CALIFORNIA COASTAL COMMISSION

South Coast Area Office 301 East Ocean Blvd., Suite 300 Long Beach, CA 90802 (562) 590-5071



Th15a

A-5-LGB-23-0023 (Olson) August 10, 2023

EXHIBITS:

Exhibit 1 – Vicinity Map

Exhibit 2 - Project Plans

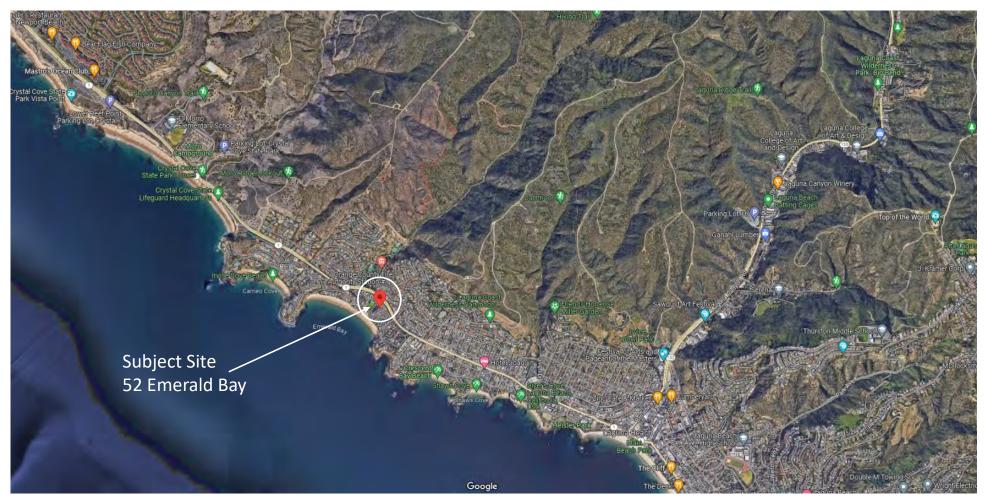
Exhibit 3 - EMB CDP PA22-0104 NOFA

Exhibit 4 – County Planning Commission Conditions of Approval

Exhibit 5 - Appeal of Neel and Sharlene Grover



A-5-EMB-23-0023 Vicinity Map Exhibit 1a



A-5-EMB-23-0023 Vicinity Map Exhibit 1b

Exhibit No. 2

A-5-LGB-23-0023 (Olson) Project Plans (17 pages)

52 EMERALD BAY LAGUNA BEACH, CA 92651





<u>OWNER</u> STEVE OLSON 52 EMERALD BAY LAGUNA BEACH, CA 92869 PH: 949.981.5678 <u>ARCHITECT</u>

CHARLES d'ARCY d'ARCY & ASSOC. ARCHITECTURE, INC. 18 TECHNOLOGY DRIVE SUITE 158 IRVINE, CA 92618 PH: 949.407.7760

charles@darcyarchitecture.com

CIVIL ENGINEER ADAM TOAL TOAL ENGINEERING, INC.

LANDSCAPE ARCHITECT JOHN PORZUCZEK ZEPHYR LANDSCAPE ARCHITECTURE PH: (949) 412-4981 john@zephyrlandscape.com

139 AVENIDA NAVARRO SAN CLEMENTE, CA 92672 PH: 949.492.8586 www.toalengineering.com



SHEET #	DESCRIPTION
GENERAL	
A000	COVER SHEET
A050	SITE CONTEXT PHOTOS
A051	EXTERIOR PERSPECTIVES
A057	SITE PLAN - AVERAGE DEPTH CALCULATION
A091	PROPOSED SITE PLAN
TP-01.1	TOPOGRAPHIC SURVEY
ARCHITECTU	RAL
A210	BASEMENT LEVEL REFERENCE
A220	MAIN LEVEL REFERENCE
A230	UPPER LEVEL REFERENCE
A250	ROOF PLAN
A260	EXTERIOR ELEVATIONS
A261	EXTERIOR ELEVATIONS
A270	BUILDING SECTIONS
A271	BUILDING SECTIONS
LANDSCAPE	
	PRELIMINARY GRADING PLAN
LANDSCAPE	PRELIMINARY GRADING PLAN PRELIMINARY HARDSCAPE PLAN

