

OC DEVELOPMENT SERVICES REPORT

ITEM # 1

DATE: November 16, 2023

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning Division

SUBJECT: Public Hearing on Planning Application PA23-0132 for a Coastal Development Permit, Use Permit and Variance

PROPOSAL: A request for a Coastal Development approval in conjunction with the remodeling of an existing residence.

The Coastal Development Permit is required for improvements to an existing structure that is located between the sea and the first public road paralleling the sea (Zoning Code Sections 7-9-40.4 and -40.5)

GENERAL PLAN DESIGNATION: 1B “Suburban Residential”

ZONING: R1 “Single Family Residence”, with a CD “Coastal Development” Overlay and an SR “Sign Restrictions” Overlay

LOCATION: The project is located within the community of Emerald Bay at 104 Emerald Bay, Laguna Beach, CA within the Fifth Supervisorial District. (APN 053-050-40)

APPLICANT: Alfred E. Baldwin, Property Owner
Geoff Sumich Design, Agent

STAFF CONTACT: Kevin Canning, Contract Planner
Phone: (714) 667-8847 Email: Kevin.Canning@ocpw.ocgov.com

RECOMMENDED ACTIONS

OC Development Services/Planning Division recommends Zoning Administrator:

- a) Receive staff report and public testimony as appropriate; and,
- b) Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction) and Class 3 (New Construction or Conversion of Small Structures) exemptions pursuant to Sections 15301, 15302 and 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- c) Approve Planning Application PA23-0132 for a Coastal Development Permit, Variance and Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The subject property is a Lot 15 of Tract 975, recorded in 1931. There is an existing 8,621 square foot single-family residence with an attached garage. The property fronts onto a private street on the north and slopes down to the sandy beach on the south.

PROPOSED PROJECT

The project includes the remodeling of the existing residence to lower a portion of the roof and replace it with a deck. The remodeling would add 169 square feet to the residence.

Aerial of Project 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	“Open Space” (OS)(CD)	Sandy Beach
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 “Single-Family Residence” District Site Development Standards

Standard	Zoning Code	Proposed
Building Site Area	7,200 square feet	11,556 square feet (existing)
Building Height	35 feet maximum	<35 feet ¹
Min. Structural Front Setback	20 feet	16 feet ²
Min. Structural Rear Setback	25 feet	28 feet
Structural Side Setback	5 feet minimum	5 feet minimum
Parking	2 covered spaces	4 garage spaces

¹ Structure height within building envelope for sloping lots (Sec. 7-9-40.10(a)). No change to structure height

² Existing nonconforming



Coastal Development Permit

The project includes the remodeling of the existing residence to lower a portion of the roof and replace it with a deck. The remodeling would add 169 square feet to the residence.

Within the Coastal Development Overlay zone additions to an existing structure may be found exempt from the requirement for a Coastal Development Permit. However, Zoning Code Section 7-9-40.5 further provides that where the subject existing structure is located between the sea and the first public road paralleling the sea that this exemption may not be used.

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 LPC 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). The project received the approval of EBCA Board at its meeting of March 23, 2023. 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.

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 3, 2023. Additionally, a notice was posted at the project site, the County Hall of Administration and at the County Administration South building, 601 North Ross Street, as required by established public hearing posting procedures. 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 on March 28, 2023.

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 2 categorical exemptions.

Class 2 Categorical Exemption

The project includes the remodeling of an existing structure resulting in an additional 169 square feet of floor area. 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. The proposed remodeling will result in the same footprint as existing. 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 remodeling 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.

None of the exceptions listed in Section 15300.2 apply to the project. Each component of the remodeling project meets criteria outlined in the Class 2 exemption. 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. If the project is approved, a Notice of Exemption will be prepared in compliance with CEQA Guidelines §15300-15332.

CONCLUSION

Staff has reviewed the applicant's request for a Coastal Development Permit 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:



Kevin Canning, Contract Planner
Planning, OC Development Services

Concurred by:



Justin Kirk, 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.