

APPLICANT: SLAVIK
ADDRESS: #211
PROJECT: 3039 TRACT: 977 LOT: 6, 7, 8
SCOPE OF WORK: NEW RESIDENCE w/MAJOR LANDSCAPE/HARDSCAPE
SUBMITTAL: PRELIMINARY RESUBMITTAL
ARCHITECT: Brandon Linsday
 Phone: 714-754-4040
 License: C-35799
LANDSCAPE ARCHITECT: Benjamin Montrella
 Phone: 949-887-0247

Architectural review by Ken Wilkins Landscape review by Jim Dockstader

FINAL COMMITTEE RECOMMENDATION: APPROVAL

HISTORY OF SUBMITTALS:

- | | | |
|--------------|-------------|--------------|
| • April 2022 | CONCEPT | ACKNOWLEDGED |
| • May 2022 | PRELIMINARY | DISAPPROVED |

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

Submittal application indicates a new residence of 6,539 SF which includes a three-car garage and a separate Cabana. **Provide overlay broken into simple, dimensioned geometric shapes with tallies for verification at the same scale as the plans. The floor area, lot coverage, parking and flat roof overlays should be independent of each other, not combined.** New construction is indicated to be:

	Preliminary	Proposed	Change
• Second Floor	2,633 SF	2,633 SF	NC
• First Floor	2,733 SF	2,719 SF	-14 SF
• Garage	840 SF	840 SF	NC
• Cabana	151 SF	151 SF	NC
• Deck	Not indicated	275 SF	NC

NOTE: The submittal plans indicate the project will consist of a single parcel although currently it is still two parcels. The applicant has provided feedback from the County that the entire project is to be submitted (to them) comprehensively and that the County will consider lot consolidation (to a single parcel) and will require final recording documents for the lot consolidation (to a single parcel) to be completed before issuance of construction permits. With consideration to the applicant for the process, EBCA’s review will be based upon a single consolidated parcel with all information presented to be consistent with that of the final recorded documents. Per EBCA Architectural Regulations, Section A.4.



SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: Pool, spa, water features, pool building, outdoor fireplace, outdoor kitchen, walls, fencing, paving, planting, irrigation

STAFF ARCHITECTURAL FINDINGS:

1. ARCHITECT STAMP (Section B.2): Drawings are stamped and signed. **OK**

This will be checked 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 or Parcel upon which it is built". Lot coverage is calculated as the total area of the roof less overhang. 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. Lot area does not match application. Stated lot area on application and sheet A-0.3 is 11,456.63 SF. The lot area on the 1960 topo plan is $8,467.62 + 5,907.65 = 14,375.27$ SF.

No overlay broken into simple, dimensioned, geometric shapes at the same scale as the floor plans was provided for verification. The area of the cantilevered rear Deck extends beyond 10' and counts towards Lot Coverage and could not be verified.

4. **SETBACKS (Section C.2):** The proposed structure appears to respect the 5'-0" minimum setbacks on 3 sides The structure was moved to the West to increase the distance from the neighbor. **Add back to the Site Plan the setback minimums and distance where the structure is closest to the property line on all sides. Arbitrary circle #1 has no reference anywhere that we can find. Site plan offsets to building line should be from 5' setback or property line. Setback lines need to be shown on grading plans.**

Entry element appears to be encroaching into front setback line.

5. **UTILITY EASEMENTS (Section C.3):** Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **These will be reviewed by the Emerald Bay Service District prior to Final approval.**
6. **PARKING (Section C.4):** The parking area shown on the submittal application is 4,469.03 SF. The garage area used for required parking (430 SF + 156 SF) does not need to be included in the parking calculations. EBCA calculation $6,343 \text{ SF} - 430 \text{ SF} - 156 \text{ SF} = 5,757 \text{ SF}$. This requires a two-car garage plus two regular and one compact off-street parking spaces. A two-car garage plus one off-street and two additional off-street parking spaces are provided. **Indicate all required parking spaces, dimensioned, on the Site Plan [Previous request]. No overlay was provided for verification.**
7. **SERVICE YARD (Section C.5):** **Indicated at the Northeast side yard corner. 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. **The Committee will review at the Final review.**

