples provided. The reconstruction of the residence is consistent with the Class 2 Exemption because the new residence will have substantially the same purpose and capacity as the structure replaced.

### *Class 3 Categorical Exemption*

The Class 3 (Section 15303) exemption consists of construction and location of limited numbers of new, small facilities or structures. Examples of the exemption include:

*(a) One single-family residence or a second dwelling unit in a residential zone. . .*

*(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*



The proposed project is eligible for a Class 3 exemption because construction of a single-family residence and the related improvements including the garage, spa, patio and fences are specifically included in the list of examples.

None of the exceptions listed in Section 15300.2 apply to the project. Each component of the project, including the demolition of the existing residence and accessory structures, and the reconstruction of the residence and accessory structures, meets criteria outlined in the Class 1, Class 2 and Class 3 exemptions. The project will not result in a cumulative impact, significant environmental effect, and will not damage scenic or historic resources and the appropriate environmental document for this project is a Notice of Exemption. Standard conditions of approval applied by the County for all construction projects of this nature will address any less than significant short-term construction related concerns.

### CONCLUSION

Staff has reviewed the applicant’s request for a Coastal Development Permit, Use Permit, and Variance and found the proposed project to be compliant with the Emerald Bay Local Coastal Program. It is an allowed Principal Permitted Use in the “Single-Family Residence” District and has been found to be compatible with adjacent residential uses, including similar previous approvals. Staff supports approval of the planning application subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:



boxSIGN 42WBV7Z1-4QWZZWW4

Justin Kirk, Division Manager  
Planning, OC Development Services

Concurred by:



boxSIGN 192X3L64-4QWZZWW4

Amanda Carr, Interim Deputy Director  
OC Public Works/Development Services

### ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant’s Letter
4. EBCA Board Approval
5. Site Photos
6. Project Plans

### APPEAL PROCEDURE

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a fee of \$500 filed at the County Administration South building, 601 N. Ross Street, 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/Planning.



**Attachment 1  
Findings  
PA22-0095**

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- 1** **GENERAL PLAN** **PA22-0095**  
 That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.
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- 2** **ZONING** **PA22-0095**  
 That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.
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- 3** **COMPATIBILITY** **PA22-0095**  
 That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.
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- 4** **GENERAL WELFARE** **PA22-0095**  
 That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
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- 5** **PUBLIC FACILITIES** **PA22-0095**  
 That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
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- 6** **CATEGORICALLY EXEMPT** **PA22-0095**  
**CUSTOM**  
 That the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under the Class 1, Class 2, and Class 3 exemptions pursuant to Sections 15303, 15302 and 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures, as discussed in detail within the project Staff Report. The project will not result in a cumulative impact, significant environmental effect or damage scenic or historic resources. Standard conditions of approval applied by the County for all construction projects of this nature will address any short-term construction related impacts.
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- 7** **FISH & GAME - EXEMPT** **PA22-0095**  
 That pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.
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- 8** **NCCP NOT SIGNIFICANT** **PA22-0095**  
 That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.

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9 **COASTAL DEVELOPMENT PERMIT 1** **PA22-0095**

That the development project proposed by the application conforms to the certified Local Coastal Program.

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10 **COASTAL DEVELOPMENT PERMIT 2** **PA22-0095**

That the project conforms to the public access and public recreation policies of the California Coastal Act.

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11 **COASTAL DEVELOPMENT PERMIT 3** **PA22-0095**

That the approval of this application will result in no modification to the requirements of the certified land use plan.

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12 **COASTAL DEVELOPMENT PERMIT 4** **PA22-0095**

That the approval of the application will result in a project which is in full compliance with the requirements of the certified land use plan.

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13 **COASTAL DEVELOPMENT PERMIT  
APPEAL AREA** **PA22-0095**

That the project is not within the appealable area of the Emerald Bay Local Coastal Program.

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14 **VARIANCE 1** **PA22-0095** **CUSTOM**

That there are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations, specifically its size and location.

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15 **VARIANCE 2** **PA22-0095** **CUSTOM**

That approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with, in that the proposed additions are in conformance with the pattern of development within the community.

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16 **FENCE AND WALL 1** **PA22-0095**

That the height and location of the over-height walls within the front setback area and the height will not result in or create a traffic hazard.

