



OC DEVELOPMENT SERVICES REPORT

DATE: February 20, 2025

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning Division

SUBJECT: Public Hearing on Planning Application PA24-0149 for a Coastal Development Permit, Variance, and Site Development Permit

PROPOSAL: The applicant is requesting a Site Development Permit to construct retaining walls of varying heights between 2 and 7 feet within the front and side setback areas, a Coastal Development Permit to demolish the existing house and construct a new two-story residence, and a Variance to allow a 5-foot setback along the front and rear of the property, where a minimum setback of 11 feet, 3 inches is required.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

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

LOCATION: The project is located in the community of Emerald Bay at 325 Emerald Bay, Laguna Beach, CA 92651 within the Fifth Supervisorial District (APN 053-072-01).

APPLICANT: Cristina Thomas, Property Owner
Chad Peterson, Agent

STAFF CONTACT: Cynthia Burgos, Contract Planner
Phone: (714) 667-8898 Email: Cynthia.Burgos@ocpw.ocgov.com

RECOMMENDED ACTIONS

OC Development Services/Planning Division recommends Zoning Administrator:

- a) Receive staff report and public testimony as appropriate; and,
- b) Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 2 (Replacement or Reconstruction) pursuant to CEQA Guidelines section 15302; and
- c) Approve Planning Application PA24-0149 for a Site Development Permit, Coastal Development Permit, and a Variance subject to the attached Findings (Attachment 1) and Conditions of Approval (Attachment 2).

BACKGROUND AND EXISTING CONDITIONS

The subject site is located at 325 Emerald Bay, Laguna Beach, California, on Lot 99 of Tract No. 977. It is zoned R1(CD)(SR) – Single Family Residence with a CD (Coastal Development) Overlay and an SR (Sign Restrictions) Overlay. The property is approximately 5,767 square feet, circular in shape, with an average width of 60 feet and an average depth of 74 feet. It is situated approximately 350 feet northeast of Pacific Coast Highway within the Emerald Bay community. The site is currently developed with a 4,885-square foot one story house. It is surrounded by residential properties to the north and south, with street frontage and garage access from Emerald Bay along the north and west sides. The area is characterized by hilly terrain, sloping westward toward the bay.

Map of the Project Site and the surrounding properties



PROPOSED PROJECT

The proposed project involves demolishing the existing 4,885 square foot house and constructing a new two-story residence. The new home will include 2,894 square feet of livable space, an 805-square-foot garage, and a 242-square-foot deck. It will feature a 5-foot setback along the front, sides, and rear of the property. The project will also include retaining walls of varying heights between 2 and 7 feet due to the property's natural slope within the front and sides setback areas.

SURROUNDING LAND USE

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

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

DISCUSSION/ANALYSIS

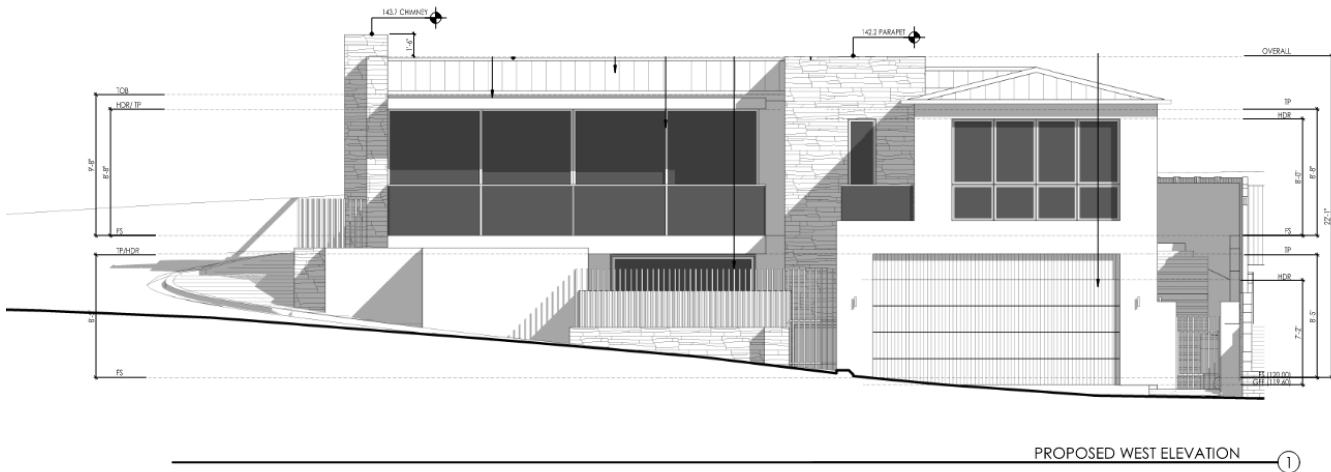
Below is a table comparing the development standards for “Single-Family Residence” District with the proposed project:

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

STANDARD	REQUIRED	PROPOSED
Building Site Area	7,200 square feet	5,767 square feet (existing)*
Maximum Building Height	35 feet maximum	22’-2” (proposed)
Structural Front Setback	When a building site has an average depth of seventy-five (75) feet or less, any required front building line setbacks need not be more than fifteen percent (15%) of such average depth – 11’3” minimum	5’ (proposed)*
Structural Side Setback	5 feet minimum	5’ (proposed)
Structural Rear Setback	When a building site has an average depth of seventy-five (75) feet or less, any required rear building line setbacks need not be more than fifteen percent (15%) of such average depth – 11’3” minimum	5’ (proposed)*
Walls and Gates in Setback	3 feet 6 inches front setback 6 feet side and rear setback	7’-0” maximum height (proposed)*

*Indicates requested deviation from code standard.

PROPOSED ELEVATION PLAN



Coastal Development Permit

Within the Coastal Development Overlay zone, and specifically within the Emerald Bay Local Coastal Program (LCP), the demolition and construction of a new residence and a proposed over-height wall, requires the approval of a Coastal Development Permit (Zoning Code Sections 7-9-40 and Emerald Bay LCP). The proposed project conforms to the goals and objectives of the Emerald Bay LCP through its design and the application of standard conditions of approval, included within Attachment 2. The project is consistent with the approved intensity of development, as well as the applicable Land Use Policies contained in LCP Section E regarding resources Management - Watershed, Environmental Hazards – Geologic and Fire Hazard.

As required by the Emerald Bay LCP, the project was referred to the Emerald Bay Community Association (EBCA) for review and comment. The EBCA approved the project at their meeting on September 24, 2024 (Attachment 6).

Variance – Reduced Front and Rear Yard Setback

The subject property is circular shaped lot with an average width of 60 feet and an average depth of 74 feet. Per Section 7-9-61.12 of the County of Orange Zoning code, when a building site has an average depth of seventy-five (75) feet or less, any required front and rear building line setbacks need not be more than fifteen percent (15%) of such average depth, but in no event shall any required front or rear building line setback be less than five (5) feet. Based on the average depth of the property the required front and rear setback would be 11 feet three inches (11'3”).

The applicant is seeking approval of a variance to establish new front and rear setbacks of 5 feet. The existing property currently has a front setback of 11 feet 5 inches and a rear setback of 6 feet. The Emerald Bay community is typified with many, if not most, of the properties being substandard to the assigned R1 zoning standard, of having to accommodate often steeply sloping topography, and often oddly shaped lots. All of these constraints apply to the subject property.

Pursuant to Zoning Code Section 7-9-125.6 (b), in order to approve a Variance, two (2) specific findings need to be made. These findings are:

1. **Special Circumstance:** There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed in the vicinity and subject to the same zoning regulations.
2. **No Special Privileges:** Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations place upon other properties in the vicinity and subject to the same zoning regulations when specified conditions are complied with.

Special Circumstance:

There are special circumstances that would allow for a reduction in the setback while meeting the intent of the zoning code. Specifically, the subject site is a shallow lot with sloping topography, making it difficult to develop or modify while strictly adhering to the applicable zoning regulations. The proposed reduction in the front and rear yard setback will allow the applicant to build the residence in a manner that will be aesthetically similar to the current structure and the surrounding homes of the Emerald Bay community and will have no visual impact to the neighborhood.