9. **NUMBER OF STORIES** (Section D.1): The Submittal application indicates a proposed structure with 2 stories. The structure appears to comply. **OK**
10. **BUILDING HEIGHT (Section D.2):** "No portion of the structure disclosed by the lot building plans shall exceed fifteen (15) feet above the highest point of that portion of the Lot or Parcel where the Natural Grade of the Lot or Parcel intersects the exterior wall of the structure nearest to the highest portion of the Natural Grade of the Lot or Parcel, nor shall any portion of the structure exceed twenty (20) feet in height above the Natural Grade of the Lot or Parcel." **The high point of natural grade adjacent to the structure is identified as 99.0 on sheet A-3.0. Provide a certified topo interpolation of the high point adjacent to the structure. [Previous request]. It appears to be +/- 99' + 15' = +/-114' maximum height allowed.**

Numerous roof heights are noted at 113.73' (within 3" or less) and above, therefore the limit is being pushed and verification is required. The chimney heights are above the maximum and must be held to the minimum allowed by code. Revise Sheet A-3.0, note 7 to be consistent. [Previous request].

11. **COMPATIBILITY (Section D.3)** Standing seam metal and concrete tile roofing, wood trellis, wood lap siding, board and batten wood siding, brick veneer, aluminum clad windows and doors and glass railings indicated. **Materials will be verified at Final review.**
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. **N/A. All elements must conform with the current Architectural Regulations or a Variance Request must be submitted.**

Existing non-conforming elements:

None

New non-conforming elements:

None

13. **ROOFS** (Section D.5):

Roof pitch: 3:12, 4:12, 5:12 **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the roof area. Overlay notes 575.78 SF/ 4,469.03 SF =12.88% (previously 13.12%). **Overlay to indicate each area broken into simple geometric shapes and tabulated for verification at same scale as roof plans. [Previous request].** Trellis elements must be at least 50% open. Appears to comply. **OK**

Roof Material: Standing seam metal and **concrete tile roofing Class 'A'** noted. **OK**

Roof Equipment: None shown. **OK**

Parapet: Indicated, no overlay provided. Appears in compliance. **OK**

With respect to roofs, the intent of the Architectural Regulations is to encourage sloped roof forms and limit the amount of flat roof. The Committee notes that highly

'sawtoothed' or corrugated roof forms may not be consistent with Regulation provisions and may contribute to a boxier house shape with higher eaves. This is in the context of proposing a roof height very close to the maximum allowable across much of the roof. With that said, it appears with this proposal, adjacent neighbors, and neighbors behind 211 EB will not be impacted by the view of the roof. The "sawtooth" roof design coupled with the large courtyard and a 'dug-in' lower floor, creates an openness to the lot. This is considered a benefit to the community and the acceptability of the roof form is specific to this lot and this design.

14. **ROOF DECKS (Section D.6):** 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. None shown. **OK**
15. **MATERIALS AND COLORS (Section D.7):** The Committee will review the color and materials at the Final review.
16. **WINDOWS AND DOORS (Section D.8):** Aluminum clad. **OK**
17. **ANTENNAS (Section D.9):** None indicated. **OK**
18. **SOLAR PANELS (Section D.10):** None indicated. **OK**
19. **SKYLIGHTS (Section D.11):** None indicated. **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.
Elevations indicate fixtures without a description. Reference on A-4.0 does not say downlit and shielded as noted in response. [Previous request].
Fixture cutsheets may be required at Final submittal for review of style and shielding of light source.
21. **GUTTERS AND DOWNSPOUTS (Section D.13):** Gutters and downspouts indicated. Identify method of drainage at deck (to a gutter? Clarify). **[Previous request].**
22. **OTHER COMMENTS:**
None

STAFF LANDSCAPE FINDINGS:

1. **SUBMITTAL COMPLETENESS (Section B.5):** Submittal must be generally complete enough for review. **OK except for items described below.**
2. **LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits):** Except for fences and walls, structures are 5' from PL. **Front entry element appears to be located in or overhang into the front setback (a few inches). No element over 4' tall, including veneer or overhangs, can be in the front setback**

UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. **Submit at time of final**

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. Sump pump is shown under the outdoor shower area.**
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. **Not shown on civil drawings**
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. **Submit at time of final**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **Proposed pool and spa equipment is shown inside pool building. AC condensers are shown at northeast corner. It is unclear how sound will be attenuated since enclosures are not proposed (acoustical report must predict noise levels above property line walls).**

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

Noise impacts on adjacent neighbors must be avoided and/or minimized. **OK, pending submittal of acoustical report**

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. **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'. Many of the fence and wall heights are not shown correctly if indeed walls are

stepped to follow grade. Some wall height arrows are not shown correctly on sheet LG.1. Show fencing and required gates on all architectural and landscape site plans and indicate top of fence heights (fence heights within the front setback are limited to 4' above top of nearby curb).

