

Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE DECISION: APPROVAL

HISTORY OF SUBMITTALS:

• September 2017	CONCEPT	ACKNOWLEDGED
• January 2018	CONCEPT (2)	ACKNOWLEDGED
• October 2018	PRELIMINARY	APPROVED
• October 2019	PRELIMINARY EXTENSION	APPROVED
• October 2020	PRELIMINARY EXTENSION (2)	APPROVED
• October 2021	REVISED PRELIMINARY	DISAPPROVED
• November 2021	REVISED PRELIMINARY (2)	APPROVED
• November 2022	REV. PRELIMINARY (2) EXTENSION	APPROVED
• December 2023	REV. PRELIMINARY (2) EXTENSION (2)	APPROVED

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

The scope of work indicated in the Submittal Application is the construction of a new residence of approximately **9,129.8 SF (was 9,228.1 SF (originally approved as 8,905 SF))**, which includes a 6-car garage. There are no decks indicated. The residence is two stories plus a basement.

Previous/ Current changes are noted as:

- Structural changes to the rear and side property retaining walls requiring changes to the previously approved plans
- Raising floor heights and upper level eaves up to 12" due to shoring requirements.
- The roof pitch adjusted to less than 4:12 but greater than 3:12.
- Reduction in Master Bath area to accommodate mechanical attic access.
- Garage wall changes that did not impact Lot Coverage.
- Mechanical/ storage, elevator area changes, added Library above Garage, previously open to garage below.
- Added windows and shutters at Eastern elevation.
- Removed areas in Garage related to parking.
- Revised location of spa and BBQ at north-ease side yard.

- **Minor roof ridge and interior modifications with exterior wall adjustments.**

The areas are indicated on the submittal to be: EBCA calculation**

	Rev Prelim 2	Proposed	Change
• Upper Level	3,345.4 SF	3,445.63 SF	+ 100.23 SF
• Mid-Level	2,978.2 SF	2,820.29 SF	- 157.91 SF
• Lower (Basement) Level	831.7 SF**	590.85 SF	- 240.85 SF
• Garage	1,944.8 SF**	1,813.12 SF	- 131.68 SF
• Mech		2,273.03 SF	
• Cantilevered Deck	0 SF	0 SF	0 SF
• Supported (Anchored) Deck	0 SF	0 SF	0 SF

ARCHITECTURAL ANALYSIS:

1. **ARCHITECT STAMP (Section B.2):** The plans are stamped and signed. **This is 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): The lot coverage is indicated on the Plan Submittal Application as $4,863.9 / 12,335 = 39.4\%$ (was $4,785.5 / 12,489 = 38.3\%$). **Retractable awning adds to Lot Coverage.**

Portions of patios, pools, paving and other elevated surfaces that are more than 5 feet above finish grade must be included in Lot Coverage calculations. **OK**

An unsigned copy of the 1960 topo plan with a corresponding Lot Area was submitted.

4. SETBACKS (Section C.2): The residential structure appears to respect the 5'-0" minimum setbacks. The Committee reserves the right to require greater setbacks. **OK**
A trellis element has been added in front of the garage. The minimum setback from the street is approximately 6'-6" **OK**
5. **UTILITY EASEMENTS (Section C.3):** Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **Show concept of below grade structural foundation and shoring system. PROVIDED - OK**

There is a path provided for Service District access to the perimeter of Emerald Bay for their annual required Fuel Management program. (Per OCFA)

The EBSD General Manager, Mike Dunbar, reviewed the updated Preliminary revisions and signed off on the encroachments as shown.

The Emerald Bay Service District will perform its formal review prior to Final approval.

6. PARKING (Section C.4): The parking area is indicated on the Plan Submittal Application as **7,875.8 SF** (**was 7,974 SF**). The Garage area used for required parking ($430 + 156 + 156 + 156 + 156 + SF = 1,054$ SF) does not need to be included in the parking calculations. **Overlay notes 9,129.8 – 1,054 - 200 = 7,875.8. This requires 7 spaces, a two-car Garage plus 5 additional off-street parking spaces. 6 parking spaces are indicated in the Garage, 2 required Garage spaces, 4 regular off street parking spaces. One regular off-street space is indicated adjacent to the garage, 7 total.**

The Committee previously determined it will allow up to 200 SF within the garage areas to be deducted from the total parking area even with ceiling heights greater than 6'-6". See section 12, new non-conforming. OK

7. SERVICE YARD (Section C.5): Not indicated. A trash area was previously noted inside the Garage which is not allowed. A separate Service Yard was provided at time of Preliminary Approval. **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 EBSD will review at the Final review.**

9. NUMBER OF STORIES (Section D.1): No Structure shall exceed two stories in height. This does not include Basements as defined by the Architectural Regulations.

