

OC PLANNING REPORT

DATE: February 7, 2019

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning Division

SUBJECT: Public Hearing on Planning Application PA180027 for a Coastal Development Permit, Use Permit(s) and Variance

PROPOSAL: A request for a Coastal Development Permit, Use Permit(s) and Variance approvals in conjunction with the demolition of an existing residence and construction of a four-level single-family residence with two attached garage spaces.

The Coastal Development Permit is required to demolish the existing single-family dwelling and construct a new single-family dwelling in the Emerald Bay Local Coastal Plan area, with associated grading.

The Variance is to reduce the front yard setback from the required 6 foot 3 inch setback to 5 feet and the required rear yard setback from 8 feet 3 inches to 5 feet.

The Use Permit is required to address proposed over-height retaining walls for the project. Proposed 6 to 12 foot walls for the project would exceed the height limitations of the Zoning Code. A Use Permit approval is also requested to permit a reduced driveway length/garage setback of 16 feet 6 inches for one of the two garage entries where the Zoning Code would require 20 feet.

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 53 Emerald Bay, Laguna Beach, CA within the Fifth Supervisorial District.

APPLICANT: Chantel Bennett, Property Owner
CAA Planning, Agent

STAFF Kevin Canning, Contract Planner

CONTACT: Phone: (714) 667-8847 Email: 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 1 (Existing Facilities), Class 2 (Replacement or Reconstruction) and Class 3 (New Construction or Conversion of Small Structures) exemptions pursuant to Sections 15301, 15302 and 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- c) Approve Planning Application PA180027 for a Coastal Development Permit, Variance and two Use Permits subject to the attached Findings and Conditions of Approval.

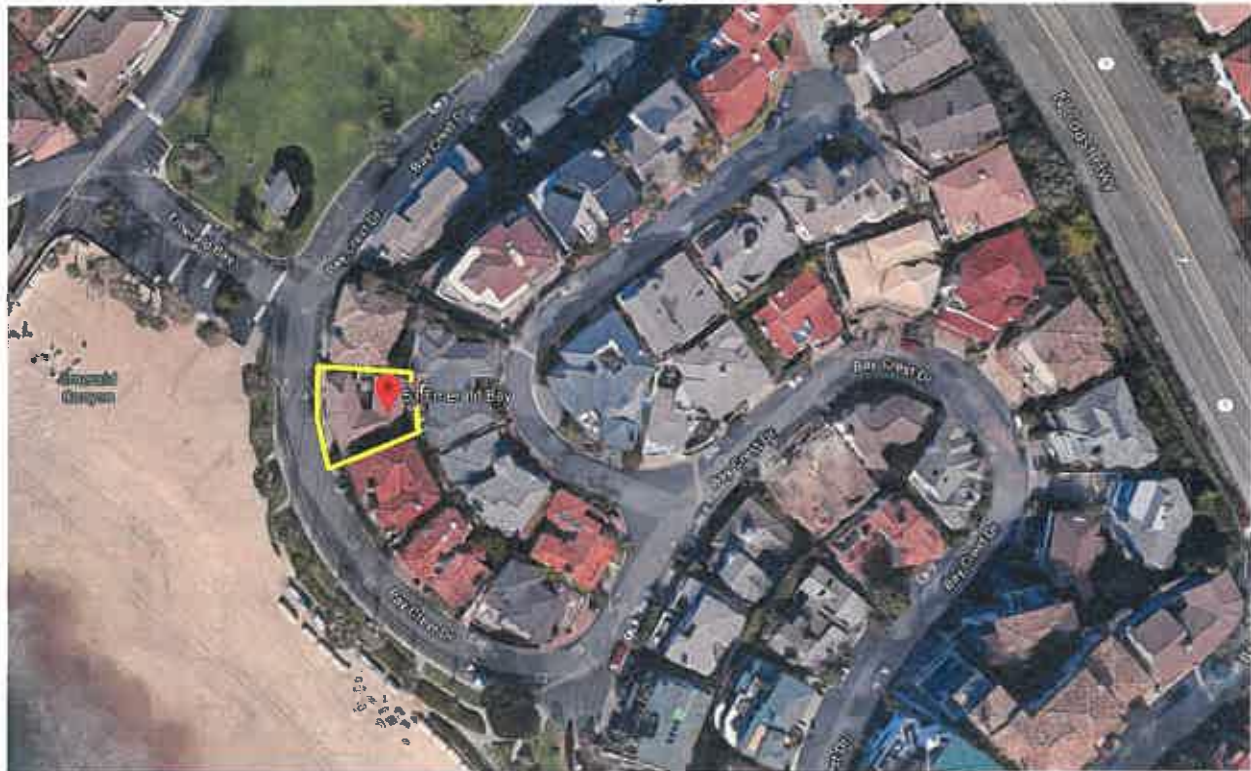
BACKGROUND AND EXISTING CONDITIONS

The subject property is a portion of Lot 1 of Tract 976, recorded in 1931. There is an existing 1,644 square foot single-family residence with an attached garage. The property fronts onto a private street and faces the beach area of the community.

PROPOSED PROJECT

The project includes the demolition of the existing residence to be replaced with a four-level 3,749 square foot single-family residence with two garage areas totaling 430 square feet. The project also includes the construction of retaining walls up to 12 feet in height and associated grading of approximately 685 cubic yards of cut and 610 cubic yards of export.

Aerial of Project Site



SURROUNDING LAND USE

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

Direction	Zoning Description	Existing Land Use
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
West	"Open Space" (OS)(CD) District	Beach
East	"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 "Single-Family Residence" District Site Development Standards

Standard	Zoning Code	Proposed
Building Site Area	7,200 square feet	2,831 square feet (existing)
Building Height	35 feet maximum	31 feet 6 inches
Min. Structural Front Setback (ave. adjoining) ¹	6 feet 3.5 inches ¹	5 feet 2.5 inches ¹
Min. Structural Rear Setback (shallow lot) ²	8 feet 3 inches ²	5 feet 7 inches ¹
Structural Side Setback	5 feet minimum	5 feet
Parking	2 covered spaces	2 covered spaces
Wall heights on side and rear property lines ³	6 feet maximum ³	Walls from 6 feet to 12 feet in height ³
Front privacy walls (at each of the structure)	3.5 feet in front setback	6 feet in height ³
Garage Entry setback (driveway depth) ³	18 feet (with rollup door) ³	16 feet 6 inches ³

¹ Avg. Adjoining setback = 6'6" + 6'1" / 2 = 6'3.5"

² Shallow lot = 55.00 + 55.00 = 110.00 / 2 = 55.00 x 15% = 8.25' (8' 3")

³ Indicates Use Permit requested by the applicant.

Coastal Development Permit

The project proposes to demolish the existing home and construct a new four-level single-family residence with 3,749 square feet of enclosed space and 430 square feet of garage space in two single-car garage areas. The project would include 685 cubic yards of grading, including 610 cubic yards of export.

Within the Coastal Development Overlay zone, and specifically within the Emerald Bay Local Coastal Program (LCP), the demolition and replacement of a structure, with the associated site grading requires the approval of a Coastal Development Permit (Zoning Code Sections 7-9-118.3, 7-9-118.4, 7-9-118.5 and Emerald Bay Local Coastal Program Section III.A.). The proposed project conforms to the goals and objectives of the 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 LPC Section E regarding resources Management - Watershed, Environmental Hazards – Geologic and Fire Hazard.

As required by the LCP, the project was reviewed by the Emerald Bay Community Association (EBCA). The project received the approval of EBCA Board at its meeting of December 12, 2018. The project is compatible with surrounding development in its size, design and massing. The subject property is within the 'appealable jurisdiction' area of the LCP.

The project will be utilizing both the average adjoining setback (for front setback) and shallow lot setback (for rear setback) provisions of the Zoning Code.

Average Adjoining (Front) Setback

Zoning Code Section 7-9-128.4 allows that the front building setback need not be set back further than the average of the setbacks of the two (2) adjoining properties. The two adjoining setbacks are 6 feet 6 inch and 6 feet 1 inch, thereby resulting in a required front setback of 6 feet 3.5 inches for the subject property.

Shallow Lot for Rear Setback

Due to the size and shape of the project site, the site also qualifies as a shallow building site per Zoning Code Section 7-9-128.2. With an average depth of 55.00 feet, the required rear setback for the subject project site is 8 feet 3 inches, calculated as follows: Average Lot Depth x 15% = required rear setback of feet (55.00 x 15% = 8 feet 3 inches).