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. **Unclear. Wall/fence heights callouts are incomplete for some of the perimeter.**

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape.

The front entry element appears to create an item of focus appropriate to the property.

Most of the plant material in the front area is not tall. Since pool enclosure has been moved out of the front setback, the Cte may wish to consider if the addition of a couple of taller shrubs or small trees would more soften and enhance the cabana and front entry elements and more effectively contribute to a visual streetscape.

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. **Wall and fence heights are not shown in all setback areas. The location and height of the proposed fence at the interface with the uphill neighbor is not shown on any plan, just on the 3d views.**

Property line fences, walls, and footings must be constructed completely on the subject property. **OK**

Block walls are finished on all sides. **Not shown**

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**

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. Also, proposed fireplace appears to be 10' from face of curb**

The minimum setback for any open firepit shall be a minimum of 10'. **None proposed. NA**

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. **OK, except pool fencing and gates are not shown on the architect's site plan even though other fencing and gates are shown.**

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:

- **The property line shared with the uphill neighbor appears to be well within the neighbor's patio area. The location and height of the proposed fence are not shown on plan drawings. It appears that significant demolition and planting is proposed within the uphill neighbor's patio (but still on #211 property).**
- **Applicant may wish to consider OCFA guidelines for defensible space and fire safety, including vegetation close to structure, vertical and horizontal separation, etc.**
- **A gate into the house appears to be blocked by a car parked in the off-street space, though it opens inward and likely can function.**
- **On the Architect's site plan in the front setback, a top of wall elevation does not match the elevation shown on C.2**
- **Certified Staking plan was received.**

FINAL COMMITTEE RECOMMENDATIONS:

1. 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.
2. The Applicant may resubmit for Committee's review taking the Staff Findings above and the following into consideration:
 - a. Provide Floor Plan overlay at same scale as the plans broken into simple, dimensioned, geometric shapes with tallies for verification. **Done**
 - b. Provide Lot Coverage overlay at same scale as the plans broken into simple, dimensioned, geometric shapes tallied for verification. As a suggestion, Architect can submit overlay sheets on translucent bond paper for proper overlays. **Done**

- c. Indicate all required setbacks, access easements and relative dimensions to any adjacent structure on the site plan. **Will show on Civil at Final**
- d. Show minimum parking space dimensions in each stall / space on site plan. **Done**
- e. Verify all roof heights against certified topo interpolation of the high point adjacent to the structure. Buffer is RECOMMENDED. **No Change**
- f. Identify deck drainage gutter if intended. **Done**
- g. Clarify flat roof overlay at same scale as the plans with total roof area broken into simple, dimensioned geometric shapes. **Done**
- h. Identify type of exterior lights on elevations to be downlit and shielded. **Done**
- i. **Prior to construction**, Lots 6 and 7 need to be combined with Lot 8 with the County of Orange. Per 3rd Amendment to the CCRs. The Committee is reviewing this submittal on the basis it will be approved for a Lot Consolidation by the County.
- j. Show on civil plan replacement of curb and gutter across common street frontage per EBSD requirements **Provide at Final**
- k. Remove portions of the front entry element (including veneer and eave overhang) that are over 4' tall and that overhang the front setback line. **Done**
- l. Show all wall and fence heights (top of fence elevation) and locations on site and landscape plans so that relationship to curb and/or grade can be evaluated. Several sections of fencing are only shown on the 3D views. Show all pool enclosure fencing and gates on architect's site plan (also: pool enclosure gates open outward). **Architect to provide prior to Board Meeting – Info Provided**
- m. Show adjacent cul-de-sac neighbor's driveway (full width) on site plan so that traditional egress can be verified **Done**
- n. Consider the addition of small trees or large shrubs downhill from the front entry element and the cabana to enhance and soften architecture and to more effectively contribute to the common streetscape (similar to the 3D view attached to the submittal) **Trees to be selected at Final**
- o. Regarding proposed work within the neighbor's usable patio the Committee requires communication similar to that for view impairments in which the applicant team reaches out to the affected neighbor for comment on proposals within the neighbor's patio space and discusses any impacts and considers requested changes. Verify communication and provide a summary of the discussion at the time of final submittal. **Done**
- i. 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.

