

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMISSION
ORANGE COUNTY, CALIFORNIA
Wednesday, September 25, 2024, 1:30 P.M.**

COUNTY CONFERENCE CENTER
400 W. Civic Center Dr, Multipurpose Room 101
Santa Ana, California 92701

DAVID E. BARTLETT
CHAIRMAN
Fifth District

TRUNG “JOE” HA
COMMISSIONER
First District

KEVIN RICE
COMMISSIONER
Third District



MARIA CEJA
COMMISSIONER
Second District

JOHN KOOS
COMMISSIONER
Fourth District

ATTENDANCE: Commissioners: Bartlett, Ha, Ceja, Rice & Koos

PRESENT: EXECUTIVE OFFICER Justin Kirk
COUNTY COUNSEL Nicole Walsh
SECRETARY Marissa Leahy

PLEDGE OF ALLEGIANCE: Commissioner Ha, First District Commissioner, led the assembly in the Pledge of Allegiance.

I. CONSENT ITEM - MINUTES

The meeting minutes of May 22, 2024, were motioned for approval by Commissioner Ha and seconded by Commissioner Koos and the motion was approved 5:0. The meeting minutes of August 28, 2024 were motioned for approval by Commissioner Koos and seconded by Commissioner Rice. Commissioner Ha abstained and the motion was approved 4:0.

II. DISCUSSION ITEMS

ITEM #1. PUBLIC MEETING – STATUS UPDATE FOR COMPREHENSIVE GENERAL PLAN UPDATE (GPA 24-01), ALL SUPERVISORIAL DISTRICTS.

Staff provided a status update on the progress of the Comprehensive General Plan Update (GPA 24-01).

Recommended Action(s):

1. Receive staff report and public testimony.
2. Provide feedback to staff as appropriate.

Special Notes:

Yuritz Randle, Associate Planner, Development Services, presented this item and answered questions from the Commission. This item is not an action item and no motion necessary. The Commission received and filed this item.

Public Hearing:

No comments.

ITEM #2 PUBLIC HEARING – APPEAL OF THE ZONING ADMINISTRATOR APPROVAL OF PA22-0227 FOR A COASTAL DEVELOPMENT PERMIT, VARIANCE, USE PERMIT AND LOT LINE ADJUSTMENT FOR PROJECT LOCATED IN THE EMERALD BAY COMMUNITY AT 211 EMERALD BAY, LAGUNA BEACH WITHIN THE FIFTH SUPERVISORIAL DISTRICT

Appellant – Mr. William Cooley

Applicant/Property Owner – The B & K Slavik Family trust

Project - A request for a Coastal Development Permit, Variance, Use Permit and Lot Line Adjustment in conjunction with the removal of an existing two-level single-family residence and its replacement with a new two-level single-family residence and associated site improvements.

The Coastal Development Permit is required for the demolition of the existing structure and construction of the replacement residence, along with the associated site grading and improvements.

The Variance is requested to reduce the required front and rear setbacks, and the westerly side setback. The front setback for the main structure and entry gateway/gazebo would be a minimum of 5 feet from front property line and the rear setback would be 0 feet from the edge of the access easement. Both reduced setbacks would match existing nonconforming setback conditions. The westerly side setback would be 2.5 feet from the edge of curb.

The Use Permit is required to permit an over-height privacy wall in the front setback area at 5 feet in height (with 6-foot pilasters) where the Zoning Code would limit the wall to 3 feet 6 inches in height.

The Lot Line Adjustment is requested to merge two existing legal building sites into one legal building site.

Recommended Action(s):

OC Development Services/Planning recommends the Planning Commission:

1. Receive appeal of PA22-0227 from Laurence Nokes on behalf of William Cooley filed on July 3, 2024; and,
2. Receive staff report and public testimony as appropriate; and,
3. Deny the appeal and take the following actions:

- A. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 1 (*Existing Facilities*), Class 2 (*Replacement or Reconstruction*) and Class 3 (*New Construction or Conversion of Small Structures*) exemptions pursuant to Sections 15301, 15302 and 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- B. Recommend Lot Line Adjustment LLA.2023-17 for approval by the Director; and,
- C. Approve Planning Application PA22-0227 for a Coastal Development Permit, Use Permit and Variance Permit subject to the Findings and Conditions of Approval provided as Attachments 1 and 2 to the staff report.

