

## **RDMD/Planning and Development Services**

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**DATE:** September 22, 2005 (continued from August 18, 2005)

**TO:** Orange County Zoning Administrator

**FROM:** RDMD/PDS/Current and Advance Planning Services

**SUBJECT:** Public Hearing on Planning Application PA05-0020 for Coastal Development Permit, Variance and Use Permit

**PROPOSAL:** The applicant proposes to demolish an existing single-family dwelling and construct a new multi-level, 8,587 square foot single-family dwelling, with front setback variance to 10 feet for the dwelling; and a Use Permit to permit a screening wall height of 4 ½ feet in the front set back.

**LOCATION:** The project is located in the community of Emerald Bay, on the ocean side of and adjacent to the Pacific Ocean at 116 Emerald Bay, Laguna Beach. Fifth Supervisorial District.

**APPLICANT:** Blake Sartini, property owner  
Yolanda Huapaya, D.H. Group, Agent

**STAFF** Yosh Kawasaki, Staff Planner

**CONTACT:** Phone: (714) 834-4389 FAX: (714) 667-8344

**SYNOPSIS:** PDS/Current and Advance Planning Services recommends Zoning Administrator approval of PA05-0020 for Coastal Development Permit, Variance and Use Permit subject to the attached Findings and Conditions of Approval.

### **BACKGROUND:**

The project site is located in the community of Emerald Bay adjacent to the ocean side right-of-way of Pacific Coast Highway. The property is zoned R1 "Single-Family Residence" District with SR "Sign Restriction" and CD "Coastal Development" District overlays. The property has access to Bay Crest Drive, a private Emerald Bay street, at the front of the property, with the Pacific Ocean providing access from the rear of the property. The property is an irregularly shaped lot containing approximately 9,100 square feet. The property is composed of Lot 21 of Tract 975. The site has an approximately 21-foot drop in elevation from the front to the rear. Grading Permit GB050082 (6/24/05) for the demolition of the dwelling has been filed, concurrent with this planning application.

The new home will be 5-levels within the space previously occupied by the original 2-story house. In addition there will be five covered parking spaces within the building as well as three open parking spaces for guest parking. The total size of the new house will be 8,587 square feet, with a lot coverage of 39%.

In addition to the main dwelling, the proposal includes eight on-site parking spaces consisting of a three-car garage (two regular and one compact spaces) and two-car garage (two regular spaces) separated by a courtyard area and three open guest parking spaces. Guest bedroom suites above the garages are proposed. A 4.5 foot tall “courtyard wall” in the front setback area is proposed to provide screening of the front court yard. A media room, wine cellar, gym, and laundry room is proposed in the basement area of the dwelling. Other amenities proposed includes a swimming pool with spa, detached elevated wood deck for outdoor dining, and a 48” outdoor pizza oven.

Emerald Bay has a certified Local Coastal Program (LCP). The LCP has a requirement that all properties on the ocean side of PCH are 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 Permit prior to demolishing a dwelling, making a large addition 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 regulations and are subject to obtaining a Coastal Development Permit for new construction. Projects requiring a Coastal Development Permit are appealable to the California Coastal Commission.

**SURROUNDING LAND USE:**

The project site and all surrounding properties are zoned R1 “Single-family Residence” District with a CD “Coastal Development” District overlay, and developed with (or approved for) single-family dwellings (see photo below).



**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 eight County Divisions, the Orange County Fire Authority 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 approved this proposal in July 6, 2005.

**CEQA COMPLIANCE:**

Negative Declaration No. PA050020 has been prepared for this proposal. It was posted for public review on May 10, 2005. It is attached for your consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

**DISCUSSION/ANALYSIS:**

The proposal is subject to approval of three separate discretionary permits: a Coastal Development Permit, a setback Variance, and a Use Permit for wall height in the front setback area. Since the project site is located between the ocean and the first public highway (Pacific Coast Highway) a Coastal Development Permit is required for both the demolition of the existing home and construction of the proposed new home. Also, the proposal is “an appealable development” subject to appeal to the California Coastal Commission. The new home proposed conforms to the site development standards of the Emerald Bay CC&Rs.

The subject property is 9,141 square feet in size and the proposed development of 8,587 square foot single-family dwelling and accessory structures is proportional to the lot size and other homes in the general area. Site notes on the site plans indicated that the proposal has site coverage of 39 percent. The Emerald Bay CCRs (which effect development for all lots in Emerald Bay) permits a site coverage factor of up to 40 percent for this lot; the R1 District has no site coverage standard.

The lot is irregularly shaped with basically five property lines. The front property line is on the private street, the rear property line is on the Pacific Ocean, and the three other property lines are side property lines. It is noted that the existing residence currently is set back 10 feet from the private street and 5 feet from the from the side property lines

The proposed dwelling is setback 10 feet from the private street, 25 feet from the rear property line; and 5 feet from the side property lines. The R1 District allows for a building height of 35 feet; the proposed structure is less than 30 feet, which is within the Emerald Bay standards. The proposed development should be compatible with existing and approved dwelling in the vicinity.

The proposed dwelling will be located at approximately the same location as the existing dwelling and previously graded areas. Because a building pad exists, other than minor leveling no additional grading (importing/exporting) is proposed.

Front setback variances for dwellings are common in Emerald Bay. The requested front setback variance of ten feet versus the required 20 feet should not affect any surrounding property owners and is consistent with other previously approved front yard setback variance for other properties in this area. Staff does not have any issues with this variance request. Findings 15 and 16 are included for approval of this element of the plan.

The second request is to permit a front fence height in excess of the permitted 3.5 feet. The applicant is proposing a 4 ½ foot high “screening wall” in front of the Courtyard between the garages. The property sits at the top of a “T” intersection. The screening wall would provide visual relief from traffic at the intersection and is compatible with other permitted uses in the area. Additionally, the screening wall will not create a traffic hazard. The screening wall is approximately 22 feet in length, following the existing pad contour and does not exceed 4 ½ feet in height. The Emerald Bay Community Association approved the height of the structure. The approval of a Use Permit should not create any negative impacts with surrounding property owners. Because the height request is for the wall and not habitable living area and the minor height variation, staff does not have an issue with this portion of the request. Findings 12 and 13 are included for approval of this element of the plan.

Though the variance does not create issues with either staff or the Emerald Bay Community Association, State and County laws require that a variance application may be approved only if the approving agency makes the variance findings listed below. If the Zoning Administrator can not make these findings, then the variance request 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 the opinion that the variance findings and development standard modification findings can be made for this project. The special circumstances required by Finding 1 above is the steep topography of the site and the restrictive Emerald Bay CC&Rs for building height. In addition, with regards to Finding 2, many of the previously approved homes have been granted similar front setbacks as allowed by the Emerald Bay CC&R's.

## **CONCLUSION:**

Based on staff's review of this proposal and the current development patterns in this area of Emerald Bay, staff is of the opinion that this proposal will be compatible with existing development and future development. The proposal conforms to all development standards for the R1 District. The proposal has been reviewed and approved by the Emerald Bay Community Association. Staff supports the proposal and recommends approval as follows:

**RECOMMENDED ACTION:**

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA05-0020 for Coastal Development Permit and variances subject to the attached Findings and Conditions of Approval.

Respectfully submitted

signature on file

Charles M. Shoemaker, Chief  
RDMD/Current and Advance Planning

**APPENDICES:**

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

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Site Photos
3. Environmental Documentation
4. 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 RDMD/Planning and Development Services.

In addition to County appeal procedures, 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.