

## ITEM #4

### RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

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**DATE:** February 5, 2004

**TO:** Orange County Zoning Administrator

**FROM:** Resources and Development Management Dept./Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA03-0110 for Coastal Development Permit

**PROPOSAL:** Construction of a new three-level, 5,630 square feet single-family dwelling on a vacant 6,168 square feet lot. Proposal includes an off-street parking modification to allow driveway slope in excess of the County standard; and, to allow an over height wall in the front setback area.

**LOCATION:** The project is located in the community of Emerald Bay, on the ocean side of Pacific Coast Highway at 67 Emerald Bay, Laguna Beach. Fifth Supervisorial District

**APPLICANT:** Curtis Olson, property owner  
John O'Neill Residential Design, agent

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

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA03-0110 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

#### **BACKGROUND:**

The subject site is currently vacant. The site is approximately 6,200 square feet in area, measuring 64 feet along the front property line, 82 feet along the rear property line and averaging 86 feet in depth. The lot is a "through lot" with the front property line on an Emerald Bay street and the rear property line on the Pacific Coast Highway right-of-way line. The rear of the lot on PCH is heavily treed and these trees will remain.

Previous to this Planning Application, PA98-0166 was approved in December 1998 for a Coastal Development Permit to demolish an existing single-family dwelling and construct a new multi-level, 5,167 square feet single-family dwelling. The dwelling was demolished but the new home was never constructed. Because the home was not constructed, the Coastal Development Permit became null and void. The current proposal would be to construct a new single-family with dwelling (with a pool and spa in the rear yard) in approximately the same location and with similar square footage as the dwelling approved under PA98-0166.

**SURROUNDING LAND USE:**

The project site and all surrounding properties are zoned R1 “Single-family Residence” District with a CD “Coastal Development” District overlay. Except for the Emerald Bay recreational facility to the west of the site, surrounding properties are (or approved for) single-family dwellings (see photo below). Emerald Bay also has a certified Local Coastal Program (LCP). The LCP has a requirement that all properties on the 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 dwelling or making large additions to an existing residence and/or construction of a new dwelling. Properties located on the ocean side of Pacific Coast Highway, such as the subject site, are subject to the CD regulation and are subject to obtaining a Coastal Development Permit for new construction.

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. A Notice of Hearing was also mailed to the “occupant” of homes within 100 feet of the subject site as required by Coastal Development Permit procedures. 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. 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 Emerald Bay Community Association approved the proposal November 4, 2003.

### CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

### DISCUSSION/ANALYSIS:

The proposal is to construct a new three-level single-family dwelling. The dwelling has been designed to conform to the development standards of both the R1 District and Emerald Bay development standards. The chart below compares the required development standard with the standard proposed.

Standard	Required	Proposed
Front setback	10.5 feet (which is the average of the two adjoining dwelling setbacks as permitted by Zoning Code Section 7-9-128.4).	14 feet
Side setback	5 feet	5 feet
Rear setback	17.4 feet (this is a shallow building site and Zoning Code Section 7-9-128.2 permits a rear setback of 20% of the site's average depth of 87 feet)	19.5 feet
Height, above finished grade	35 feet	30 feet
Garage, setback from edge of street	18 feet	24 feet
Wall height in front setback area	3.5 feet	4 feet (this permit includes the request for the over height wall)
Driveway slope	-6% (from street to garage entrance)	-7% (this permit includes the request for the driveway slope)

Regarding the request for the over height wall, staff did not identify any planning concerns for the over height walls in the front setback, however the Zoning Administrator must be able to make the following two findings for walls before the proposed walls can be approved:

1. *The height and location of the fence or wall as proposed will not result in or create a traffic hazard.*
2. *The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objection-able, detrimental or incompatible with other permitted uses in the vicinity.*

To address finding 1 above, a condition of approval has been incorporated that addresses County standard plans for sight distance. For finding 2, staff notes that the proposed wall is similar to the walls of other properties in the vicinity with similar topographical features.

To address the modification to the driveway slope proposed, staff has included the following Condition of Approval:

*Prior to the issuance of a grading permit, the applicant shall design the driveway in a manner meeting the approval of the Manager, Subdivision and Grading Services Division.*

The proposed project, including the dwelling structure, building setbacks and over height walls in the front setback, is compatible with other single-family dwellings in the vicinity that have been constructed or approved for construction. The proposal has been reviewed and approved by the Emerald Bay Community Association. As of the preparation of this report, staff has received no communications on this proposal from any property owners in the vicinity. Staff is of the opinion that the Zoning Administrator is able to make the two wall findings. Staff supports the applicant's proposal and recommends project approval 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 PA03-0110 for Coastal Development Permit 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. Site 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.