PROJECT LOG PROJECT DESCRIPTION CODE ANALYSIS OVERVIEW PROJECT DATA MUNICIPALITY NOTES 52 EMERALD BAY LAGUNA BEACH, CA 92869 DATE DESCRIPTION PROJECT TYPE: SINGLE FAMILY DETACHED PROJECT ADDRESS: **DEFERED SUBMITTAL:** NEW 2 STORY w/ BASEMENT 6,524.7 SF SINGLE FAMILY RESIDENCE WITH 4 BEDROOMS, 7 1/2 BATHS, CALIFORNIA ROOM, GYM, AND OTHER COMMON LIVING SPACES. THIS PROJECT IS TO BE CONSTRUCTED CONSTRUCTION TYPE: TYPE VB AFTER COMPLETE DEMOLITION OF EXISTING RESIDENCE WITHIN THE EMERALD BAY COMMUNITY. 01.06.2022 E.B. CONCEPT ARCHITECTURAL REVIEW SUBMITTAL 03.02.2022 E.B. CONCEPT ARCHITECTURAL REVIEW SUBMITTAL OCCUPANCY: 053-060-92 03.31.2022 E.B. CONCEPT ARCHITECTURAL REVIEW / APPROVED UPDATES FIRE SPRINKLER: NON-SPRINKLERED APPLICABLE CODES: 2019 CALIFORNIA RESIDENTIAL CODE 05.23.2022 COASTAL DEVELOPMENT PERMIT SUBMITTAL **SPECIAL INSPECTIONS:** 2019 CALIFORNIA PLUMBING CODE 07.08.2022 COASTAL DEVELOPMENT PERMIT RESUBMITTAL 2019 CALIFORNIA MECHANICAL CODE 2 STORIES + BASEMENT 2019 CALIFORNIA ELECTRICAL CODE 2019 CALIFORNIA ENERGY CODE 4,598 SF (0.11 ACRES) 2019 CALIFORNIA GREEN BUILDING CODE ALL LOCAL ORDINANCES AND REQUIREMENTS BUILDING AREA: EXISTING 2,528 SQ. FT. AREA TABULATIONS <u>Proposed</u> Floor Area: PROPOSED LOWER BASEMENT AREA 2044.5 SF PROPOSED MAIN LEVEL AREA 1685.9 SF PROPOSED GARAGE MAIN LEVEL AREA 774.5 SF PROPOSED UPPER LEVEL AREA 2019.8 SF TOTAL FLOOR AREA: 6524.7 SF 5750.2 SF LIVABLE SQUARE FOOTAGE: LOCATION MAP DRAWING SYMBOLS PROPOSED SITE COVERAGE: 2767.4 SF OVERALL SITE: 4598.0 SF REVISION DESIGNATION PROPOSED LOT COVERAGE: 60.1% WALL TAG (UNLIMITED LOT COVERAGE) KEYNOTE REFERENCE TOTAL STRUCTURAL AREA LESS GARAGE 5879.7 SF (TOTAL STRUCT. AREA - REQ. ENCLOSED PARKING) DETAIL REFERENCE (6524.7 SF - 430 SF - 215 SF) DETAIL NUMBER OVER SHEET NUMBER REQ'D: 5 PARKING SPACES (1 MAX COMPACT)
PROPOSED: 3 NEW GARAGE PARKING + 2 OFF-STREET PARKING SPACES = 5 PARKING LOCATIONS SIM BUILDING SECTION REFERENCE ORANGE COUNTY DEVELOPMENT PARKING REQUIREMENT
REQ'D: 3 COVERED PARKING SPACES
PROPOSED: 3 NEW GARAGE PARKING SECTION NUMBER OVER SHEET NUMBER EXTERIOR ELEVATION REFERENCE ELEVATION NUMBER OVER SHEET NUMBER PROJECT LOCATION EMERALD CANYON INTERIOR ELEVATION REFERENCE ELEVATION NUMBER OUTER SHEET NUMBER INSIDE ENLARGED AREA REFERENCE PLAN NUMBER OVER SHEET NUMBER EMERALD BAY