No Special Privileges:

The variance request does not grant privileges beyond what is available to other property owners under similar conditions and is consistent with similar variances that have been granted to other properties in the Emerald Bay Community. Multiple variances for reduced setbacks have been previously approved in this vicinity that allowed neighboring homes to attain a similar layout as the applicant is proposing, and this proposal is typical of those previous approvals. The granting of this approval would not constitute a special privilege inconsistent with the approvals for other properties in the area. Below is a table of similar projects approved that are of a similar nature to the proposed project.

APPLICATION	LOCATION	PERMITTED	New Setback
PA22-0095	1016 Emerald Bay, Laguna Beach	Variance to reduce front setback to 8 feet	8' front
PA21-0150	235 Emerald Bay, Laguna Beach	Variance to reduce required front setback to 5 feet 4 inches	5'4" front
PA21-0152	311 Emerald Bay, Laguna Beach	The Variance to reduce the front setback to 5 feet 6 inches and the rear setback to 14 feet 6 inches	5'6" front 14'6" rear
PA20-0361	1013 Emerald Bay, Laguna Beach	The Variance to reduce the rear setback to 6 feet 8 inches	6'8" rear

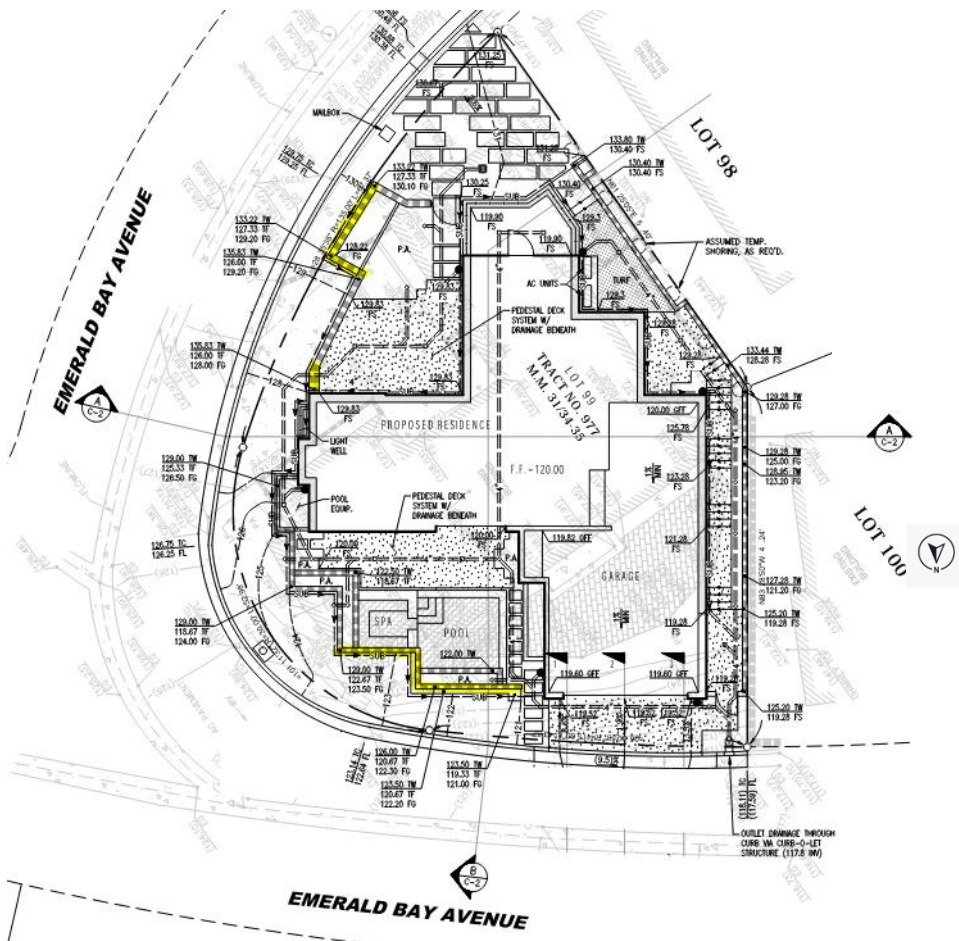
Staff finds that the two required findings can be made. Multiple variances for setbacks have been previously approved in this vicinity and this proposal is typical of those previous approvals. Staff believes approval of the requested front and rear setback variance would not constitute the granting of special privileges inconsistent with the limitations placed upon other properties in the area because as previously stated other variances have been granted in the vicinity.