3. At time of Final submittal:

- a. This property has a recorded Revocable Easement and Maintenance Agreement for a portion of EBCA property at the street. **Prior to Board Approval, the new owner must provide proof of their general liability homeowners insurance, naming Emerald Bay Community Association as “Additionally Insured”.**
- 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.

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.

Brandon Linsday (Architect) and Kristen Slavik (Owner) were in attendance to discuss the submittal.

**Members Present
#205- Kent Utley and Eve Chamberlain Utley
#215- Bill Cooley**

At their meeting on September 8, 2022, the Board voted to approve the recommendation of the Architectural Committee.

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Numerous roof heights are noted at 113.73' (within 3" or less) and above, therefore the limit is being pushed and verification is required. The chimney heights are above the maximum and must be held to the minimum allowed by code. Revise Sheet A-3.0, note 7 to be consistent. [Previous request].

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Existing non-conforming elements:

None

New non-conforming elements:

None

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

Roof pitch: 3:12, 4:12, 5:12 **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the roof area. Overlay notes 575.78 SF/ 4,469.03 SF =12.88% **(previously 13.12%). Overlay to indicate each area broken into simple geometric shapes and tabulated for verification at same scale as roof plans. [Previous request].** Trellis elements must be at least 50% open. Appears to comply. **OK**

Roof materials: Standing seam metal and **concrete tile roofing Class 'A'** noted. **OK**

Roof Equipment: None shown. **OK**

Parapet: None shown. **OK**

With respect to roofs, the intent of the Architectural Regulations is to encourage sloped roof forms and limit the amount of flat roof. The Committee notes that highly 'sawtoothed' or corrugated roof forms may not be consistent with Regulation provisions and may contribute to a boxier house shape with higher eaves. This is in

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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. None shown. **OK**
15. **MATERIALS AND COLORS (Section D.7): The Committee will review the color and materials at the Final review.**
16. WINDOWS AND DOORS (Section D.8): Aluminum clad. **OK**
17. ANTENNAS (Section D.9): None indicated. **OK**
18. SOLAR PANELS (Section D.10). None indicated. **OK**
19. SKYLIGHTS (Section D.11): None indicated. **OK**
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Elevations indicate fixtures without a description. Reference on A-4.0 does not say downlit and shielded as noted in response. [Previous request].
Fixture cutsheets may be required at Final submittal for review of style and shielding of light source.
21. GUTTERS AND DOWNSPOUTS (Section D.13): Gutters and downspouts indicated. Identify method of drainage at deck **(to a gutter? Clarify). [Previous request].**
22. **OTHER COMMENTS:**
None

STAFF LANDSCAPE FINDINGS:

1. SUBMITTAL COMPLETENESS (Section B.5): Submittal must be generally complete enough for review. **OK except for items described below.**
2. LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits): Except for fences and walls, structures are 5' from PL. **Front entry element appears to be located in or overhang into the front setback (a few inches). No element over 4' tall, including veneer or overhangs, can be in the front setback.**

UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. **Submit at time of final.**

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. Sump pump is shown under the outdoor shower area.**
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. **Not shown on civil drawings**
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. **Submit at time of final.**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **Proposed pool and spa equipment is shown inside pool building. AC condensers are shown at northeast corner. It is unclear how sound will be attenuated since enclosures are not proposed (acoustical report must predict noise levels above property line walls).**

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

Noise impacts on adjacent neighbors must be avoided and/or minimized. **OK, pending submittal of acoustical report.**

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. **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'. **Many of the fence and wall heights are not shown correctly if indeed walls are stepped to follow grade. Some wall height arrows are not shown correctly on sheet LG.1. Show fencing and required gates on all architectural and landscape site plans and indicate top of fence heights (fence heights within the front setback are limited to 4' above top of nearby curb).**

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. **Unclear. Wall/fence heights callouts are incomplete for some of the perimeter.**

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape.

The front entry element appears to create an item of focus appropriate to the property.

