

APPLICANT: VARNER
ADDRESS: #311
PROJECT: 2978 TRACT: 977 LOT: 91, 90 (partial)
SCOPE OF WORK: NEW RESIDENCE WITH MAJOR LANDSCAPE/HARDSCAPE
SUBMITTAL: PRELIMINARY RESUBMITTAL
ARCHITECT: Christian Light
Phone: (949) 851-8345 Lic. # C22334
LANDSCAPE ARCHITECT: Daniel Stewart
Phone: (949) 361-2673

Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE RECOMMENDATION: APPROVAL

HISTORY OF SUBMITTALS:

- | | | |
|-----------------|-------------|--------------|
| • August 2020 | CONCEPT | ACKNOWLEDGED |
| • December 2020 | PRELIMINARY | DISAPPROVED |

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

Submittal application indicates a new residence of 3,339 SF (+15SF) which includes a two-car garage. New construction is indicated to be:

	Preliminary	Proposed	Change
• Entry Level	1,355 SF	1,360 SF	+5 SF
• Garage	491 SF	487.5 SF	-3.5 SF
• Basement Level	1,478 SF	1,491.5 SF	+13.5 SF
• Cantilevered Deck	200 SF	240 SF	+40 SF

Major changes made:

- Remove light well and A/C vault at SE sideyard.
- Relocate A/C to front yard.
- Reconfigure and lower some roof areas.
- Lower chimney.

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: Covered outdoor kitchen, firepits, BBQ, walls, paving, planting, irrigation.

STAFF ARCHITECTURAL FINDINGS:

1. **ARCHITECT STAMP (Section B.2):** Drawings are stamped and signed. **OK This will be checked 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 or Parcel upon which it is built". Lot coverage is calculated as the total area of the roof less overhang. **The lot coverage is stated on the submittal application as $1,973.5 / 4,935 = 39.9\%$ This does not include additional portions of the stair in the east side yard setback. See Staff Landscape Findings.**

A signed copy of the 1960 topo plan was submitted.

4. **SETBACKS (Section C.2):** The proposed structure appears to respect the 5'-0" minimum setbacks. **OK**

The Committee may require greater setbacks. This will be further reviewed at time of staking.

5. **UTILITY EASEMENTS (Section C.3):** Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **The Preliminary submittal plans must be developed in sufficient detail to confirm there will be no more than 18" encroachment into the Utility Easement by either the PL wall structure or shoring and the foundation structures combined. If this is not accounted for, the structure may need to be revised so that it is held further from the setback accordingly. The Emerald Bay Service District will review these prior to Final approval.**

As part of the Service District review note: projection of caissons or any below grade structures including shoring structures have recently been limited to project 24" into the utility easements. It has been discussed that a clear zone of 3'x15' is large enough and deep enough for a sewer main, water main, or 30" diameter storm drain. This is only a guideline and will be reviewed on a case by case basis.

6. **PARKING (Section C.4):** The parking area shown on the submittal application is 2,909 SF. The garage area used for required parking (430 SF) does not need to be included in the parking calculations. ($3,339 \text{ SF} - 430 \text{ SF} = 2,909 \text{ SF}$) This requires a two-car garage. A two-car garage is shown. Overlays were provided. The additional parking area at the front was labeled as Golf Cart parking. **OK**
7. **SERVICE YARD (Section C.5):** Shown in the East 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. **EBSD will review at the Final review. These must be wholly on the Owner's property.**
9. **NUMBER OF STORIES (Section D.1):** The Submittal application indicates a proposed structure with 2 stories. **OK**
10. **BUILDING HEIGHT (Section D.2):** "No portion of the structure disclosed by the lot building plans shall exceed fifteen (15) feet above the highest point of that portion of the Lot or Parcel where the Natural Grade of the Lot or Parcel intersects the exterior wall of the structure nearest to the highest portion of the Natural Grade of the Lot or Parcel, nor shall any portion of the structure exceed twenty (20) feet in height above the Natural Grade of the Lot or Parcel." **The high point of natural grade adjacent to the structure is noted as 132.75' on sheet A3. $132.75' + 15' = 147.75'$ maximum. Portions of the roof were lowered. A +/- 4'-6" section of roof at the Garage is noted as +/- 147.75. The maximum allowable is 147.75', remove the +.**

The chimney was lowered below the maximum allowable roof height. The chimney height must be held to the minimum allowed by code.

11. **COMPATIBILITY (Section D.3):** The primary material for the roof is indicated as slate **with some areas not identified**. The exterior walls are indicated with lime and granite stone, Teak panels, louvers (garden walls) and garage door. Metal fascia at Trellis. Window and doors are aluminum clad.

See staking comments.

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. **N/A. All elements must conform with the current Architectural Regulations or a Variance Request must be submitted.**

Existing non-conforming elements:

N/A

New non-conforming elements:

- **Lot Coverage (See Staff Landscape Findings Item 3.)**

13. **ROOFS (Section D.5):**

Roof pitch: 3:12

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the roof area. The overlay indicates there is 321.5 SF of flat roof with a total roof area of 2,163.5 SF = 14.8%. **Trellis elements are considered to be at least 50% open. In this condition, what is included in the flat roof calculation as shown is acceptable in this location. OK**

Roof Material: All roof materials to be identified and noted as Class 'A'.

