

OC DEVELOPMENT SERVICES REPORT

DATE: March 7, 2024

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning Division

SUBJECT: Public Hearing on Planning Application PA23-0081 for a Coastal Development Permit and a Use Permit

PROPOSAL: A request for a Coastal Development Permit and a Use Permit to allow for the expansion and interior remodeling of an existing residence. A Coastal Development Permit is required for the 711 square foot addition of conditioned, livable space and extensive remodeling to the existing residence. A Use Permit is also required to replace the existing front courtyard retaining wall adjacent to Emerald Bay, bordering the driveway. The existing courtyard retaining wall varies in height between 3.65' and 7' when measured from the street-facing, exterior side because of the natural slope of the property. The replacement courtyard retaining wall will be placed at the same location and vary in height between 3.91' to 5.83' when measured from the street-facing, exterior side. The courtyard retaining wall, when measured from the interior side that is lower than the street, will be up to 7'-6" in height, which requires approval of a Use Permit.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

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

LOCATION: The project is located in the community of Emerald Bay at 1209 Emerald Bay, Laguna Beach, CA 92651 within the Fifth Supervisorial District (APN 053-320-60).

APPLICANT: Raymond Ricci, Property Owner

AGENT: Richard Krantz, Architect

STAFF Arturo Cervantes, Senior Planner

CONTACT: Phone: (714) 667-8864 Email: Arturo.Cervantes@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 Categorical Exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities), Class 2 (Replacement and Reconstruction), and Class 3 (New Construction) exemptions pursuant to Sections 15301 through 15303 of the CEQA Guidelines; and
- c) Approve Planning Application PA23-0081 for a Coastal Development Permit and Use Permit subject to the attached Findings (Attachment 1) and Conditions of Approval (Attachment 2).

BACKGROUND AND EXISTING CONDITIONS

The subject property is located at 1209 Emerald Bay, Laguna Beach, California, on Lot 47 of Tract 3125, which was recorded in 1957. The property is approximately 11,900 square feet in area, is situated 1,200 feet north of North Coast Highway, and is within the Emerald Bay community. The parcel is a corner lot at the end of a row of developed residential properties, and has street frontages along the front, rear, and one side of the lot. The front of the house, and access to the 3-car garage, is on the north side of the property. The property slopes down from the east side of the parcel to the west end.

On April 25, 1974, a Variance Permit (V8295) was approved by the County Zoning Administrator to reduce the setbacks on the parcel. The approval established a front yard setback of eight feet (8'-0"), a side yard setback of six feet (6'-0"), and a rear yard setback of ten feet (10'-0") to allow for the construction of a new single-family residence on the irregular shaped parcel. The setbacks established by V8295 remain in effect for any new development proposed for the property. A copy of V8295 is included as Attachment 3.

A map of the Project Site and the surrounding properties is provided below.



PROPOSED PROJECT

The proposed project consists of a 711 square foot addition of livable space, along with extensive remodeling, to the existing 3,615 square foot, 2-story, single-family residence at 1209 Emerald Bay. The addition on the Main/Upper Level of 316 square feet will allow for the construction of a new guest room with bathroom, and for the expansion of the existing entry foyer. The Lower Level expansion of 395 square feet will allow for the construction of a new a bedroom with bathroom, and a separate laundry room area. The expansion will result in a total livable space of 4,326 square feet and will be constructed within the setback guidelines established by Variance V8295.

Interior remodel to the residence will include the reconfiguration of existing bedrooms, kitchen, and dining/living room area, as well as the relocation of interior stairs within the existing footprint. The applicant proposes to create new storage areas adjacent to the garage, repair and replace portions of the existing Lower Level cantilevered deck, and add 451 square feet of rear deck area to the Main/Upper Level deck located behind the residence. Other work will include modifications to roof overhangs and replacing windows.

The project also includes the replacement of an existing courtyard retaining wall within the front yard setback that will be higher than allowed. The applicant is requesting approval of a Use Permit for “over-height” walls to allow for the replacement of this existing front courtyard retaining wall. The subject site has a natural slope of approximately 20 feet downward from east to west along the front yard area. The replacement front courtyard retaining wall will be approximately 7’-6” in height (this represents the highest interior measurement of the wall, which is taken from the wall adjacent to the driveway, as required by the County’s Zoning Code Sec. 7-9-24.10 (b) “Measuring Height of Fences and Walls”). The exterior side of the wall, visible from the street/public right-of-way, will vary between 3 feet to 5 feet, 6 inches in height.

