

DATE: January 15, 2026

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning

SUBJECT: Public Hearing on Planning Application PA25-0104 for a Coastal Development Permit, Site Development Permit, and Variance.

PROPOSAL: The applicant is requesting approval of a Coastal Development Permit to demolish the existing residence and construct a new 5,391-square-foot, two-story single-family residence with an attached two-car garage; a Site Development Permit to allow retaining walls ranging between 4 and 8 feet in height within the side and rear yard setback areas; and a Variance to allow a reduced front yard setback of 10 feet 10 inches.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

ZONING DISTRICT: 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 715 Emerald Bay, Laguna Beach, CA 92651 (APN 053-034-05) within the Fifth Supervisorial District

APPLICANT: Brittany Oakes, Applicant

STAFF CONTACT: Ilene Lundfelt, Associate Planner
Ilene.Lundfelt@ocpw.ocgov.com, (714) 667-9697

RECOMMENDED ACTIONS:

OC Development Services/Planning recommends the Zoning Administrator:

1. Receive staff report and public testimony; and
2. Adopt Zoning Administrator Resolution No. 2026-01 (Attachment 1)
 - a. 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.
 - b. Approve Planning Application PA25-0104 for a Coastal Development Permit, Site Development Permit, and Variance to demolish the existing house and construct a new 5,391 square feet, two-story residence with attached 2-car garage subject to the Findings and Conditions of Approval contained within the Resolution.

INTRODUCTION

BACKGROUND

The subject site is located at 715 Emerald Bay, Laguna Beach, California, on Lot 5 of Tract No. 975. The property is zoned R1(CD)(SR) – Single-Family Residence with a Coastal Development Overlay and Sign Restrictions Overlay.

The site is subject to Variance V-4209, which was approved by the County of Orange Planning Commission on June 9, 1960, allowing a reduced front yard setback of 12 feet.

EXISTING CONDITIONS:

The property is approximately 7,709 square feet, with an average width of 75 feet and an average depth of 105 feet. It is situated just north of Pacific Coast Highway within the Emerald Bay community and is currently developed with a 2,060-square-foot single-story residence and an attached two-car garage.

SURROUNDING LAND USES:

The project site is a residential use and is surrounded by existing residential uses. The zoning and existing land use for surrounding properties are 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 |

A vicinity map (Attachment 2) and project map (Attachment 3) are included, illustrating the project site in context with surrounding areas.

PROPOSED PROJECT:

The proposed project involves demolishing the existing 2,060-square-foot house and constructing a new two-story residence. The new home will include 5,391 square feet of livable space, an attached 500-square-foot garage, and a 528-square-foot deck as shown on the Plans (Attachment 4). The project will also include retaining walls varying in height between 4 feet and 8 feet.

DISCUSSION/ANALYSIS:

GENERAL PLAN CONSISTENCY

The project is consistent with the County of Orange General Plan, Land Use Element, Suburban Residential 1B Land Use designation, which permits single-family residential development.

LOCAL COASTAL PROGRAM AND ZONING CODE CONSISTENCY

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**

| <u>STANDARD</u> | <u>REQUIRED</u> | <u>PROPOSED</u> |
|----------------------------|------------------------------|--|
| Building Site Area | 7,200 square feet | 7,709 square feet (existing) |
| Maximum Building Height | 35 feet maximum | 21 feet (proposed) |
| Structural Front Setback | 12 feet per V-4209 | 10 feet 10 inches (proposed)* |
| Structural Side Setback | 5 feet | 7 feet 4 inches right side (proposed) 7 feet 11 inches left side (proposed) |
| Structural Rear Setback | 25 feet | 25 feet (proposed) |
| Walls and Gates in Setback | 6 feet side and rear setback | 8 feet maximum height in the side and rear (proposed)* |

*indicate deviation from development standards

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.

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.

Site Development Permit – Over-Height Walls

The proposed project includes retaining walls within the side and rear, setback areas, with heights varying between 4 and 8 feet due to the property's natural slope. 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 8 feet, located along the side and rear property line.

As per Zoning Code Section 7-9-64 (f), Modifications permitted: 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.

Variance – Reduced Front Yard Setback

The applicant is seeking approval of a variance to establish a new front setback of 10 feet 10 inches. The existing property currently has a front setback of 12 feet per V-4209. The Emerald Bay community is typified with many, if not most, 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 has sloping topography, making it difficult to develop or modify while strictly adhering to the applicable zoning regulations. The proposed reduction in the front 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.

FINDINGS

Proposed PA25-0104 Coastal Development Permit, Site Development Permit, and Variance is consistent with:

1. **General Plan** – The proposed project is consistent with the objectives, policies, and general land uses and programs specified in the County of Orange General Plan adopted pursuant to the State Planning and Zoning Law.
2. **Zoning Code** – The use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, inclusive of the County of Orange R1 “Single Family Residential” Zoning District.
3. **California Environmental Quality Act (CEQA)** - The proposed project is Categorically Exempt (Class 2) from the provisions of CEQA pursuant to CEQA Guidelines Section 15302, because the exemption provides for the replacement or reconstruction of existing structures 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.

4. Compatibility - That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.
5. General Welfare - That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
6. Public Facilities - The approval of the permit application complies with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
7. Local Coastal Program - That proposed project conforms to the certified Emerald Bay LCP and the project conforms to the public access and public recreation policies of the California Coastal Act and that the approval of the application will result in full compliance with the requirements of the certified land use plan.
8. Variance – 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 has sloping topography, making it difficult to develop or modify while strictly adhering to the applicable zoning regulations. The proposed reduction in the front 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.
9. Variance – 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.

Therefore, the findings required under Zoning Code Sections 7-9-125.6 and 7-9-127.1 can be made in support of this request for a Coastal Development Permit, Site Development Permit and Variance to construct, two-story residence with attached 2-car garage and retaining walls of varying heights between 4 and 8 feet within the side setback areas.

REFERRAL FOR COMMENT:

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions – Building and Safety, Traffic, Civil Engineering and Geotechnical Division. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval.

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 May 27, 2025 (Attachment 5).

PUBLIC NOTICE:

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 posting procedures.

COMPLIANCE WITH CEQA:

The proposed project is Categorically Exempt (Class 2) from the provisions of CEQA pursuant to CEQA Guidelines Section 15302, because the exemption provides for the replacement or reconstruction of existing structures 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 Coastal Development Permit, Site Development Permit and Variance and found the proposed project to be compliant with the Emerald Bay LCP. 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 and Conditions of Approval within Resolution No. 2026-01.

APPEAL PROCEDURE

Any interested person may appeal the decision of the Zoning Administrator on this permit to the 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.

Submitted by:

Concurred by:

Ilene Lundfelt, Associate Planner
OC Development Services/Planning

Cindy Salazar, Division Manager
OC Development Services/Planning

ATTACHMENTS:

1. Zoning Administrator Resolution No.2026-01
2. Vicinity Map
3. Project Map
4. Plans
5. EBCA Board Minutes dated May 27, 2025