



February 8, 2024

OC Public Works  
OC Development Services  
300 North Flower Street  
Santa Ana, CA 92702

**SUBJECT:** Revised Letter of Project Proposal and Scope of Work

**PROJECT:** The Slavik Residence – Coastal Development Permit, Variance, and Use Permit for New Single-Family Residence

**OWNER:** The B & K Slavik Family Trust  
4450 MacArthur Boulevard, Second Floor  
Newport Beach, CA 92660

**LOCATION:** 211-213 Emerald Bay Drive, Laguna Beach, CA  
APNs: 053-073-43 and 053-073-44

The subject Planning Application requests approval of a Coastal Development Permit, Variance, and Use Permit by the Zoning Administrator to authorize the demolition of an existing single-family residence and associated site improvements; a merger of the two existing parcels into one; and the construction of a new single-family residence with associated site improvements. The project is located at 211-213 Emerald Bay Drive within the community of Emerald Bay, which is part of the unincorporated area of the County of Orange, north of the City limits of Laguna Beach. The following describes the existing conditions and details of the discretionary actions being requested:

***Existing Conditions*** – The subject property, per the original subdivision map, established three separate legal lots, described as Lots 6, 7, and 8 of Tract No. 977, Subdivision “G” of Emerald Bay, per map filed in Book 31, Pages 33, 34, and 35 of Miscellaneous Maps of the Orange County Recorder. However, it has historically functioned and was developed as a single building site (APN 053-073-41) with approximately 14,375 gross square feet of site area. The property is considered a corner lot with frontage along Emerald Bay Drive along its southern boundary, and shares a paved private street/motor court easement along its westerly and northerly property lines that provides vehicular access to eight residences, including the subject residence. The portion of the subject property encumbered by this access easement is approximately 2,918 square feet, leaving a net buildable area of approximately 11,457 square feet. Existing improvements consist of a centrally located two-story, single-family residential structure, a pool house and pool located on the westerly side of the residence; and a detached garage located in the northeastern portions of the property and various hardscape/landscape features throughout. The subject property slopes

**Revised Letter of Project Proposal and Scope of Work**  
**Planning Application**  
**211-213 Emerald Bay**  
**Page 2 of 10**

downward from east to west (side to side) and north to south (rear to front). Surrounding development consists of similarly improved properties with one- and two-story, single-family residential structures with related site improvements. This portion of the Emerald Bay community lies to the northeast side of the Pacific Coast Highway.

***Previous Planning Approvals*** – A review of recent records shows that the County’s Zoning Administrator approved PA180033 on May 2, 2019. This approval was for a Coastal Development Permit, Variance, and Use Permit to authorize a reconfiguration of the lots from three to two (LLA2019-007), demolition of a detached garage, and remodel of the existing single-family residence by adding square footage and attaching a three-car garage, and approved deviations from certain development standards. The Zoning Administrator determined that the project was Categorically Exempt (Class 1, 2 and 3) from the California Environmental Quality Act (CEQA), finding that none of the exceptions listed in CEQA Section 15300.2 were applicable to the project. Of the approved discretionary applications, only the Lot Line Adjustment was perfected and recorded November 20, 2019 as Instrument No. 2019-484003. This established the current legal description for the property as Parcels 1 and 2 of LLA2019-007 (APNs 053-073-43 and 053-073-44). Some demolition of portions of the interior of the structure have occurred, prior to the current owner’s acquisition of the property, but the approval of the new construction was fully implemented, and the remaining discretionary approvals have all since expired. The subject property changed ownership as shown on the Grant Deed recorded on April 30, 2021, and quitclaimed on August 3, 2023 due to changes in the Trust. This information has been provided as part of this resubmittal package. The new owners have not altered the property or the structures since assuming the ownership and the residence located on the property is currently unoccupied, since the interior was demolished down to the studs and previously permitted interior work (under prior ownership) remains incomplete.

***Proposed Project*** – The currently proposed project proposes the demolition of all existing structures and related site improvements in order to construct a new 5,342 square foot, two-story, single-family residence with an 840 square foot, three-car, attached garage; two carport parking spaces; a detached 151 square foot cabana with pool; and associated hardscape/landscape improvements to the entire property. The project also proposes to combine the two parcels into a single building site (LL2023-017) and retain the 211 Emerald Bay Drive address. Coastal Development Permit approval is required for the consolidation of the lots, demolition of the existing residence, and construction of the new residence including all related site improvements for hardscape, landscape and grading. In addition to the Coastal Development Permit, Variance and Use Permit approval is required to allow for deviations from several development standards.