A signed certified copy of the "1959 Contour Lines" was **previously** submitted. **The Committee previously discussed and allowed the use of the 1959 certified topo for this project. OK**

First Basement Rule: If the elevation of the finished floor level directly above a basement, cellar or unused under-floor space is more than 6 feet above Natural Grade for more than 50% of the total perimeter or is more than 12 feet above Natural Grade at any point then such level is considered a "story".

The proposed structure is two stories and a basement level which appears to meet the requirements of the First Basement Rule. **OK**

10. BUILDING HEIGHT (Section D.2): "The height of any structure on any Lot or Parcel in this Tract shall not exceed (15) feet above the highest level of the Lot or Parcel upon which is built, and shall not exceed (20) feet above the Natural Grade of the Lot or Parcel".

The applicant submitted a signed 1959 Topo. The 1960 Laguna Beach Arial Topo Map shows the site graded with a flat pad in preparation for the construction of the current house in 1960. A letter was submitted from Toal Engineering verifying the validity of the 1959 Topo included with the submittal. **The Committee has determined it is appropriate to use the 1959 certified Topo for evaluating heights for this project. OK**

The Committee has discretion on the height of chimneys. The Committee evaluates the height and mass of a chimney on a case-by-case basis. In no event shall a chimney exceed 30 above Natural Grade at its highest point. **The front chimney appears +/- 2 ft above the 20 FT height envelope but does not appear to impact neighbor views. Restrict chimney height to code minimum.**

The remaining structure appears to respect the height envelope. **OK**

11. COMPATIBILITY (Section D.3): Materials indicated include grey slate, standing seam copper and built-up roofing with exposed cedar driftwood rafter tails, smooth stucco and limestone veneer exterior walls, steel doors and windows, steel railings and unknown garage doors. **OK**

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.

Existing non-conforming elements:

- N/A

New non-conforming elements:

- **Front Chimney height**

13. ROOFS (Section D.5):

Roof pitch: 4:12, and greater than 3:12 **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs allowed is 15%. An overlay was provided. The identified flat roof area is noted as 14.6%. **OK**

Roof materials: Slate, standing seam copper and built-up roofing are indicated. Noted as Class "A". **OK**

Roof Equipment: None shown. **OK**

Parapet: None shown. **OK**

14. ROOF DECKS (Section D.6): Small area off the Living room. **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): Steel indicated. **OK**

17. ANTENNAS (Section D.9): None indicated. **OK**

18. SOLAR PANELS (Section D.10). Noted in 4 "solar ready zones". **A full solar plan set must be provided.**

19. SKYLIGHTS (Section D.11): Noted as non-reflective. **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.

Some wall mounted fixtures are shown and noted as down lit or shielded. Fixture cutsheets will be required at Final submittal for review of style and shielding of light source.

21. GUTTERS AND DOWNSPOUTS (Section D.13): Indicated. **OK**

22. OTHER COMMENTS:

- **A certified 1959 topo showing the lot area was previously submitted to verify heights.**

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS [MINOR CHANGES FROM PREVIOUS APPROVED PLANS]:

Proposed landscape improvements include: Walls, pool, spa, firepit, BBQ, paving, planting, irrigation.

Revisions since previous submittal appear to include: **slight hardscape changes at spa patio, significant reduction in tree quantities, lighting changes.**

LANDSCAPE ANALYSIS (compared to 2018 approved landscape using pre-2024 architectural guidelines):

1. SUBMITTAL COMPLETENESS (Section B.5): Submittal must be generally complete enough for review. **OK**
2. LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits): Except for fences and walls, structures are 5' from PL. **Proposals are substantially consistent with prior approval. OK**

UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. **Reviewed 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. **Proposals are substantially consistent with prior approval. OK**
4. SITE DRAINAGE (Sec C.6): A conceptual grading and drainage plan must be included, generally showing adequate site drainage. **Proposals are substantially consistent with prior approval. OK.**

The Committee notes that perimeter wall location along State property does not allow for concrete gutter or other strategy for managing water along the property line in a manner that doesn't affect neighbors. EBSD will likely require that the issue be addressed and the Committee wants those approaches incorporated in the next submittal.

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. **Proposals are substantially consistent with prior approval. OK**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **Proposals are substantially consistent with prior approval. OK**

AC condensers are proposed in sunken rear yard

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

Noise impacts on adjacent neighbors must be avoided and/or minimized. **Reviewed at time of final 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. **A preliminary acoustical**

report is submitted, but conclusions are not stated with accurate decibel numbers in narrative, a only sound map is provided. Plus, it is not clear decibel levels are calculated at the property line instead of the County target of neighbors' use areas.