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17 **FENCE AND WALL 2** **PA22-0095**

That the height and location of the over-height walls as proposed will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

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18 **PARKING** **PA22-0095**

That the parking modification to permit the third required parking space to be uncovered will not create conditions or situations that may be objectionable,



detrimental or incompatible with other permitted uses in the vicinity and has been found acceptable by the Emerald Bay Community Association.



**Attachment 2**  
**Conditions of Approval**  
 PA22-0095

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**1 BASIC/ZONING REGULATIONS PA22-0095**

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 PA22-0095**

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 PA22-0095**

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 PA22-0095**

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 PA22-0095**

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.

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**6 BASIC/APPEAL EXACTIONS PA22-0095**

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.

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**7 GEOLOGY REPORT PA22-0095**

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.

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**8 CONSTRUCTION NOISE PA22-0095**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project’s permitted grading plans, will be considered as adequate evidence of compliance with this condition.

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**9 EROSION AND SEDIMENT CONTROL PLAN PA22-0095**

Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County’s NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

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**10 DRAINAGE STUDY PA22-0095**

If determined necessary, prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Permit Services



- A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
- B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
- C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

**11 WATER QUALITY MANAGEMENT PLAN PA22-0095**

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building and Safety, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

**12 RESIDENTIAL FIRE SPRINKLERS PA22-0095**

The building plans shall comply with Section R327 of the 2013 CRC, including required residential fire sprinklers

**13 PRIVATE LANDSCAPING PA22-0095**

A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for

landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).

B. Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.

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15                                    **STANDARD PLAN – SIGHT DISTANCE**                                    **PA22-0095**  
Prior to the issuance of a precise grading permit, the approved plans shall demonstrate compliance with Standard Plan 1117 for adequate sight distance at the driveway area.

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# CAA PLANNING

May 19, 2022

OC Public Works  
OC Development Services  
Mr. Kevin Canning, Contract Planner  
300 N. Flower Street  
Santa Ana, CA 92702

Subject: Coastal Development Permit Application, 1016 Emerald Bay, Laguna Beach, CA 92651

Dear Mr. Canning:

On behalf of Doug and Joan Hansen, CAA Planning, Inc. (CAA) submits the attached application for a Coastal Development Permit (CDP), a Variance, and a Use Permit in conjunction with the major remodel of an existing 4,122 sf residence and attached garage at 1016 Emerald Bay. The proposed remodel contemplates an addition of 907.9 sf of floor area (22% increase) and includes a reduction of building mass on the front elevation, complementary roof materials and design changes.

A CDP is required for the renovation and addition to an the existing residence including hardscape, landscape, and associated grading. In addition to the CDP, a variance is required to reduce the front setback to 8 feet, and a use permit is required for new walls exceeding 3.5 feet in the front setback and a driveway less than 18 feet in length exceeding a -6% slope.

The location of the existing residence is shown on the attached regional and vicinity maps (Exhibits A and B) and the attached aerial (Exhibit C). Details of the proposed improvements are shown on the enclosed project site plan, floor plans, elevations, cross sections, grading plan, and landscaping plan (Exhibit D). The proposed project is consistent with the LCP, the Emerald Bay Building Restrictions, and the County of Orange Zoning Code R1 Building Regulations as described below.

## **Local Coastal Program**

The community of Emerald Bay is regulated by the Emerald Bay Local Coastal Program (LCP), which was approved by the County of Orange (County) on January 24, 1989 and was certified by the California Coastal Commission on September 13, 1989. The LCP serves as both the Land Use Plan and the Implementing Actions Program for the Emerald Bay Community. At adoption of the LCP, the County applied the R1 Zoning over all residential lots that had been created pre-LCP (Exhibit E). The Emerald Bay LCP is fully certified, and therefore, the issuance of a required CDP is within the jurisdiction of the County.



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### **Coastal Development Permit**

The proposed project qualifies as “Development” per the County Zoning Code because it proposes renovation an existing structure per §7-9-40.3, and therefore a CDP is required per §7-9-40.4. However, the project site is not located between the ocean and the first public road (Pacific Coast Highway) and is therefore not located within the California Coastal Commission appeal jurisdiction as identified in Section III-B of the LCP and delineated on Figure 9 – Post LCP Certification Permit and Appeal Jurisdiction Map (Exhibit F).