Detailed plans have been included with this submittal package and show the location of the existing residence and related site improvements that would be demolished, and the

**Revised Letter of Project Proposal and Scope of Work**  
**Planning Application**  
**211-213 Emerald Bay**  
**Page 3 of 10**

proposed improvements to be constructed. The drawings include the Site Plan, Floor Plans, Elevations, Cross Sections, Grading Plan, and Hardscape/Landscape Plan. Proposed Lot Line Adjustment (LLA) exhibits for the consolidation of the two parcels into a single building site have been submitted to the County's Survey Division, with recordation pending the Zoning Administrator approval action.

The proposal is consistent with the County of Orange General Plan and Zoning Code, Local Coastal Program regulations, and the Emerald Bay Building Restrictions.

***County of Orange General Plan and Zoning Code*** – The subject property has been designated 1B “Suburban Residential” on the County’s General Plan Land Use Map and the implementing Zoning District consistent with this Land Use designation is R1 “Single-Family Residence.” Two Overlay Districts, CD “Coastal Development” and SR “Sign Restrictions” are also applicable to the subject property. The County’s R1 District regulates general development of single-family residential lots under Section 7-9-31. Single-family dwellings together with accessory uses and structures are considered permitted by right within the R1 District, and do not typically require discretionary action. However, deviations from certain development standards as outlined in the County’s Zoning Code require approvals by the Zoning Administrator of either Variance or Use Permit. Additionally, the CD Overlay District requires Coastal Development Permit approval for certain development types including the subject proposal. There are no regulations applicable under the SR Overlay District.

Detailed plans submitted with this application demonstrate that the proposed single-family residence and associated improvements will be developed in accordance with most of the R1 District standards. The consolidation of the two existing parcels into one will eliminate the non-conforming status of one of the existing parcels due to its substandard size, creating a new legal lot that satisfies the R1 District minimum Building Site Area, although the lot will still be considered a shallow lot. The maximum Building Height and the number of required Off-Street Parking spaces are also in conformance with the stated requirements. However, the proposal requires Variance approval to reduce the Front and Rear Setbacks to five feet. Additionally, Use Permit approval is required to allow wall heights to exceed the stated maximums permitted within respective setback areas, to allow accessory structures within a front setback, and to allow a reduction in the minimum driveway length/depth.

***Local Coastal Program/Coastal Development Permit*** – The subject property is within the community of Emerald Bay, which is regulated by the Emerald Bay Local Coastal Program (LCP), certified by the California Coastal Commission (CCC) on September 13, 1989. The LCP serves as both the Land Use Plan and the Implementation Plan for properties within Emerald Bay. Authority for issuance of Coastal Development Permits rests with the County and is not subject to an appeal by the CCC based upon the LCP’s Figure 9 – Post LCP Certification Permit and Appeal Jurisdiction Map. Approval

of a Coastal Development Permit by the County's Zoning Administrator is required to authorize the demolition of existing structures, minor grading of the site, lot consolidation, and new construction. The proposal is consistent with the approved intensity of development, as well as the applicable Land Use Policies contained in the LCP regarding coastal resources and environmental protections. Further, the project has been designed in consideration of all applicable Resource Components of the project site and immediately surrounding properties related to environmental hazards scenic resources and cultural/scientific resources. There are no other requirements of the LCP applicable to the proposal.

***Emerald Bay Building Restrictions*** – Development of the subject property is regulated by the Building Restrictions outlined in the Emerald Bay Covenants, Conditions and Restrictions (CC&Rs). These CCRs are administered by the Emerald Bay Community Association (EBCA). As such, the proposal was reviewed and given final Architectural Committee recommendation for approval on August 25, 2022, with full Emerald Bay Board approval on September 8, 2022. A copy of the approval minutes has been included in this submittal package. At their meeting of September 7, 2023, the EBCA Board granted a one-year extension of their original approval action.