REVISIONS

JOB # 2143 07/08/2022

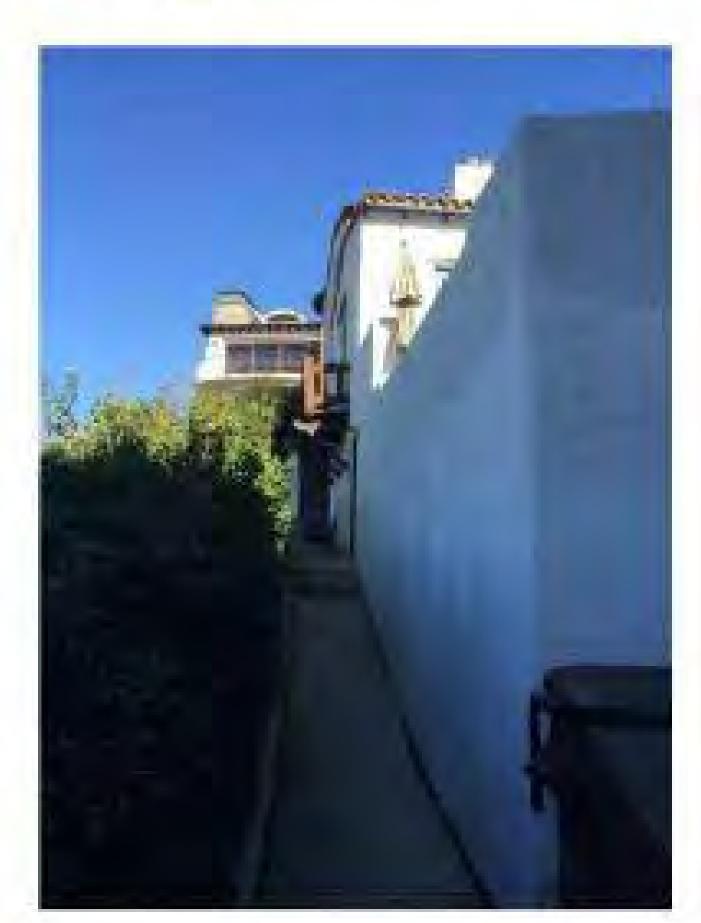
COVER SHEET

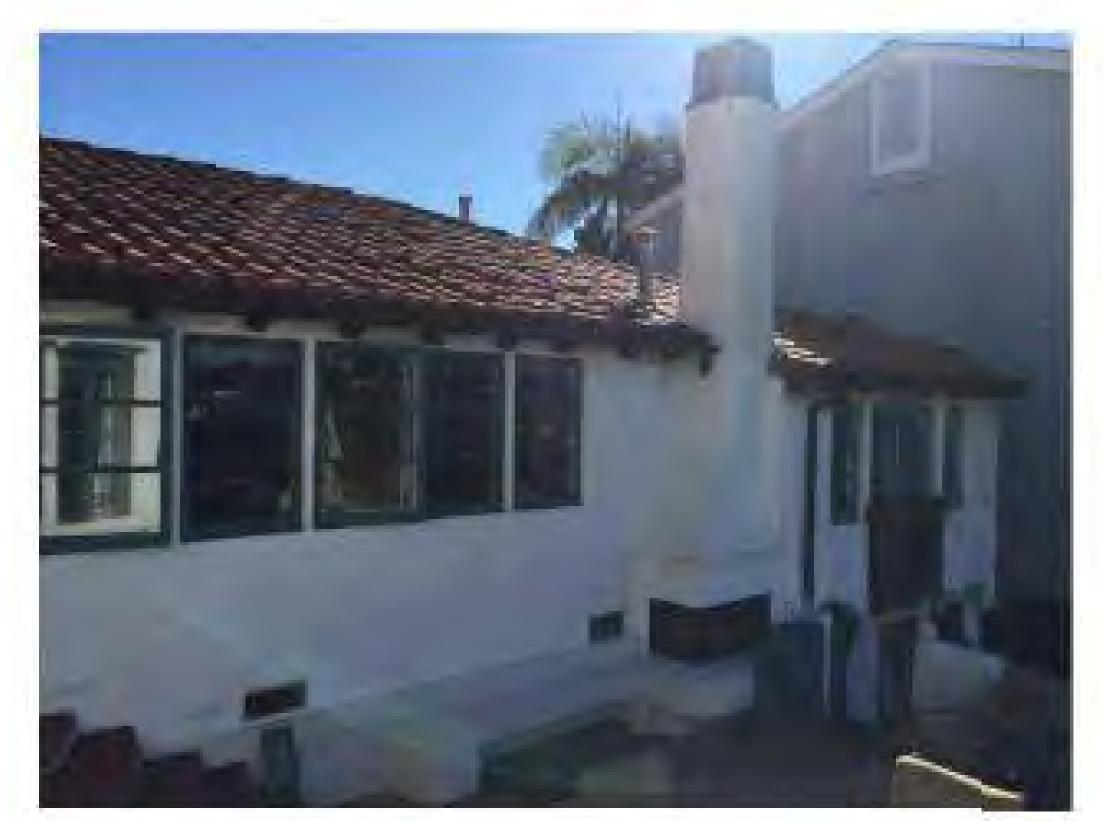
