

OC PLANNING REPORT

DATE: November 5, 2020 – continued from October 15, 2020

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning Division

SUBJECT: Continued 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

RECOMMENDED ACTIONS:

Subject to additional information not yet received by staff, as discussed below, 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 Findings and Conditions of Approval attached to the project staff report.

BACKGROUND

The subject application was publicly noticed for a hearing on October 15, 2020. Prior to the hearing, staff was contacted separately by two owners of adjacent properties with concerns regarding the proposed project. Primarily their concerns were with a lack of previous or earlier notice of the proposal and therefore they could not be certain that there would not be unwanted impacts to their homes and property. The Zoning Administrator continued the hearing to allow time for the project applicants and their architect to meet with the concerned neighbors to review and explain the plans. The concerned neighbors were Mr. Bob Bendetti, at 523 Emerald Bay (across the street) and Mr. Mitchell Austin, 524 Emerald Bay, immediately adjacent.

UPDATE

On October 24, the project architect met with Mr. Bendetti to review the plans. As a result, Mr. Bendetti has informed staff that he is satisfied with the project and any impacts to his property (see attached email).

Unfortunately, Mr. Austin was not able to attend this meeting. Subsequently, Mr. Austin has discussed his concerns with the project architect and requested some specific modifications.

However, as of the date of this update, we have received no confirmation that the applicant is able to accept these modifications. Therefore, staff will provide an update as soon as this information is received.

ATTACHMENTS:

1. Previous Staff Report
2. October 25, 2020 email from Mr. Bob Bendetti
3. October 28, 2020 email from Mr. Mitchell Austin

Canning, Kevin

From: Bob Bendetti <RDB@Bendetti.com>
Sent: Monday, October 26, 2020 5:10 PM
To: Canning, Kevin
Cc: 'Sherman Stacey'; 'cschultz@lsarchitects.com'; The Bendetti Family; 'Rebecca Thompson'
Subject: RE: [External] Planning Application PA20-0089, Use Permit and Variance; 522 Emerald Bay, Laguna Beach CA

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Kevin,

Thank you for having continued the October 15th hearing to November 5th. Craig Schultz, the 522 Emerald Bay architect, presented the project in person last Saturday and satisfied concerns related to the impact on our property at 523 Emerald Bay. I wanted to make it clear that we are not representing the interests of anyone other than our own.

Sincerely,
Robert D. Bendetti
523 Emerald Bay

Robert D. Bendetti
President
RDB@Bendetti.com



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From: Canning, Kevin <kevin.canning@ocpw.ocgov.com>
Sent: Wednesday, October 14, 2020 10:44 AM
To: Bob Bendetti <RDB@Bendetti.com>; 'Rebecca Thompson' <rthompson@gaineslaw.com>
Cc: 'Sherman Stacey' <sstacey@gaineslaw.com>; 'Jill Chambers' <jchambers@ebca.net>; 'Andrew Heermann' <aheermann@lsarchitects.com>; 'cschultz@lsarchitects.com' <cschultz@lsarchitects.com>
Subject: RE: [External] Planning Application PA20-0089, Use Permit and Variance; 522 Emerald Bay, Laguna Beach CA

Please see attached supplemental staff report recommending a continuance of the hearing to the November 5th ZA meeting.

Note that it is recommended that the public hearing be opened, and then the item be continued. The reasoning for this is to accommodate the potential that any other persons that may be 'attending' without knowledge of the new recommended continuance. By opening the public hearing, they could offer their comments on the record, allowing staff to assess any new information. At the November 5th meeting, the public hearing would be 're-opened'.

Should you wish to call into the meeting to monitor proceedings, I have also attached the public notice with instructions

Let me know if you have any further questions

Kevin Canning | Contract Planner | OC Development Services / Planning
601 North Ross Street | Santa Ana, California 92701-4048
714.667.8847 | kevin.canning@ocpw.ocgov.com

Visit us online for permitting applications/project status at <https://myoceservices.ocgov.com/> or general questions and assistance call 714 667-8888

From: Bob Bendetti <RDB@Bendetti.com>
Sent: Tuesday, October 13, 2020 7:27 PM
To: Canning, Kevin <kevin.canning@ocpw.ocgov.com>; 'Rebecca Thompson' <rthompson@gaineslaw.com>
Cc: 'Sherman Stacey' <sstacey@gaineslaw.com>
Subject: Re: [External] Planning Application PA20-0089, Use Permit and Variance; 522 Emerald Bay, Laguna Beach CA

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Thank you Kevin for understanding and courtesy. Bob Bendetti

From: Canning, Kevin <kevin.canning@ocpw.ocgov.com>
Sent: Tuesday, October 13, 2020 5:49:14 PM
To: 'Rebecca Thompson' <rthompson@gaineslaw.com>
Cc: Bob Bendetti <RDB@Bendetti.com>; 'Sherman Stacey' <sstacey@gaineslaw.com>
Subject: RE: [External] Planning Application PA20-0089, Use Permit and Variance; 522 Emerald Bay, Laguna Beach CA
Received, I've prepared a memo recommending the continuance to Nov 5. I'll send you a copy when it's reviewed/signed by my manager
I've also alerted the architects, who were a bit disappointed but they understood.
More precisely, my recommendation is to open the public hearing and then continue. To open the hearing is really just kind of polite for any third party who might have something to add or say, but they might not be available on Nov 5. It allows them to get on the record.