***California Environmental Quality Act (CEQA)*** – CEQA and the CEQA Guidelines Sections 15300-15332 allow categorical exemptions, as described by “Class,” for projects that have been determined not to have a significant effect on the environment. The subject proposal would be considered exempt pursuant to the following classifications, Class 1 Existing Facilities, Class 3 New Construction, Class 4 Minor Alterations to Land, and Class 5 Minor Alterations in Land Use Limitations. The following describes how the project is categorically exempt from CEQA.

- Section 15301 – Class 1 – Existing Facilities

Class 1 consists of 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 use beyond that existing at the time of the lead agency's determination. The types of “existing facilities” itemized under this Class are not intended to be all-inclusive of the types of projects which might fall within the Class. The key consideration is whether the project involves negligible or no expansion of an existing use. The examples listed under Class 1 that are applicable to the proposed project include the demolition and removal of one single family residence, or up to three in an urbanized area; and accessory structures including garages, carports, patios, swimming pools, and fences. As described herein and as shown on the submitted plans, the project will demolish these types of structures and related improvements without any change in the

use of the land for purposes of constructing new single-family development on a single lot, and therefore is considered exempt from CEQA.

- Section 15303 – Class 3 – New Construction

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. which includes the construction of one single-family residence and accessory structures including garages, carports, swimming pools, and fences. The Class has a maximum number of structures allowed on any legal parcel. The examples listed under Class 3 that are applicable to the proposed project include the construction of one single-family residence, or a second dwelling unit in a residential zone, or up to three single-family residences in an urbanized area; and accessory structures including garages, carports, patios, swimming pools, and fences. As described herein and as shown on the submitted plans, the project will construct a new single-family residence and accessory structures on a legal parcel in accordance with the Class 3 limitation on the number of new structures, and therefore is considered exempt from CEQA.

- Section 15304 – Class 4 – Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The examples listed under Class 4 that are applicable to the proposed project include grading on land with a slope of less than ten percent; new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping, and minor trenching and backfilling where the surface is restored. As described herein and as shown on the submitted plans, the project will include grading activities typical of development for construction of a new single-family residences, including accessory structures, on land previously graded and where the slope is less than ten percent. Grading activities will include minor trenching and backfilling for standard utilities and fencing. All existing vegetation will be removed including trees, which are largely palm species, none of which are considered scenic specimens. Additionally, new water efficient and/or fire-resistant landscaping is proposed to replace this older,

conventional landscaping. The project is proposed in accordance with the limitations applicable to Class 4, and therefore is considered exempt from CEQA.

- Section 15305 – Class 5 – Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than twenty percent, which do not result in any changes in land use or density. The examples listed under Class 5 that are applicable to the proposed project include minor lot line adjustments; and side yard and set back variances not resulting in the creation of any new parcel. As described herein and as shown on the submitted plans, the project will include a lot line adjustment to remove an interior lot line to create a single building site where the average slope is less than twenty percent, and where the single-family land use and density of one dwelling unit for each legal parcel will remain unaffected. Submitted plans also show minor adjustments for set backs and side yards, which are typical for development within the Emerald Bay community, due to the smaller lot sizes. The minor adjustments in this circumstance are also necessary due to the private street and shared driveway frontages that the property is encumbered with on three of the four sides of the lot. The project is proposed in accordance with the limitations applicable to Class 5, and therefore is considered exempt from CEQA.

***Exceptions to CEQA Categorical Exemptions*** – The use of categorical exemptions, as described above, are qualified under CEQA Guidelines Section 15300.2 for certain exemptions and subject to qualifiers before they can be deemed applicable to a project. The following describes how none of the CEQA exceptions as outlined in the Guidelines apply to the project; and therefore, the project can be determined categorically exempt from CEQA.

- Section 15300.2 (a) and (b) – Location and Cumulative Impact

With the exception of Class 1, the above categorical exemptions; Class 3, 4, and 5, are subject to consideration of where the project is located and if there could be cumulative impacts. Specifically, the location of the project must be considered should it impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted under Federal, State or the County of Orange laws. The project site is located within an established residential community, subject to the implementation program of the Emerald Bay LCP, which is based upon the land use plan and where potential environmental resources of hazardous or critical concern were evaluated, and policies were adopted. The project site is currently developed with a single-family

**Revised Letter of Project Proposal and Scope of Work  
Planning Application  
211-213 Emerald Bay  
Page 7 of 10**

residence and related improvements, and is not located in any environmentally sensitive area; and where all immediately surrounding properties maintain similar single-family improvements. Further, the submitted plans demonstrate that with the inclusion of County standard conditions of approval, including implementation of any applicable land use policies of the LCP, that the project has no cumulative impact. The project is limited in scope, and does not lead to successive projects of the same type in the same place, over time. Therefore, neither the project location, nor any cumulative impact, are considered a factor that would preclude the categorically exempt determination.

