

**OC PLANNING REPORT**

**DATE:** October 15, 2020

**TO:** Orange County Zoning Administrator

**FROM:** OC Development Services/Planning Division

**SUBJECT:** Public Hearing on Planning Application PA20-0089 for a Use Permit and Variance

**PROPOSAL:** A request for a Use Permit and Variance for deck and wall improvements at an existing residence. A Use Permit is required for the construction of a service yard screen wall at a height of 9 feet within the front setback where Zoning would otherwise permit a maximum height of 3 feet 6 inches. A Variance is required to allow for a reduced front setback of 5 feet 9 inches for a new deck and support columns where the Zoning Code would otherwise require 16 feet 11.6 inches pursuant to the shallow lot provisions of the Code. The screen wall and deck support columns would generally match the existing front setback. Minor grading relating to the proposed improvements would also be proposed.

**GENERAL PLAN DESIGNATION:** 1B “Suburban Residential”

**ZONING:** R1 “Single Family Residence”, with a CD “Coastal Development” Overlay and an SR “Sign Restrictions” Overlay

**LOCATION:** The project is located in the community of Emerald Bay at 522 Emerald Bay, Laguna Beach, CA within the Fifth Supervisorial District (APN 053-081-05).

**APPLICANT:** Jennifer and Sonny Lulla, Property Owner

**AGENT:** Andrew Herrmann, Laidlaw Schultz Architects

**STAFF CONTACT:** Kevin Canning, Contract Planner  
Phone: (714) 667-8847 Email: [Kevin.Canning@ocpw.ocgov.com](mailto:Kevin.Canning@ocpw.ocgov.com)

**RECOMMENDED ACTIONS:**

OC Development Services/Planning Division recommends Zoning Administrator:

- a) Receive staff report and public testimony as appropriate;
- b) Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 3 (*New Construction or Conversion of Small*

*Structures*) exemptions pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,

- c) Approve Planning Application PA20-0089 for a Use Permit and Variance subject to the attached Findings and Conditions of Approval.

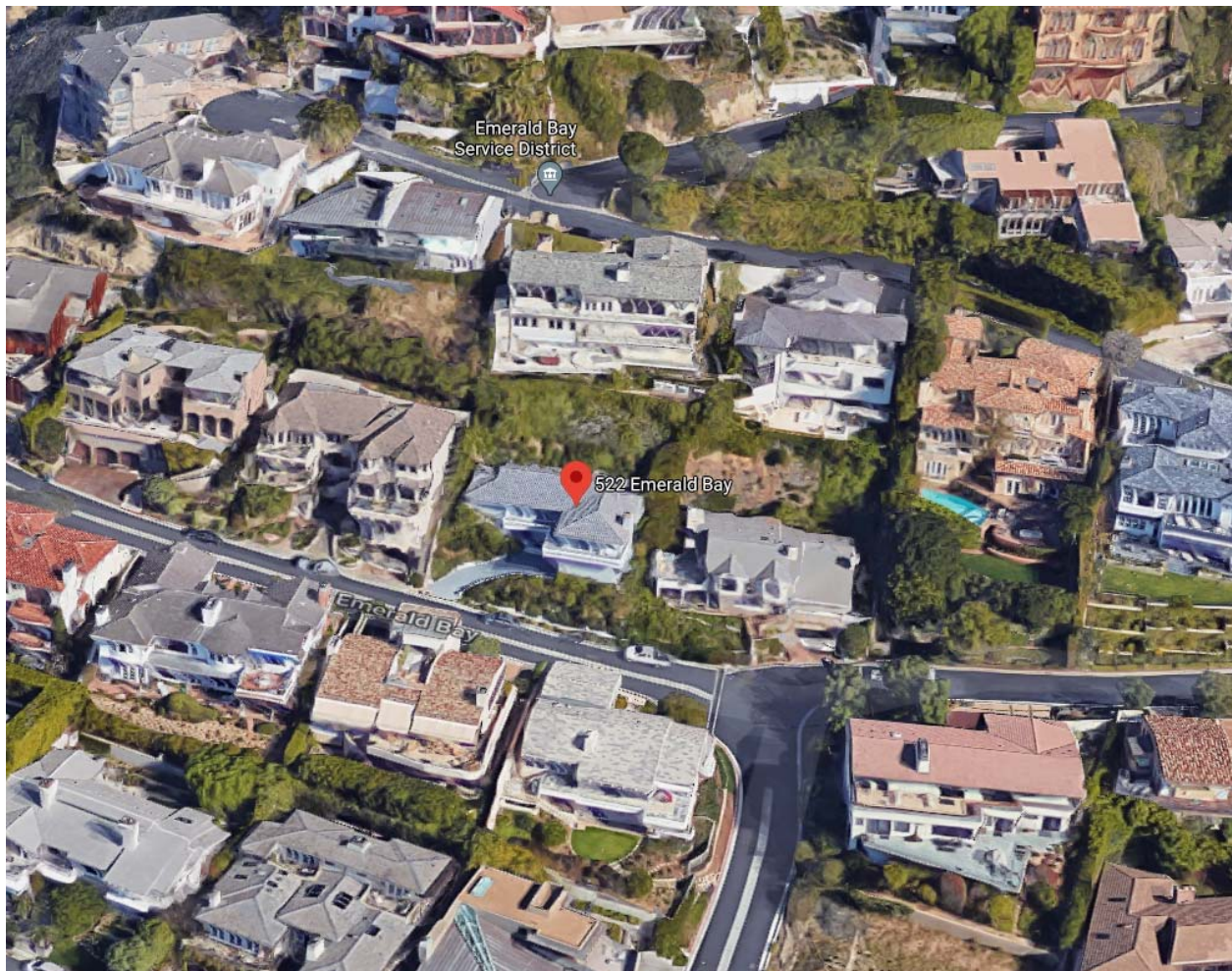
## **BACKGROUND AND EXISTING CONDITIONS**