Most of the plant material in the front area is not tall. Since pool enclosure has been moved out of the front setback, the Cte may wish to consider if the addition of a couple of taller shrubs or small trees would more soften and enhance the cabana and front entry elements and more effectively contribute to a visual streetscape.

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. **Wall and fence heights are not shown in all setback areas. The location and height of the proposed fence at the interface with the uphill neighbor is not shown on any plan, just on the 3d views.**

Property line fences, walls, and footings must be constructed completely on the subject property. **OK**

Block walls are finished on all sides. **Not shown.**

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**

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. Also, proposed fireplace appears to be 10' from face of curb.**

The minimum setback for any open firepit shall be a minimum of 10'. **None proposed. NA**

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. **OK, except pool fencing and gates are not shown on the architect's site plan even though other fencing and gates are shown.**

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:

- **The property line shared with the uphill neighbor appears to be well within the neighbor's patio area. The location and height of the proposed fence are not shown on plan drawings. It appears that significant demolition and planting is proposed within the uphill neighbor's patio (but still on #211 property).**
- **Applicant may wish to consider OCFA guidelines for defensible space and fire safety, including vegetation close to structure, vertical and horizontal separation, etc.**
- **A gate into the house appears to be blocked by a car parked in the off-street space, though it opens inward and likely can function.**
- **On the Architect's site plan in the front setback, a top of wall elevation does not match the elevation shown on C.2**
- **Certified Staking plan was received.**

FINAL COMMITTEE RECOMMENDATIONS:

1. The Committee recommends **Approval** of the extension of the approved preliminary resubmitted plans. All other notes are a record of the previous review.
2. The Applicant may resubmit for Committee's review taking the Staff Findings above and the following into consideration:
 - a. Provide Floor Plan overlay at same scale as the plans broken into simple, dimensioned, geometric shapes with tallies for verification. **Done**
 - b. Provide Lot Coverage overlay at same scale as the plans broken into simple, dimensioned, geometric shapes tallied for verification. As a suggestion, Architect can submit overlay sheets on translucent bond paper for proper overlays. **Done**
 - c. Indicate all required setbacks, access easements and relative dimensions to any adjacent structure on the site plan. **Will show on Civil at Final**
 - d. Show minimum parking space dimensions in each stall / space on site plan. **Done**
 - e. Verify all roof heights against certified topo interpolation of the high point adjacent to the structure. Buffer is RECOMMENDED. **No Change**

- f. Identify deck drainage gutter if intended. **Done**
- g. Clarify flat roof overlay at same scale as the plans with total roof area broken into simple, dimensioned geometric shapes. **Done**
- h. Identify type of exterior lights on elevations to be downlit and shielded. **Done**
- i. **Prior to construction**, Lots 6 and 7 need to be combined with Lot 8 with the County of Orange. Per 3rd Amendment to the CCRs. The Committee is reviewing this submittal on the basis it will be approved for a Lot Consolidation by the County.
- j. Show on civil plan replacement of curb and gutter across common street frontage per EBSD requirements. **Provide at Final**
- k. Remove portions of the front entry element (including veneer and eave overhang) that are over 4' tall and that overhang the front setback line. **Done**
- l. Show all wall and fence heights (top of fence elevation) and locations on site and landscape plans so that relationship to curb and/or grade can be evaluated. Several sections of fencing are only shown on the 3D views. Show all pool enclosure fencing and gates on architect's site plan (also: pool enclosure gates open outward). **Architect to provide prior to Board Meeting – Info Provided**
- m. Show adjacent cul-de-sac neighbor's driveway (full width) on site plan so that traditional egress can be verified. **Done**
- n. Consider the addition of small trees or large shrubs downhill from the front entry element and the cabana to enhance and soften architecture and to more effectively contribute to the common streetscape (similar to the 3D view attached to the submittal) **Trees to be selected at Final**
- o. Regarding proposed work within the neighbor's usable patio the Committee requires communication similar to that for view impairments in which the applicant team reaches out to the affected neighbor for comment on proposals within the neighbor's patio space and discusses any impacts and considers requested changes. Verify communication and provide a summary of the discussion at the time of final submittal. **Done**

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.

3. At time of FINAL submittal:

- a. This property has a recorded Revocable Easement and Maintenance Agreement for a portion of EBCA property at the street. **Prior to Board Approval, the new owner must**

provide proof of their general liability homeowners insurance, naming Emerald Bay Community Association as “Additionally Insured”.