- Section 15300.2 (c), (d), and (e) – Significant Effect, Scenic Highways, and Hazardous Waste Sites

The use of any categorical exemption is also limited in its application if a project could have significant environmental effects, could cause damage to a scenic resource, or if located on an identified hazardous waste site. Due to the scope of the project and its location in a built-out community without any unusual environmental circumstances, it can be concluded that the project will not cause any significant environmental impacts. Any project approval will include compliance with standard conditions of approval, and specifically with regulations for short-term construction activities, to ensure that the project has no significant effect on the environment. Categorical exemptions shall not be used for projects which may result in damage to scenic resources within a highway officially designated as a State scenic highway. The subject property is located within the established private and gated community of Emerald Bay, subject to an LCP. The community's inland and ocean development areas are divided by Pacific Coast Highway, a public right-of-way and designated scenic corridor described within the LCP. The project site is not immediately adjacent or within view of this scenic corridor, separated from view by other single-family development and the gates of the community. Additionally, the project site and surrounding properties are not on any list compiled pursuant to Government Code Section 65962.5, which contains Hazardous Waste Sites. Therefore, none of these types of exceptions are considered a factor that would preclude the categorically exempt determination.

- Section 15300.2 (f) – Historic Resource (Including Related Section 15064.5)

The use of any categorical exemption is limited if a project could cause a substantial adverse change in the significance of an historical resource. The key to evaluating whether this exception applies to a project is; first, to fundamentally

**Revised Letter of Project Proposal and Scope of Work  
Planning Application  
211-213 Emerald Bay  
Page 8 of 10**

determine whether there is an historical resource on the project site, or within the immediate vicinity; and second, determine whether the scope of the project is such that it will substantially affect the significance of that historical resource. CEQA Guidelines Section 15064.5 outlines the provisions that must be considered in determining the significance of impacts to archeological and historic resources. An “historical resource” is defined exhaustively in subsection (a); and if the definition is met, subsection (b) outlines what would be considered a “substantial adverse change in the significance” that may result in a significant effect on the environment. If so, the use of any categorical exemption for the project would not be appropriate.

In order to comply with the Guidelines, an Historical Resource Analysis Report (HRAR) has been prepared and is included in this resubmittal package. The report was prepared by Wendy L. Tinsley Becker, RPH, AICP, and Principal of Urbana Preservation and Planning, LLC. The purpose of the HRAR was to evaluate the subject property under the criteria of the California Register of Historical Resources (CRHR) and to determine if the property meets the definition of an historical resource pursuant to CEQA Guidelines Section 15064.5. Future discretionary actions involving demolition and removal, or substantial alteration are proposed at the property, and accordingly, the HRAR is necessary to inform historical resource regulatory conclusions under CEQA. The 211 Emerald Bay property features an altered two-story single-family residence with a north elevation addition and multiple changes on character-defining facades, a detached garage addition, and an accessory dwelling. The accessory dwelling dates to 1934. The main house was built in ca. 1936 with subsequent alterations in ca. 1945, 1975, and into the contemporary period. The garage was constructed in ca. 1945-1953. The buildings meet age eligibility thresholds for historical resource consideration, and as a result, are subject to evaluation under the CRHR criteria.