### **Emerald Bay Building Restrictions**

In addition to the County Zoning Code, the development of the subject property is regulated by the Building Restrictions contained in Covenants, Conditions and Restrictions (CC&Rs), which are administered by the Emerald Bay Community Association. In that regard, the proposed project was closely reviewed by the Emerald Bay Design Review Board (DRB) to ensure it meets the requirements of the CC&R Building Restrictions and will be aesthetically compatible and harmonious with adjacent homes in Emerald Bay.

### **County of Orange Zoning Code R1 Building Regulations**

The residences in Emerald Bay are subject to the County Zoning R1 District Regulations (Regulations) in Zoning Code §7-9-31.3, established with adoption of the Emerald Bay LCP in 1989. The County provides for deviation from the Regulations with variance and/or use permit approvals. The following discussion outlines the project’s compliance with the County’s site development standards and identifies the need for any deviations from the Regulations with respect to setbacks, wall heights, and driveway length.

*Building Site Area* – Per Table 7-9-31.3 of the Zoning Code the minimum building site area in the R1 Zoning District is 7,200 square feet. The subject property is an established legal lot and described as Lot 62 in Tract 3125 (Exhibit G) and is of adequate minimum lot size for the R1 Zoning District with an area of 8,814 square feet.

*Building Height* – Per Table 7-9-31.3 of the Zoning Code the maximum building height limit allowed for structures in the R1 Zoning District is 35 feet above finished grade. The maximum height of the proposed structure is 15 feet at the street frontage and 31 feet at the rear of the property as shown on Sheets A5.0 and A5.1 of Exhibit D. The maximum structure height is below the maximum R1 Zoning District of 35 feet.

*Building Setbacks* – Per Table 7-9-31.3 of the Zoning Code the minimum setbacks established for the R1 Zoning District are 20 feet for the front setback, 5 feet for the side setbacks, and 25 feet for the rear setback. The Zoning Code allows exceptions to the front setback requirements subject to criteria set forth in the Zoning Code. §7-9-61-14 says “Where a building site is situated between



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*two (2) building sites, each of which has a main building within forty (40) feet of said building site which projects into the required front setback area, the front building line for said building site need not set back any further than the average of the setbacks of the two (2) adjoining buildings.”* Using this criterion, the required front setback for the project can be established using the average distance for the two adjoining buildings, which calculates to be 90 feet 4 in ( $[19' 1'' + 19' 6''] \div 2$ ).

For comparison purposes, the Zoning Code setbacks and exceptions, the Emerald Bay setbacks, and the proposed setbacks are shown in following table.

Setbacks				
Description	Code Requirement <sup>1</sup>	Emerald Bay Requirement	Existing Setbacks <sup>2</sup>	Proposed Setbacks
Front	19' 4''	5'	8' 8''	8'
Right Side	5'	5'	5'	5'
Left Side	5'	5'	5'	5'
Rear	25'	5'	32' 4''	30' 9''

<sup>1</sup> The front setback area is calculated per §7-9-128.4 of the Zoning Code, which allows for a front setback using the average distance for the two adjoining buildings. Using this method of calculation results in a front setback of 19' 4'' ( $[19' 1'' + 19' 6''] \div 2 = 19' 4''$ ).

<sup>2</sup> As measured from the Topographic Survey for the existing residence.

The side yard setbacks are in compliance with the R1 Zoning Code requirement. However, as shown in the above table, a variance will be required to reduce the front setback from the required 19 feet 4 inches to 8 feet as shown on Exhibit G. The existing setback is 8 feet 8 inches.

*Walls* – The Code limits the maximum wall height in the required side or rear setbacks to 6 feet and to 3.5 feet in the front setback per §7-9-64(b)(4). The project proposes to construct walls to 6 feet 6 inches in the front setback as shown on Exhibit G. A use permit will be required for the over-height walls.

*Off-street Parking* – The established number of off-street parking spaces for an R1 development is 2 covered spaces. The Emerald Bay requirement for a house of this size is 2 spaces with a minimum of 2 garage spaces. The proposed residence will provide the required 2 spaces within the garage as shown on Sheet SP1/A2.3 of Exhibit D and is in compliance with the parking requirement.

*Driveway* – Per §7-9-70.3(d)(1) the minimum distance (i.e., driveway length) from the garage to the property line is 18 feet. The average length of the project driveway is 9 feet 8 inches. A use permit will be required for the reduction in driveway length.