Use Permit – Over-Height Walls

The project proposes the addition of retaining walls within the front and side, setback areas, with heights varying between 2 and 7 feet due to the property's natural slope. In the front setback, where the Zoning Code limits wall height to 3 feet 5 inches, the project includes over-height retaining walls reaching a maximum exterior-facing height of 5 feet 6 inches, located 4 feet 5 inches from the front property line. In the side setback, where the maximum allowable wall height under the Zoning Code is 6 feet, the project proposes over-height retaining walls with a maximum exterior-facing height of 7 feet, located along the side property line.

The applicant has submitted a Site Development application concurrently with the Coastal Development Permit and Variance application for approval of an over-height wall. The proposed locations of the “over-height” walls are highlighted below.

Proposed Over-Height Walls



Orange County Zoning Code Section 7-9-64(f), Modifications Permitted, states that exceptions and modifications to the fence and wall height provisions may be permitted subject to the approval of Site Development Permit by the Director for fences/walls eight (8) feet or less. In addition to the findings required by section 7-9-125, the following findings shall also be made prior to the approval of a fence or wall height Use Permit application:

- 1) That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.
- 2) That the location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.

Site Development and Use Permits for over-height walls are common in Emerald Bay, as these terrace and retaining walls are often constructed to maximize the use of sloping areas. The proposed retaining wall's location, size, and design are consistent with similar improvements throughout the community. The walls will be constructed to complement the proposed residence and will not be objectionable, detrimental, or incompatible with other permitted uses in the area. They will be finished with materials and colors matching the proposed home, aligning with the typical design aesthetic of the neighborhood. The proposed walls have been reviewed by traffic engineering and it has been determined that the walls will not result in or create a traffic hazard.

Staff concludes that both of the necessary findings for approving an over-height wall in the front and side yard can be met. Recommended findings are included in Attachment 1.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment 2. Public notices were mailed to all owners of record within 300 feet of the subject property, posted at the project site, published in a local newspaper, and posted at the posting kiosk at the County Administration buildings located in Santa Ana, at least ten days prior to this public hearing, as required by established public hearing posting procedures. As of the writing of this staff report, no comments raising issues with the project have been received from OCFA or other County divisions.

CEQA COMPLIANCE

The proposed project is Categorically Exempt (Class 2) from the provisions of CEQA pursuant to Section 15302, because the exemption provides for the replacement or reconstruction of an existing structure where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

CONCLUSION

Staff has reviewed the applicant's request for a Site Development Permit, Coastal Development Permit, and Variance, and found the proposed project to be compliant with the Emerald Bay Local Coastal Program. The project is an allowed Principal Permitted Use in the R1 "Single-Family

Residence” District and has been found to be compatible with adjacent residential uses, including similar previous approvals. Staff supports approval of the project subject to the attached Findings (Attachment 1) and Conditions of Approval (Attachment 2).

Submitted by:

Concurred by:

DocuSigned by:
Cynthia Burgos
25B078D0C3D1485...

DocuSigned by:
Cindy Salazar
5CF656B25562407...

Cynthia Burgos, Contract Planner
OC Development Services/Planning Division

Cindy Salazar, Division Manager
OC Public Works/Development Services

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Architectural Plans
4. Applicant’s Letter
5. EBCA Board Approval
6. Site Photos

APPEAL PROCEDURE

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents filed online at myoceservices.ocgov.com or in person at the County Service Center, located at 601 N. Ross St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services.