After conducting an exhaustive analysis, Page 60 of the HRAR contains the regulatory conclusions, impact analysis, and mitigation recommendations. First, it was determined that “the 211 Emerald Bay property is ineligible for listing on the CRHR. It is not individually eligible for an association with an important event, or patterns of events, and is not individually eligible for an association with a significant person. It does not individually embody the distinctive characteristics of a type, period, region, or method of construction, and has not been found to represent the work of a master or possess high artistic values. Further study of the property would not yield information important to history. Extensive rehabilitation work is necessary to return the property to its original



design and appearance. Accordingly, the property does not meet the definition of an historical resource pursuant to Section 15064.5 of the CEQA Guidelines (California Code of Regulations, Title 14, Section 3).” Therefore, the impact analysis concludes that, “demolition and removal of the buildings, structures, and site features at the 211 Emerald Bay property would not result in a significant impact to an historical resource or a substantial adverse change to the environment.” As such, there is no recommended mitigation. Based upon the above facts and conclusions as documented in the submitted HRAR, the historic resource exception does not preclude the determination or use of a Categorical Exemption for the project.

Approval by the County’s Zoning Administrator requires a finding that the subject project and the associated discretionary planning applications are exempt from CEQA based upon the above CEQA Guidelines Sections and classifications. None of the exceptions are applicable to any of the identified categorical exemptions.

***Justification in Support of Planning Application***

Demolition of older single-family residential structures and related site improvements being replaced with new single-family development on the same building site is very common in the Emerald Bay community. In addition to the required Coastal Development Permit approval for demolition and new construction within a coastal zoned property, many of the properties within Emerald Bay request and receive approvals for Variances and Use Permits to provide relief from certain development standards of the R1 District, which applies County-wide. Frequently, the reduction in the required setbacks, the reduction in depth of a driveway, and increased wall heights within setback areas are required for single-family residential construction within the Emerald Bay community. The subject proposal seeks similar relief in order to develop the property. The Variances and Use Permits that are described herein and shown on the submitted plans are relatively minor in nature.

The subject property presents some challenges to development in that it is unusually configured; and, although the existing two parcels are being combined into a single building site that creates a Building Site Area larger than the required minimum, it will still be considered a shallow lot similar to surrounding properties. For the most part, shallow lots within the vicinity have been improved with structures setback five feet from property lines, similar to the submitted plans for this proposal. Further, almost 3,000 square feet of the subject property is encumbered by a vehicular access easement/motor court area serving multiple residences as well as the subject residence. Submitted plans show that the new garage location and carport spaces are similar to the existing locations on the subject property, where depth of driveway has been reduced due to the existing paved width of the vehicular access easement. Several of the other residences served by this same vehicular access easement have significantly reduced

**Revised Letter of Project Proposal and Scope of Work**  
**Planning Application**  
**211-213 Emerald Bay**  
**Page 10 of 10**

driveway depth, or none at all as the motor court provides for adequate and shared maneuverability area substituting the need for individual driveways.

In addition to the shape and surface level encumbrances, the subject property also has existing topography sloping downward from the northeast corner to the southwest corner. The higher elevation of the property (eastern portion) has not previously been developed and is where the new residence is proposed to be located. This will require minor excavation and retaining walls in order to maintain a lower profile and lower finished floor level at the first story, preserving compatibility with adjacent properties and the views from street elevation. Submitted plans also propose a courtyard style development with a pool and pool deck surrounded by privacy and pool enclosure walls and gates. As mentioned previously, the property is shallow and surrounded on three sides (front, rear and one side (west)) by private street making adherence to R1 District setbacks for walls and accessory structures within a front yard overly restrictive. As such, portions of the pool, pool deck, pool cabana, and required walls/gates are located within setback areas and are over height limitation. However, this circumstance is similar to surrounding properties and can be found throughout Emerald Bay. Furthermore, some of the existing fences and walls, which are being removed, were been constructed within setbacks, over property lines, or in very close proximity to the private street right-of-way. The proposed locations for structures and buildings will provide a minimum of a five-foot setback, consistent with adjacent and surrounding properties.

The Variance and Use Permit applications requested with this submittal package could be considered the result of a disparity between the Emerald Bay Building Restrictions and the County's R1 District regulations. Therefore, if the County's Zoning Code requirements were strictly applied in this case, it would be inconsistent with precedence in place for development within Emerald Bay, and each of those prior approvals by the County would result in those owners' enjoying privileges beyond those requested under this Planning Application. Most importantly, the proposal has been carefully designed to be compatible with the character of surrounding development, and is consistent with the governing regulations for Emerald Bay, its LCP and County Zoning.

On behalf of our client, The B & K Slavik Family Trust, we appreciate the County's favorable consideration of this project.

Sincerely,



Anne Fox  
Senior Planner  
MIG, Inc.