

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: August 10, 2000

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0060 for Use Permit and Site Development Permit

PROPOSAL: A Use Permit is requested to allow retaining walls up to 14 feet tall in the front setback area when the standard for wall height in this location is 3 ½ feet tall. A Site Development Permit is required for grading of over 500 cubic yards of soil (617 cubic yards of cut is proposed) where the slope of the property is greater than 15 percent. Both the Use Permit and Site Development Permit request are in conjunction with the proposed demolishing of a single-family dwelling and the construction of a new three-level, 3,479 square foot, single-family dwelling.

LOCATION: In the northeastern corner of the community of Emerald Bay, inland side of Pacific Coast Highway, at 546 Emerald Bay. Fifth Supervisorial District.

APPLICANT: David and Lisa Corcoran, property owner
Laidlaw Schultz Architects, agent

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA00-0060 for Use Permit and Site Development subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is a steep hillside lot 8,116 square feet in area measuring approximately 125 feet deep by 64 feet wide. The site is a through lot with street at both the front and rear. Access to the site is from only the front street (the lower street). There is an elevation difference of 66 feet from the lower street at the front, to the upper street at the rear. Unlike many new homes constructed in Emerald Bay, the proposed home conforms to the setback standards of both the Emerald Bay CC&Rs and the R1 District.

The existing dwelling on the site will be razed and a new multi-level dwelling constructed. The new dwelling proposed has a garage level with 934 square feet of area and two living levels above the garage totaling 3,479 square feet. In the front of the lot, a swimming pool and patio area are proposed. Because of the steepness of the lot, a series of retaining walls are required in the front setback area. Retaining walls

for the pool approach a height of 14 feet in the front setback area. These walls require approval of a Use Permit.

In order to construct the dwelling and conform to the height requirements of Emerald Bay, substantial grading is required. Grading plans call for 617 cubic yards of cut and 493 cubic yards of fill. The 124 cubic yards of export will be removed in accordance with the grading permit. The grading will be in the area for the pool, courtyard area, new driveway and the footprint of the proposed new dwelling. The area of grading approximates the location of existing improvements on the lot. Because the proposed grading exceeds 500 cubic yards and the slope of the property exceeds 15 percent, a Site Development Permit is required.

SURROUNDING ZONING AND LAND USE:

The project site and all surrounding properties are zoned R1 (CD) and developed, with single-family dwellings. Emerald Bay also has a certified Local Coastal Program. All properties ocean side of Pacific Coast Highway are also subject to regulations contained in Zoning Code Section 7-9-118 “Coastal Development” District. In general, property owners are required to obtain approval of a Coastal Development prior to demolishing or making large additions to an existing residence and/or construction of a new dwelling. Properties, like the project site, located inland of Pacific Coast Highway are not subject to the CD regulation and are not subject to obtaining a Coastal Development Permit.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and 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 five County Divisions and the Emerald Bay Community Association.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. The proposal has been reviewed and given preliminary approval by the Emerald Bay Community Association.

CEQA COMPLIANCE:

Negative Declaration No. PA000060 (Exhibit 2) has been prepared for this proposal. It was posted for public review on June 13, 2000 and became final on July 3, 2000. Prior to project approval, the Zoning Administrator must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The site has access to two streets; a street at a lower elevation, referred to as Sagamore Road, and a street at a higher elevation referred to as Ledgewood Road. The applicant originally proposed to build the new home with a garage access from the upper street. However, according to the applicant, the strict height and other building restrictions placed on the site by the Emerald Bay Community Association made construction of a new home using access from the upper road prohibitive. The applicant had to design a home and pool using the access from the lower street.

The Use Permit request for over height retaining walls was an option available to the applicant that would allow the new home and pool to be constructed utilizing the existing building pad area from the existing house. Because of the property's steep topography, the proposed retaining walls minimize the grading required outside the building footprint at the front and rear of the proposed dwelling. The large pool retaining wall is setback 10 feet from the front property line. There is existing landscaping at the front of the property that will be saved. This existing landscaping is used to help screen the pool retaining wall. Standard building standards are all that is necessary for the retaining walls proposed.

The grading proposed is all within the building footprint of the proposed home and previously disturbed area of the existing house. Those areas at the rear and front of the lot that were undisturbed by the existing house remain undisturbed, for the most part, for the new house. Standard grading conditions are all that is necessary for the grading proposed.

Grading in excess of 500 cubic yards for building footprints and retaining walls in excess of 8 feet is common in many areas of Emerald Bay. This proposal is not in any way unique for steep hillside lots in Emerald Bay. The grading and retaining wall height are due to the restrictive building height requirements established by the Emerald Bay CC&Rs and not the Zoning Code. The Emerald Bay Community Association has given preliminary approval to the proposal, and staff also supports the approval and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0060 for Use Permit and Site Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief
CPSD/Site Planning Section

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Environmental Documentation
- 3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.