

**APPLICANT:** BALDWIN  
**ADDRESS:** #104  
**PROJECT:** 3076 TRACT: 975 LOT: 15  
**SCOPE OF WORK:** < 10% REMODEL WITH VARIANCE  
**SUBMITTAL** CONCEPT – (reviewed as FINAL)  
**ARCHITECT:** Scott Rosenbloom  
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*Architectural review by Ken Wilkins*

**FINAL COMMITTEE RECOMMENDATIONS: APPROVAL**

**HISTORY OF SUBMITTALS:**

- None

**SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:**

Submittal application indicates an existing 9,545 SF residence with 2 two-car garages, two stories + two basements. The remodel includes minor interior changes, a +/- 2% floor area addition and removal of an existing roof to be replaced with a Roof Deck. Overlays were provided.

The areas are indicated on the submittal to be:

	Existing	Proposed	Change
• Upper Level	1,776.5 SF	1,804 SF	+ 27.5 SF
• Main Level	3,218 SF	3,313.2 SF	+ 95.2 SF
• Garage	924.8 SF	924.8 SF	0 SF
• First Basement (Lower) Level	3,108.7 SF	3,163.1 SF	+ 54.4 SF
• Second Basement Level	518 SF	518 SF	0 SF
• Mechanical	325.8 SF	325.8 SF	0 SF
• Cantilevered Decks	130 SF	130 SF	0 SF
• Supported Decks	1,662.25 SF.	1,662.25 SF	0 SF

**STAFF ARCHITECTURAL FINDINGS:**

1. **ARCHITECT STAMP (Section B.2):** The plans are stamped and signed. **This will be verified at each submittal.**
2. **ARCHITECTURAL REVIEW - SUBMITTAL COMPLETENESS (Section B.5):** Submittal is generally complete enough for review. **OK**
3. **LOT COVERAGE (Section C.1):** A structure shall not exceed 40% coverage of the lot. Lot coverage shall be calculated as the total area of the roof less the overhang including anchored decks. Elevated surfaces (patios, pools, planters) greater than 5'-0" above finished grade are included in lot coverage. Cantilevered decks and covered below grade structures less than 6'-6" in height are not included.

A signed copy of the 1960 topo plan was submitted.

The lot coverage is stated on the Submittal Application as  $5,577.5 / 11,556 = 48.3\%$ . **See Section 12, Existing Non-Conforming. No change is proposed. OK**

4. **SETBACKS (Section C.2):** The existing structure appears to respect the 5'-0" minimum setbacks on all sides. **OK**
5. **UTILITY EASEMENTS (Section C.3):** Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **N/A**
6. **PARKING (Section C.4):** The parking requirement shown on the Submittal Application is 8,981.1 SF. The garage area used for required parking (430 SF + 156 SF + 156 SF) is not included in the parking calculations. This requires a two-car garage plus six additional off-street parking spaces, (two may be Compact). **No off-street spaces are shown in the driveway. It appears two Regular and two Compact can occur. EBCA calculation  $1,804 + 3,313.2 + 924.8 + 3,163.1 + 518 + 325.8$  (Section E shows the Mech ceiling at +/- 8'-6") = 10,048.9.  $10,048.9 - 430 - 156 - 156 = 9,306.9$ . This requires nine spaces, two may be Compact. Show all parking spaces to verify compliance.**  
**Added hard lid ceiling to mech spaces now 6'-6", now only requires 8 spaces. OK**
7. **SERVICE YARD (Section C.5):** Noted as Trash Area on Site plan. **Revise reference to be Service 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. **N/A**
9. **NUMBER OF STORIES (Section D.1):** 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 proposed structure with 2 stories. **No change proposed. OK**
10. **BUILDING HEIGHT (Section D.2):** "The height of any Structure on any Lot or Parcel in this zone shall not exceed thirty (30) feet above the Natural Grade of the Lot or Parcel." The proposed structure appears to be within the allowable height. **The proposed Roof Deck and planter in lieu of the existing sloped roof adjacent to the Master Bedroom includes a new 42" high guardrail. The rail location and height are not noted on the floor or roof plans. Section B provides some information. It appears the top of rail is at +/- 73.5' or 11.5' above the height maximum. VARIANCE submitted.**
11. **COMPATIBILITY (Section D.3):** Materials indicated include stucco, teak siding, copper bands and glass railings. **Materials will be verified at Final review. OK**
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 elements:**

- **Lot Coverage**
- **Possible Parking**
- **First and Second Basement Levels**
- **Building Height**

**New non-conforming elements:**

- **Parking (show all required spaces) OK**
- **Building Height (New Deck Guardrail). VARIANCE submitted.**

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

Roof pitch: 5.3:12. **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the total aggregate roof area. None noted. **OK**

**Roof materials: Noted to replace existing tile with Negative Seam Zink Titanium Metal. Note as Class "A". Material appears painted. Please clarify.**

Roof Equipment: None shown. **OK**

Parapet: None shown.

