

OC DEVELOPMENT SERVICES REPORT

ITEM # 2

DATE: December 1, 2022

TO: Orange County Zoning Administrator

FROM: OC Development Services / Planning

SUBJECT: Public Hearing on a Coastal Development Permit and Variance (Planning Application PA22-0104)

PROPOSAL: A request for a Coastal Development Permit and Variance in conjunction with the demolition of an existing 2,500 square foot home and the construction of a new residence with 5,750 square feet of living area on three levels and garage spaces for three cars.

The Coastal Development Permit is required for the demolition of the existing home and construction of the new home with associated site grading. The Variance is requested for reduced front and rear setback of 5 feet, where the Zoning Code would require a setback of 8.35 feet utilizing shallow lot provisions (less than 75 feet deep) of the Zoning Code.

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 52 Emerald Bay, Laguna Beach, CA within the Fifth Supervisorial District. (APN 053-060-92)

APPLICANT: Steve Olson, Property Owner
Charles d’Arcy, Architect

STAFF CONTACT: Kevin Canning, Contract Planner

Phone: (714) 667-8847
Email: 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 PA22-0104 for a Coastal Development Permit and Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

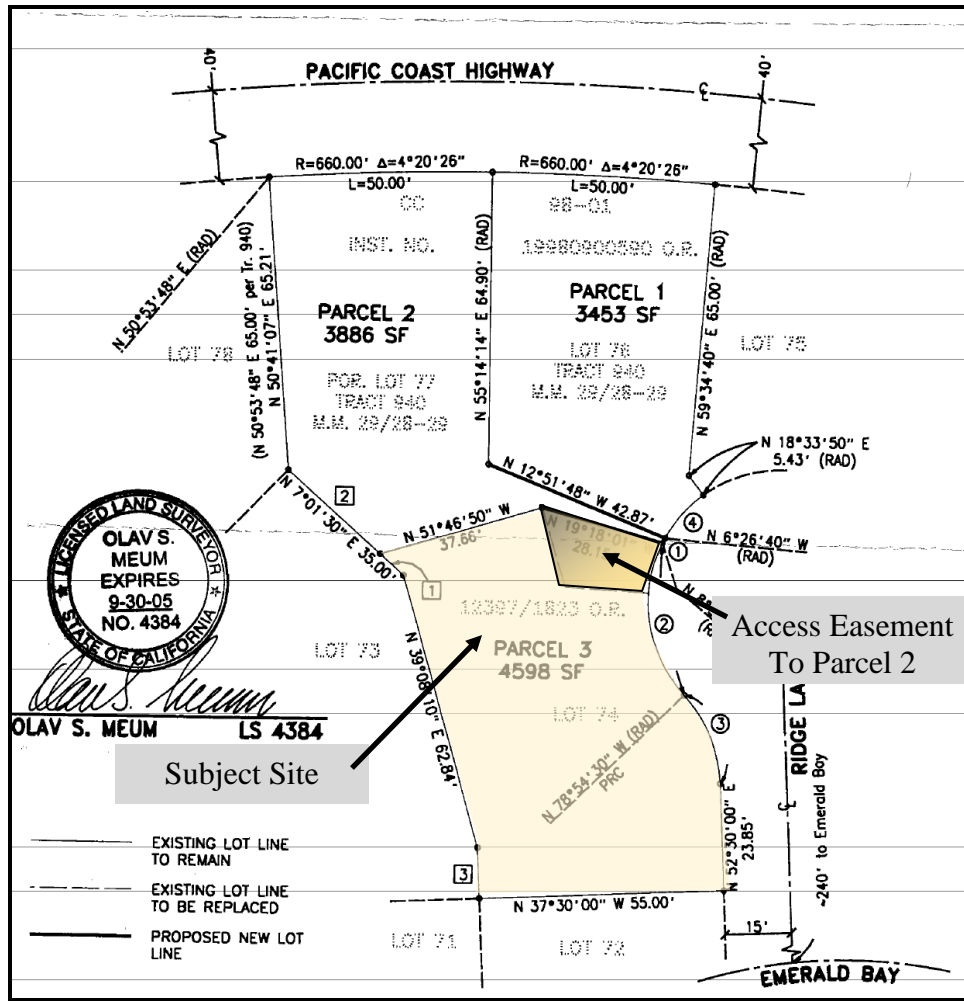
The subject property is developed with an existing 2,500 square foot (approximate) single-family residence with an attached garage. The building site and two adjoining parcels were modified in 2002 with the recordation of LLA 99-041.

AERIAL OF PROJECT SITE



That lot line adjustment established the subject site as Parcel 3 and the two adjacent lots as panhandle lots. The home on Parcel 2 is served by a narrow access to the street, however there is a parking and access easement recorded over a portion of the subject lot to preserve access to this rear lot.