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## **VariANCES**

### *Front and Rear Setbacks*

The building site at 1016 Emerald Bay is located on a lot with a width of 75 feet at the front of the property and 80.87 feet at the rear of the property. The rear property line is slanted from west to east with the westerly property line length at 100.06 feet and the easterly property line length at 126 feet. As a result of the County 25-foot rear setback requirement and the slanted nature of the rear property line, the majority of the buildable area is located toward the front of the lot. The applicant seeks approval for the following variances from the R1 Zoning Code requirement.

1. The applicant seeks to reduce the front yard setback from the R1 Zoning Code requirement of 19 feet 4 inches to 8 feet to accommodate encroachment of the new garage into the front setback as shown on Exhibit G. The field condition indicates that the as-built front setback is 8 feet 8 inches to accommodate the existing garage as shown on the Topographic Survey for the existing residence.

## **Use Permits**

### *Over-Height Walls*

Section 7-9-64(b)(4) of the Zoning Code restricts wall heights within the side yard setback to 6 feet, but the height of side yard walls can be increased through the approval of a use permit. Therefore, the applicant is requesting a use permit for over-height walls up to 6 feet 6 inches within the front setback as shown on Exhibit G.

### *Reduced Length Driveway*

Per §7-9-70.3(d)(1), the minimum driveway length for a house less than 20 feet from the curb line is 18 feet. The average length of this lot is 113 feet with a required 25-foot rear setback and topographically challenging backyard with significant downward slope of up to a maximum of 18 feet within the County setback at the southeasterly corner. It would be impractical to design a driveway 20 feet long. The existing driveway averages 9 feet 6 inches in length, and the proposed driveway for the new residence averages 9 feet 8 inches at the midpoint of the garage opening.

## **California Environmental Quality Act**

The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. (CEQA Guidelines §15300-15332). Following is a brief analysis of why the project is consistent with Class 1, Class 2 and Class 3 categorical exemptions.





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### *Class 1 Categorical Exemption*

The Class 1 (Section 15301) exemption provides for the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. Examples include:

- (1) *Demolition and removal of individual small structures listed in this subdivision:*
  - (1) *One single-family residence. . .*

The project includes a major remodel of an existing 4,122 sf residence and attached garage with an addition of 907.9 sf of floor area in substantially the same location as the existing structure. The project involves an expansion of the use beyond the existing use (increase in square footage). However, the footprint will remain essentially the same as the existing footprint. Accessory structures are also listed in the Class 1 exemption, and demolition of "Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences" are exempt. The project will include demolition of an existing garage, fences/walls, and other hardscape improvements, all of which are addressed in the Class 1 exemption.

### *Class 2 Categorical Exemption*

The Class 2 (Section 15302) exemption consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. As noted in the Class 1 Exemption discussion above, the major remodel of an existing 4,122 sf residence and attached garage with substantially the same footprint as shown on the attached site plan (Architectural Drawing Sheet SP1). While Class 2 does not specifically list a single-family residence, it is noted that the exemption is not limited to the examples provided. The major remodel of the residence at 1016 Emerald Bay is consistent with the Class 2 Exemption because the residence will have substantially the same purpose and capacity as the existing structure.

### *Class 3 Categorical Exemption*

The Class 3 (Section 15303) exemption consists of construction and location of limited numbers of new, small facilities or structures. Examples of the exemption include:

- (a) *One single-family residence, or a second dwelling unit in a residential zone. . .*
- (e) *Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

The proposed project is eligible for a Class 3 exemption because construction of a single-family residence and the related improvements including the garage, spa, patio, and walls/fences are specifically included in the list of examples.



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Each component of the project, including the demolition of the existing residence and accessory structures, and the reconstruction of the residence and accessory structures, meets criteria outlined in the Class 1, Class 2, and Class 3 exemptions. The project will not result in a cumulative impact or a significant environmental effect, and will not damage scenic or historic resources, and the appropriate environmental document for this project is a Notice of Exemption. Standard conditions of approval applied by the County for all construction projects of this nature will address any short-term construction-related concerns.