The Architectural Plans and the Applicant’s Justification Letter are included as Attachment 4 and Attachment 5, respectively.

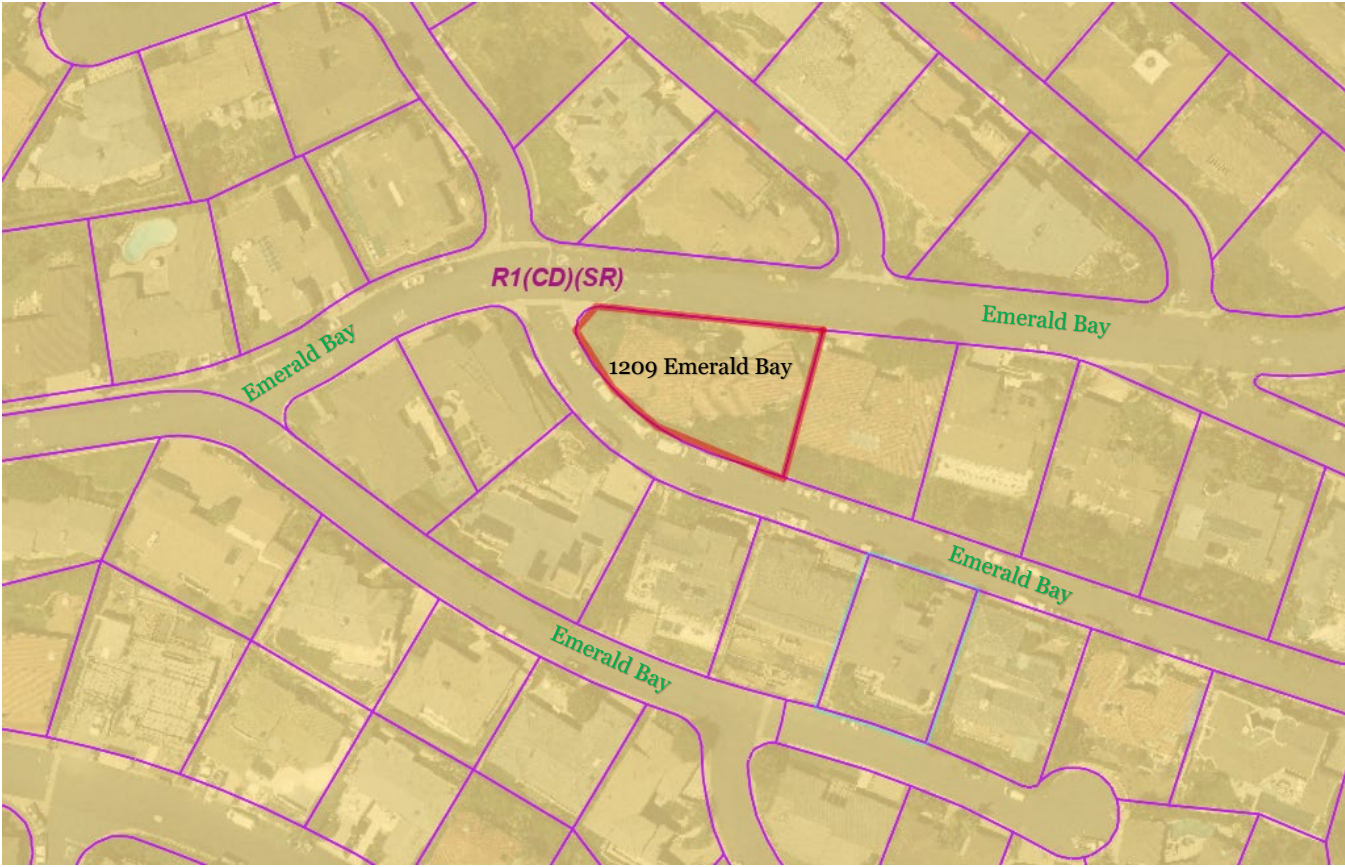
SURROUNDING LAND USE

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

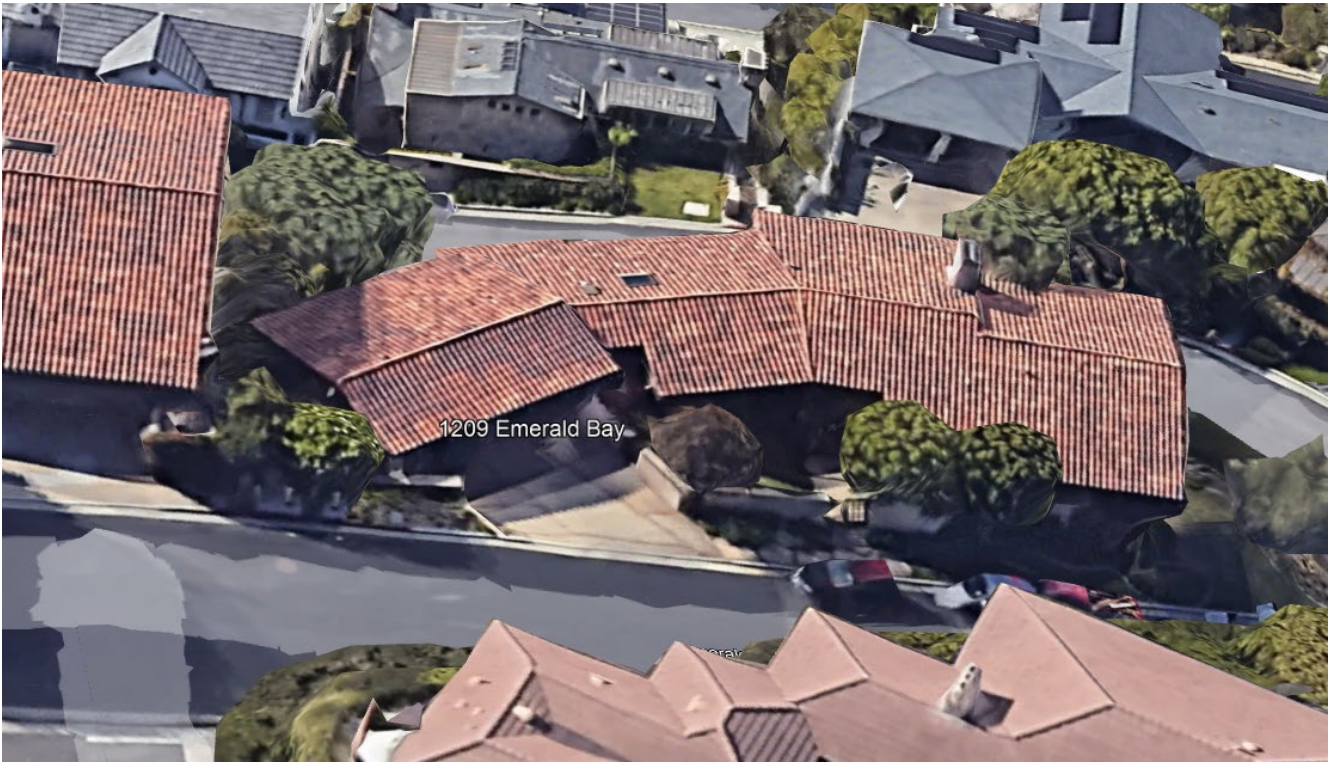
Direction	Zoning Description	Existing Land Use
Project Site	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
North	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
South	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling

East	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
West	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling

SURROUNDING LAND USE MAP



AERIALS OF FRONT, SIDE, AND REAR OF PROJECT SITE



Front Aerial



Rear Aerial



Side Aerial

DISCUSSION/ANALYSIS

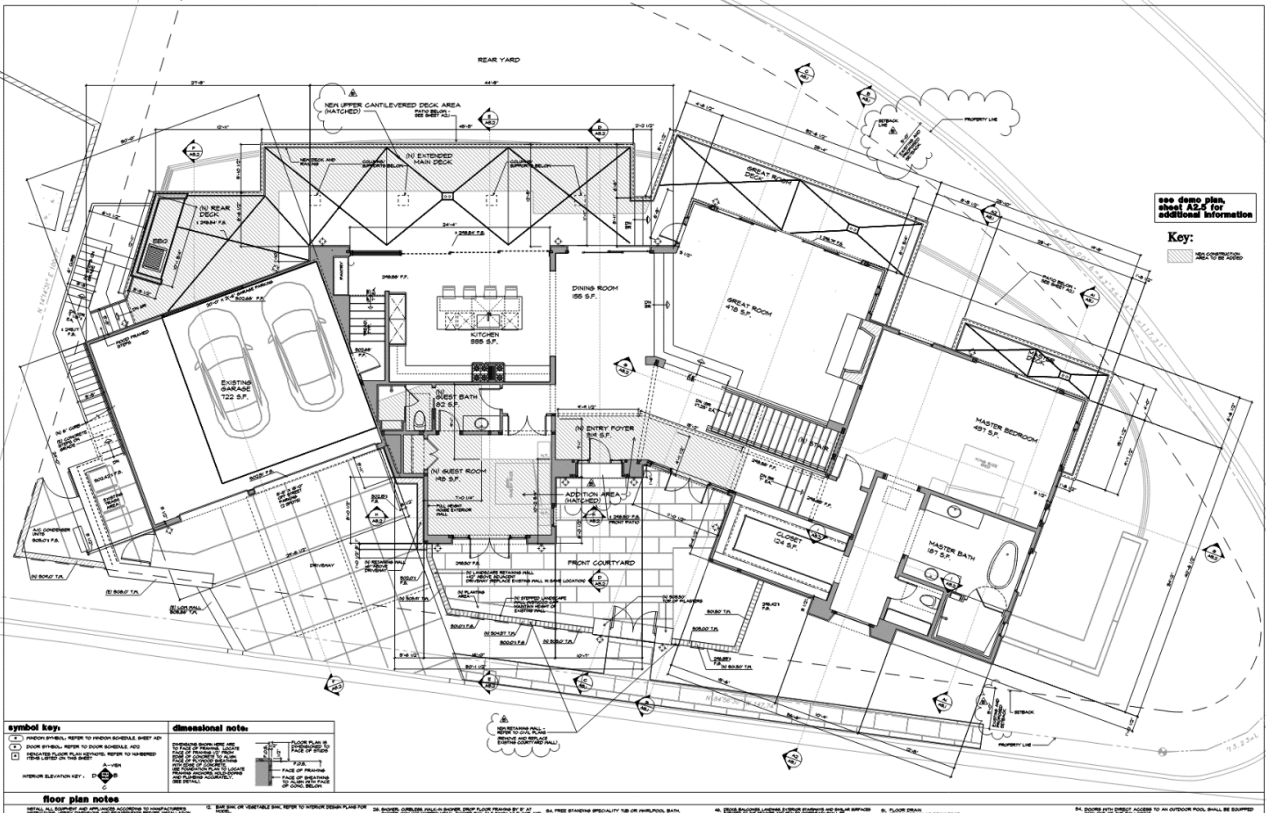
Below is a table comparing the development standards for “Single-Family Residence” District with the proposed project:

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

STANDARD	REQUIRED	PROPOSED
Building Site Area	7,200 square feet	11,600 square feet (approximate) ¹
Maximum Building Height	35 feet maximum	20 feet
Structural Front Setback	20 feet	8 feet existing ²
Structural Side Setback	5 feet minimum	6 feet minimum (no change) ²
Structural Rear Setback	25 feet	10 feet existing ²
Retaining Wall In Front Setback Extending Below Street Grade	6 feet	7 feet 6 inches maximum ³

1. Lot area calculations vary slight between assessor’s information and architecture plans.
2. Variance V8295 granted by ZA on April 25, 1974, approved a reduced setback at front yard of 8’, side yard of 6’ and rear yard of 10’.
3. Indicates Use Permit requested by the applicant.

Proposed Site Plan



Coastal Development Permit

Within the Coastal Development Overlay zone, and specifically within the Emerald Bay Local Coastal Program (LCP), the remodeling of a structure, to the extent proposed here, with the over-height wall, requires the approval of a Coastal Development Permit (Zoning Code Sections 7-9-40 and Emerald Bay Local Coastal Program). The proposed project conforms to the goals and objectives of the LCP through its design and the application of standard conditions of approval, included within Attachment 2. 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.

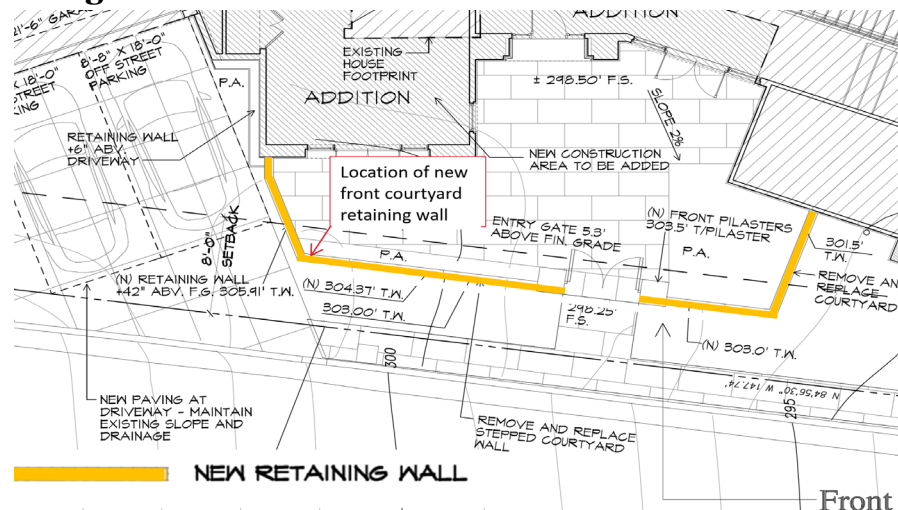
As required by the Emerald Bay LCP, the project was referred to the Emerald Bay Community Association (EBCA) for review and comment. The EBCA approved the project at their meeting of July 11, 2023 (Attachment 6). The subject property is not within the ‘appealable jurisdiction’ area of the LCP.