Front and Rear Setback Variance

The proposed new residence would have a portion of one corner of the top level cantilevered deck encroaching approximately 13 inches into the required 6 foot 3.5 inch front yard setback, the ground floor level would be at least 16 feet back. The rear of the structure would 2 feet 6 inches into the required 8 foot 3 inch rear setback. Both of these encroachments are due to both the shallow depth and the topography of the lot that constrains the location of a structure on the site while leaving reasonable room for outside living areas.

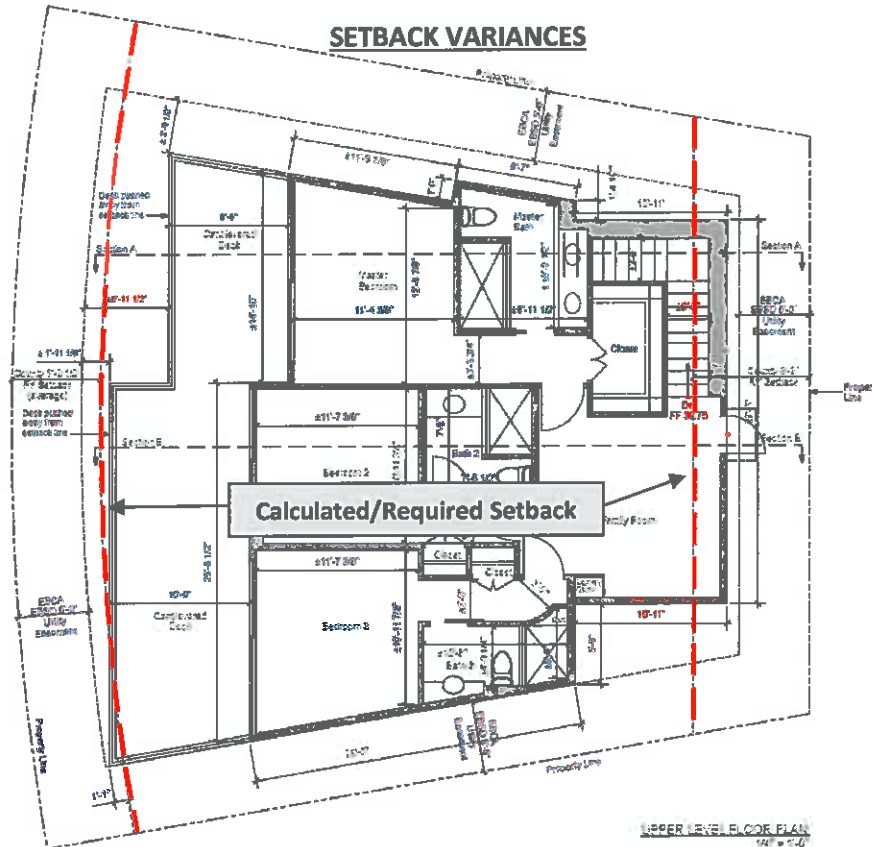
Zoning Code Section 7-9-150.3 requires that certain findings be made in order to approve a variance request, as follows:

- 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 shape, 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.

The community of Emerald Bay has had many previous variance requests approved for reduced yard setbacks. The proposed setback variances would not be a special privilege as it is consistent with other approved variances within the immediate area allowing for the reasonable development of the property consistent with homes in the vicinity. Since 1994, approximately 67% of the 235 discretionary

development application requests approved within Emerald Bay have included some level of setback variance request.



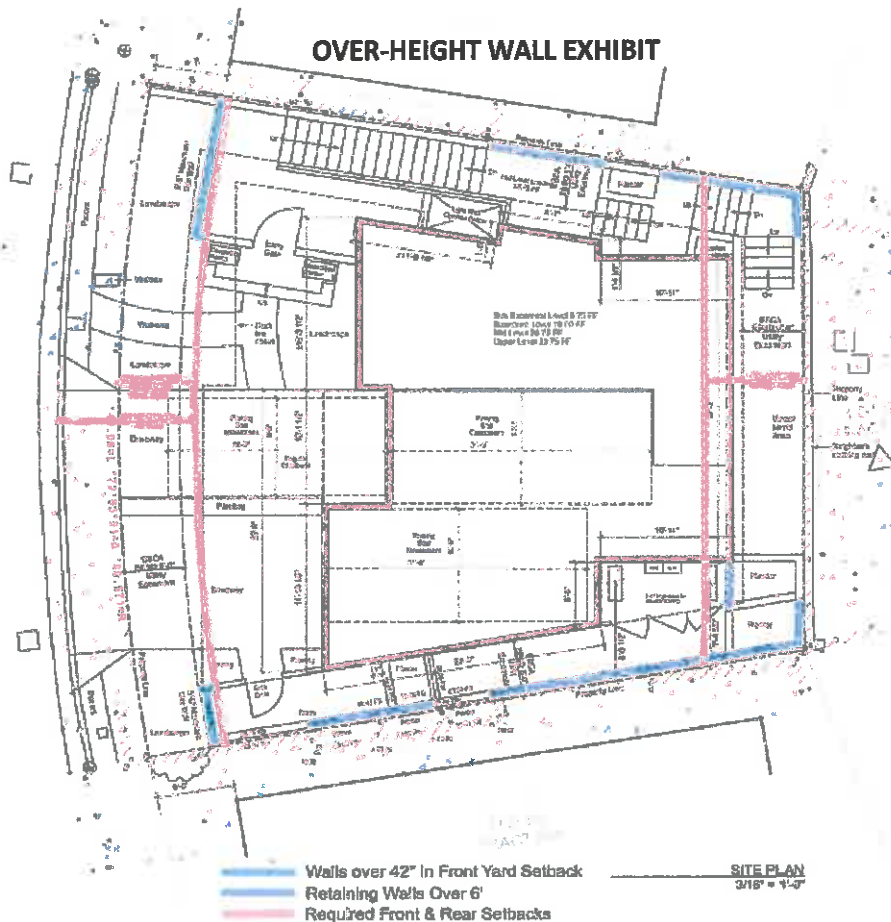
Use Permit for Over-Height Walls

The project proposes property line walls with proposed heights of 8 to 12 feet along the side and rear property lines. These will be retaining walls necessary to provide the pad area for the new residence and also support the sloping terrain from the rear to the front of the lot. The height of these walls will not exceed six (6) feet above grade when viewed from the adjoining neighbor's side of the property line. Additionally, there will be a 6-foot privacy wall within the front yard setback area located at both sides of the proposed residence. The walls will not create a traffic hazard and they will be located parallel to or significantly away from the street right-of-way.

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 walls will be located on or parallel to property lines away from the street so as to 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.



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 and all occupants of dwelling units within 100 feet of the site (Coastal Development Permit Requirement) on January 24, 2019. Additionally, a notice was posted at the project site, the County Hall of Administration and at the 300 N. Flower Street Osborne Building, 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 December 12, 2018.

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 1, Class 2 and Class 3 categorical exemptions.

Class 1 Categorical Exemption

The Class 1 (Section 15301) exemption provides for the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. Examples include:

(l) Demolition and removal of individual small structures listed in this subdivision:

(1) One single-family residence. . .

The project includes the demolition of a 1,664 square foot single-family residence and attached garage with a 3,749 square foot single-family residence and attached garage areas totaling 430 square feet. Accessory structures are also listed in the Class 1 exemption, and demolition of "Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences" are exempt. The project will include demolition of an existing garage, and fences/walls as well as other hardscape improvements, all of which are addressed in the Class 1 exemption.

Class 2 Categorical Exemption

The Class 2 (Section 15302) exemption consists of replacement or reconstruction of existing structures and facilities 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. As noted in the Class 1 Exemption discussion above, the existing residence will be demolished and a new residence will be constructed in substantially the same footprint as shown on the attached site plan. While Class 2 does not specifically list a single-family residence, it is noted that the exemption is not limited to the examples provided. The reconstruction of the residence is consistent with the Class 2 Exemption because the new residence will have substantially the same purpose and capacity as the structure replaced.

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 construction of a single-family residence and the related improvements including the garage, spa, patio and fences are specifically included in the list of examples.

None of the exceptions listed in Section 15300.2 apply to the project. Each component of the project, including the demolition of the existing residence and accessory structures, and the reconstruction of the residence and accessory structures, meets criteria outlined in the Class 1, Class 2 and Class 3 exemptions. 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. A Notice of Exemption has been prepared in compliance with CEQA Guidelines §15300-15332 and is included herewith as Attachment 4.