The subject property is Lot 26 of Tract 1108 recorded in 1945. The property is approximately 6,138 square feet in area and is located on the inland side of the Emerald Bay community. The subject lot is, by definition, a shallow lot as it is approximately 85 feet deep. The existing residence is built into the slope of the lot which rises from the street level to the back of the property.

## **PROPOSED PROJECT**

The project proposes exterior improvements to the existing approximate 2,140 square foot residence with an attached 2-car garage (402 square feet). No new livable area is proposed, only a new second level deck area generally over the driveway area within the front portion of the lot.

### **Aerial of Project Site**



**SURROUNDING LAND USE**

The project site is a residential use and is surrounded on all sides by existing residential uses. The zoning and existing land use for surrounding properties is as follows:

<b>Direction</b>	<b>Zoning Description</b>	<b>Existing Land Use</b>
Project Site	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
North	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
South	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
East	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling
West	“Single-Family Residence” (R1)(CD)(SR) District	Single-Family Dwelling

**DISCUSSION/ANALYSIS**

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**

<b>STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
Building Site Area	7,200 square feet	6,138 square feet (existing)
Maximum Building Height	35 feet maximum	25 feet
Structural Front Setback	16 feet 11 inches <sup>1</sup>	<sup>1</sup> 5 feet 9 inches minimum <sup>2</sup>
Structural Side Setback	5 feet minimum	5 feet minimum
Structural Rear Setback	16 feet 11 inches <sup>1</sup>	25’ feet minimum
Walls within Front Setback	3 feet 6 inches	9 feet maximum <sup>3</sup>

<sup>1</sup> Shallow lot (Section 7-9-128.2)  $[(89.89' + 79.81') / 2 \times 20\% = 16.97']$

<sup>2</sup> Indicates Variance requested by the applicant

<sup>3</sup> Indicates Use Permit requested by the applicant

A Coastal Development Permit is not required for improvements to an existing structure except in certain specified sensitive locations which do not apply to the subject property.

The existing residence has two narrow balconies/decks along the front of the structure in a “L” shape matching the floor plan of the home. The project would expand these areas into a larger more usable square-shaped deck area. The deck area would be over a portion of the driveway. Support columns for the deck expansion would be placed 5 feet 9 inches from the front property line and would be in line with the nonconforming setbacks of the existing residence. A Trellis shade covering proposed over the expanded deck would conform with all required development standards. The applicant also proposes creating a service area to store trash cans and similar objects adjacent to and on the front (street side) of the garage. The service area would be screened by a new wall that, due to topography, would be up to 9 feet in height, as viewed from the street.