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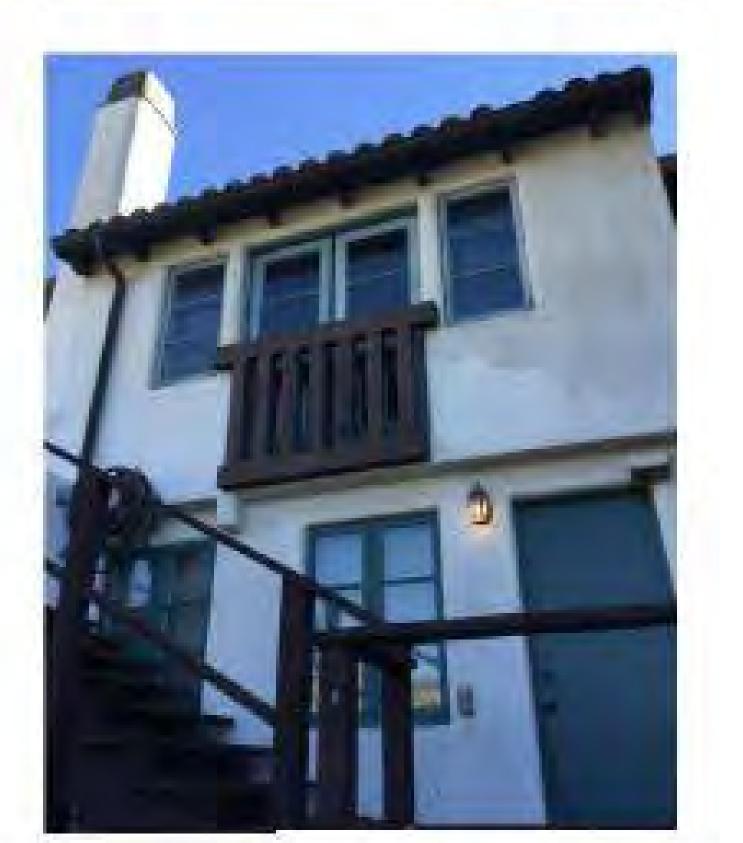