- 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.
4. Note:
- d. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
 - e. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
 - f. 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.
 - g. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction.

Brennan and Kirsten Slavik (Owners) were in attendance to discuss the submittal.

At their meeting on September 7, 2023, the Board voted to approve the recommendation of the Architectural Committee.

APPLICANT: SLAVIK
ADDRESS: #211
PROJECT: 3039 TRACT: 977 LOT: 6, 7, 8
SCOPE OF WORK: NEW RESIDENCE w/MAJOR LANDSCAPE/HARDSCAPE
SUBMITTAL: PRELIMINARY RESUBMITTAL -EXTENSION (2)
ARCHITECT: Brandon Lindsay
Phone: 714-754-4040 License: C-35799
LANDSCAPE ARCHITECT: Benjamin Montrella
Phone: 949-887-0247

Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE DECISION: APPROVED

HISTORY OF SUBMITTALS:

- | | | |
|------------------|-----------------------------|--------------|
| • April 2022 | CONCEPT | ACKNOWLEDGED |
| • May 2022 | PRELIMINARY | DISAPPROVED |
| • September 2022 | PRELIMINARY RESUBMITTAL | APPROVED |
| • August 2023 | PRELIMINARY RESUBMITTAL EXT | APPROVED |

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

The submittal application indicates a new residence of 6,539 SF which includes a three-car garage and a separate Cabana. Provide overlay broken into simple, dimensioned geometric shapes with tallies for verification at the same scale as the plans. The floor area, lot coverage, parking and flat roof overlays should be independent of each other, not combined. New construction is indicated to be:

	Preliminary	Proposed	Change
• Second Floor	2,633 SF	2,633 SF	NC
• First Floor	2,733 SF	2,719 SF	-14 SF
• Garage	840 SF	840 SF	NC
• Cabana	151 SF	151 SF	NC
• Deck	Not indicated	275 SF	NC

NOTE: The submittal plans indicate the project will consist of a single parcel although currently it is still two parcels. The applicant has provided feedback from the County that the entire project is to be submitted (to them) comprehensively and that the County will consider lot consolidation (to a single parcel) and will require final recording documents for the lot consolidation (to a single parcel) to be completed before issuance of construction permits. With consideration to the applicant for the process, EBCA's review will be based upon a single consolidated parcel with all information presented to be consistent with that of the final recorded documents. Per EBCA Architectural Regulations, Section A.4.

ARCHITECTURAL ANALYSIS:

1. ARCHITECT STAMP (Section B.2): Drawings are stamped and signed. **OK**
This will be checked 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 or Parcel upon which it is built". Lot coverage is calculated as the total area of the roof less overhang. 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. Lot area does not match application. Stated lot area on application and sheet A-0.3 is 11,456.63 SF. The lot area on the 1960 topo plan is 8,467.62 + 5,907.65 = 14,375.27 SF.
No overlay broken into simple, dimensioned, geometric shapes at the same scale as the floor plans was provided for verification. The area of the cantilevered rear Deck extends beyond 10' and counts towards Lot Coverage and could not be verified.
4. **SETBACKS (Section C.2):** The proposed structure appears to respect the 5'-0" minimum setbacks on 3 sides. The structure was moved to the West to increase the distance from the neighbor. **Add back to the Site Plan the setback minimums and distance where the structure is closest to the property line on all sides. Arbitrary circle #1 has no reference anywhere that we can find. Site plan offsets to building line should be from 5' setback or property line. Setback lines need to be shown on grading plans.**
Entry element appears to be encroaching into front setback line.
5. **UTILITY EASEMENTS (Section C.3):** Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **These will be reviewed by the Emerald Bay Service District prior to Final approval.**
6. **PARKING (Section C.4):** The parking area shown on the submittal application is 4,469.03 SF. The garage area used for required parking (430 SF + 156 SF) does not need to be included in the parking calculations. EBCA calculation 6,343 SF – 430 SF – 156 SF = 5,757 SF. This requires a two-car garage plus two regular and one compact off-street parking spaces. A two-car garage plus one off-street and two additional off-street parking spaces are provided. **Indicate all required parking spaces, dimensioned, on the Site Plan [Previous request]. No overlay was provided for verification.**
7. SERVICE YARD (Section C.5): Indicated at the Northeast side yard corner. **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. **The Committee will review at the Final review.**
9. NUMBER OF STORIES (Section D.1): The Submittal application indicates a proposed structure with 2 stories. The structure appears to comply. **OK**
10. **BUILDING HEIGHT (Section D.2):** "No portion of the structure disclosed by the lot building plans shall exceed fifteen (15) feet above the highest point of that portion of the Lot or Parcel where the Natural Grade of the Lot or Parcel intersects the exterior wall of the structure nearest to the highest portion of the Natural Grade of the Lot or Parcel, nor shall any portion of the structure exceed twenty

