

RESOLUTION NO. 2026-02
RESOLUTION OF THE ZONING ADMINISTRATOR OF
ORANGE COUNTY, CALIFORNIA
FEBURARY 19, 2026

By action of the Zoning Administrator, the following Resolution was adopted:

WHEREAS, Planning Application PA25-0106 was submitted by the applicant, Andrew Heermann on behalf of Nick and Diane Brown, requesting approval of a Coastal Development Permit, Use Permit, and Variance to demolish the existing house and construct a new 4,606 square feet, two-story residence with attached 2-car garage;

WHEREAS, the project does not involve grading or alter existing land use designations, and will not result in impacts to public access, recreational amenities, or environmentally sensitive habitat areas;

WHEREAS, the project is consistent with the Orange County General Plan Land Use Element Goal 7 – New Development Compatibility and consistent with the Suburban Residential 1B Land Use designation;

WHEREAS, the project is consistent with the Coastal Zone development standards pursuant to Zoning Code Section 7-9-40 and R1 “Single-Family Residential” zoning designation under the certified Emerald Bay Local Coastal Program;

WHEREAS, 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;

WHEREAS, a duly noticed public hearing was held on February 19, 2026, before the Orange County Zoning Administrator, at which time all interested persons were given the opportunity to be heard, and the Zoning Administrator reviewed and considered all evidence presented, including the staff report and public testimony;

WHEREAS, the Zoning Administrator reviewed and fully considered the proposed Coastal Development Permit, Use Permit, and Variance PA25-0106 and has heard and considered any public comments received on this request, and determined after review and consideration to approve Coastal Development Permit, Use Permit, and Variance PA25-0106.

NOW, THEREFORE, BE IT RESOLVED THAT the Orange County Zoning Administrator adopts this resolution to:

1. 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.
2. Adopt Planning Application PA25-0106 for a Coastal Development Permit, Use Permit, and Variance to demolish the existing house and construct a new 4,606 square feet, two-story residence with attached 2-car garage subject to the Findings and Conditions of Approval contained within the Resolution.

Recommended Findings:

1. General Plan
 - a. The proposed project is consistent with Orange County Land Use Element Goal 7 – New Development Compatibility, because the proposed development is residential in nature and consistent with the minimum lot size, scale, and character of recently approved and existing residential development in the surrounding area..
2. Zoning Code
 - a. 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)
 - a. The proposed project is Categorical 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
 - a. 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
 - a. That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

6. Public Facilities

- a. The approval of the permit application complies with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.) because the proposed project would be required to pay into development impact fees prior to the issuance of building permits.

7. Local Coastal Program

- a. That the development project proposed by the application conforms to the certified Emerald Bay LCP.
- b. The project conforms to the public access and public recreation policies of the California Coastal Act.
- c. The approval of the application will result in full compliance with the requirements of the certified land use plan.

8. Use Permit

- a. The proposed height and location will not create a traffic hazard.
- b. The location, size, design, and overall characteristics of the fence or wall will not create conditions that are objectionable, detrimental, or incompatible with permitted uses in the vicinity.

9. Variance

- a. 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.
- b. 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. Granting this approval would not constitute a special privilege inconsistent with the approvals for other properties in the area because multiple variances for reduced setbacks have been previously approved in this vicinity. .

Recommended Conditions of Approval:

1. Basic/Zoning Regulations

- a. This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2. Basic/Time Limit

- a. This approval constitutes approval of the This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void, unless a valid extension is approved.

3. Basic/Plan

- a. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4. Basic/Compliance

- a. Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

5. Indemnification

- a. Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6. Basic/Appeal Exactions

- a. Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7. California Building Code Compliance

- a. Prior to the issuance of any building permits and throughout all phases of construction, the project shall comply with all applicable requirements of the current California Building Code (CBC), as adopted and amended by the local jurisdiction. Compliance shall be demonstrated to the satisfaction of the Building Official.

8. Orange County Fire Authority (OCFA)

- a. Prior to the issuance of building permits the applicants must submit to OCFA a Fuel Modification plan for review.
- b. The building plans shall comply with currently California Building, including required residential fire sprinklers

9. Geology Report

- a. Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Building and Safety Division, for approval. The report shall include the information and be in the form as required by the Grading and Excavation Code and Grading Manual.

10. Construction Noise

- a. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:
 - i. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
 - ii. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - iii. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.
- b. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

11. Erosion and Sediment Control Plan

- a. Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

12. Drainage Study

- a. If determined necessary, prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Permit Services
 - i. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
 - ii. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
 - iii. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

13. Water Quality Management Plan

- a. Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building and Safety, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:
 - Detailed site and project description
 - Potential stormwater pollutants

- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs.

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

14. Private Landscaping

- a. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).
- b. Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.
- c. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.

15. Archeological Responses

- a. Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Manager, Building and Safety Services that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the project

developer and to the Manager, Building and Safety Services. If the archaeological resources are found to be significant, the archaeologist observer shall determine appropriate actions, in cooperation with the project developer, for exploration and/or salvage. Excavated finds shall be offered to County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates desire to study and/or display them at this time, in which case items shall be donated to county, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Building and Safety Services.

16. Paleontological Resources

- a. Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Manager, Building and Safety Services that a County-certified paleontologist has been retained to observe grading activities and salvage fossils as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. In major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the project developer and to the Manager, Building and Safety Services. The paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. Excavated finds shall be offered to County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources shall be subject to approval by the Manager, Building and Safety Services. The paleontologist shall submit a follow-up report for approval by the Manager, which shall include the period of inspection, an analysis of the fossils found, and present repository of the fossils.

I HEREBY CERTIFY that the foregoing Resolution No. 2026-02 was adopted on February 19, 2026 by the Orange County Zoning Administrator.

By: Justin Kirk, Deputy Director OC Public Works
ORANGE COUNTY ZONING ADMINISTRATOR