### Existing Front Elevation



#### Variance – Front yard setback

The subject property qualifies as a shallow lot with an average depth of 84 feet 10 inches. This would permit a rear setback of 16 feet 11 inches (20% of 84 feet 10 inches). The project proposes a 5-foot 9-inch setback for the support columns for the deck expansion. It is noted that the proposed support columns would be in line with the existing conforming setback of the garage area and living space above it.

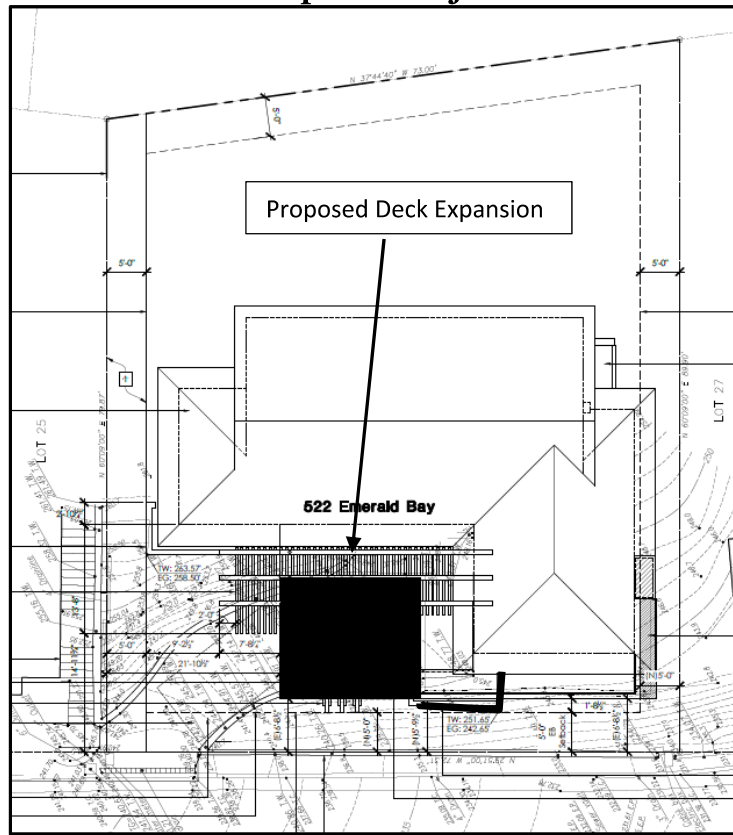
Zoning Code Section 7-9-150.3 requires that certain findings be made in order to approve a variance request, as follows:

*a. Special circumstances. 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 by other property in the vicinity and subject to the same zoning regulations. (The special circumstances shall be specified in the adopted finding.)*

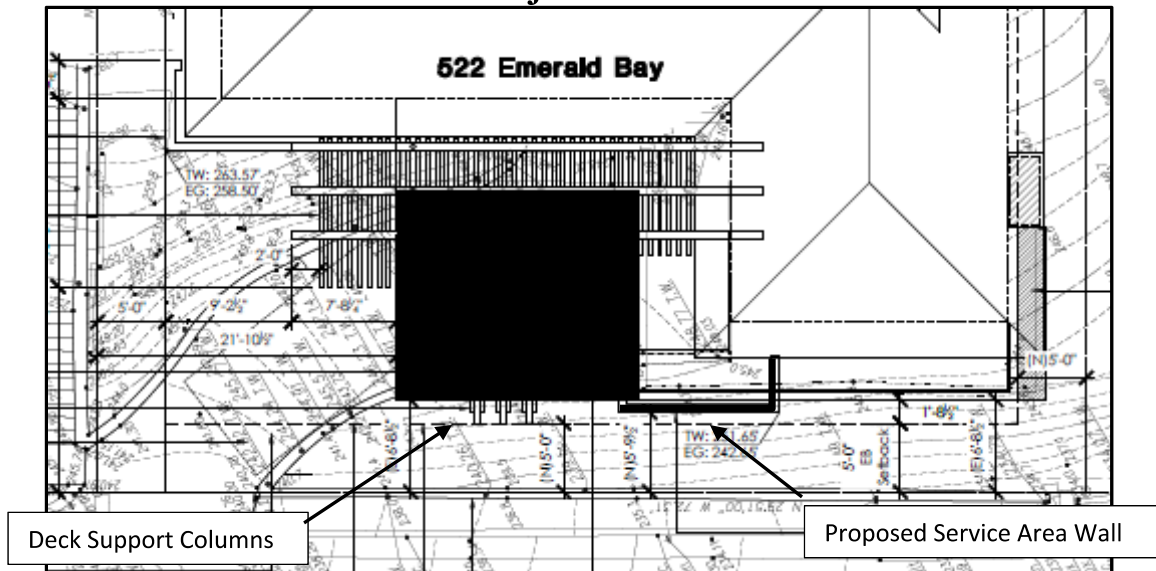
*b. No special privileges. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations, when the specified conditions are complied with.*