Kevin Canning | Contract Planner | OC Development Services / Planning
601 North Ross Street | Santa Ana, California 92701-4048
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Visit us online for permitting applications/project status at <https://myoceservices.ocgov.com/> or general questions and assistance call 714 667-8888

From: Rebecca Thompson <rthompson@gaineslaw.com>
Sent: Tuesday, October 13, 2020 4:18 PM
To: Canning, Kevin <kevin.canning@ocpw.ocgov.com>
Cc: Bob Bendetti <RDB@Bendetti.com>; Sherman Stacey <sstacey@gaineslaw.com>
Subject: Planning Application PA20-0089, Use Permit and Variance; 522 Emerald Bay, Laguna Beach CA

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Dear Mr. Canning,

Thank you for taking the time to discuss the hearing scheduled for October 15, 2020 to consider an application for a use permit and variance (planning application PA20-0089) for the property located at 522 Emerald Bay, Laguna Beach. As I indicated during our call, the notice sent out by your office was the first notice my clients, the Bendetti family, have received for this project. The Bendetti family owns the property downslope and directly across the street at 523 Emerald Bay, and will be directly impacted by the project. The Bendetti family has confirmed that the Emerald Bay Community Association did not notify the Bendetti's of the project, so our client has had no opportunity to properly review the plans, speak to the project architect, or speak to the owner of 523 Emerald Bay about the project and its impacts. To allow our client to take the prudent steps of informing themselves about the project, its impacts, and any recommended mitigations, we request a short continuance of the scheduled hearing. I understand the next hearing date is November 5, 2020, which would allow my client to complete its review of the project without unreasonably delaying consideration of the project by Orange County Planning department.

We appreciate your consideration of this request for continuation.

Regards,

Rebecca

Rebecca A. Thompson, Esq.



Gaines & Stacey LLP

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Due to the current situation with COVID-19, we are working remotely and therefore ask that you please provide all correspondence by email including but not limited to letters, pleadings and documents. Thank you for your cooperation.

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Canning, Kevin

From: Mitchell Austin <rheum1@gmail.com>
Sent: Wednesday, October 28, 2020 2:48 PM
To: Canning, Kevin; Jill Chambers
Subject: Fwd: [External] Planning Application PA20-0089, Use Permit and Variance; 522 Emerald Bay, Laguna Beach CA

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Sent from my iPhone

Begin forwarded message:

From: Mitchell Austin <rheum1@gmail.com>
Date: October 28, 2020 at 10:53:13 AM PDT
To: cschultz@lsarchitects.com
Subject: Re: [External] Planning Application PA20-0089, Use Permit and Variance; 522 Emerald Bay, Laguna Beach CA

Hi Craig,

I reviewed the images with my wife. She's also concerned about the length of the trellis. As depicted, it blocks some of our view out of our kitchen dining area when we're sitting down . It's also going to seem extremely close to our window.

We'd strongly appreciate if your clients could consider only having the trellis cover their patio and not extend further towards our house than their actual patio. We'd also appreciate it if you could minimize the height of the beams (or eliminate the beams) above the trellis as the higher they are the more they potentially obstruct our view out of our kitchen dining area.

Thank you and your clients for considering this change to accommodate us.

Mitchell and Julene Austin

On Wed, Oct 28, 2020 at 10:31 AM Mitchell Austin <rheum1@gmail.com> wrote:

Thanks Craig . I'll show the images to my wife and get back to you

Sent from my iPhone

On Oct 28, 2020, at 10:28 AM, Craig Schultz <cschultz@lsarchitects.com> wrote:

I enjoyed our conversation and learning a bit about your own construction experience. It is always interesting hearing how a homeowner views the process through their individual perspective.

Attached are the images I promised to share showing the three-dimensional nature of the project. From our conversation I understand your concerns as being the following:

- Extension of the deck will raise some privacy concerns
- Aesthetics of the trellis extension beyond the patio.

From our conversation it appears that you would be willing to remove your objections to the variance should the Lulla's agree to pull back the Trellis extension that goes beyond the new deck. I'll bring this to their attention for their consideration.

Thanks again for taking the time to discuss the project.

All my best,

Craig Schultz

<image001.jpg>

3111 Second Avenue, Corona Del Mar, CA
92625 T:949.645.9982 F:949.645.9554 W:LSarchitects.com

[<image002.png>](#)

<image003.jpg>

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