

**APPLICANT:** TAYLOR  
**ADDRESS:** #44  
**PROJECT:** 3079 TRACT: 940 LOT: 45  
**SCOPE OF WORK:** NEW RESIDENCE w/ MEDIUM LANDSCAPE/HARDSCAPE  
**SUBMITTAL:** PRELIMINARY RESUBMITTAL W/ VARIANCE  
**ARCHITECT:** Ron Ritner  
Phone: (949) 584-8987 Lic. # C24105  
  
**LANDSCAPE ARCHITECT:** EPT Design  
Phone: (626) 795-2008

*Architectural review by Ken Wilkins*

*Landscape review by James Dockstader*

**FINAL COMMITTEE DECISION: APPROVAL**

**HISTORY OF SUBMITTALS:**

- |                  |             |              |
|------------------|-------------|--------------|
| • March 2023     | CONCEPT     | ACKNOWLEDGED |
| • September 2023 | CONCEPT (2) | ACKNOWLEDGED |
| • January 2024   | PRELIMINARY | DISAPPROVED  |

**SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:**

Submittal application indicates a new residence of **5,226 SF (overlay total = 5,372.85 SF) which includes a four-car garage with two stories and two basements. Bedrooms on the 1<sup>st</sup> and 2<sup>nd</sup> floors, NE wing were previously pushed back 4' creating offset roof decks. Overlays were provided. EBCA prior calculation\*\*.**

New construction is indicated to be:

	<b>Preliminary</b>	<b>Proposed</b>	<b>Change</b>
• Second Floor	952.57 SF	884.79 SF	-67.78 SF
• First Floor	1,793.83 SF**	1,663.71 SF	-130.12 SF
• Basement 1	897.78 SF**	916.06 SF	+18.28 SF
• Garage	862.19 SF	862.19 SF	0 SF
• Mechanical	246.32 SF	246.32 SF	0 SF
• Basement 2	799.53 SF**	799.78 SF	+0.25 SF
• Roof Decks		351.54 SF	0 SF

**ARCHITECTURAL ANALYSIS:**

1. ARCHITECT STAMP (Section B.2): **The plans are stamped and signed. This will be verified at each submittal. A California licensed architect must stamp.**
2. ARCHITECTURAL REVIEW - SUBMITTAL COMPLETENESS (Section B.5): Submittal is generally complete enough for review. **OK**

3. LOT COVERAGE (Section C.1): There are no lot coverage requirements for Tract 940, lot 45. There is no proposed lot coverage stated on the submittal application. **2,031 SF / 3,352.8 SF = 60.6%** (was previously **2,027 SF / 3,392 SF = 59.7%**.) **Overlay was provided. A signed copy of the 1960 topo plan was submitted with Lot Area.**
4. SETBACKS (Section C.2): The proposed structure appears to respect the 5'-0" minimum setbacks. **Allowance for finish materials must be provided such that the 5'-0" clear Front setback is maintained. OK**  
**The Committee may require greater setbacks.**
5. UTILITY EASEMENTS (Section C.3): Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **These will be reviewed by the Emerald Bay Service District prior to Final approval.**
6. **PARKING (Section C.4):** No parking requirement is shown on the Submittal Application (previously was 4,807 SF.) The garage area used for required parking (430 + 156 + 156 = 742 SF) is not included in the parking calculations. 5,552.22 – 742 = 4,810.22 SF. This requires a two-car garage plus two off-street parking spaces. **Four Garage spaces have been provided. Clarify that the required depth of the tandem Garage parking is 21'-6" + 18'-0" clear. It does not scale.**
7. SERVICE YARD (Section C.5): **Noted on the NE side yard. OK**
8. BACKFLOW PREVENTION DEVICES (Section C.8): New residences and renovations/remodels/additions that include the addition of 2 or more plumbing fixtures require a backflow prevention device. **The Committee will review at the Final review.**
9. NUMBER OF STORIES (Section D.1): No structure shall exceed two stories. First Basement Rule: If the elevation of the finished floor level directly above a basement is more than 6 feet above Natural Grade for more than 50% of the perimeter or is more than 12 feet at any point then it shall be considered a story. **The Submittal Application indicates a structure with 2 stories plus 2 basements. The structure "appears" to comply. Overlay was provided. OK**
10. BUILDING HEIGHT (Section D.2): No structure on any Lot or Parcel in this Tract shall not exceed thirty (30) feet in height above the Natural Grade of the Lot or Parcel." **The structure appears to comply. Chimney heights are to be held to the minimum allowed by code. The reduced roof pitch brings the roof height into compliance. Roof pitch further reduced from 3:12 to 2.75:12. See VARIANCE.**
11. **COMPATIBILITY (Section D.3):** Generic materials are noted as stucco, limestone, awning, wood shutters, metal railing and clay barrel tile roofing. **Materials will be verified at Final review.**
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:**

