



ITEM #1

DATE: March 5, 2026

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning

SUBJECT: Planning Application PA25-0087 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 4,264-square foot, three-story, single-family residence with a 4-car subterranean garage; a Site Development Permit to allow retaining walls ranging between 5 feet to 8 feet in height within the front, side and rear yard setback areas; and a Variance to allow a reduced front and rear yard setback to 5 feet.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

ZONING DISTRICT: R1 "Single Family Residence," with a CD "Coastal Development" Overlay and SR "Sign Restrictions" Overlay

LOCATION: 44 Emerald Bay, Laguna Beach, CA 92651 (APN 053-060-51) within the Fifth (5th) Supervisorial District

APPLICANT: Ronald Ritner, 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. 2026-05 (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 PA25-0087 for a Coastal Development Permit, Site Development Permit, and Variance to demolish the existing house and construct a new 4,264-square foot, three-story single-family residence with a 4-car subterranean garage, retaining walls ranging between 5 feet to 8 feet in height within the front, side, and rear setback areas, and to reduce the front and rear setbacks to 5 feet subject to the Findings and Conditions of Approval contained within the Resolution.

INTRODUCTION

BACKGROUND:

The subject site is located at 44 Emerald Bay, Laguna Beach, California, on Lot 45 of Tract No. 940. The property is zoned R1(CD)(SR) – Single-Family Residence with a Coastal Development Overlay and Sign Restrictions Overlay. The project is located within the Emerald Bay Local Coastal Program (LCP).

The site is subject to Variance V-8598, which was approved by the Orange County Zoning Administrator on August 7, 1975, allowing to reduced front yard setback to 6 feet and the rear yard setback to 8 feet 3 inches.

EXISTING CONDITIONS:

The property is an approximately 3,381-square foot shallow lot. It is situated just south of Pacific Coast Highway within the Emerald Bay community and is currently developed with a 3,090-square foot three-story single-family residence with an attached 3-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 3,090-square foot three-story single-family house and constructing a new three-story single-family residence. The new home will include 4,264 square feet of livable space, and an attached 862 square feet 4 car subterranean garage as shown on the Plans (Attachment 4). The project will also include retaining walls varying in heights between 5 feet and 8 feet in the front, side, and rear yard setback areas and a reduction in the front and rear yard setbacks to 5 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. 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:

The project is located in the R1 “Single-Family Residence” District. Below is a table comparing the development standards for 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	3,381 square feet (existing)
Maximum Building Height	35 feet maximum	35 feet (proposed)
Structural Front Setback	6 feet per V-8598	5 feet (proposed)*
Structural Side Setback	5 feet	5 feet west side (proposed) 5 feet east side (proposed)
Structural Rear Setback	8 feet 3 inches per V-8598	5 feet (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)* 8 feet maximum height in the side and rear (proposed)*

*indicate deviation from development standards

Coastal Development Permit

The project is located within the Emerald Bay LCP area and is consistent with applicable California 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).

Within the Coastal Development Overlay zone, and specifically within the Emerald Bay 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 Section 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 5 and 8 feet due to the property's natural slope. The maximum allowable wall height under the Zoning Code is 3.5 feet in the front setback area and 6 feet in the side and rear setback areas. The project proposes over-height retaining walls with a maximum exterior-facing height of 5 feet in the front setback and 8 feet located along the side and rear property line.

Pursuant to Zoning Code Section 7-9-64 (f), exceptions and modifications to the fence and wall height provisions may be permitted subject to the approval of a Site Development Permit by the Director for fences/walls 8 feet or less.

The proposed retaining walls are necessary to address existing topographic conditions, minimize grading, and provide structural stability. Because the walls do not exceed eight (8) feet in height and are responsive to site constraints, approval of a Site Development Permit is consistent with Section 7-9-64(f) and would allow development in a manner that is orderly and compatible with the surrounding area.

Variance – Reduced Front and Rear Yard Setback

The applicant is seeking approval of a variance to establish a new front and rear setback of 5 feet. The existing property currently has a front setback of 6 feet and rear setback of 8 feet 3 inches feet per V-8598. 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 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.

Application	Location	Approved Variance	Approval Date
PA100022	42 Emerald Bay	Variance to reduce the rear yard setback to 7 feet 9 inches	September 16, 2010
PA140028	40 Emerald Bay	Variance to reduce front and rear yard setback to 5 feet	July 10, 2014
PA05-0085	46 Emerald Bay	Variance to reduce the rear setback to 5 feet	March 23, 2006
V-6635	48 Emerald Bay	Variance to reduce the rear setback to 5 feet	September 30, 1965
PA02-0059	34 Emerald Bay	Variance to reduce the rear setback to 5 feet	July 11, 2002

FINDINGS:

Proposed PA25-0087 Coastal Development Permit, Site Development Permit, and Variance is consistent with:

1. General Plan – The proposed project is consistent with the 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 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 - 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 and the public access and public recreation policies of the California Coastal Act and that the approval of the application will result in a project that is in full compliance with the requirements of the certified land use plan.
8. 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.
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. 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, Site Development Permit and Variance to construct a three-story single-family residence with subterranean 4-car garage and retaining walls of varying heights between 5 feet and 8 feet within the front, side, and rear 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 March 26, 2024 (Attachment 5).

PUBLIC NOTICE:

Public notices were mailed to all owners of record within 300 feet and to residents within 100 feet of the subject property. In addition, all people and agencies were mailed the public notice pursuant to zoning code section 7-9-127.1(d). The notice was 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. 2026-05.

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:

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Ilene Lundfelt, Associate Planner
OC Development Services/Planning

Concurred by:

DocuSigned by:



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Cindy Salazar, Division Manager
OC Development Services/Planning

ATTACHMENTS:

1. Zoning Administrator Resolution No. 2026-05
2. Vicinity Map
3. Project Map

4. Plans
5. EBCA Board Minutes dated March 26, 2024