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SITE CONTEXT PHOTOS

A050

SCALE: NTS



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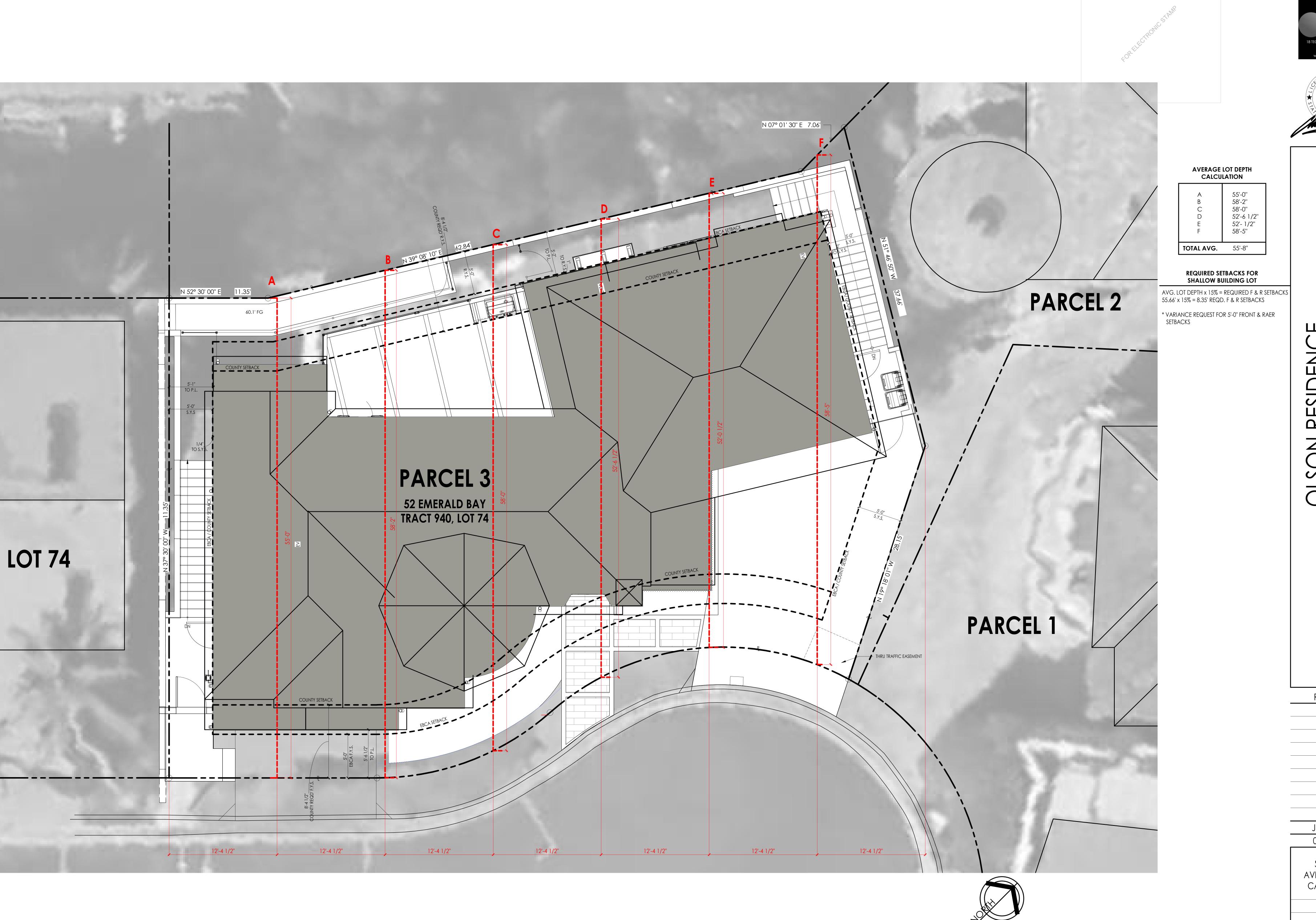
EXTERIOR PERSPECTIVES

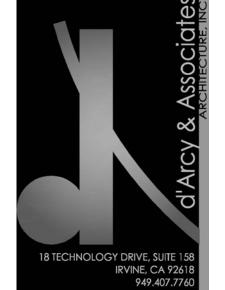


nt view (proposed)



REAR VIEW (PROPOSED)