Staff finds that the special circumstances relating to the property include its existing nonconforming status, its sloping topography, and its location in a coastal community with strict architectural guidelines. All of these are unique aspects to the subject lot and vicinity when compared to other R1 zoned properties within the County. Combining the constraints of a shallow lot with the existing nonconforming setbacks presents special constraints to the development of the property.

### Proposed Project



### Project Detail



#### Use Permit – Over-Height Wall

The proposed project design also includes a screening wall for a new service area that will be located adjacent to the existing garage entry and within the front yard setback. Due to the topography of the site dropping quickly from the proposed location down to the fronting street,

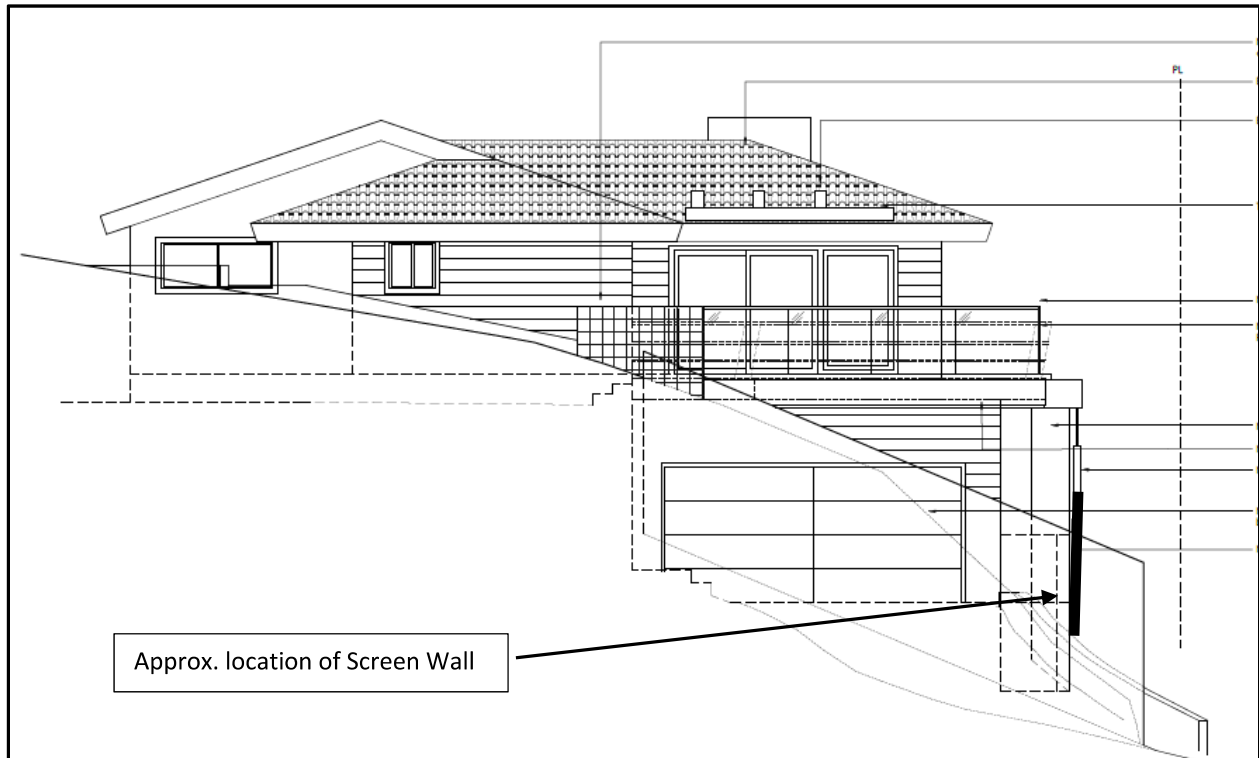
the screening wall would have a measured height of up to 9 feet.

