

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: October 3, 2002

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA02-0093 for Use Permit

PROPOSAL: The applicant is requesting approval of a Use Permit, as permitted by Orange County Zoning Code Section 7-9-137.5, to permit construction of retaining walls in the rear 25 feet setback area that exceed the standard height of six (6) feet.

LOCATION: In the community of Emerald Bay, on the inland side of Pacific Coast Highway at 1119 Emerald Bay, Laguna Beach. Fifth Supervisorial District.

APPLICANT: James and Barbara Lyons

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0093 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is located in the hilly northern area of Emerald Bay. The lot is approximately 7,950 square feet in area, measuring 75 feet wide by 106 feet deep. The site is developed with a single-family dwelling setback 34 feet from the rear property line. The dwelling is currently undergoing some alterations. The rear of the property slopes sharply down from the rear of the dwelling to rear property line with an elevation difference of 25 feet, which equates to a slope of 67 percent. The slope is heavily landscaped. The site is a through lot with streets in the front and rear of the property. The site is accessed from an upper street referred to as Londonberry Road, with the rear of the lot on Armore Road.

The applicant proposes to construct two retaining walls that exceed the maximum standard height. One retaining wall is curvilinear with a maximum height of fifteen (15) feet above finished grade and is located approximately twelve (12) feet from the rear property line at the closest point. The purpose of this proposed wall is for slope stabilization at the rear of the property and to provide additional usable outdoor living space. Plans show the addition of a spa and patio area. The second retaining wall has a maximum height of eleven (11) feet above finished grade and is located approximately six (6) feet from the rear property line. The purpose of this proposed wall is to provide a parking space adjacent to the street (referred to as Armore Road) at the rear of the property.

SURROUNDING LAND USE:

The subject property and all surrounding properties are zoned R1 (CD) District. The site and all surrounding properties are developed with single-family dwellings. See air photo below. The community of Emerald Bay also has a certified Local Coastal Program. All properties located ocean side of Pacific Coast Highway, are also subject to regulations contained in Zoning Code Section 7-9-118 “Coastal Development” District. Properties located inland of Pacific Coast Highway, as is this site, are not subject to the CD regulation.



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 four 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. The applicant stated in the Letter of Explanation that the proposal received approval from the Emerald Bay Community Association’s Architectural Committee in February 2002.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 11, construction or placement of accessory structures) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

This proposal has two separate walls. The first wall appears to have a maximum height of 15 feet above finished grade and is located 12 feet from the rear property line at the closest point. This wall is engineered to provide for slope stability and provide additional usable rear yard space. The plans call for this “loffel” type retaining wall to be attached to a series of 11 caissons 24 inches in diameter to be embedded up to 16 feet in the side of the slope. All construction work should be accomplished from the rear property street, Armore Road. The applicant plans to provide new landscaping after completion of wall construction. The second and smaller wall is located 6 feet from the rear property line and appears to have a maximum height of 11 feet above finished grade. This wall, according to the applicant, will provide the property one additional on-site parking space.

Use Permit requests for over height walls in Emerald Bay are not uncommon. Most of the new over height retaining walls occur during new construction where new basements are proposed adjacent to the side yards. Over height walls are also common in front setback areas for the same reasons. In support of the applicant’s request, a map showing other over height walls was submitted. Staff reviewed the County *Pictometry* system and located over height walls indicated by the applicant and several others. A visit to Emerald Bay on November 19 confirmed these walls plus other larger retaining walls in the vicinity.

Zoning Code Section 7-9-137.5 permits modifications to wall height through Use Permit procedures and is subject to the Zoning Administrator making the following two findings:

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.

Staff is of the opinion that the Zoning Administrator is able to make these two findings, which are included with the Findings – Appendix A, finding numbers 8 and 9.

Since this proposal has been reviewed and approved by the Emerald Bay Community Association, staff assumes that nearby residents’ are aware of the proposal. The project will have no affect on ocean views since all ocean views are on the down side of the property. Staff did have the opportunity to talk to the owner and occupant of the property across the street from the walls at 1014 Emerald Bay. His property faces the proposed walls, but his ocean view is in the opposite direction. The property owner indicated that he had no concerns with the wall.

Staff's only concern is the replacement of landscaping on the slope. Staff is recommending the following condition of approval number 9:

Prior to the issuance of a grading permit, the applicant shall submit information meeting the satisfaction of the Manager, Current Planning Services Divisions that plans for landscaping the rear yard and screening the retaining wall, or special surface treatment of the retaining wall closest to the street, have been approved by the Emerald Bay Community Association.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0093 for Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site photos and air photos
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. 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 the Planning and Development Services Dept.