- None

**New non-conforming elements:**

- Roof slope (See Variance)

13. ROOFS (Section D.5):

- Roof pitch: 2.75:12 **See VARIANCE.**
- Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the roof area. The flat roof areas have changed. The area stated is 130.0 / 1,909.78 = 6.8% **Overlay provided. OK**
- Roof materials: Clay barrel tiles, flat seam roofing. Noted as class "A" on elevations. **OK**
- Roof Equipment: None shown. **OK**
- Parapet: None shown. **OK**

14. ROOF DECKS (Section D.6): A roof deck is considered to be a covered or uncovered exterior space constructed over any part of the residence Structure or garage. Roof decks are not allowed except when the deck is directly accessible from an interior living space on the same level and the area of the deck is equal to or less than the area of the living space from which access is taken. **Roof Decks occur at the first and second floors. Appear to be in compliance. OK**
15. **MATERIALS AND COLORS (Section D.7):** Actual materials samples and exterior colors are required to be submitted on a board no smaller than 11 x 17 and no larger than 18 x 24. A color rendering must be included on the board to clearly identify the location of all proposed materials and colors. **The Committee will review the color and materials at the Final review.**
16. WINDOWS AND DOORS (Section D.8): **Metal doors and windows noted. OK**
17. ANTENNAS (Section D.9): None shown. **OK**
18. SOLAR PANELS (Section D.10). None shown. **OK**
19. SKYLIGHTS (Section D.11): **Four shown. 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.  
**Fixtures noted as down lit or shielded.**  
**Fixture cutsheets may be required at Final submittal for review of style and shielding of light source.**
21. GUTTERS AND DOWNSPOUTS (Section D.13): **Gutters and downspouts shown. Drainage at Roof Decks shown on floor plan. OK**
22. OTHER COMMENTS:
- None

#### **SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:**

Proposed landscape improvements appear to include: spa, walls, paving, planting.

Revisions to landscape elements compared to previous submittal appear to include: Landscape proposals are substantially consistent with previous submittal.

#### **LANDSCAPE ANALYSIS:**

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. **OK**

UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. **Submit to EBSD**

3. LOT COVERAGE (Sec C.1): Landscape features such as raised patios and/or freestanding structures must not create a lot coverage overage. **OK**
4. SITE DRAINAGE (Sec C.6): A conceptual grading and drainage plan must be included, generally showing adequate site drainage. **OK, pending EBSD review. Sump pumps are proposed.**
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. **OK**
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. **Submit at time of final**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. Spa equipment and AC are shown in enclosed closet at rear of house. **OK**

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

Noise impacts on adjacent neighbors must be avoided and/or minimized. **OK pending acoustical report and community input.**

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. **Submit at time of final for pool and AC units.**

Acoustical report assumptions and recommendations are consistent with submittal drawings. **Reviewed at time of final for any new mechanical equipment**

8. EXTERIOR LIGHTING (Sec E.2): Landscape lighting proposals must be shown and must appear to limit glare and annoyance. **OK**
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'. **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. **OK**

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape. Building appears to be set near the 5' front setback, so front landscape is limited in area. What remains appears to be a balance of planting and hardscape. **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. **OK**

Property line fences, walls, and footings must be constructed completely on the subject property. **OK**

Block walls are finished on all sides. **OK**

At the street fences, walls, and railings must be held back a minimum of 18 inches from face of curb. **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. **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. **None proposed, OK.**

The minimum setback for any open firepit shall be a minimum of 10'. **NA**

13. WATER FEATURES, SWIMMING POOLS, SPAS (Sec E.8): Pool and spa structures are located entirely outside the 5' utility easement area. **OK**

Issues of noise and visual impact must be adequately addressed. **OK pending neighbor input**

Security/pool fencing is shown. It is unclear that pool enclosure is achieved along north side yard. **Neighbor's wall appears to be only 2-3' high compared to neighbor's grade.**

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

Perimeter properties appear to be consistent with Orange County requirements for Zone A. **NA**

19. OTHER:

- **With respect to existing and proposed plantings, the Applicant may wish to consider OCFA maintenance guidelines for defensible space and fire safety.**
- **Front step configuration may be unrealistic since gates cannot open over steps.**

**SUMMARY OF COMMITTEE FINDINGS:**

1. The Variance Request for the following items was considered at the Thursday night meeting as follows:

**Variance**

**4.5.F Roof Slope**

Roof slopes less than 3 vertical in 12 horizontal will be considered flat roofs  
Request that a 2.75:12 be considered as sloped.