Zoning Code Section 7-9-137.5(f), Modifications permitted, states that exceptions and modifications to the fence and wall height provisions may be permitted by approval of a Use Permit by the Zoning Administrator if the following findings can be made:

- 1) That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.
- 2) That the 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.

The proposed wall will be located above and parallel to property lines along the street and will not result in or create a traffic hazard. The location, size and design of the walls are consistent with similar improvements throughout Emerald Bay and will not be objectionable, detrimental or incompatible with other permitted uses within the community. Staff recommends that the two required findings to modify permitted wall height can be made. Recommended findings are included in Attachment 1.

### Proposed Over-Height Screen Wall



### REFERRAL FOR COMMENT AND PUBLIC NOTICE

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site on October 2, 2020. Additionally, a notice was posted at the project site, the County Hall of Administration and at the County Administration South building at 601 N. Ross Street, as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions,

Orange County Fire Authority, and the Emerald Bay Community Association. All comments by County Divisions and OCFA have been addressed through incorporation of proposed Conditions of Approval provided as Attachment 2. The Emerald Bay Community Association approved the proposed project at their Board meeting on June 2, 2020.

### **CEQA COMPLIANCE**

The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. (CEQA Guidelines §15300-15332). Following is a brief analysis of the project’s consistency with Class 3 categorical exemptions.

#### *Class 3 Categorical Exemption*

The Class 3 (Section 15303) exemption consists of construction and location of limited numbers of new, small facilities or structures. Examples of the exemption include:

- (a) *One single-family residence or a second dwelling unit in a residential zone. . .*
- (e) *Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

The proposed project is eligible for a Class 3 exemption because it is the construction of improvements to an existing single-family residence and the related improvements.

Section 15300.2 of the Guidelines includes criteria where, if applicable to a project, would except a project from a Class 3 exemption. None of the exceptions listed in Section 15300.2, such as location in a sensitive environment, etc., apply to the project. Each component of the project meets criteria outlined in the Class 3 exemption. The project will not result in a cumulative impact, significant environmental effect, and will not damage scenic or historic resources and the appropriate environmental document for this project is a Notice of Exemption. Standard conditions of approval applied by the County for all construction projects of this nature will address any less than significant short-term construction related concerns.

### **CONCLUSION**

Staff has reviewed the applicant’s request for a Use Permit and Variance and found the proposed project to be compliant with the Emerald Bay Local Coastal Program. It is an allowed Principal Permitted Use in the “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 Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:



Brian Kurnow, Land Use Manager  
Planning, OC Development Services

Concurred by:



Richard Vuong, Interim Deputy Director  
OC Public Works/Development Services

### **ATTACHMENTS:**

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant’s Letter
4. EBCA Board Approval
5. Project Plans
6. Site Photos

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a deposit of \$500 filed at the Development Processing Center, 300 N. Flower 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 / Planning.





**Attachment 1**  
**Findings**  
PA20-0089

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- 1 **GENERAL PLAN** **PA20-0089**  
That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.
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- 2 **ZONING** **PA20-0089**  
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.
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- 3 **COMPATIBILITY** **PA20-0089**  
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.
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- 4 **GENERAL WELFARE** **PA20-0089**  
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
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- 5 **PUBLIC FACILITIES** **PA20-0089**  
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
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- 6 **FENCE AND WALL 1** **PA190042**  
That the height and location of the over-height wall within the front setback area will not result in or create a traffic hazard.
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- 7 **FENCE AND WALL 2** **PA190042**  
That the height and location of the over-height wall as proposed will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
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- 8 **VARIANCE 1** **PA20-0089**  
That 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 by other property in the vicinity and subject to the same zoning regulations, specifically its location and shape.
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- 9 **VARIANCE 2** **PA20-0089**  
That approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to





**Attachment 2**  
**Conditions of Approval**  
PA20-0089

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**1 BASIC/ZONING REGULATIONS PA20-0089**

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.

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**2 BASIC/TIME LIMIT PA20-0089**

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.

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**3 BASIC/PRECISE PLAN PA20-0089**

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.

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**4 BASIC/COMPLIANCE PA20-0089**

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.