CONCLUSION

Staff has reviewed the applicant's request for a Coastal Development Permit and Use Permit 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 planning application subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:



Richard Vuong, Division Manager
Planning, OC Development Services

Concurred by:



Colby Cataldi, Deputy Director
OC Public Works/Development Services

ATTACHMENTS

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

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

PA180001

1	GENERAL PLAN	PA180001
<p>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.</p>		
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2	ZONING	PA180001
<p>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.</p>		
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3	COMPATIBILITY	PA180001
<p>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.</p>		
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4	GENERAL WELFARE	PA180001
<p>That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.</p>		
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5	PUBLIC FACILITIES	PA180001
<p>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.).</p>		
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6	COASTAL DEVELOPMENT PERMIT 1	PA180001
<p>That the development project proposed by the application conforms to the certified Local Coastal Program.</p>		
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7	COASTAL DEVELOPMENT PERMIT 2	PA180001
<p>That the project conforms to the public access and public recreation policies of the California Coastal Act.</p>		
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8	COASTAL DEVELOPMENT PERMIT 3	PA180001
<p>That the approval of this application will result in no modification to the requirements of the certified land use plan.</p>		

9	COASTAL DEVELOPMENT PERMIT 4	PA180001
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That the approval of the application will result in a project which is in full compliance with the requirements of the certified land use plan.

10	CATEGORICALLY EXEMPT	PA180001 (Custom)
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That the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction) and Class 3 (New Construction or Conversion of Small Structures) exemptions pursuant to Sections 15301, 15302 and 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures.

11	FISH & GAME - EXEMPT	PA180001
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That pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.

12	NCCP NOT SIGNIFICANT	PA180001
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That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.

13	FENCE AND WALL 1	PA180001
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That the height and location of the over-height walls within the front setback area and along the side and rear property lines areas will not result in or create a traffic hazard.

14	FENCE AND WALL 2	PA180001
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That the height and location of the over-height walls as proposed will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.



Attachment 2

Conditions of Approval

PA180027

1	BASIC/ZONING REGULATIONS	PA180027
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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.

2	BASIC/TIME LIMIT	PA180027
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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.

3	BASIC/CHANGED PLAN	PA180027(Custom)
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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.

4	BASIC/COMPLIANCE	PA180027
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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.

5	INDEMNIFICATION	PA180027
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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.

6	BASIC/APPEAL EXACTIONS	PA180027
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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.

7	GEOLOGY REPORT	PA180027
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Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Building and Safety Division, for approval. The report shall include the information and be in the form as required by the Grading and Excavation Code and Grading Manual.

8	CONSTRUCTION NOISE	PA180027
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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.

9	EROSION AND SEDIMENT CONTROL PLAN	PA180027
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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.

10

DRAINAGE STUDY

PA180027

Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Permit Services

A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and

B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and

C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

11

DRAINAGE FACILITIES

PA180027

Prior to issuance of grading or building permits, drainage studies that demonstrate the following shall be submitted to and approved by Manager, Building and Safety Division:

1. All surface runoff and subsurface drainage directed to the nearest acceptable drainage facility, as determined by the Manager, Building and Safety Division
 2. Drainage facilities discharging onto adjacent property shall be designed to imitate the manner in which runoff is currently produced from the site and in a manner meeting the satisfaction of the Manager, Permit Services. Alternatively, the project applicant may obtain a drainage acceptance and maintenance agreement, suitable for recordation, from the owner of said adjacent property. All drainage facilities must be consistent with the County of Orange Grading Ordinance and Local Drainage Manual.
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12 STORMWATER POLLUTION PREVENTION PLAN PA180027

Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance with California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number; or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Intake. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request.

13 PRIVATE LANDSCAPING PA180027

A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).

B. Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.

14 ROAD FEE PROGRAM PA180027

Prior to the issuance of building permits, the applicant shall pay applicable fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Building and Safety Division.

a. San Joaquin Hills Transportation Corridor



October 25, 2018

OC Public Works
OC Development Services
Attention: Mr. Kevin Canning, Contract Planner
300 N. Flower St.
Santa Ana, CA 92702

Subject: Coastal Development Permit Application, 53 Emerald Bay, Laguna Beach, CA 92651

Dear Mr. Canning:

On behalf of Ms. Chantal Bennett, CAA Planning, Inc. (CAA) submits the attached application requesting a Coastal Development Permit (CDP) to allow the demolition of an existing residence and the construction of a new residence located at 53 Emerald Bay. The application also includes requests for approval of a variance for setback area encroachments, a use permit for walls exceeding 6' in height within the front, rear and side yard setback areas, and a use permit for a reduced length driveway into the garage. The existing development consists of a 1,664 square-foot single-family dwelling with a garage, and landscape and hardscape improvements. The new construction consists of a 3,749 square-foot single-family dwelling with a 430 square-foot garage, and landscape and hardscape improvements.

The location of the existing residence is shown on the attached regional and vicinity maps (Exhibits A and B) and the attached aerial (Exhibit C). The project site plan, floor plans, elevations, cross-sections, grading plan, and landscaping plans are shown on the enclosed architectural, civil, and landscape drawings dated October 25, 2018.

Local Coastal Program

The community of Emerald Bay is regulated by the Emerald Bay Local Coastal Program (LCP) which was approved by the Orange County Planning Commission on January 24, 1989 and was certified by the California Coastal Commission on September 13, 1989. The LCP serves as both the Land Use Plan and Implementing Actions Program for the Emerald Bay Community. At adoption of the LCP, the County applied the R1 Zoning over all residential lots that had been created pre-LCP (Exhibit D). The Emerald Bay LCP is fully certified and, therefore, the issuance of a required CDP is within the jurisdiction of the County of Orange.

Coastal Development Permit

The Emerald Bay LCP specifies that CDPs are required for construction of a single-family residence when the building site is located between Pacific Coast Highway and the ocean (Emerald Bay LCP Section III, Implementing Actions Program). Further, and as noted in Section III-B of the LCP and delineated on Figure 9 – Post LCP Certification Permit and Appeal



Mr. Kevin Canning
October 25, 2018
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Jurisdiction Map – the project site is within the Coastal Commission appeal jurisdiction (Exhibit E). The proposed project is consistent with the LCP and the County General Plan as further described below.

Emerald Bay Building Restrictions

In addition to the County Zoning Code (Code), the development of the subject property is regulated by the Building Restrictions contained in Covenants, Conditions and Restrictions (CC&Rs) which are administered by the Emerald Bay Community Association. In that regard, the proposed project will be closely reviewed by the Emerald Bay Design Review Board (DRB) to ensure it meets the requirements of the CC&R Building Restrictions and will be aesthetically compatible and harmonious with adjacent homes in Emerald Bay. The project has preliminary DRB approval and expects to receive final approval at December 11, 2018 DRB meeting.

County of Orange Zoning Code R1 Building Regulations

The residences in Emerald Bay are subject to the County Zoning R1 District Regulations (Regulations) in Code Section 7-9-74.8, established with the adoption of the Emerald Bay LCP in 1989. Many of the Emerald Bay residences were existing at the time the LCP was adopted and may not be in conformance with all of the R1 Regulations. However, the County provides for deviation from the Regulations with variance and use permit approvals. The following discussion outlines the project's compliance with the County's site development standards and identifies those areas where deviations from the Regulations are necessary.

Building Site Area – The minimum building site area in the R1 zoning is 7,200 square feet. However, many of the lots in Emerald Bay were established legal lots prior to the adoption of the LCP and are still valid. The subject property is described as Lot 1 of Tract 976 and is an established legal lot with an area of 2,831 square feet.

Building Height – The maximum building height limit allowed for structures in the R1 zoning district is 35' above finished grade. The proposed residence is within the R1 35' height limit with a maximum height of a 34' as shown on building elevations (Architectural Drawing Sheet A-2.0).

Building Setbacks – Due to the constraints of developing on a shallow lot with steep terrain, the project requires the approval of a variance for encroachments into the front and rear yard setback areas. The established minimum setbacks for an R1 development developed on a shallow lot (Section 7-9-128.2) of this size are 8.25' for the front and rear setbacks. In addition, the Code also allows that when a building is situated between two adjoining buildings, the front setback need not be set back further than the average setback of the two adjoining buildings (Section 7-9-128.4). Using this criterion, the front setback for the project can be established using the average distance for the two adjoining buildings, which calculates to be 6'3½". The proposed side setbacks comply with the Code's Building Lines Chart dimension of 5'. For comparison purposes, Table 1 below shows the setbacks established by the Zoning Code, the setbacks established by the Emerald Bay CC&Rs, and the setbacks for the proposed residence. The Emerald Bay and the proposed setback



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lines are shown on the project site plan (Architectural Drawing Sheet AS-1.1) and the Setback and Over-Height Wall Exhibit (Exhibit F).