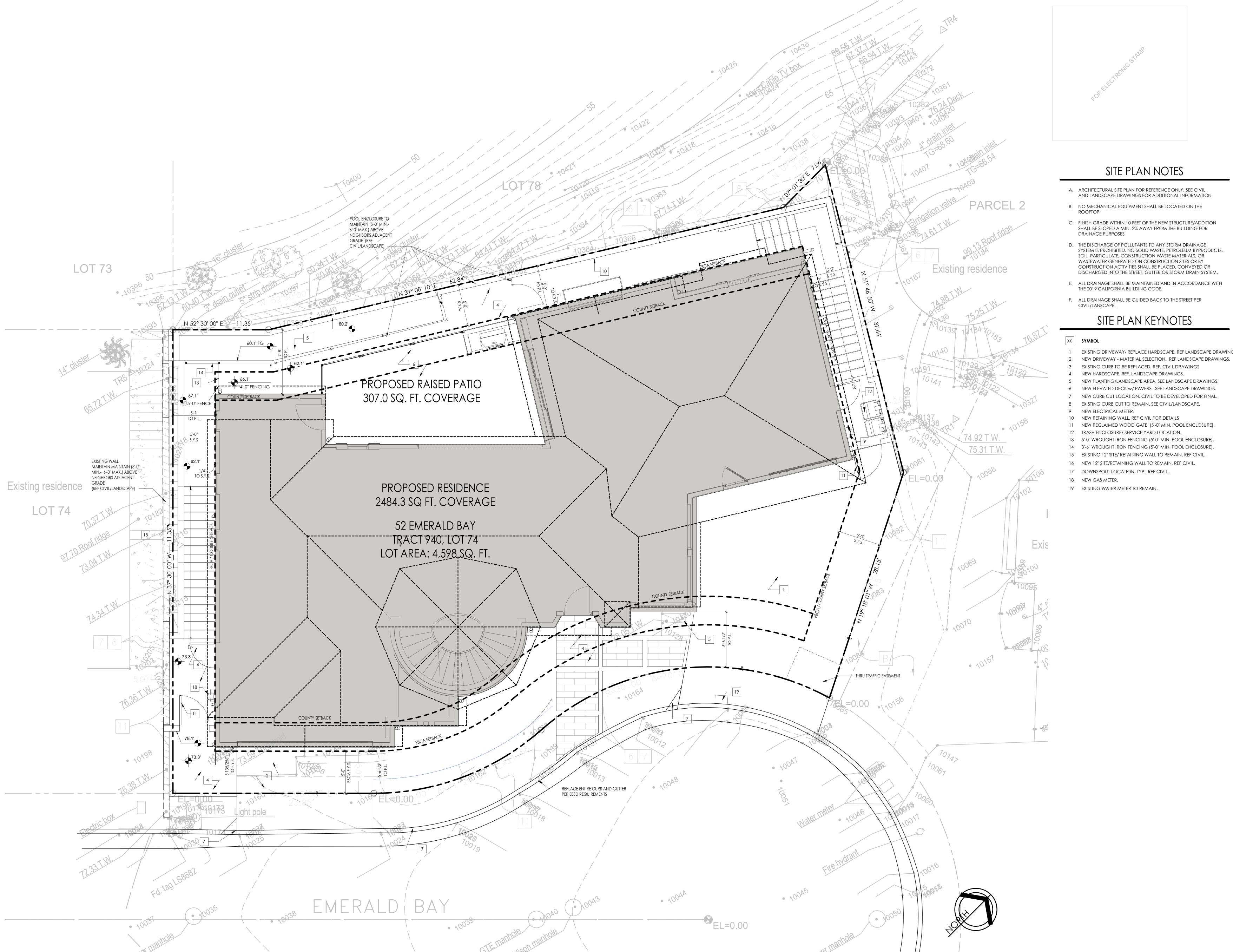


RESIDE

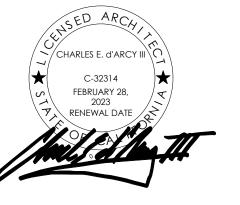
REVISIONS

JOB # 2143 07/08/2022

SITE PLAN -AVERAGE DEPTH CALCULATION







SITE PLAN NOTES

- A. ARCHITECTURAL SITE PLAN FOR REFERENCE ONLY, SEE CIVIL AND LANDSCAPE DRAWINGS FOR ADDITIONAL INFORMATION
- B. NO MECHANICAL EQUIPMENT SHALL BE LOCATED ON THE ROOFTOP
- C. FINISH GRADE WITHIN 10 FEET OF THE NEW STRUCTURE/ADDITION SHALL BE SLOPED A MIN. 2% AWAY FROM THE BUILDING FOR
- D. THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE WASTEWATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED OR
- E. ALL DRAINAGE SHALL BE MAINTAINED AND IN ACCORDANCE WITH THE 2019 CALIFORNIA BUILDING CODE.