Roof Equipment: None shown. **OK**

Parapet: None shown. **OK**

14. **ROOF DECKS (Section D.6):** None shown. **OK**

15. **MATERIALS AND COLORS (Section D.7):** **The Committee will review the color and materials at the Final review.**

16. **WINDOWS AND DOORS (Section D.8):** Aluminum clad. **OK**

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

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

19. **SKYLIGHTS (Section D.11):** None indicated. **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.

Wall fixtures shown on the exterior elevations.

A fixture cutsheet was attached to the application and will be verified at Final submittal for review of style and shielding of light source.

21. GUTTERS AND DOWNSPOUTS (Section D.13): Gutters and downspouts noted as concealed with downspout locations noted on sheet C2. **OK**

22. OTHER COMMENTS:

- No written neighbor comments were received.

STAFF LANDSCAPE FINDINGS:

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

2. LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits): Except for fences and walls, structures are 5' from PL. **Per A5 the stairs in the East sideyard appear to be cantilevered or supported which is not allowed.**

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. **One stairway in the east side setback appears to be supported and this would count in lot coverage.**

4. SITE DRAINAGE (Sec C.6): A conceptual grading and drainage plan must be included, generally showing adequate site drainage. **Proposed FS and TOW elevations have been provided. Lower levels drain via sump in rear yard**

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. **Two AC condensers are shown in front areas adjacent the garage, with venting through a teak screen facing the street.**

Mechanical spa equipment appears to be screened from view. **OK**

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. If A/C units are located at the rear, an acoustical report will not be required.**

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. **Most trees are uplighted with flush well lights at 4w. Some smaller 3w uplights are used at the perimeter to uplight vines on walls or pots; it is unclear if the adjacent house to the west would see the container pot uplights from an upper storey.**

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. **Courtyard walls occur behind face of garage but in front of rest of house, some at the front setback, and appear to be 6' tall or higher. 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 must be 6' high or less as compared to existing grade along neighbor's side of property line. **Proposed east side yard elements are tall compared to neighbor's grade. This appears to be due to natural grade topography AND previous excavation on neighbor's property.**

Walls in the west sideyard appear to exceed the 6' height restriction, several locations. (134.06' - neighbor's grade is 127.9, 136.96 - neighbor's grade is 130.1, 140.09 - neighbor's grade is 133.1 +/-)

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'. **No firepits 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**

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. **Proposed trees in front (Arbutus and Metrosideros) can grow to 20' or more. Proposed trees in side areas (Melaleuca) can grow to 15' or more.**
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:
 - **A Metrosideros and one Melaleuca could grow over the east property line.**

FINAL COMMITTEE RECOMMENDATIONS:

1. The Committee initially recommended disapproval of the plans submitted. The following items were adequately addressed, therefore the Committee voted to **Approve** the project as revised.
 - a. The Committee reviewed the staking and takes no exception.
 - b. Revise flat roof overlay to include "fascia" element. **This was reduced to an 8" projection and labeled as an "eyebrow" over the garage door and east facing window near the rear.**
 - c. Identify all roof materials and note as class "A". **Note added.**
 - d. Clarify all roof elements to be below the height maximum (remove references to +/-). **Removed +/-.** **OK**
 - e. Bring Lot Coverage into conformance - Eliminate supported stair structure in the east side setback areas, including cantilevered stairs which have space underneath and appear to be supported. It is assumed the west stair structure is entirely on grade. **Corrected.** **OK**
 - f. Regarding teak screen at AC condensers in front area show detail/design which does not allow visual access to equipment beyond. **Detail added on Section A on Sheet A6.** **OK**
 - g. Regarding perimeter uprights in west sideyard delete one well light near mid-property. **Well light kept, tree removed so the foliage will not be light above the wall.** **OK**
 - h. Delete portions of new walls in the west sideyard setback which exceed the 6' height restriction compared to neighbor's grade **Lowered.** **OK**

- i. In the east sideyard, delete one *Metrosideros* and one *Melaleuca* which are too close to the side property line, given their height and shape. The proposed *Melaleuca* in the lower patio is acceptable. **Trees deleted as noted. OK**
 - j. Coordinate location of any proposed planting to the left of the garage with structural plans (caisson location) **Removed tree and replaced with low plants. OK**
2. 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. A Color and Material board of a size noted in the Architectural Regulations, must be submitted that includes all actual color and material samples, not photographs.
 - c. Cutsheets for exterior architectural light fixtures demonstrating they will not create glare or light nuisance to neighbors and that they are complementary to the architectural style of the residence.
 - 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.
3. Note:
- a. If you 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.
 - 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 April 6, 2021 the Board voted to approve the recommendation of the Architectural Committee.