TABLE 1

SETBACKS			
Setback Description	Code Setback Requirement ^{1,2}	Emerald Bay Setback Requirement	Proposed
Front	6'3½"	5'	5'2½"
Right Side	5'	5'	5'
Left Side	5'	5'	5'
Rear	8'3"	5'	5'7"

¹ The Code allows that when a building is situated between two adjoining buildings, the front setback need not be set back further than the average setback of the two adjoining buildings (Section 7-9-128.4). Calculating the average of the front setbacks of the adjoining lots (i.e. 51 and 55 Emerald Bay) results in a front setback of 6'3½" ($(6'6" + 6'1") / 2 = 6'3½"$).

² Shallow lot setbacks for the front and rear setback areas are calculated per Section 7-9-128.2 of the Zoning Code which allows for a front and rear setback depth to 15% of the average lot depth. Using this method of calculation results in a front and rear setback of 8'3" ($55.00' \times 0.15 = 8.25' = 8'3"$).

Off-street Parking – The established number of off-street parking spaces for an R1 development is two covered spaces. The Emerald Bay requirement for a house of this size is two covered spaces and one additional off-street parking spaces for a total of three spaces. The proposed residence will provide two covered parking spaces within the garage as shown on the project site plan and two additional off-street parking spaces by using the driveway (Architectural Drawing Sheet AS-1.1).

Lights – The lighting proposed for the new residence will be down lit or shielded to prevent glare or be a nuisance to neighbors and as such is in compliance with the R1 Regulations for lighting.

Variance Requirements

The building site at 53 Emerald Bay is located on a shallow lot with an average depth of 55' and the existing and proposed single-family construction could not meet the strict application of the Regulations for front, rear, and side setbacks. The Code allows for the reduction of the front and rear setbacks for shallow lots but minor encroachments remain. As stated above, residential lots in Emerald Bay were created prior to the County's blanket application of the R1 zoning designation when the LCP was adopted but the Zoning Code allows for conformance in cases where the lot has a shallow depth through the variance process. Therefore, the proposed project requests approval of the following variances:

Front and Rear Setbacks

1. The applicant seeks to reduce the front yard setback from 6'3½" to 5'2½" in order to accommodate a minor 1'1" encroachment of the right corner of the cantilevered deck on the mid and upper levels as shown on the mid and upper level plan (Architectural Drawing Sheet A-1.1).



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2. The applicant seeks to reduce the rear yard setback from 8'3" to 5'7" in order to accommodate a 2'8" encroachment of the rear wall of the building as shown on the project site plan (Architectural Drawing Sheet A-2.0).

Use Permit Requirements

As previously stated, the building site at 53 Emerald Bay is a shallow lot at 55'. It is also a steep lot which rises from the street at an average grade of 35.9% per the 1960 Topographic Survey for Emerald Bay. Because of this extreme grade change, it is necessary to cut into the sloping lot in order to create a flat lot on which to build the house resulting in the need to construct supporting walls on the perimeter of the lot which exceed the heights allowed under the Zoning Code. In addition, due to the shallow nature of the lot, the project cannot meet the Code requirement for the driveway length from the sidewalk to the garage, which is 18' for garages equipped with roll-up doors. As previously stated, the residential lots in Emerald Bay were created prior to the County's blanket application of the R1 zoning designation when the LCP was adopted. Therefore, the Zoning Code accommodates this need for increased wall heights and reduced length driveways through the approval of the use permits.

Over-height Walls

Increased wall heights are required for the property due to an average change in elevation from the street level to the rear property line of approximately 21' which will require walls in excess of 6' in height located in the side and rear setbacks and walls in excess of 3.5' in the front setback as described in detail below and shown on the Setback and Over-Height Wall Exhibit (Exhibit F).

1. The project proposes to construct a property line wall to a maximum of 8' in height within the left-side setback and adjacent to the proposed residence as shown on the Setback and Over-Height Wall Exhibit (Exhibit F). The top of the wall will not exceed 6' above grade on the neighbor's side of the wall.
2. The project proposes to construct a property line wall to a maximum of 11' in height within the right-side setback and adjacent to the proposed residence as shown on the Setback and Over-Height Wall Exhibit (Exhibit F). The top of the wall will not exceed 6' above grade on the neighbor's side of the wall.
3. The project proposes to construct property line walls to a maximum of 12' in height within the rear setback as shown on the Setback and Over-Height Wall Exhibit (Exhibit F).
4. The project proposes to construct walls to a maximum of 6' in height into the front setback as shown on the setback and over-height wall exhibit (Exhibit F). The wall does not impede the site distance for the driveway as required by County Standard Plan 1117 as shown on the project preliminary grading plan (Architectural Drawing Sheet – Preliminary Grading Plan) and the Setback and Over-Height Wall Exhibit (Exhibit F).

Reduced Length Driveway

For R1 zoning, the minimum driveway length for a house less than 20' from the sidewalk is 18' if the garage has a roll-up door. The project will have two garages with roll-up doors. The



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proposed garage at the center of the lot has a driveway length of approximately 22.5' from the back of sidewalk to the garage entry and meets the Code Requirements. The proposed garage at the right side of the lot has a driveway length of approximately 16.5' from the back of sidewalk to the garage entry. The reduced length of the driveway is due to the shallow nature of the lot of 55' and also because the street frontage is curved. However, this lot has a five-foot sidewalk which effectively adds to the length of the driveway which improves the visibility for the driver to see approaching vehicles when backing out and also improves the ability of approaching vehicles to see him. Many of the homes in Emerald Bay do not have sidewalk and lack this feature.

The use permits requested herein are minor in nature, and would not be required but for the project's steep terrain, shallow lot depth, and the disparity between the Emerald Bay Building Restrictions and the County's R1 Zoning.

California Environmental Quality Act

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 why the project is consistent with Class 1, Class 2 and Class 3 categorical exemptions.

Class 1 Categorical Exemption

The Class 1 (Section 15301) exemption provides for the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. Examples include:

- (l) *Demolition and removal of individual small structures listed in this subdivision:*
 - (1) *One single-family residence. . .*

The project includes the demolition of a 1,664 square-foot single-family residence and attached garage with a 1,400 square-foot footprint, to be replaced with a 3,749 square-foot single-family residence and attached 430 square-foot garage with a 1,131 square-foot footprint in substantially the same location as the existing structure. In addition, the project involves a negligible expansion of the use beyond the existing use (increase in square footage). However, the footprint will remain essentially the same and is actually 269 square feet smaller than the existing footprint. Accessory structures are also listed in the Class 1 exemption, and demolition of "Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences" are exempt. The project will include demolition of an existing garage, fences/walls, and other hardscape improvements, all of which are addressed in the Class 1 exemption.

Class 2 Categorical Exemption

The Class 2 (Section 15302) exemption consists of replacement or reconstruction of existing structures and facilities 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. As noted in the Class 1 Exemption discussion above, the existing residence will be demolished and



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a new residence will be constructed in substantially with a smaller footprint as shown on the attached site plan (Architectural Drawing Sheet AS-1.1). While Class 2 does not specifically list a single-family residence, it is noted that the exemption is not limited to the examples provided. The reconstruction of the Bennett residence is consistent with the Class 2 Exemption because the new residence will have substantially the same purpose and capacity as the structure replaced.

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 construction of a single-family residence and the related improvements including the garage, patio, and walls/fences are specifically included in the list of examples.

Each component of the project, including the demolition of the existing residence and accessory structures, and the reconstruction of the residence and accessory structures, meets criteria outlined in the Class 1, Class 2 and Class 3 exemptions. 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 short-term construction related concerns.

Conclusion

Demolition of older single-family residences and new construction on the same building site is common in the Emerald Bay community. In addition to a CDP for demolition and construction within the coastal zone, many of these applications request approval of a variance for reduced setbacks and use permits for over-height walls in the front, side and rear setbacks and steep/reduced length driveways (Architectural Drawing Sheet AS-1.1). The variance and use permits requested herein are minor in nature, and would not be required but for the shallow lot size, steep terrain, and the disparity between the Emerald Bay Building Restrictions and the County's R1 Zoning. If the County Zoning Code setback requirements were strictly applied to this lot, previous applications approved by the County would enjoy privileges beyond the permits requested for the proposed residence at 53 Emerald Bay Drive. The proposed project is consistent in character with previously approved requests of homeowners in the surrounding neighborhood and is consistent with the Emerald Bay Building Restrictions (CC & R).

In conclusion, the proposed residence at 53 Emerald Bay is consistent with the Emerald Bay LCP, the County Zoning Code and General Plan and the Emerald Bay CC&R Building Restrictions. We appreciate the County's consideration on this project and look forward to working with you. If you have any questions, please contact me or Shawna Schaffner at (949) 581-2888.



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Sincerely,

CAA PLANNING, INC.