### **Conclusion**

Major renovation of an older single-family residences is common in the Emerald Bay community. In addition to a CDP for development within the coastal zone, many of these applications request approval of a variance for reduced setbacks and use permits for over-height walls in the front, side, and rear setbacks and steep/reduced length driveways. The variance and use permits requested herein are minor in nature and would not be required but for the unique lot shape and the disparity between the Emerald Bay Building Restrictions and the County's R1 Zoning. If the County Zoning Code setback requirements were strictly applied to this lot, previous applications approved by the County would enjoy privileges beyond the permits requested for the proposed residence at 1016 Emerald Bay Drive.

The proposed project is consistent in character with previously approved requests of homeowners in the surrounding neighborhood and is consistent with the Emerald Bay CC&R Building Restrictions. In addition, the proposed residence at 1016 Emerald Bay is consistent with the Emerald Bay LCP and the County Zoning Code. Preliminary approval from the DRB is included as Exhibit H.

We appreciate the County's consideration on this project and look forward to working with you. If you have any questions, please contact our office at (949) 581-2888.

Sincerely,  
CAA PLANNING, INC.

Shawna L. Schaffner

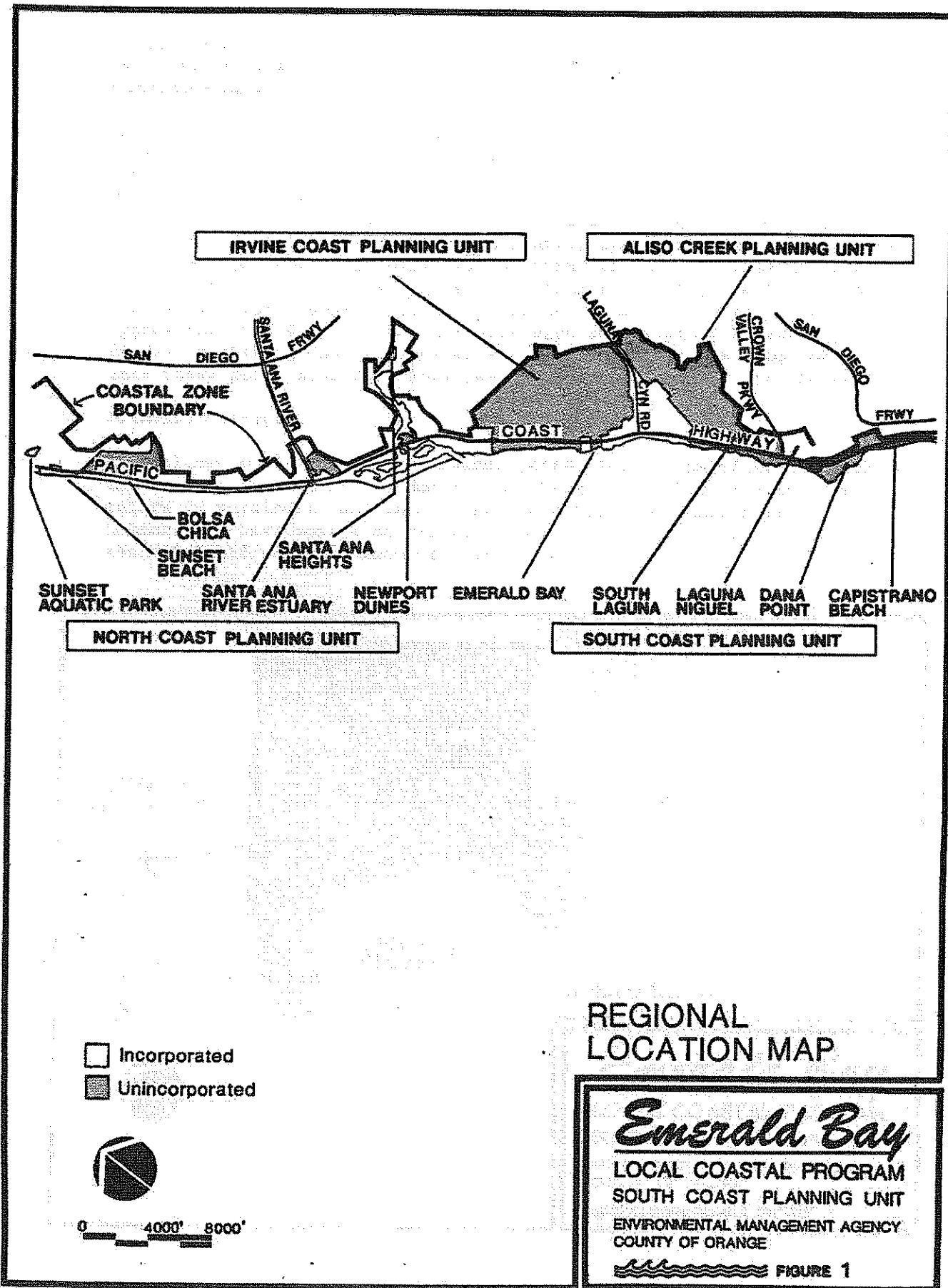
Attachments: Exhibit A – Regional Map  
Exhibit B – Vicinity Map  
Exhibit C – Aerial  
Exhibit D – Plans  
Exhibit E – Zoning  
Exhibit F – Appeal Area