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**5 INDEMNIFICATION PA20-0089**

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, Subdivision Committee, 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.

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**6 BASIC/APPEAL EXACTIONS PA20-0089**

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.

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**7 CONSTRUCTION NOISE PA20-0089**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:

(1) 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.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) 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.

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**8 EROSION AND SEDIMENT CONTROL PLAN PA20-0089**

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.

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June 15, 2020

County of Orange, OC Public Works, OC Planning  
Land Use Planning

**RE: Letter of Justification/Explanation  
Variance for 522 Emerald Bay, Laguna Beach, CA 92651  
Lulla Residence**

**Owner:** Jennifer & Sonny Lulla  
522 Emerald Bay  
Laguna Beach, CA 92651  
APN: 053-081-05

This letter of explanation is submitted on behalf of the owners of 522 Emerald Bay, Jennifer & Sonny Lulla.

**Request:**

Based on Sec. 7-9-128.2 of the Orange County Zoning Code, Building line on shallow building site, a front yard encroachment variance is requested for a Second Floor deck addition, as well as a new service yard screen wall. The new columns which support the new deck have a setback of 5'-9 ½". The new service yard screen wall has a matching setback. The new deck addition will match the existing deck setback of 6'-8 ½".

**Compatibility:**

Within the neighborhood many decks extend into the front yard, with a max allowable front setback per community regulations of 5'-0". The proposed deck is a minor addition, less than a 50% increase of the Existing deck off the main living level. The proposed deck addition does not seek to "maximize" allowable building standards, often seen in many of these highly dense neighborhoods, but was purposely limited to match the existing deck front yard setback of 6'-8 ½" to maintain concerns from adjacent neighbors.

**General Welfare:**

The proposed addition and site development will not be detrimental to the public health, safety or welfare of the community of which it is a part.

**Special Circumstances:**

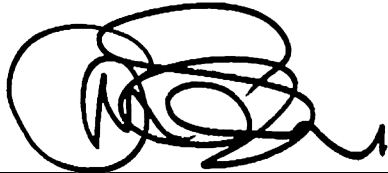
The community of Emerald Bay is developed under a standard that is inconsistent with the general plan and zoning regulations of Orange County. Throughout the community, residences, as a matter of course, stand outside the County zoning regulations. While this project exceeds standard Orange County zoning regulations it is consistent with the community of which it is a part.

**No Special Privileges:**

The requested variance is consistent with development of neighboring properties in the community either by land use privileges, "Grandfather Conditions," or by variance. The proposed development will help bring this underdeveloped property in line with the community of which it is a part.

Sincerely,

Agent for the owner – architect

A handwritten signature in black ink, appearing to read "Craig Schultz", written over a horizontal line.

Craig Schultz  
**Laidlaw Schultz architects**

**APPLICANT:** LULLA  
**ADDRESS:** #522  
**PROJECT:** 2955 TRACT: 1108 LOT: 26  
**SCOPE OF WORK:** 10-25% REMODEL  
Reclassified from < 10% – for construction classification due to scope, not the square footage being added  
**SUBMITTAL ARCHITECT:** PRELIMINARY  
Craig Schultz  
Phone: 949-645-9982 License: C-22287

*Architectural review by Ken Wilkins*

**FINAL COMMITTEE RECOMMENDATION: APPROVAL**

**HISTORY OF SUBMITTALS:**

- January 2020 CONCEPT ACKNOWLEDGED

**SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:**

The existing residence indicated in the Submittal Application includes a 2,140.5 SF two-story house with a 388 SF garage. The existing gross deck area is shown as 450.7 SF.

	Existing	Concept	Proposed
• Supported Decks	450.7 SF	+ 422.2 SF (- 24.8 SF demo) = 848.1 SF	+ 344.8 SF (- 24.8 SF demo) = 770.7 SF (-77.4 SF net)

The proposed changes include:

- Deck extension to the existing upper level deck over the driveway/garage with new associated structural elements. **This was pulled back from the front setback 1'-8 1/2" since the Concept submittal.**
- A trellis over the upper level deck
- New front door and garage door
- New block wall adjacent to the entry door to secure access to rear yard
- New decking, glass guardrail
- General updates to the front elevation
- No Landscape or Hardscape improvements included with this submittal
- **A walkway from the upper deck to the left sideyard appears to have been added since Concept. The concrete block wall has been raised full height. This was not noted by the Architect in the list of revisions.**