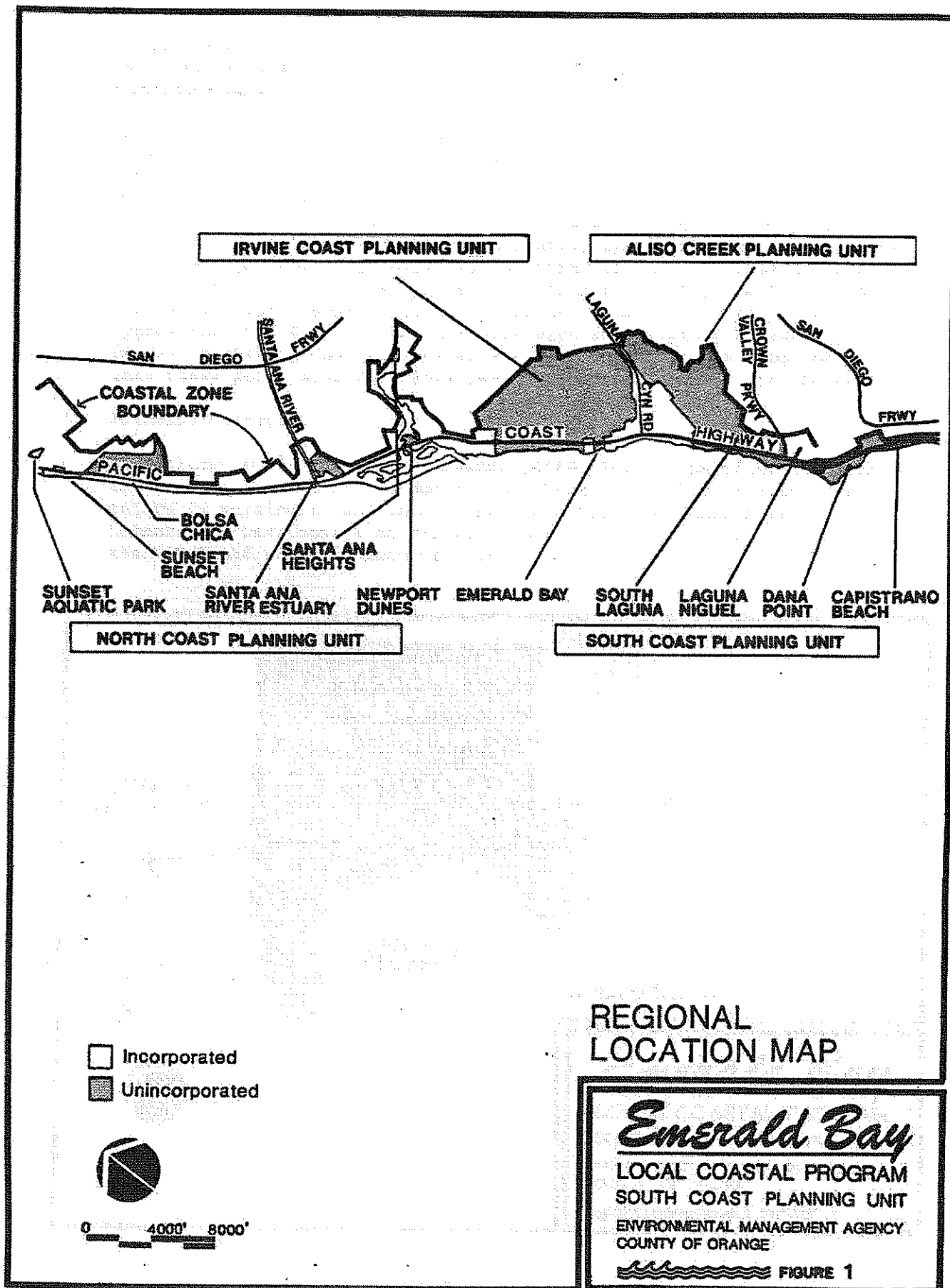
A handwritten signature in blue ink that reads "Paul Shaver". The signature is fluid and cursive.