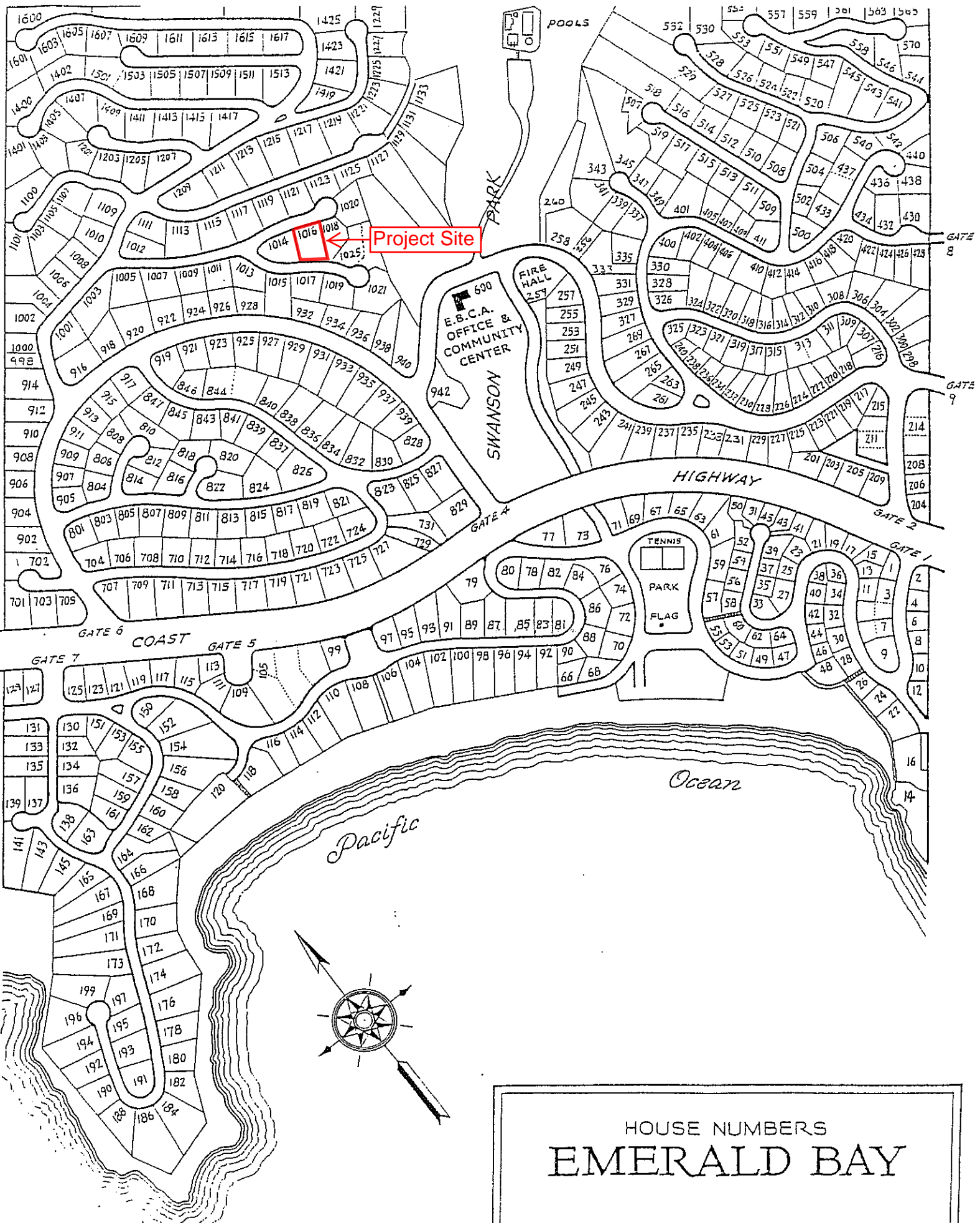


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Exhibit G – Setback and Wall Height Exhibit  
Exhibit H – Emerald Bay Design Review Board Preliminary Approval