Lot Line Adjustment LLA 99-041



PROPOSED PROJECT

The project includes the demolition of an existing 2,500 square foot home and the construction of a new residence with 5,750 square feet of living area on three levels and garage spaces for three cars (a two-care garage and a one-car garage). Approximately 1,300 cubic yards of cut materials would be exported from the site. The applicant also requests a Variance for reduced front and rear setbacks.

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	4,598 square feet (existing)
Maximum Building Height	35 feet maximum	31 feet
Structural Front Setback	8 feet 4 inches ¹	5 feet ²
Structural Rear Setback	8 feet 4 inches ¹	5 feet ²
Structural Side Setback	5 feet minimum	5 feet minimum
Off-street parking	3 covered spaces	3 covered spaces

¹ Under Zoning Code Sec. 7-9-61.2 setbacks on a shallow lot – 55’8” average depth x 15% = 8.34’

² Indicates Variance requested by the applicant

Coastal Development Permit

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 EBCA found the proposal consistent with their local architectural and design criteria. All streets within the community are private and on-street parking is regulated based upon local standards. The project is compatible with surrounding development in its size, design, and massing. The subject property is within the ‘appealable jurisdiction’ area of the LCP.

Variance for Front and Rear Setback

The subject lot has an average depth of 55 feet 8 inches (see lot calculations on Sheet A057 in the Plan Set) and therefore qualifies as a shallow lot under Zoning Code Section 7-9-61.2, which prescribes that the front and rear setbacks may be reduced to 15% of the average depth, or in this case to 8 feet 4 inches. The project proposes a 5-foot setback for both front and rear property lines.

Projects requesting 5-foot setbacks within this community have been requested and approved on many occasions in the past. This is due to the prevalence of substandard lot sizes, the often steep topography on individual lots throughout the Emerald Bay community and the strict architectural restrictions that limit structures height and massing that would obstruct ocean views from adjoining properties. The combination of these factors often limit the options and opportunities for home designs in Emerald Bay that would be available to properties under similar zoning on other parts of the County. Where an Emerald Bay project design is limited by height or view restrictions, the alternative is to expand the building envelope on the lot with reduced setbacks. It is noted that there is a 5-foot public utility easement running across the front of the subject lot which would function as an additional setback from the private street right-of-way. This easement helps to mitigate the streetscape of the project.

Proposed Front Elevation



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, size 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 May 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 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 42MBV721-4K855V71

Justin Kirk, Division Manager
Planning, OC Development Services

Concurred by:


boxSIGN 192X3L64-4K855V71

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
PA22-0104**

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- 1** **PA22-0104**
GENERAL PLAN
 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.
-
- 2** **PA22-0104**
ZONING
 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.
-
- 3** **PA22-0104**
COMPATIBILITY
 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.
-
- 4** **PA22-0104**
GENERAL WELFARE
 That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
-
- 5** **PA22-0104**
PUBLIC FACILITIES
 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.).
-
- 6** **PA22-0104 CUSTOM**
CATEGORICALLY EXEMPT
 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.
-
- 7** **PA22-0104**
FISH & GAME - EXEMPT
 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.
-
- 8** **PA22-0104**
NCCP NOT SIGNIFICANT
 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.
-



Attachment 2
Conditions of Approval
PA22-0104

1 **BASIC/ZONING REGULATIONS** **PA22-0104**

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** **PA22-0104**

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** **PA22-0104**

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** **PA22-0104**

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** **PA22-0104**

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.

- 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 PA22-0104

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 PA22-0104

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

13 PRIVATE LANDSCAPING PA22-0104

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.

15 **STANDARD PLAN – SIGHT DISTANCE** **PA22-0104**
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.



May 23, 2022
County of Orange, OC Public Works, OC Planning
Land Use Planning
300 N. Flower
Santa Ana, CA

**RE: Letter of Project Proposal and Scope of Work:
The Olson Residence**

Owner: Mr. Steve Olson
52 Emerald Bay
Laguna Beach, CA 92651
APN: 053-060-92
Lot: 74 Tract: 940

The project proposes to demolish the existing house 3,297 sq. ft. home and reconstruct a new 2-story (w/ a basement) single family residence. The proposed 6,525 sq. ft. (livable space) construction will have 4 Bedrooms, 7 Full Baths, and 1 half baths.

The existing residence is to be completely removed; temporary and permanent shoring walls will be constructed, as required, to construct the proposed residence.


This house has been recently approved at very stringent Preliminary Architectural Design Review process. This review process ensures that New Construction abides to strict architectural guidelines to not disrupt the harmonious setting of Emerald Bay.