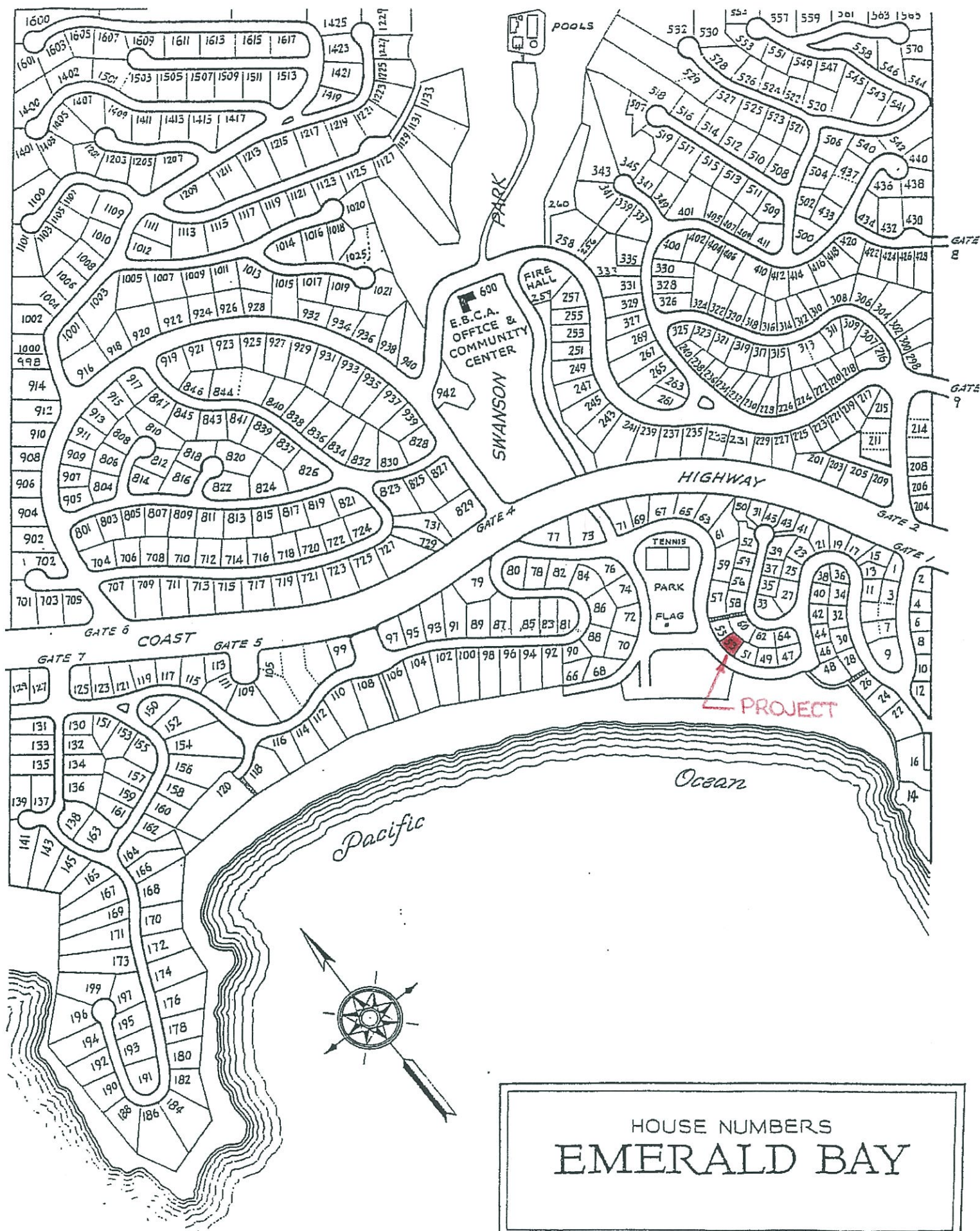
Paul Shaver

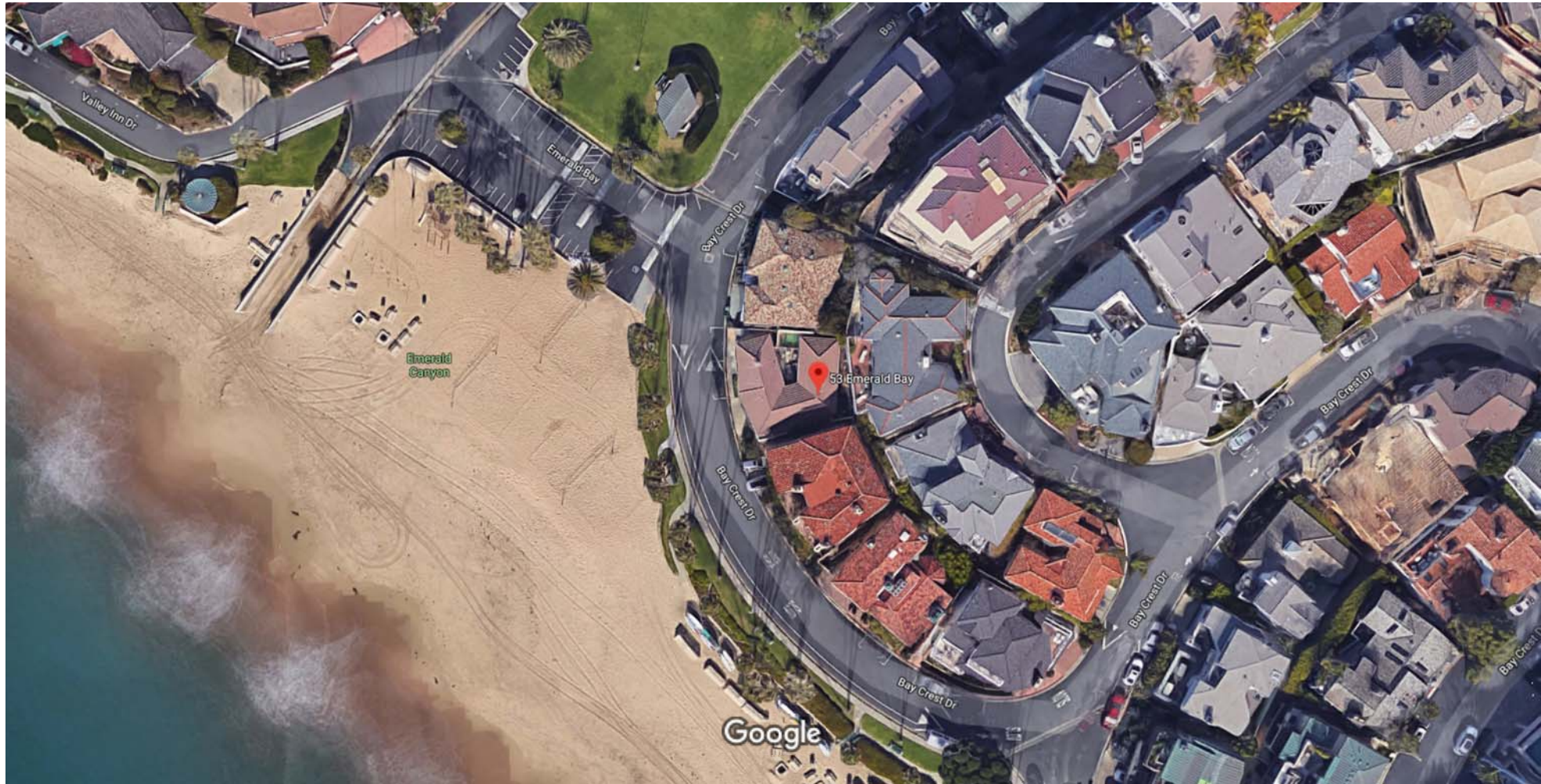
Attachments: Exhibit A-Regional Map
Exhibit B-Vicinity Map
Exhibit C-Aerial
Exhibit D-Zoning
Exhibit E-Appeal Area
Exhibit F- Setbacks and Over-Height Walls

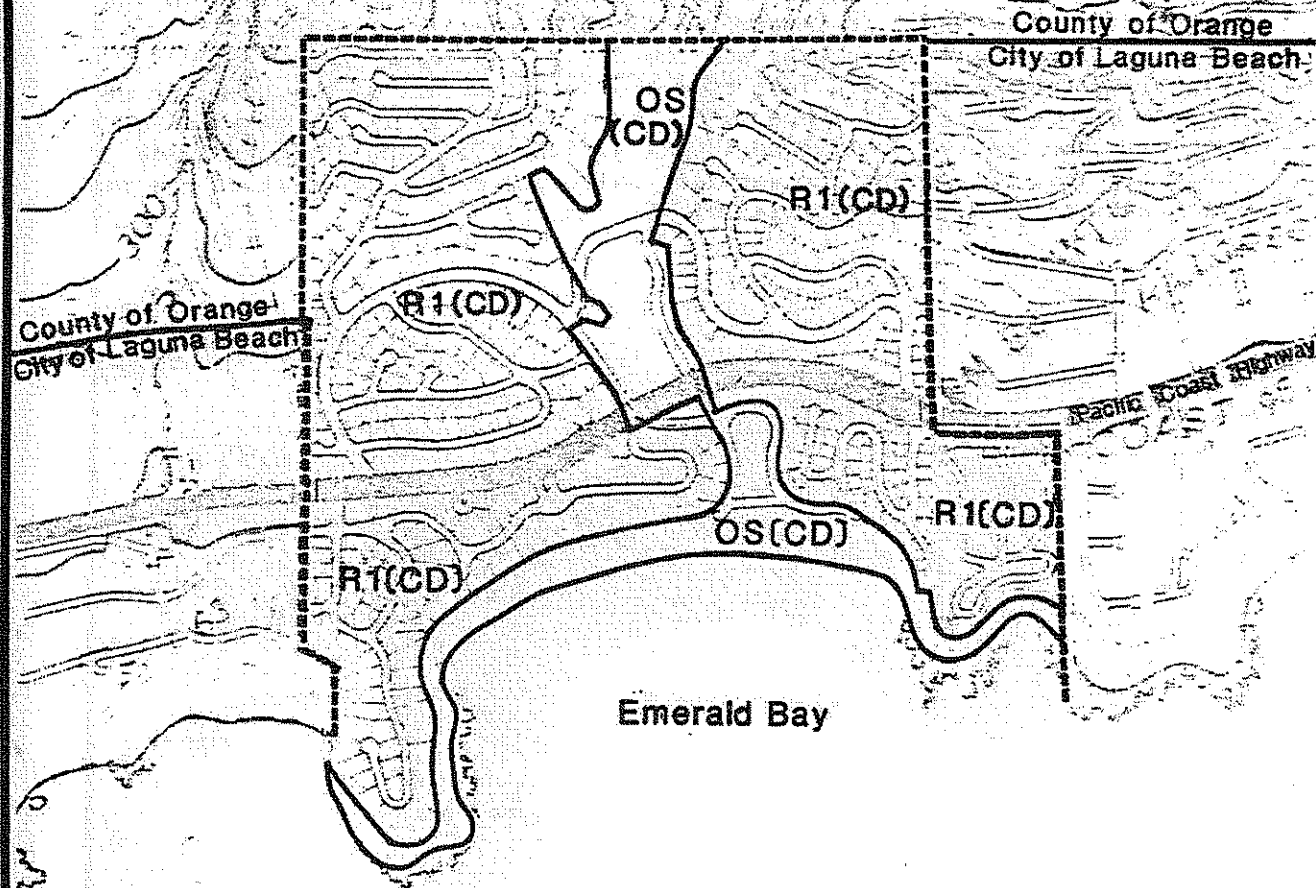
Enclosures: Architectural Drawings
Site Photos
Noticing Materials

cc: Chantel Bennett, Applicant
Nolan Mead, CJ Light Associates
Shawna Schaffner, CAA Planning, Inc.

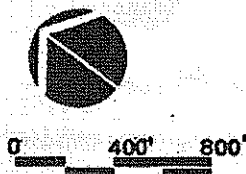








- | | |
|-------|-----------------------------|
| R1 | Single-Family Residence |
| OS | Open Space |
| (CD) | Coastal Development Overlay |
| ----- | LCP Study Area |



Note 1: Scenic Highway Overlay (SH) applicable to within 25' of the ultimate ROW for PCH

Note 2: Floodplain Overlay (FP) applicable as indicated on Flood Insurance Rate Map Community-Panel number 060212 0074A and County SR and FP-2 and FP-3 areas established by Ordinance number 3223