cc: Doug Hansen  
Nolan Mead, CJ Light





HOUSE NUMBERS  
**EMERALD BAY**

Map revised Jan. 2000


Exhibit B



# Untitled Map

Write a description for your map.

## Legend

 1016 Emerald Bay

 1016 Emerald Bay

Google Earth

500 ft





**APPLICANT:** HANSEN  
**ADDRESS:** #1016  
**PROJECT:** 3018 TRACT: 3125 LOT: 62  
**SCOPE OF WORK:** MAJOR REMODEL W/ MEDIUM LANDSCAPE/HARDSCAPE  
(Previously classified as 25-50%. Reclassified based on scope of work, not square footage added)  
**SUBMITTAL:** FINAL  
**ARCHITECT:** Christian Light  
Phone: (949) 851-8345 Lic. # C22334  
**LANDSCAPE ARCHITECT:** Daniel Stewart  
Phone: (949) 361-9388

*Architectural review by Ken Wilkins*

*Landscape review by James Dockstader*

**FINAL COMMITTEE RECOMMENDATION: APPROVAL**

**HISTORY OF SUBMITTALS:**

- |                |                   |              |
|----------------|-------------------|--------------|
| • October 2021 | CONCEPT           | ACKNOWLEDGED |
| • January 2022 | PRELIMINARY       | DISAPPROVED  |
| • March 2022   | PRELIMINARY RESUB | APPROVED     |

**SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:**

The scope of work indicated in the Submittal Application is a remodel of an existing residence of approximately 4,122 SF, which includes a 2-car garage. **The proposed changes noted include adding floor area of 907.9 SF/ 4,122 SF= 22% (was 22.1%),** conforming parking, reduction of building mass on the front elevation and complementary roof material and design changes. **Virtually all interior walls have been altered.**

The areas indicated on the submittal are:

	Existing	Proposed	Change
• Entry Level	2,361.1 SF	2,568.6 SF	+207.5 SF
• Lower Level	1,261.8 SF	1,929.4 SF	+667.6 SF
• Garage	499.2 SF	531.8 SF	+32.8 SF
• Deck	745.6 SF	543.8 SF	-201.8 SF

**Primary revisions in last submittal include:**

- Pulled structure out of West setback
- Off-street parking grouped/ Office revised
- Rear Deck extended and separated into two
- Garage and Office roof revised, skylights added, overhang extended, all to be re-roofed

## SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: water features, walls, paving, planting, irrigation.

## STAFF ARCHITECTURAL FINDINGS:

1. ARCHITECT STAMP (Section B.2): The plans are stamped and signed. **This will be verified at each submittal. OK**
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 are included in lot coverage. Cantilevered decks and covered below grade structures less than 6'-6" in height are not included.  
  
A signed, **updated** copy of the 1960 topo plan was submitted.  
  
The lot coverage is stated on the Submittal Application as **3,299.4/ 8,365 = 39.4%****The existing Lot Coverage noted as 39.95%. OK**
4. SETBACKS (Section C.2): **The structure was previously pulled out of the West side yard.** The existing structure appears to respect the 5'-0" minimum setbacks on all sides.  
  