SITE PLAN KEYNOTES

- 1 EXISTING DRIVEWAY- REPLACE HARDSCAPE. REF LANDSCAPE DRAWINGS.
- 3 EXISTING CURB TO BE REPLACED. REF. CIVIL DRAWINGS NEW HARDSCAPE. REF. LANDSCAPE DRAWINGS.
- NEW PLANTING/LANDSCAPE AREA. SEE LANDSCAPE DRAWINGS.
- 6 NEW ELEVATED DECK w/ PAVERS. SEE LANDSCAPE DRAWINGS.
- NEW CURB CUT LOCATION. CIVIL TO BE DEVELOPED FOR FINAL. 8 EXISTING CURB CUT TO REMAIN. SEE CIVIL/LANDSCAPE.
- 9 NEW ELECTRICAL METER. 10 NEW RETAINING WALL. REF CIVIL FOR DETAILS
- 11 NEW RECLAIMED WOOD GATE (5'-0" MIN. POOL ENCLOSURE).
- 12 TRASH ENCLOSURE/ SERVICE YARD LOCATION. 13 5'-0" WROUGHT IRON FENCING (5'-0" MIN. POOL ENCLOSURE).
- 14 3'-6" WROUGHT IRON FENCING (5'-0" MIN. POOL ENCLOSURE).
- 16 NEW 12" SITE/RETAINING WALL TO REMAIN, REF CIVIL.
- 17 DOWNSPOUT LOCATION, TYP., REF CIVIL. 18 NEW GAS METER.
- 19 EXISTING WATER METER TO REMAIN.

REVISIONS

RESIDE

JOB # 2143 07/08/2022

PROPOSED SITE PLAN

SCALE: 1/4" = 1'-0" A091

EASEMENT NOTES:

NUMBERING SEQUENCE PER FIDELITY NATIONAL TITLE COMPANY PRELIMINARY REPORT NO. 00317748-997, DATED AUGUST 27, 2020.