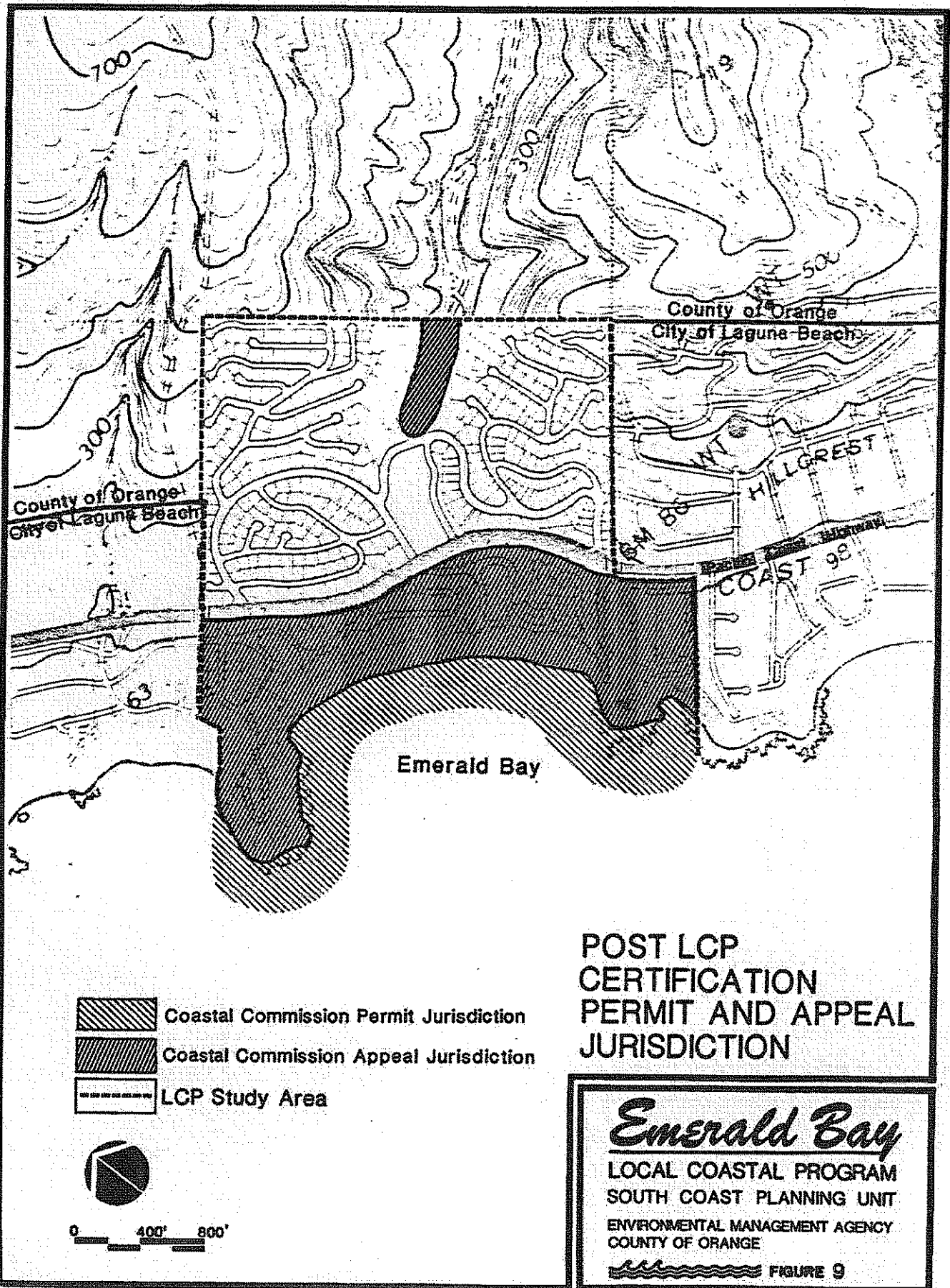
ZONING

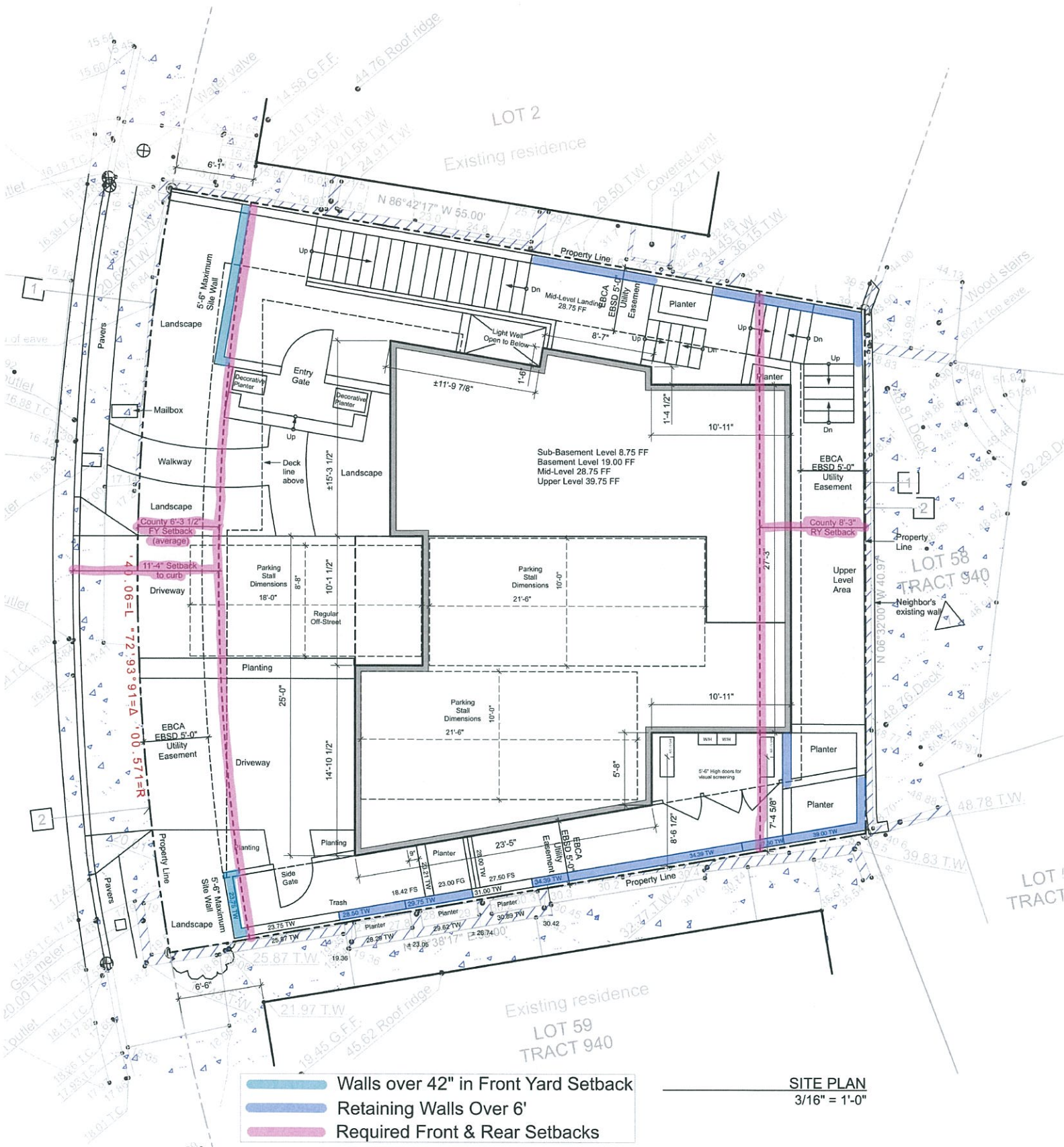
Emerald Bay

LOCAL COASTAL PROGRAM
SOUTH COAST PLANNING UNIT

ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

 **FIGURE 8**







OC Public Works/OC DEVELOPMENT
300 N. FLOWER STREET
P. O. BOX 4048
SANTA ANA, CALIFORNIA 92702-4048

NOTICE OF EXEMPTION

TO: COUNTY CLERK
COUNTY OF ORANGE

FROM: COUNTY OF ORANGE
OC DEVELOPMENT

Project Title: PA180001 - A request to approve a Coastal Development Permit and Use Permits in conjunction with the construction of a new residence in the Emerald Bay Local Coastal Plan area.

Description, Nature, Purpose and Beneficiaries of Project: A request for a Coastal Development Permit and Use Permit approvals in conjunction with the demolition of an existing residence and construction of three-level single-family residence with an attached garage spaces.

The Coastal Development Permit is required to demolish the existing single-family dwelling and construct a new single-family dwelling in the Emerald Bay Local Coastal Plan area, with associated grading.

The Use Permit is required to address proposed over-height retaining walls for the project. Retaining walls along the side and rear property lines are proposed at heights up to 20 feet 10 inches where Zoning would allow a 6-foot maximum height.

Location: The project is located in the community of Emerald Bay at 72 Emerald Bay, Laguna Beach, CA within the Fifth Supervisorial District. (APN 053- 050-27)

Name of Public Agency Approving Project: County of Orange Zoning Administrator

Name of Person or Agency Carrying Out Project: Courtney Welch, Property Owner
Nolan Mead, CJ Light, Architects, Agent

Address of Person or Agency Carrying Out Project: 3111 Second Avenue, Corona del Mar, CA 92625

Exempt Status: (Check One)

- ☐ Ministerial (Sec. 15268)
☐ Declared Emergency (Sec. 15269 (a))
☐ Emergency Project (Sec. 15269(a)&(b))
☐ General Rule (Sec. 15061(b)(3))
☐ Statutory Exemption: State Code number
☒ X Categorical Exemption: State classes and section number(s): Class 1 Sec 15301; Class 2, Sec. 15032; and Class 3, Sec. 15303
- Date of Decision _____

Reasons why project is exempt: 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 why the project is consistent with Class 1, Class 2 and Class 3 categorical exemptions.