**The Committee may require greater setbacks. OK**
5. UTILITY EASEMENTS (Section C.3): Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **Emerald Bay Service District review not required for this scope. OK**
6. PARKING (Section C.4): The parking requirement shown on the Submittal Application is 4,599.8 SF. The garage area used for required parking (430 SF) is not included in the parking calculations.  $5,029.8 - 430 = 4,599.8$  SF. This requires a two-car garage plus two off-street parking spaces. The modified existing 2-car Garage and two regular off-street parking spaces in the driveway are provided. **The off-street parking spaces were grouped together allowing for better on-street parking. The off-street parking spaces have been pulled +/- 16" further out of the side yard setback and one space pushed further out of the front setback. Interior garage dimensions need to be shown.**
7. **SERVICE YARD (Section C.5):** Graphically shown inset into the garage on the East side yard but the notation identifying the area was removed. **Need service yard label.**
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. **These must be located off EBCA property. Verify existing location.**

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 over a Basement. **No change is proposed. 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 topo information on the plans was previously updated. Portions of the existing main ridgeline are over height. See Section 12 - existing non-conforming. All roof materials are now proposed to be replaced. Existing 31’ ridge skylight is now being removed but the altered over height ridge will remain. The existing over height chimney was relocated at same height, 2.6 ft above the over height ridge, +/-5.4 ft above maximum allowable. The over height chimney elevation height was removed from the roof plan.**

Over height chimneys are at the discretion of the committee with consideration for impact to views and general aesthetics. **OK**

11. **COMPATIBILITY (Section D.3):** Materials are noted as clay tile, decorative gravel and zinc roofing, stone, smooth stucco, wood siding, steel windows and doors, W.I. and glass railings. **Materials will be verified at Final review.**

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:**

- **Parking**
- **Height**
- **Overheight walls in front yard**

**New non-conforming elements:**

- **None**

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

Roof pitch: 4:12, 2:12 (considered flat) **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. The overlay indicates added flat roof of 278.12 SF/ 3,520.2 SF = 7.9% **OK**

Roof materials: All roof materials are noted to be replaced. Zinc metal, decorative gravel and clay tile. **Class ‘A’ labels identifying built-up and standing seam metal roofs were removed.**

Roof Equipment: None shown. **OK**

Parapet: None shown. **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 Shown. 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. **OK**
16. WINDOWS AND DOORS (Section D.8): Steel windows and doors noted. **OK**
17. ANTENNAS (Section D.9): None shown. **OK**
18. SOLAR PANELS (Section D.10): None shown. **OK**
19. SKYLIGHTS (Section D.11): Three existing to be removed and six new added. Noted as non-reflective. **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.  
**Elevations with light fixture locations were provided, noted as wall sconce.**
21. GUTTERS AND DOWNSPOUTS (Section D.13): Shown as copper. **OK**
22. OTHER COMMENTS:
  - None

#### **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. **OK**
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. **OK**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **Proposed AC is shown outside of easement areas. OK**

Mechanical spa equipment appears to be screened from view. **OK, once acoustical report recommendations are incorporated**

Noise impacts on adjacent neighbors must be avoided and/or minimized. **OK.**

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. **OK**

Acoustical report assumptions and recommendations are consistent with submittal drawings. **Not shown**

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 and/or walls and hedges must be 6' high or less as compared to existing grade along neighbor's side of property line. **OK**

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**

13. WATER FEATURES, SWIMMING POOLS, SPAS (Sec E.8): Pool and spa structures are located entirely outside the 5' utility easement area. **None proposed**

Issues of noise and visual impact must be adequately addressed. **Two front water features must be noted as being low volume, low noise**

Security/pool fencing is shown. **NA**

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

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. **NA**

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.**

#### **FINAL COMMITTEE RECOMMENDATIONS:**

1. The Committee initially recommended disapproval of the plans submitted. The following items are adequately addressed therefore the Committee voted to **Approve** the project as revised.
  - a. Add interior required clear parking space dimensions back to plans. **Provided**
  - b. Add Service Yard label back to plans. **Provided**
  - c. Add label for all roof areas and that all materials are Class 'A' back to plans. **Provided**
  - d. The above height chimney shall be kept to code minimum. Show Elevation height. **Provided**
  - e. Added and altered cross-sections at decks need to match floor plans. **Provided**
  - f. Provide proof of separate water service. Contact Emerald Bay Service District. **Provided**
  - g. Indicate no air gaps on AC screening. Indicate screening will be 1' taller than AC units. **Provided**
2. 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. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previously scope of work if any.
  - c. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
  - d. Any changes to the final approved plans must be submitted for Architectural Committee's review prior to construction.
  - e. 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.

- f. The Committee reserves the right to reclassify a project at any time before or after construction begins.

**No representatives were in attendance to further discuss the submittal.**

**At their meeting on July 12, 2022, the Board voted to Approve the recommendation of the Architectural Committee.**





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