**STAFF ARCHITECTURAL FINDINGS:**

1. **ARCHITECT STAMP (Section B.2):** The plans are stamped and signed. **OK**
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 stated on the submittal application as  $(2,332.2 \text{ SF} / 6,138 \text{ SF}) = 38\%$ . **The deck extension will add to the existing Lot Coverage. Lot Coverage overlays do not include an area by area listing readily totaled and are unnecessarily difficult to verify. A portion of the first floor Garage was omitted. EBCA calculation  $2,379.1 / 6,138 = 38.7\%$  Although an existing survey that included information of the rear yard, the existing condition was evaluated and it was found that there are no raised surfaces > 5'-0" above finished grade that would be included in the Lot Coverage calculation.**  

A certified 1960 Topo was submitted verifying the lot area is 6,138 SF. **OK**
4. **SETBACKS (Section C.2):** **A portion of the existing front deck wraps around the right side of the house and extends into the sideyard setback. This is being removed. Existing site walls shown in the front yard (between the property line and structure), on the front property line and in front of the property line (on EBCA property). It appears the site plan was overlaid on an existing survey. A separate sheet showing the existing survey prepared by a licensed surveyor is not included. Heights of site walls are not indicated.**  

The proposed deck has been pulled back 1'-8 1/2" from the minimum 5'-0" setback at front yard and measures approximately 28' above the curb elevation as shown on the front elevation. See comments re: staking.

The 5'-0" setback at the front yard is not dimensioned on A.200.

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. **No proposed improvements are indicated in the utility easements. Therefore EBSD review will not be required. OK**
6. **PARKING (Section C.4):** The parking requirement shown on the Submittal Application is 2,212 SF. This requires a minimum 20' W x 21'-6" D two-car garage. **The existing two car garage is shown as 18'-9" W x 19'-1 3/4" D. There are 2 existing parking spaces on the driveway that are not dimensioned. Additional area is being added to the house and it is not considered a substantial remodel (see Non-Conforming Structures below). The height of the crawl space to the left of the entry is not shown. It is unclear if this would count towards parking, if this is being converted to storage, if it will have a finished floor. The plan shows there it is not included in scope of work but does not adequately describe the current condition.**
7. **SERVICE YARD (Section C.5):** **Added to the front elevation adjacent to the Garage, aligned with the Deck support columns with an 8' wall face from the street. The enclosure is not shown on the street perspectives. This is properly screened and the Committee took no exception to this location. 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. **OK**
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 an existing 2 story structure. **OK**
10. **BUILDING HEIGHT (Section D.2):** The height of any structure on any Lot or Parcel in this Zone of Tract 1108, shall not exceed fifteen (15) feet above the highest level of the Lot or Parcel upon which it is built, and shall not exceed twenty (20) feet above the Natural Grade of the Lot or Parcel. **A portion of the existing roof structure over the existing Living Room (south corner of the lot) is overheight by as much as 2'-4". The Site/Roof Plan indicates two new maximum elevations for the "beams" at the proposed new trellis over the deck. The front elevation shows the "beams" above the trellis framing.** The trellis structure and beams are within the height envelope. No topo was provided on the roof plan for ready verification. **OK**
11. **COMPATIBILITY (Section D.3):** New garage door is shown as stainless steel. The new front door is shown as a glass French door. The new block wall is shown to match the existing fireplace block. The new deck railing is glass.
12. **The Committee discussed the appropriateness of the height and setback of the proposed upper level deck extension. The compatibility with the neighborhood, contribution to the common streetscape, scale, setbacks, etc., will be further reviewed at time of staking. (Previous Comment) See staking comments.**
13. **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. **All new elements must conform with the current Architectural Regulations.**  
**Existing non-conforming elements:**
  - Overheight roof and Guardrail
  - Undersized garage
  - Portion of the existing deck extends into the right sideyard setback (shown to be removed) **OK**
  - Site walls on EBCA property
  - Metal roof material**New non-conforming elements:**
  - Possibly increasing existing non-conforming parking. See comments re: missing crawl space information.
13. **ROOFS (Section D.5):** The intent of the roof requirements includes that design is consistent with prevailing appearances within the Community.

