



DATE: February 19, 2026

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning

SUBJECT: Public Hearing on Planning Application PA25-0106 for a Coastal Development Permit, Use Permit, and Variance.

PROPOSAL: The applicant is requesting approval of a Coastal Development Permit to demolish the existing residence and construct a new 4,606 square feet, two-story single-family residence with an attached two-car garage; a Use Permit to allow site walls ranging between 5 feet to 10 feet in height within the front and side yard setback areas; and a Variance to allow a reduced front yard setback of 8 feet 4 inches and a rear yard setback of 7 feet 5 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 936 Emerald Bay, Laguna Beach, CA 92651 (APN 053-021-24) within the Fifth Supervisorial District

APPLICANT: Andrew Heermann, 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. 2026-02 (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 PA25-0106 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.

INTRODUCTION
BACKGROUND

The subject site is located at 936 Emerald Bay, Laguna Beach, California, on Lot 86 of Tract No. 1092. 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-3015, which was approved by the County of Orange Planning Commission on July 2, 1957, allowing a reduced front yard setback of 9 feet 6 inches.

EXISTING CONDITIONS:

The property is approximately 7,123 square feet, with the frontage of 80 feet and tapers down to 60 feet at the rear and an average depth of 104 feet. It is situated just north of Pacific Coast Highway within the Emerald Bay community and is currently developed with a 2,010-square-foot two-story residence with 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 2,010-square-foot house and constructing a new two-story residence. The new home will include 4,606 square feet of livable space, an attached 687-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 General Plan Land Use designation for the project site is Suburban Residential (1B). This designation allows for a wide range of residential development types and densities, from estate residences on large lots to attached and multi-family housing. The permitted density range for Suburban Residential (1B) is 0.25 to 43.5 dwelling units per acre (du/ac). The proposed project has a density of 0.8 du/ac, which falls well within the allowable range and is therefore consistent with the Suburban Residential (1B) land use designation.

The project is also consistent with applicable policies of the Land Use Element, including Goal 7 – New Development Compatibility, which seeks to ensure that new development is compatible with surrounding land uses. 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. As such, the project will not result in land use conflicts and maintain compatibility with adjacent properties.

In addition, the project is located within the Emerald Bay Local Coastal Program (LCP) area and is consistent with applicable Coastal Act policies, including Section 30205 regarding the location of development, as well as policies addressing the protection of scenic and visual resources (Section 30251), accommodation of alternative transportation (Section 30252), protection from environmental hazards (Section 30253), and provision of adequate public services (Section 30540). The project has been designed in accordance with these policies and the Land Use Plan, thereby ensuring consistency with the General Plan.

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	7,123 square feet (existing)
Maximum Building Height	35 feet maximum	25 feet (proposed)
Structural Front Setback	9 feet 6 inches per V-3015	8 feet 4 inches (proposed)*
Structural Side Setback	5 feet	5 feet west side (proposed) 9 feet 7 inches east side (proposed)
Structural Rear Setback	25 feet	7 feet 5 inches (proposed)*
Walls and Gates in Setback	3.5 feet in the front setback 6 feet side and rear setback	5 feet maximum height in the front (proposed)* 10 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.

Use Permit – Over-Height Walls

The proposed project includes retaining walls within the front, side, and rear setback areas, with wall heights ranging from approximately 5 to 10 feet due to the site's natural slope. Within the front setback, a 5-foot-high wall is proposed where the maximum permitted height is 3.5 feet. Within the side setback, where the Zoning Code allows a maximum wall height of 6 feet, the project proposes over-height retaining walls with a maximum exterior-facing height of 10 feet along the side and rear property lines.

Pursuant to Zoning Code Section 7-9-64(f), exceptions or modifications to fence and wall height standards may be approved through a Use Permit for fences or walls exceeding eight (8) feet in height, subject to approval by the Zoning Administrator in accordance with Section 7-9-125. In addition to the findings required under Section 7-9-125, approval of a fence or wall height Use Permit requires findings that:

1. The proposed height and location will not create a traffic hazard.
2. 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.

Traffic Hazard:

The proposed retaining walls are located entirely within the front, side, and rear setback areas and do not encroach into the public right-of-way. The front setback wall, while exceeding the maximum permitted height, is designed to follow the natural grade of the site, and its location has been reviewed by the Traffic Division. The wall does not obstruct driver's sight lines or interfere with vehicular or pedestrian circulation. Due to the property's configuration and limited frontage, the proposed wall heights will not impair visibility at driveways or adjacent intersections and therefore will not create a traffic hazard.

Compatibility:

The over-height retaining walls are necessary to accommodate the site's natural slope and to stabilize the property in a manner that minimizes grading and visual disruption. The walls are located along the side and rear property lines, where impacts to the public realm are limited. The design and placement of the walls are consistent with residential development on sloped lots and are compatible with the scale and character of surrounding development. Additionally, the retaining walls will improve site safety and usability without creating adverse visual or functional impacts to adjacent properties or permitted uses in the vicinity.

Variance – Reduced Front and Rear Yard Setback

The applicant is seeking approval of a variance to establish a new front setback of 8 feet 4 inches and rear yard setback 7 feet and 5 inches. The existing property currently has a front setback of 9 feet 6 inches per V-3015. 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 (d), 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 setbacks 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.

Application	Location	Approved Variance	Approval Date
PA03-0050	927 Emerald Bay	Variance to reduce the rear setback to 12 feet 4 inches	August 28, 2003
PA120046	925 Emerald Bay	Variance to reduce the rear setback to 12 feet 5 inches	January 24, 2013
PA19-0248	923 Emerald Bay	Variance to reduce the rear setback to 6 feet	February 20, 2020
PA07-0019	929 Emerald Bay	Variance to reduce the front setback to 10 feet 4 inches and the rear setback to 13 feet 8 inches	September 6, 2007

FINDINGS:

Proposed PA25-0106 Coastal Development Permit, Use Permit, and Variance is consistent with:

1. **General Plan** – 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 – 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.) because the proposed project would be required to pay into development impact fees prior to the issuance of building permits
7. Local Coastal Program - That proposed project conforms to the certified Emerald Bay LCP, 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. Use Permit – The proposed height and location of the fence or wall as proposed will not result in or create a traffic hazard.
9. Use Permit – The proposed 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.
10. Variance – Special Circumstance - 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.
11. 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. 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.

Therefore, the findings required under Zoning Code Sections 7-9-125.6, 7-9-64 (f), and 7-9-127.1 can be made in support of this request for a Coastal Development Permit, Use Permit and Variance to construct, two-story residence with attached 2-car garage and retaining walls of varying heights between 5 feet and 10 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, Use 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. 2026-02.

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:

DocuSigned by:

Hlene Lundfelt

Hlene Lundfelt, Associate Planner
OC Development Services/Planning

Concurred by:

DocuSigned by:

Cindy Salazar

Cindy Salazar, Division Manager
OC Development Services/Planning

ATTACHMENTS:

1. Zoning Administrator Resolution No.2026-02
2. Vicinity Map
3. Project Map
4. Plans
5. EBCA Board Minutes dated May 27, 2025