(20) feet in height above the Natural Grade of the Lot or Parcel." **The high point of natural grade adjacent to the structure is identified as 99.0 on sheet A-3.0. Provide a certified topo interpolation of the high point adjacent to the structure. [Previous request]. It appears to be +/- 99' + 15' = +/-114' maximum height allowed.**

Numerous roof heights are noted at 113.73' (within 3" or less) and above, therefore the limit is being pushed and verification is required. The chimney heights are above the maximum and must be held to the minimum allowed by code. Revise Sheet A-3.0, note 7 to be consistent. [Previous request].

11. **COMPATIBILITY (Section D.3):** Standing seam metal and concrete tile roofing, wood trellis, wood lap siding, board and batten wood siding, brick veneer, aluminum clad windows and doors and glass railings indicated. **Materials will be verified at Final review.**
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. **N/A. All elements must conform with the current Architectural Regulations or a Variance Request must be submitted.**

Existing non-conforming elements:

None

New non-conforming elements:

None

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

Roof pitch: 3:12, 4:12, 5:12 **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the roof area. Overlay notes 575.78 SF/ 4,469.03 SF = 12.88% **(previously 13.12%). Overlay to indicate each area broken into simple geometric shapes and tabulated for verification at same scale as roof plans. [Previous request].** Trellis elements must be at least 50% open. Appears to comply. **OK**

Roof materials: Standing seam metal and **concrete tile roofing Class 'A' noted. OK**

Roof Equipment: None shown. **OK**

Parapet: None shown. **OK**

With respect to roofs, the intent of the Architectural Regulations is to encourage sloped roof forms and limit the amount of flat roof. The Committee notes that highly 'sawtoothed' or corrugated roof forms may not be consistent with Regulation provisions and may contribute to a boxier house shape with higher eaves. This is in the context of proposing a roof height very close to the maximum allowable across much of the roof. With that said, it appears with this proposal, adjacent neighbors, and neighbors behind 211 EB will not be impacted by the view of the roof. The "sawtooth" roof design coupled with the large courtyard and a 'dug-in' lower floor, creates an openness to the lot. This is considered a benefit to the community and the acceptability of the roof form is specific to this lot and this design.

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. None shown. **OK**
15. **MATERIALS AND COLORS (Section D.7): The Committee will review the color and materials at the Final review.**
16. WINDOWS AND DOORS (Section D.8): Aluminum clad. **OK**
17. ANTENNAS (Section D.9): None indicated. **OK**
18. SOLAR PANELS (Section D.10). None indicated. **OK**
19. SKYLIGHTS (Section D.11): None indicated. **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.

Elevations indicate fixtures without a description. Reference on A-4.0 does not say downlit and shielded as noted in response. [Previous request].

Fixture cutsheets may be required at Final submittal for review of style and shielding of light source.
21. GUTTERS AND DOWNSPOUTS (Section D.13): Gutters and downspouts indicated. Identify method of drainage at deck **(to a gutter? Clarify). [Previous request].**
22. **OTHER COMMENTS:**

None

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: Pool, spa, water features, pool building, outdoor fireplace, outdoor kitchen, walls, fencing, paving, planting, irrigation.