Use Permit – Over-Height Wall

The project design includes a proposal to replace an existing retaining wall in the front courtyard, within the front yard setback, and at the same location of an existing retaining wall. The existing retaining wall varies in height between 3.65’ and 7’ in height when measured on the street-facing, exterior side because of the natural slope of the property. The replacement retaining courtyard wall will be placed in the same location and vary in height between 3.91’ to 5.83’, also when measured from the exterior facing side. However, when measured from the interior side of the courtyard retaining wall, which is lower than the street, the wall will measure up to seven feet, five inches (7’-05”) in height.

The applicant has submitted a Use Permit application concurrently with the Coastal Development Permit application for approval of an over-height wall. The proposed location of the “over-height” courtyard retaining wall is shown below.

Proposed Over-Height Wall



Orange County Zoning Code Section 7-9-137.5(f), Modifications Permitted, states that exceptions and modifications to the fence and wall height provisions may be permitted through 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.

As previously mentioned, the proposed front courtyard retaining wall will be constructed at the same location as the existing wall and will be similar in size. The natural slope of the property results in the proposed wall having varying heights, when measured from the public street side, between 3.91' to 5.83' high. When compared to the existing wall height, that vary between 3.65' and 7', the slight increase of approximately 5 inches at certain portions, and the decrease of one foot at other portions of the wall would result in a wall that is similar in height as the previous wall. Construction of the proposed courtyard retaining wall, which is in the same location and of similar height, would not result in creating a traffic hazard.

The proposed courtyard retaining wall location, size, and design is consistent with similar improvements throughout Emerald Bay. The wall will be finished with similar materials and color of the existing house, which is typical for homes in the community. The wall will be constructed in a manner that complements the existing residence, and will not be objectionable, detrimental, or incompatible with other permitted uses within the community.

Staff concludes that the two required findings to modify the proposed courtyard retaining wall height can be made. Recommended findings are included in Attachment 1.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

A Notice of Hearing was mailed to all property owners of record within 300 feet, and to residents within 100 feet, of the subject site as required. A notice was posted at the project site and a notice was published in a newspaper of general circulation in the area affected by the proposed project. Additionally, the Emerald Bay Community Association reviewed and approved the proposed project at their Board meeting on July 11, 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 §15300-15333.) All components of the proposed project meets criteria the outlined in the Section 15301 Class 1, Section 15302 Class 2, and Section 15303 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.

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:

(e) Additions to existing structured provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition

The project consists of a 711 square foot addition and interior remodel of an existing 3,615 square foot, 2-story, single family residence. The addition is less than fifty percent of the existing home and the residential use will remain the same.

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.

The expansion and renovation of the residence is consistent with the Class 2 Exemption because the proposed project will serve the same purpose and capacity as the existing single-family residence. The portion of the home that will be remodeled will be within the existing footprint of the building, as shown on the attached Architectural Plan (Attachment 4).

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:

One single-family residence, or a second dwelling unit in a residential zone. . .

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. The project proposes to remodel an existing 2-story, single-family residence and construct a new 711 square foot addition. The project also includes the removal and reconstruction of a wall and gate within the front setbacks.

CONCLUSION

Staff has reviewed the applicant’s request for a Coastal Development Permit and Use 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 project subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:

Concurred by:

Cervantes, Arturo
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Justin Kirk
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ATTACHMENTS:

- 1. Recommended Findings
- 2. Recommended Conditions of Approval
- 3. Previously Approved Variance V8295
- 4. Architectural Plans
- 5. Applicant’s Letter
- 6. EBCA Board Approval
- 7. Site Photos

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 deposit of \$500 filed at the Development Processing Center, 601 North Ross St., 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.