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. **A new Roof Deck is proposed adjacent to the Master Bedroom. Provided overlay shows compliance. Label the Deck as a Roof Deck. OK**

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

16. **WINDOWS AND DOORS (Section D.8): Materials not indicated. Added to A.3.2.1. OK**

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

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

19. SKYLIGHTS (Section D.11): No new proposed. **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.

**South elevation shows soffit lights; indicate wattage.**

21. **GUTTERS AND DOWNSPOUTS (Section D.13): Clarify/ note at roof alteration. Indicate method of drainage at Roof Deck. OK**

22. **OTHER COMMENTS:**

- None.

### FINAL COMMITTEE RECOMMENDATIONS:

1. The Variance Request for the following items was considered at the Thursday night meeting as follows:

#### Variance #1

##### Section D.2.1

Building height is the distance measured vertically between the natural grade at any point and the highest point of the structure directly above said point.

Placing the safety rail at the edge of the deck will exceed the building height.

Reasons:

To comply with the strict interpretation of the building height regulation the safety rail would need to be placed over 7 feet into the roof deck dividing the roof deck in an undesirable and dysfunctional way.

No negative impact

The location of the guard rail will not impact views or be seen by neighboring homes.

The deck reduces the massing of the structure.

The committee voted unanimously to **Approve** the variance for over height railing.

#### NOTE:

*Approval of a Variance Request to allow non-conforming elements to remain is based on the scope, character, hardship, and community benefit associated with the current submittal. If future submittals propose to significantly alter these aspects of the property, the Architectural Committee may at that time evaluate the new proposals to determine if proposals negate, diminish, or adversely affect the conditions under which the prior Variances were granted. In such cases, the Committee may require that the Applicant alter the new proposed scope or eliminate existing non-conforming conditions.*

*It is not the intent of the Committee or the Board, in granting approval of the variance request, to confer extraordinary future development rights to the Applicant or future Applicants beyond what is allowed by the Architectural Regulations.*

2. 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. Bring parking into compliance. Provide and **show** all parking spaces. **Shown on A.4.1.1 and updated mech spaces. OK**

- b. Clarify area calcs, nine space is needed due to mechanical space being over 6'-6".  
**Mech spaces are now 6'-6". OK**
  - c. Identify trash area as Service Yard. **OK**
  - d. Show the location of new exterior lights on elevations. **Shown on elevation, per cut sheet use the 8w light angled towards the building.**
  - e. Label new deck as Roof Deck. **OK**
  - f. Identify new exterior door and window materials for review. **OK**
  - g. Provide specifications on roof material to demonstrate color of finish is not painted. Provide manufacturer's warranty data.
    - i. Per 4/4/23 email from Geoff Sumich roof material will be **Quartz-Zinc by VMZINC**. A weather zinc material previously used in the Bay. **OK**
  - h. Clarify gutters at roof alteration and indicate method of drainage at Roof Deck. **OK**
3. Revised drawings are submitted to the EBCA office no later than Monday, March 27, 5 pm, for further review. **OK**
4. The Applicant may submit for Preliminary review taking the Staff Findings above and the following into consideration:
  - a. Given the proposed alteration does not increase the square footage by greater than 25% all existing non-conforming elements may remain as long as they are not removed during the course of construction. Any non-conforming portions of the structure that are removed or replaced must conform to the current Architectural Regulations. No new non-conforming elements can be added.
  - b. 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.
5. 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. For review of proposed changes to the existing color and materials, a board must be submitted of actual color and material samples, not photographs.
  - 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.
6. 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.
- e. The Committee reserves the right to reclassify a project at any time before or after construction begins.

**Geoff Sumich (Architect) and Al Baldwin (Owner) were in attendance to discuss the submittal.**

**Approved with Quartz-Zinc by VMZINC roof material.**

**At their meeting on April 4, 2023, the Board voted to Approve the recommendation of the Architectural Committee and adopted Resolution 2023-04-04-02 for the Variance as stated.**