

**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 PA02-0094 for Coastal development Permit and setback Variance.

**PROPOSAL:** A Coastal Development Permit is requested for proposed additions on the first and second floors of an existing single-family dwelling. The existing dwelling has 2,960 square feet of floor space and the applicant proposes additions totaling 740 square feet (in increase of 25 percent). A Coastal Development Permit is required because the additions exceed 10 percent of the existing floor space. A front setback variance is requested to permit an addition to the kitchen area on the first floor to be located five (5) feet from the front property line when a front setback of eight (8.25) feet is required for this lot.

**LOCATION:** The project is located in the community of Emerald Bay, on the ocean side of Pacific Coast Highway at 52 Emerald Bay, Laguna Beach. Fifth Supervisorial District.

**APPLICANT:** Doug Cavanaugh

**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 PA02-0094 for Coastal Development Permit and Variance subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The project site is approximately 4,600 square feet in area and is developed with a two-story single-family dwelling. According to information submitted by the applicant, the dwelling was originally constructed in 1929. The lot and structure are part of the original development in Emerald Bay. Adjacent to the lot to the north, two single-family dwellings are under construction. These dwelling were previously approved through Planning Application PA99-0132 in December 1999.

The applicant proposes extensive interior remodeling and expansion of the existing dwelling. Included in the expansion is an addition of a sitting room to the existing lower level bedroom, an expansion to the main level kitchen, a new stairway rotunda from the lower level to the upper level and a new nursery on the upper level. The proposed additions total 740 square feet, increasing the square footage of the dwelling from 2,960 square feet to 3,700 square feet.

The addition to the kitchen area is proposed to be setback 5 feet from the front property line and 10 feet from the edge of the street. A nook area of the existing kitchen is currently setback 2 feet from the front property line and 7 feet from the edge of the street. The proposed addition to the kitchen conforms to the Emerald Bay setback requirement but does not conform to the required County setback requirement. The lot is classified as a shallow building site (a lot with an average depth of less than 100 feet) and under Zoning Code Section 7-9-128 this lot has a front and rear setback requirement of 8.25 feet. Since the proposed addition does not conform to the County front yard setback standard, the applicant requests approval of a Variance in conjunction with the Coastal Development Permit for the proposed expansion of the single-family dwelling.

### **SURROUNDING LAND USE:**

The project site and all surrounding properties are zoned R1 “Single-family residence (CD “Coastal Development) District. The subject site and surrounding properties are developed with single-family dwellings. See air photo below. The site is also subject The Sign Restriction (SR) overlay districts. Emerald Bay also has a certified Local Coastal Program. All properties ocean side of Pacific Coast Highway, as is this site, are also subject to regulations contained in Zoning Code Section 7-9-118 “Coastal Development” District. Properties that are inland of Pacific Coast Highway 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; and because this site is within the coastal zone, a notice was sent to occupants of dwelling within 100 feet of the 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 six 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 Emerald Bay Community Association did not submit comments.

**CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 1, repair or minor alteration of existing structures or facilities and Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA.

**DISCUSSION/ANALYSIS:**

Staff found no issues with the proposed additions. The additions proposed will benefit the parking situation in the area by providing a new garage door and increase the covered parking from one space to two spaces. The dwelling was built in 1929 and could have historical significance. The project was reviewed by PFRD/HBP/Historical Facilities who indicated that they had no comment with the additions. They did comment by phone that because of the age of the structure it may have historical significance and further review would be required if the structure were to be demolished. Only because the site is in an appealable area of the Coastal Zone and the proposed additions exceed 10 percent was this Coastal Development Permit required. The additions proposed, except for the front setback Variance, conform to Land Use Regulations and Implementing Action Program of the Emerald LCP.

Regarding the front setback Variance, staff notes that numerous homes in the vicinity have been granted variances. These variances are typically for front and rear yards. Exhibit 2 is a copy of the Assessors Parcel Map in which the County tracks variance permit applications. As is shown, many lots have multiple variances approved for the property. Staff also notes that the reason for numerous variances in the vicinity is because the small lot size and Emerald Bay CCRs allowing setbacks of five feet from all property lines which conflicts with the County standards for front and rear setbacks. As previously mentioned, a portion of the kitchen area is currently setback less than 5 feet from the front property line and is proposed to remain. An addition to the first floor kitchen area is proposed to be setback 5 feet from the front property line. It is this segment only that requires the evaluation of a variance. Approval of this variance would not establish a setback precedence for this lot or the majority of lots in the near vicinity.

However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the application must be disapproved.

1. 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.
2. 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 is of opinion that the Zoning Administrator is able to make these two special variance findings. The special circumstances for approving the variance requested for this proposal is in Finding No.13 of Appendix A. Staff supports both the requests for the Coastal Development Permit and Variance 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 PA02-0094 for Coastal Development Permit and Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

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**APPENDICES:**

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

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. AP Map used to track variance and other discretionary County permits
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.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.