General Welfare

This proposed project will in no way effect the public health and safety of the general welfare for residents, visitors, wildlife, or others concerned.


Sincerely,

Agent of Owner - Project Coordinator / Designer



Charles d'Arcy

Property Owner



Steve Olson

APPLICANT: OLSON
ADDRESS: #52
PROJECT: 3031 TRACT: 940 LOTS: 74 and Pt 77
SCOPE OF WORK: NEW RESIDENCE w/ MAJOR LANDSCAPE/HARDSCAPE
SUBMITTAL: PRELIMINARY
ARCHITECT: Charles d’Arcy
Phone: 949-407-7760
License: C32314
LANDSCAPE ARCHITECT: John Porzuczek
Phone: (949) 412-4981

Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE RECOMMENDATION: APPROVAL

HISTORY OF SUBMITTALS:

- | | | |
|----------------|-------------|--------------|
| • January 2022 | CONCEPT | ACKNOWLEDGED |
| • March 2022 | PRELIMINARY | DEFERRED |

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

The scope of work indicated in the Submittal Application is a new residence of approximately 6,524.7 SF, which includes 2-car and 1-car garage. Overlays were provided. **Some inaccuracies and omissions occur in the overlays. Stacking stairs are only required to be counted at one level.** EBCA calculation**

The areas indicated on the submittal are:

	Concept	Proposed	Change
• Upper Level	2,067.2 SF**	2,019.8 SF	- 47.4 SF
• Main Level	1,580.25 SF**	1,580.4 SF**	-15 SF
• Garage	774.5 SF	774.5 SF	0 SF
• Basement	2,016 SF	2,044.5 SF	+ 28.5 SF
• Supported Deck	307 SF	307 SF	0 SF
• Roof Deck	87.6 SF**	87.6 SF**	0 SF

Primary revisions made since CONCEPT include:

- Re-design of Front Elevation
- Clarification of Mechanical ceiling structure

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: Spa, plunge pool, walls, fencing, 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): There are no lot coverage requirements for Tract 940, lots 74 and Part of 77. The lot coverage stated on the submittal is 2,767.4 SF / 4,598.0 SF = 60.1% (was 59.6%). **Omissions occur in the overlay provided.** Lot coverage shall be calculated as the total area of the roof less the overhang including anchored decks. **EBCA calculation 2,847.2 SF / 4,598.0 SF = 61.9% OK**
A signed copy of the 1960 topo plan was submitted.
4. SETBACKS (Section C.2): The setbacks appear to be conforming at all sides. **Submittal application states setbacks are dimensioned to finish surface of the exterior walls. OK**
5. UTILITY EASEMENTS (Section C.3): Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **OK**
6. PARKING (Section C.4): The parking requirement shown on the Submittal Application is 5,879.7 SF. The garage area used for required parking (430 SF + 215 SF) is not included in the parking calculations **EBCA calculation (6,419.2 - 430 - 215 = 5,774.2 SF)** This requires a two-car garage plus three off-street parking spaces (one may be compact). **A two-car + 1-car garage with two regular off-street parking spaces are shown in the driveway. The height of the basement level Mechanical Room was clarified to be 6'-5" structure to structure and therefore not included. Add Mechanical room name and ceiling height back on sheet A210. OK**
7. SERVICE YARD (Section C.5): Shown on the Northeast side yard, Sht. A091. **OK**
8. BACKFLOW PREVENTION DEVICES (Section C.8): New residences and renovations/remodels/additions that include the addition of 2 or more plumbing fixtures require a backflow prevention device. **The Service District requires this for the scope of work proposed. This will be confirmed during construction.**
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 plus a basement. The proposed structure appears to be in compliance. **OK**

10. BUILDING HEIGHT (Section D.2): No structure on any Lot or Parcel in this Tract shall not exceed thirty (30) feet in height above the Natural Grade of the Lot or Parcel." **The primary natural grade is identified as 72' (no 73' contour is shown). 72' + 30' = 102'. The highest roof ridge is 98.8', highest stair tower point was lowered by 2.1' to 99.5' (nearest to the 74' contour).** The ornamental spire element is below the allowable. **OK**

11. COMPATIBILITY (Section D.3): Materials are noted as clay tile roof, smooth trowel stucco, wood rafter tails, white over-grouted brick, clay tile vent, cast stone headers and reclaimed wood accents, W.I. guardrails. **Materials will be verified at Final review.**

The Committee appreciates the effort to improve the front elevation and addressing the comments from the Architectural Committee.

At time of staking the applicant was to work with the neighbors to evaluate and balance views per the View Mitigation requirements of the CC&Rs and Architectural Regulations.

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 or a Variance Request must be submitted.