LANDSCAPE ANALYSIS:

1. SUBMITTAL COMPLETENESS (Section B.5): Submittal must be generally complete enough for review. **OK except for items described below.**
2. LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits): Except for fences and walls, structures are 5' from PL. **Front entry element appears to be located in or overhang into the front setback (a few inches). No element over 4' tall, including veneer or overhangs, can be in the front setback.**

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

Noise impacts on adjacent neighbors must be avoided and/or minimized. **OK, pending submittal of acoustical report.**

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.**

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Property line fences, walls, and footings must be constructed completely on the subject property. **OK**

Block walls are finished on all sides. **Not shown.**

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**

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. Also, proposed fireplace appears to be 10' from face of curb.**

The minimum setback for any open firepit shall be a minimum of 10'. **None proposed. NA**

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Issues of noise and visual impact must be adequately addressed. **OK**

Security/pool fencing is shown. **OK, except pool fencing and gates are not shown on the architect's site plan even though other fencing and gates are shown.**

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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:

- **The property line shared with the uphill neighbor appears to be well within the neighbor's patio area. The location and height of the proposed fence are not shown on plan drawings. It appears that significant demolition and planting is proposed within the uphill neighbor's patio (but still on #211 property).**
- **Applicant may wish to consider OCFA guidelines for defensible space and fire safety, including vegetation close to structure, vertical and horizontal separation, etc.**
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- **On the Architect's site plan in the front setback, a top of wall elevation does not match the elevation shown on C.2**
- **Certified Staking plan was received.**

SUMMARY OF COMMITTEE FINDINGS:

1. The Committee recommends **Approval** of the extension of the approved preliminary resubmitted plans. All other notes are a record of the previous review. Note this is the **second and final extension**.
2. The Applicant may resubmit for Committee's review taking the Staff Findings above and the following into consideration:
 - a. Provide Floor Plan overlay at same scale as the plans broken into simple, dimensioned, geometric shapes with tallies for verification. **Done**
 - b. Provide Lot Coverage overlay at same scale as the plans broken into simple, dimensioned, geometric shapes tallied for verification. As a suggestion, Architect can submit overlay sheets on translucent bond paper for proper overlays. **Done**
 - c. Indicate all required setbacks, access easements and relative dimensions to any adjacent structure on the site plan. **Will show on Civil at Final**
 - d. Show minimum parking space dimensions in each stall / space on site plan. **Done**
 - e. Verify all roof heights against certified topo interpolation of the high point adjacent to the structure. Buffer is RECOMMENDED. **No Change**
 - f. Identify deck drainage gutter if intended. **Done**

- g. Clarify flat roof overlay at same scale as the plans with total roof area broken into simple, dimensioned geometric shapes. **Done**
- h. Identify type of exterior lights on elevations to be downlit and shielded. **Done**
- i. **Prior to construction**, Lots 6 and 7 need to be combined with Lot 8 with the County of Orange. Per 3rd Amendment to the CCRs. The Committee is reviewing this submittal on the basis it will be approved for a Lot Consolidation by the County.
- j. Show on civil plan replacement of curb and gutter across common street frontage per EBSD requirements. **Provide at Final**
- k. Remove portions of the front entry element (including veneer and eave overhang) that are over 4' tall and that overhang the front setback line. **Done**
- l. Show all wall and fence heights (top of fence elevation) and locations on site and landscape plans so that relationship to curb and/or grade can be evaluated. Several sections of fencing are only shown on the 3D views. Show all pool enclosure fencing and gates on architect's site plan (also: pool enclosure gates open outward). **Architect to provide prior to Board Meeting – Info Provided**
- m. Show adjacent cul-de-sac neighbor's driveway (full width) on site plan so that traditional egress can be verified. **Done**
- n. Consider the addition of small trees or large shrubs downhill from the front entry element and the cabana to enhance and soften architecture and to more effectively contribute to the common streetscape (similar to the 3D view attached to the submittal) **Trees to be selected at Final**
- o. Regarding proposed work within the neighbor's usable patio the Committee requires communication similar to that for view impairments in which the applicant team reaches out to the affected neighbor for comment on proposals within the neighbor's patio space and discusses any impacts and considers requested changes. Verify communication and provide a summary of the discussion at the time of final submittal. **Done**

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4. Note:
- d. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
 - e. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
 - f. 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.
 - g. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction.

COMMITTEE ACTION ON August 20, 2024:

1. A motion was made, and seconded, to **approve** the Submittal based on these findings and discussion at the Committee meeting with the below Committee members present and voting. The motion **passed**.

Jon Canedo (Deputy Chair); Chris Brown; Debi Pavlik; Jim Dockstader (Landscape Architect); & Ken Wilkins (Alternate Architect, did not vote)

No representatives were in attendance to discuss the submittal.