Special Notes:

- Kevin Canning, Contract Planner, Development Services, presented the item and answered questions from the Commission. Brandon Lindsay, architect for the project, answered questions from the commission.
- This permit application was filed with the county in 12/2022 following a six-month review process with the Emerald Bay Community Association. In spring of 2023 the County was notified that a neighbor applied to designate this home as a historic site. In the 1980's a survey was completed in Laguna where they identified sites of significance. This property was not listed among sites of historic resource potential. Both the appellant and the property owners had a historical analysis of the property done. The analysis provided by the appellant was completed from the nearest right of way without accessing the site. The analysis completed by applicant was completed with access to the site allowing greater access to details of the building. As for the historic registration process, the property owner has contested the application and therefore the state cannot designate it as a historic resource. There can be no official designation without owner consent. The state can suggest that there is eligibility. Currently there is no set hearing date to make a determination for historic designation.
- Orange County Fire Authority has reviewed the project and they do not have any concerns. OCFA will also review this project again once a permit is issued.
- There is a responsibility to have on-site monitors when there earthmoving activities occur, however, the homeowner can choose who does this if they have the proper qualifications.
- Private views are not protected under County jurisdiction.

Public Hearing:

- Lawrence Noakes: Represents Mr. William Cooley, spoke in favor of the appeal. Stated that the house sizes on the inland side of Emerald Bay are smaller and the proposed structure would change the neighborhood. He asserted the County is granting special privileges by allowing all the variances for this property. Mr. Nokes asked the County to postpone this vote until the state makes a determination on whether this is a historic property or to look at the evidence and make their own determination as to that this property is potentially historic and conduct a proper study.
- Shannon Papin: Architectural History and Program Manager for Environmental Science Associates. Spoke in favor with the appeal. Asked the commission to wait until the California Historic Resources Commission decides. Said that the home on the property is a style indigenous to Laguna Beach. Intact beach cottages, as this, are currently rare. Disagrees with analysis in the HRAR that says that this site is not historical.
- Valerie Smith – Spoke in favor of the appeal. Stated that even though changes were made to this property, they were done in favor of the original property and are of historic integrity. All elements are relevant. Asks the committee to wait until the California Historic Resources Commission decides on eligibility for this property.
- Dr. Richard Rodman – Vice-Chairman of the Band of Mission Indians. Speaking not just on this project but all projects in Orange County. This project requires digging into the grade for construction. The Band of Mission Indians consider this land sacred ground and Emerald Bay has

the remains of a person called Laguna Woman. He asked that if this item goes forward, that the owners and workers be respectful of this sacred ground and ancestors in the digging process. Would prefer that people not dig into the grade at all.

- Doug Westfall – Spoke in favor of the appeal. – He is a preservationist. Ask that the site is preserved and left as is. Shared aerial images of what Emerald Bay looked like in the mid 1930’s alongside modern satellite images. (The images provided to the Commission by Mr. Westfall can be located on the Planning Commission webpage).
- William Cooley – Spoke in favor of the appeal. Asked for denial of these permits. Does not think this project meets the category 1, 2, and 3 exemptions allowed. The Laguna Coastal program section 2.8 states that new construction must be compatible with the neighborhood and Mr. Cooley believes that this project is not compatible. Believes that the proposed project creates a fire risk on the south side of the property since the right of way might not allow for a fire vehicle to turn around.
- Brennan Slavik – Property owner. Spoke against granting the appeal. He is building a house that fits his family needs. He and his architects worked hard to develop a plan that complies with Emerald Bay architectural regulations while fitting the community needs as well as his family’s needs. Has been patient in waiting for his approvals and in agreement with the conditions placed.
- Anne Fox – Agent for applicant. Spoke against granting the appeal. States that this home has not been considered historic. That permits to demolish the home had already been approved in 2018 for another project. The appellant also objected to the previous proposed project, however, there was no claim regarding historic structures. In both the previous proposed project as well as this current project, County staff found that this project was CEQA exempt.

The following is the action taken by the Orange County Planning Commission:

The motion to take the recommended actions as set for in the staff report for item #2 was made by Commissioner Bartlett to approve as recommended. The motion was seconded by Commissioner Ha. The motion was approved by a vote of 4:1.

APPROVE (1) Ha: Y (2) Ceja: Y (3) Rice: Y (4) Koos: N (5) Bartlett: Y
 Vote Key: Y=Yes; N=No; A=Abstain; X=Excused
 OTHER
 DENIED
 UNANIMOUS

III. EXECUTIVE OFFICER UPDATE

- The General Plan Amendment that was recommended approval by the Planning Commission for changes to the Rancho Mission Viejo areas will be going to the Board of Supervisors in October for approval.

IV. COUNTY COUNSEL UPDATE

- Ranch Hills project that was brought to the Planning Commission and then taken to Board of Supervisors is in the Superior Court. Briefing will start in October with a hearing scheduled for February 2025. Should have a decision from the courts next year. The Foothill Communities Association is challenging the proposed housing development at the former racquetball courts.

V. PLANNING COMMISSIONER COMMENTS

- Commissioner Ceja wanted to thank staff for all that they do.

VI. PUBLIC COMMENTS

- None.

VII. ADJOURNMENT

- Planning Commission meeting adjourned at 3:18pm.