Roof pitch: Existing, no change. Indicated as 4:12 **OK**

Flat roof: Maximum < 15% of the total aggregate roof area. None shown. **OK**

**Roof materials: Not indicated on drawings. It was observed that the existing appears to be a metal barrel type roofing material that is incompatible with the design of the proposed deck materials, trellis, glass railing and columns.**

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. **None indicated. 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. **This will be reviewed at time of Final.**
16. **WINDOWS AND DOORS (Section D.8):** Noted to match existing. See item 14. above. **OK**
17. **ANTENNAS (Section D.9):** None shown. **OK**
18. **SOLAR PANELS (Section D.10):** None shown. **OK**
19. **SKYLIGHTS (Section D.11):** None shown. **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.  
**Pendant downlights (shielded) at the Deck support columns and recessed downlights (shielded) at the Deck soffit are noted. The elevation has discrepancies in the labeling of the pendants and the address.**
21. **GUTTERS AND DOWNSPOUTS (Section D.13):** **Deck drains and overflow drains are indicated. OK**
22. **OTHER COMMENTS**
  - **Lot Coverage and required parking overlays are unclear.**
  - **The area under the deck extension to the rear yard to the crawl space is unclear. The clear height of the crawl space is not shown. More information is required to understand how this area is coordinated.**
  - **No landscape drawings were submitted. If planting is disturbed during construction, plans prepared by a licensed Landscape Architect will be required to be submitted for review and approval prior to replanting.**

- **Easement exhibits prepared by a licensed surveyor were submitted for staff to prepare the required Easement Agreement to be approved by the Board. This is required to be recorded with the County of Orange prior to construction.**
- **Structural details were submitted.**
- **Written comments were received from 524 EB (Austin) re: deck setback. The Architect was in contact with the neighbors directly. The comments were shared with and considered by the Committee.**

#### **FINAL COMMITTEE RECOMMENDATIONS:**

1. The Committee initially recommended Disapproval of the plans submitted. The following items were adequately addressed, therefore the Committee voted to recommend **Approval** of the project as revised:
  - a. The Committee reviewed the staking and finds:
    - i. The Committee took no exception to the deck staking.
    - ii. The Committee commented that the height and proportions of the Service Yard broke up the open space between the deck height and the slope. Additionally, it provided adequate screening of trash receptacles.
    - iii. The outriggers above the trellis seemed to extend more than necessary contributing to the mass as seen from the street below. These are to be cutback so the extension is no more than 2 feet beyond the trellis. **Updated. OK**
  - b. Propose a roof material that is compatible with the proposed deck design and conforms with the existing Regulations. **No change. It is not required. OK**
  - c. Provide heights of the existing and new site walls **Provided. OK**
  - d. Dimension off-street parking spaces on driveway. **Done. Added to sheets 1/A.300 and notes added on A.200. OK**
  - e. Additional information, sections, enlarged plans or other details are required to better clarify the walkway from the upper deck to the rear yard and the stairs below to the "crawl space". **Photos of the existing crawl space provided. The drawings were updated, notes added and clarification of the location of a retaining wall were added to adequately explain the relationship of these elements. OK**
  - f. Provide additional information on the existing crawl space to show it is not being used or converted to storage and therefore will not be added to parking. **OK**
  - g. Provide alternate lighting proposals to the soffit lights at the underside of deck (at the extension portion). Clearly label the pendants and the address numbers on the elevation. Include cutsheets showing wattage of all light fixtures. **The soffit lighting layout was revised, lights were added to the back of the front address columns and fixture cutsheets were submitted showing the light sources to be recessed and adequately shielded. OK**



- h. Show dimensions to minimum 5'-0" setbacks on A.200 **Shown. OK**
- 2. At time of FINAL submittal:
  - a. For review of proposed changes to the existing color and materials, a board must be submitted of actual color and material samples, not photographs.
  - b. Submit a full set of working drawings including structural drawings and others as required for County permitting.
- 3. Note:
  - a. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
  - b. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
  - c. 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.
  - d. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction. This includes any changes to the existing landscaping.
  - e. The Committee reserves the right to reclassify a project at any time before or after construction begins.

**Craig Schultz (Architect) appeared to discuss the submittal.**

**At their meeting on June 2, 2020 the Board voted to approve the recommendation of the Architectural Committee.**

















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