Class 1 Categorical Exemption

The Class 1 (Section 15301) exemption provides for the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving

negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. Examples include:

(l) Demolition and removal of individual small structures listed in this subdivision:

(1) One single-family residence. . .

The project includes the demolition of an 1,874-sq. ft. single-family residence and attached garage with a 2,275-sq. ft. footprint, to be replaced with a 4,375-sq. ft. single-family residence and attached garage with a 1,630-sq. ft. footprint in substantially the same location as the existing structure. Accessory structures are also listed in the Class 1 exemption, and demolition of "Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences" are exempt. The project will include demolition of an existing garage, and fences/walls as well as other hardscape improvements, all of which are addressed in the Class 1 exemption.

Class 2 Categorical Exemption

The Class 2 (Section 15302) exemption consists of replacement or reconstruction of existing structures and facilities 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. As noted in the Class 1 Exemption discussion above, the existing residence will be demolished and a new residence will be constructed in substantially the same footprint as shown on the attached site plan. While Class 2 does not specifically list a single-family residence, it is noted that the exemption is not limited to the examples provided. The reconstruction of the residence is consistent with the Class 2 Exemption because the new residence will have substantially the same purpose and capacity as the structure replaced.

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 construction of a single-family residence and the related improvements including the garage, spa, patio and fences are specifically included in the list of examples.

None of the exceptions listed in Section 15300.2 apply to the project. Each component of the project, including the demolition of the existing residence and accessory structures, and the reconstruction of the residence and accessory structures, meets criteria outlined in the Class 1, Class 2 and Class 3 exemptions. 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 short-term construction related concerns.

Project Contact Person: Kevin Canning, Contract Planner

Phone: (714) 667-8847

CEQA Contact Person: Kevin Canning, Contract Planner

Phone: (714) 667-8847

Signature: _____

Title: Contract Planner

Landscape review by James Dockstader

2. ARCHITECTURAL REVIEW - SUBMITTAL COMPLETENESS (Section B.5): Submittal is generally complete enough for review. **OK**
3. LOT COVERAGE (Section C.1): "A structure shall not exceed 40% coverage of the Lot or Parcel upon which it is built". Lot coverage is calculated as the total area of the roof less overhang including all anchored decks. The lot coverage is stated on the submittal application as 1131 SF / 2831SF = 39.95. **OK**
4. SETBACKS (Section C.2): The proposed structure appears to respect the 5'-0" minimum setbacks. The Committee may require greater setbacks. **OK**
5. UTILITY EASEMENTS (Section C.3): Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **Proof of EBSD review and approval received OK**
6. PARKING (Section C.4): The parking area shown on the submittal application is 3,749 SF. The garage area used for required parking (430 SF) does not need to be included in the parking calculations. (4,179 SF – 430 SF = 3,749 SF). This requires a two-car garage and one additional off-street parking space. Two spaces are provided in the Garage that meet the required sizes. A third off-street, head in parking space is shown in the driveway. **OK**
7. SERVICE YARD (Section C.5): Relocated to the South side yard. **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. **EBSD reviewed. Ok**
9. NUMBER OF STORIES (Section D.1): The Submittal application indicates a proposed structure with 2 stories plus 2 basements. The basement level appears to be in compliance with the First Basement Rule and is not a story. The sub basement level is buried on 3 sides and the fourth with a light well opening that was reduced in compliance with the Second Basement Rule. **OK**.
10. BUILDING HEIGHT (Section D.2): The height of any structure shall not exceed thirty (30) feet above the Natural grade of the Lot or Parcel. The proposed structure is noted to be below the allowable height from +/- 8' to 12'. **OK**
11. COMPATIBILITY (Section D.3): The material for the roof is indicated as Class 'A' copper. The proposed addition indicates wood (unspecified), stone (unspecified) and stucco walls, no notations regarding guardrails, windows and doors.

The Committee's previous notes regarding scale, increased setbacks, relation to neighboring homes and glazing have been adequately addressed at Preliminary. OK

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. N/A. New Residence. **All elements must conform with the current Architectural Regulations.**

Existing non-conforming elements:

- N/A

New non-conforming elements:

- None

13. ROOFS (Section D.5):

Roof pitch: 3:12 (pitched)

Flat roof: The new flat roof area (noted as copper) is shown on the overlay to be 157 SF / 1,124 SF of total roof = 14% < 15%. **OK**

An open wood trellis has been extended across the front elevation and lowered. **OK**

Roof Equipment: None shown. **OK**

Parapet: None shown. The flat roof areas which extend to the roof perimeter "may" have the appearance of a parapet on the side elevations but are less than the maximum 25% permitted. The trellis element conceals the flat roof at the front elevation. **OK**

14. ROOF DECKS (Section D.6): None shown. **OK**

15. MATERIALS AND COLORS (Section D.7): Materials noted as wood, glass, stucco and stone. **A material and color board was submitted.**

16. WINDOWS AND DOORS (Section D.8): New Residence. **There is a significant amount of glazing proposed. In this location occupancy sensors and automatic shade devices will be required. This is to be addressed at time of Final. Unclear**

The electrical plans include a note to "Provide motorized shades in all rooms on front elevation".

The electrical plans include a note to "Provide shielded cans at all window locations – See specifications". No electrical spec section was found.

The electrical legend includes "vacancy sensor switches and photo control w/ motion sensor symbols. None were found in rooms at the front elevation with glazing.

17. ANTENNAS (Section D.9): None indicated. **OK**

18. SOLAR PANELS (Section D.10): None indicated. **OK**

19. SKYLIGHTS (Section D.11): None indicated. **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.

Some light fixtures are shown. A fixture cutsheet was previously attached but not included in this submittal. The exterior elevations note "Typical Exterior Wall Sconce – refer to specs". No electrical spec section was found.

Any change made to the approved light fixture during construction is to be resubmitted and evaluated for compliance with the intent of the original approved fixtures.

21. GUTTERS AND DOWNSPOUTS (Section D.13): Details of concealed copper gutters are shown. It is noted on the submittal that all gutters will be behind the roof edge, recessed below the roof plane with concealed downspouts. **OK**
22. OTHER COMMENTS:
 - A signed certified copy of the 1960 topo plan showing the Lot area was submitted.
 - An updated existing survey was submitted at previous Preliminary submittal showing the rear property (60 EB) for reference.

STAFF LANDSCAPE FINDINGS:

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. **Proof of EBSD approval received. OK**
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.**
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. **OK**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **Spa equipment and AC condensers are shown in a niche outside the setback area. OK**

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

Noise impacts on adjacent neighbors must be avoided and/or minimized. **OK**

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. **OK**

Acoustical report assumptions and recommendations are consistent with submittal drawings. **OK**

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. **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 shown**

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. **Spa is located on middle level deck, approximately 8' from front setback line. OK**

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

Security/pool fencing is shown. **NA**

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. **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:
 - **The trash area has been moved to the south side area, between the house and the front setback.**

FINAL COMMITTEE RECOMMENDATIONS:

1. The Committee initially recommended disapproval of the plans submitted. The following items were adequately addressed by the Tuesday meeting. Therefore, the Committee recommends **Approval.**
 - a. The Committee reviewed the color and material board and takes no exception however, the window on the rendering at the left side of the elevation at the ground floor needs to be updated on the rendering. This can be done with a cut and paste of the window consistent with that shown on the plan elevations to be added to the rendering.
UPDATED
 - b. Provide exterior light fixture cutsheets **Provided**
 - c. Add notes on plans re: vacancy shades, etc.as noted above. **Notes Added**
 - d. Identify the trash area/Service Yard is to not be located forward of the house and make sure that it can be adequately screened as viewed from the street. **Done**
 - e. Location and screening of spa equipment is not shown. If proposed equipment is close to setback lines modify acoustical report and resubmit **Package spa proposed – Acoustical Report not Required**

- f. Submit the required exhibits prepared by a licensed civil engineer or surveyor for the Easement Agreement to be prepared for consideration by the EBCA Board of Directors prior to the approval of the project. **Provided**

2. Note:

- a. Approvals are only 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.

No representatives were in attendance to further discuss the submittal.

At their meeting on December 11, 2018 the Board adopted Resolution 18-12-11-01 for the Easement Agreement and voted to approve the recommendation of the Architectural Committee.









Attachment 6