Existing non-conforming:

- N/A

New non-conforming elements:

- None

13. ROOFS (Section D.5):

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

Flat roof: Built-up Class "A". Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the roof area. None shown. **OK**

Roof materials: Two-piece Class "A" clay tile. **OK**

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. **Occurs at the Upper Level. Appears to be in conformance. 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. Include samples of the awning material and color proposed for the slide wire on the steel canopy structure.

16. WINDOWS AND DOORS (Section D.8): **Dark anodized bronze aluminum doors and windows. 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.
Location of light fixtures are shown on elevations.
21. GUTTERS AND DOWNSPOUTS (Section D.13): Indicated on roof plan and elevations. **OK**
22. OTHER COMMENTS:
 - **Note: All exterior finishes of wall including stucco, brick, stone, etc., must remain out of all setbacks.**

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. **Spa and plunge shells appear to be proposed in rear setback, and 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 submittal**
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**

7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **AC and mechanical equipment are in room/alcove at basement level. OK**

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

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. **Submit at time of final**

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. **Path lights only. 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 must be 6' high or less as compared to existing grade along neighbor's side of property line. **Unclear. Pool enclosure along most of west side does not appear to be established. It is unclear if raising existing wall on neighbor's property is proposed (existing pool enclosure on neighbor's property can be acceptable for EBCA but potentially not for County) but building pool enclosure on neighbor's property is not allowed by EBCA.**

Property line fences, walls, and footings must be constructed completely on the subject property. **Unclear if new walls/fencing proposed along west property line.**

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

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, however because of the need to preserve on-street parking, the mailbox should be moved to adjacent the south side of the double driveway.**

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. OK**

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. **Unclear along west side.**

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. **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:

- **Impacts to on-street parking in this area are important considerations.**

FINAL COMMITTEE RECOMMENDATIONS:

1. The Committee previously deferred its recommendation due to inadequate information provided to address the Board's concern for the on-street parking situation. The Committee considered the Applicant's exhibit, the Applicant addressed the Board's comments, and it appears that three on-street parking spaces are not feasible. Therefore, the Committee recommends **Approval** of the plans.
2. The Applicant may submit for Committee's review taking the Staff Findings above and the following into consideration:

- a. As a part of the Preliminary submittal the proposed structure must be staked and certified by a California State licensed civil engineer or land surveyor. Stake proposed changes at all decks, deck rails, eave corners and ridges with connecting string lines. The Committee reserves the right to request increased setbacks after review of the stakes and Community input. **Staking is certified – OK.**
 - b. Add Mechanical room name and ceiling height back to Sht. A210. **Revised. OK**
 - c. Delete portions of spa and plunge structures within setback areas. Pool and spa bond beams must be shown out of the setback. **Revised. OK**
 - d. Clearly demonstrate pool enclosure along west side. Delete proposals for new offsite construction to establish pool enclosure. Existing walls do not appear to provide adequate pool enclosure. **Revised. OK**
 - e. Delete hedge on EBCA property in front. **Revised. OK**
 - f. Move the mailbox to a location just south of the double driveway to avoid impacts to on-street parking. Show on-street parking spaces, adjusted to preserve as many spaces as feasible. Architect may want to consider contacting 54 Emerald Bay regarding the possibility of utilization of on-street parking across the 2 property lines. **Revised. OK**
 - g. Show curb cuts and aprons as narrow as feasible. The southern double driveway shown on landscape plans is appropriate and the architect/civil drawings should be adjusted accordingly. **Revised to 16' wide. OK**
 - h. Owner to lower roof 6 inches. **Revised. 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. A color and materials board with actual factory colors and materials must be submitted. Photographs of colors and materials are not allowed. Materials board must be a minimum of 11" x 17" and no larger than 18" x 24". Roof material, glazing sample of windows, doors, and garage (if applies) needs to be included. A colored elevation must be included on the board clearly identifying the location of all proposed colors and materials.
 - c. 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.
 - d. 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. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
- b. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
- c. 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.
- d. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction.

Chad Peterson (d'Arcy and Associates Architecture) and Charles d'Arcy (Architect) were in attendance to discuss the submittal.

Members Present:

**#39 Joe Duran (Via Zoom)
#76 Kelly Anthony (Via Zoom)
#45 Kathryn Speed (Via Zoom)
#38 Crystal Sims
#31 Sharleen and Neel Grover
#39 Jen Duran**

At their meeting on May 3, 2022, the Board voted the Approve the recommendation of the Architectural Committee.



OLSON RESIDENCE
52 EMERALD BAY
LAGUNA BEACH, CA 92651

REVISIONS

JOB # 2143
05/23/2022

SITE CONTEXT
PHOTOS

SCALE : NTS

A050