To reduce the height of the structure to provide neighbor view corridor and not compromise the design.

The Committee unanimously voted to **approve** the variance.

**NOTE:**

*Approval of a Variance Request to allow non-conforming elements to remain is based on the scope, character, hardship, and community benefit associated with the current submittal. If future submittals propose to significantly alter these aspects of the property, the Architectural Committee may at that time evaluate the new proposals to determine if proposals negate, diminish, or adversely affect the conditions under which the prior Variances were granted. In such cases, the Committee may require that the Applicant alter the new proposed scope or eliminate existing non-conforming conditions.*

It is not the intent of the Committee or the Board, in granting approval of the variance request, to confer extraordinary future development rights to the Applicant or future Applicants beyond what is allowed by the Architectural Regulations.

2. The Committee initially recommended **disapproval** of the plans as submitted. The following items were adequately addressed. Therefore, the Committee voted to **approve** the project as revised.:
  - a. Clarify and label pool enclosure along north sideyard (a portion appears to be noncompliant). **Added additional 5' gate at rear of house. OK**
  - b. Show front step configuration that does not include gates opening oversteps. **Updated on SP-100. OK**
  - c. Revise "application" SF total and Lot size to match plans.
  - d. Clarify that the required depth of the tandem Garage parking is 21'-6" + 18'-0" clear. As measured the garage is short in depth. **This was determined to be a print scaling issue, measures and dimensioned correctly. OK**
  - e. Prior to preliminary approval receive EBSD approval of the plans. **Submitted.**
  - f. Revised drawings are submitted to the EBCA office no later than Monday, March 25, 2024, 5:00 pm for further review. **Received.**
  - g. An easement agreement is **required prior to FINAL.**
2. **At time of FINAL submittal:**
  - a. **An executed Easement Agreement recorded** with the County of Orange for improvements on EBCA property will be required. Encroachment exhibits prepared by a licensed civil engineer describing the area of the Easement and legal descriptions are required for EBCA to prepare the Agreement. This is required to be approved by the EBCA Board of Directors prior to the approval of the project.
  - b. Submit drawings and the application fee to EBSD for review. Provide evidence of EBSD review and approval. The preliminary plans must be developed in sufficient detail to confirm that there will be no structural encroachments into the 5' easement. If caissons are required for the foundation, they must be shown on the Final submittal for review and approved by the Service District. **Pending**
  - c. For review of proposed color and materials, a **board** must be submitted of actual color and material samples, not photographs.
  - d. If any new mechanical equipment is added or existing equipment is replaced, **an acoustical report** prepared by a qualified expert must be submitted showing that anticipated noise impacts are less than the County maximum at the closest property line. Submitted plans must be consistent with the recommendations of the report.
  - e. Submit **light fixture cutsheets** for all architectural lighting.
  - f. Show backflow preventer within the owner's property.
3. Note:

- a. If a Member would like to appeal the recommendation of the Architectural Committee or determination of the Board, please to the CC&Rs, ARTICLE VIII, Section 5 – Notice and Hearing Requirements.
- b. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
- c. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
- d. If it becomes necessary or desirable for the Association to utilize its easements within private property boundaries, it is the responsibility of the owner of such property to remove improvements (whether previously approved by the Association or not) to provide access and to replace or repair improvements subsequent to Association access at no cost to the Association.
- e. Any changes to the Final approved plans must be submitted for Architectural Committee’s review prior to construction.
- f. If existing non-conforming elements are removed during the course of construction, they cannot be replaced unless they comply with all of the current Architectural Regulations.

**COMMITTEE ACTION ON March 26, 2024:**

1. A motion was made, and seconded, to **approve** the Variance with the below Committee members present and voting. The motion passed.
2. 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; Chris Gwaltney; Debi Pavlik; Jim Dockstader (Landscape Architect); & Ken Wilkins (Alternate Architect, did not vote).

**Ron Rittner (Architect) and James Taylor (Owner) appeared to discuss the submittal.**

**Members Present:**

**Kristen Cook and Tony Ufland #40**

**Paul and Crisi Hosea #32**