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. **Proposals are substantially consistent with prior approval, except that more than one tree uplight has been added.**
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'. **Proposals are substantially consistent with prior approval. OK**

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. **Proposals are substantially consistent with prior approval. OK**

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape. **Proposals are substantially consistent with prior approval. OK**

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. **Proposals are substantially consistent with prior approval. OK**

Property line fences, walls, and footings must be constructed completely on the subject property. **Proposals are substantially consistent with prior approval. OK**

Block walls are finished on all sides. **Proposals are substantially consistent with prior approval. OK**

At the street fences, walls, and railings must be held back a minimum of 18 inches from face of curb. **Proposals are substantially consistent with prior approval. 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. **Proposals are substantially consistent with prior approval. 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. **Proposals are substantially consistent with prior approval. OK**

The minimum setback for any open firepit shall be a minimum of 10'. **Proposals are substantially consistent with prior approval. OK**
13. WATER FEATURES, SWIMMING POOLS, SPAS (Sec E.8): Pool and spa structures are located entirely outside the 5' utility easement area. **Proposals are substantially consistent with prior approval. OK**

Issues of noise and visual impact must be adequately addressed. **Proposals are substantially consistent with prior approval. OK**

Security/pool fencing is shown. **Proposals are substantially consistent with prior approval. OK**

14. PARKWAY ACCESS (Sec E.12): Planting and paving within 18-24" of face of curb shall allow for convenience of on-street parking **Plan appears to show Pittosporum too close to curb.**
15. IMPROVEMENTS ON EBCA PROPERTY Section C, Part 21): Trees, hedges, and structures are not proposed on EBCA property. **Proposals are substantially consistent with prior approval. OK**
16. POTENTIAL OBSTRUCTION OF VIEW (Sec A.5): Trees and shrubs must not unreasonably block a neighbor's view. **Proposals are substantially consistent with prior approval. OK**
17. PREPARATION BY LANDSCAPE ARCHITECT (Sec B.2): **OK.**
18. FUEL MODIFICATION (Sec E.14): Highly flammable target species shall not be proposed. **Proposals are substantially consistent with prior approval. OK**

Perimeter properties appear to be consistent with Orange County requirements for Zone A. **Probably not. Applicant should provide proposals which are consistent with the fuel modification requirements of the Fire Authority and approvable by the County.**
19. OTHER:
 - **The number of trees has been significantly reduced, particularly between house and street.**

SUMMARY OF COMMITTEE FINDINGS:

1. The Committee initially recommended disapproval. The following items were adequately addressed by the Tuesday meeting. Therefore, the Committee recommends **approval**.
2. Lot Coverage (C.1): Retractable awning should be included and pushes this over the lot coverage. Add a signed topo. **Revised awning to trellis with +50% open as noted on A03-01.**
3. Building Height (D.2): Restrict chimney height to code minimum. **Chimney reduced by 1', see A04-05 for code diagram. OK**
4. Roof (D.5): Retractable awning should be included as flat roof. Remove or update flat roof calculation. **Revised awning to trellis with +50% open as noted on A03-01.**
5. Solar Panel (D.10): Provide a full solar plan or submit separating. **Will be a deferred submittal. OK**
6. Architectural Exterior Lighting (D.12): Provide cut sheet for **FINAL. Reduce light to be 4w LED or 60w equivalent max.**
7. Site Drainage (C.6): Regarding perimeter walls and water management, address issue with EBSD and show any required improvements. **See provided letter from EBSD. OK**
8. Curb and Gutter (C.7): Show complete replacement of curb and gutter on civil drawings, referencing EBSD requirements. **New curb noted on C-2. Should note per EBSD standards.**

9. Mechanical Equipment (E.1): Submit an acoustical report which provides written narrative describing anticipate decibel levels at nearest property lines (not at neighbor use areas). A sound map is not sufficient. **Revised report submitted appears acceptable. OK.**
10. Exterior Lighting (E.2): Reduce number of uplights to one per tree. **Extra lights have been removed, see LL-1. OK**
11. Parkway Access (E.12): Pull shrubs such as Pittosporum back from curb to allow for parking convenience and ease of maintenance. **Pittosporum have been moved back, see LP-2. OK**
12. Revised drawings are submitted to the EBCA office no later than Monday, November 25, 5 pm, for further review. **Received.**
13. General notes:
 - a. An executed Hardscape & Landscape Non-Exclusive Easement Agreement, approved by the Association, and recorded with the County of Orange for any designed improvements on EBCA property will be required. See Regulations Section 2.5(a)(5) for specifics. Submittal, and Association approval of the Hardscape & Landscape Non-Exclusive Easement is required prior to the approval of the Final Working Drawing submittal and recordation is required prior to construction beginning.
 - b. If a Member would like to appeal the decision of the Architectural Committee or determination of the Board, please refer to the CC&Rs, ARTICLE VIII, Section 8.14 Notice and Hearing Requirements.
 - c. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
 - d. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
 - e. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction.
 - f. The Committee reserves the right to reclassify a project at any time before or after construction begins.

COMMITTEE ACTION ON November 26, 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.

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

Dustin Asher (Architect), Michael Dilley (Landscape Architect) and Brian Flornes (Owner) were in attendance to discuss the submittal.