- 4 Restrictions and conditions subsequent as contained in the deed from William Miles. Jr. to William T. Craig recorded September 13, 1928 in Book 197, Page 232 Official Records and in the deed from Ada Patterson Callender, as executrix, to William T Craig, recorded September 13, 1928 in Book 197, Page 234, Official Records. (Restricts Oil drilling)(Does not contain easements which affect fee parcel)
- 5 Covenants, conditions, and restrictions, in the document recorded May 22, 1931 in Book 283, Page 1 of Official Records. Modified and recorded Dec 23, 1936 in Book 283, Page 1 of Official Records. Modified and recorded Dec 23, 1936 in Book 862, Page 150 of Official Records. Modified and recorded Dec 18, 1943 in Book 1225, Page 225 of Official Records. Modified and recorded Oct 14, 1944 in Book 1288, Page 272 of Official Records. Modified and recorded Feb 13, 1948 in Book 1627, Page 495 of Official Records. Modified and recorded Aug 3, 1950 in Book 2050, Page 415 of Official Records. Modified and recorded Feb 6, 1968 in Book 8511, Page 880 of Official Records. Modified and recorded Feb 6, 1968 in Book 8511, Page 885 of Official Records. Modified and recorded Feb 6, 1968 in Book 8511, Page 918 of Official Records. Modified and recorded Sep 6, 1985 as Inst. No. 85–338088 of Official Records. Modified and recorded Dec 8, 1986 as Inst. No. 86–602137 of Official Records. Modified and recorded Nov 18, 1988 as Inst. No. 88–594765 of Official Records. Modified and recorded Apr 20, 2000 as Inst. No. 00–205298 of Official Records. Modified and recorded Dec 6, 2002 as Inst. No. 02–1104931 of Official Records. Modified and recorded Apr 2, 2009 as Inst. No. 02—1104931 of Official Records. Modified and recorded Apr 2, 2009 as Inst. No. 09—160191 of Official Records. Modified and recorded Apr 7, 2009 as Inst. No. 09-167954 of Official Records. Modified and recorded Jan 21, 2010 as Inst. No. 10-31632 of Official Records. (Affects, blanket)
- 6 An Easement for road and incidental purposes, and a 2.00' wide easement for public utilities, sewers and/or storm drains affecting that portion of Parcel 2 of LLA 99-041 per that document recorded August 28, 1935 in Book 760, Page 217 of Official Records.(Plotted Hereon)
- 7 An Easement for Public utilities and incidental purposes, Recording Date: May 14, 1940 Recording No.: Book 1041, Page 485 and Recording Date: June 13, 1942 and Recording No.: Book 1148, Page 339, Official Records. (Plotted Hereon)
- 8 An Easement for television aerial lead-in-wires, Recording Date: October 16, 1958 Recording No: Book 4450, Page 29, Official Records. (Plotted Hereon)
- 9 An Easement for Perpetual air or flight easement, also referred to as Avigation rights Recording Date: March 17, 1964 Recording No.: Book 6965, Page 721, Official Records. (Affects all the air space above said property, not plotted hereon)
- Matters contained in that certain document, Entitled Settlement and Mutual Release Agreement Dated: September 24, 1999, Recording Date: October 8, 1999, Recording No.: 1999-717080, Official Records, As Document Declaring Modifications thereof Recording Date: November 25, 2002 Recording No.: 2002-1068898, Official Records. (Plotted Hereon)
- 11 An Easement for Public utilities, sanitary sewers, and/or storm drains Recording Date: September 21, 2000 Recording No: 2000-496747, Official Records (Plotted hereon)
- 12 An Easement for Public utilities, sanitary sewers, and/or storm drains Recording Date: September 21, 2000 Recording No: 2000-496747, Official Records (Plotted hereon)
- Matters contained in that certain document Entitled Grant Deed With Reservation of Easements Dated: December 4, 2002, Recording Date: December 6, 2002, Recording No.: 2002-1104932, Official Records. (Plotted hereon)
- PARCEL B:

AN PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS PURPOSES, AS SAID EASEMENT IS SET FORTH IN THAT CERTAIN EASEMENT DEED RECORDED DECEMBER 6, 2002, AS INSTRUMENT NO. 2002-1104933, BY OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA. (Plotted hereon)

PARCEL 3 LLA 99-04 Existing residence PARCEL 1 Existing residence Existing residence EMERALD BAY



SCALE: 1/8"=1"

LEGEND

XXXXXXXXX

F.F.

F.S.

GRADE BREAK LINE

FENCE

MSE WALL

CONCRETE SURFACE

MASONRY WALL

WOOD WALL

ROCK WALL

FINISHED FLOOR

FINISHED SURFACE

TOP OF GRATE

INVERT OF PIPE

TOP OF CURB

TOP OF WALL

EDGE OF PAVEMENT

FOUND MONUMENT

SURVEY CONTROL POINT

INDEX CONTOUR LINE

INTERMEDIATE CONTOUR LINE

ESTIMATED PROPERTY LINE

9 4 9 . 4 9 2 . 8 5 8 6 www.toalengineering.com VIKTOR P. MEUM P.L.S. 8682 DATE: 4-19-2021

PLANS PREPARED BY:

CIVIL ENGINEERING LAND SURVEYING

STORMWATER QUALITY

139 Avenida Navarro

San Clemente, CA 92672

PREPARED FOR: STEVE AND KERI OLSON

H. SCALE: 4-21-20 V. SCALE: 4-8-20 DWG. NO.

SURVEY DATE: DRN.: MSF

APPD.: VM JOB NO. 20053

BOUNDARY NOTE:

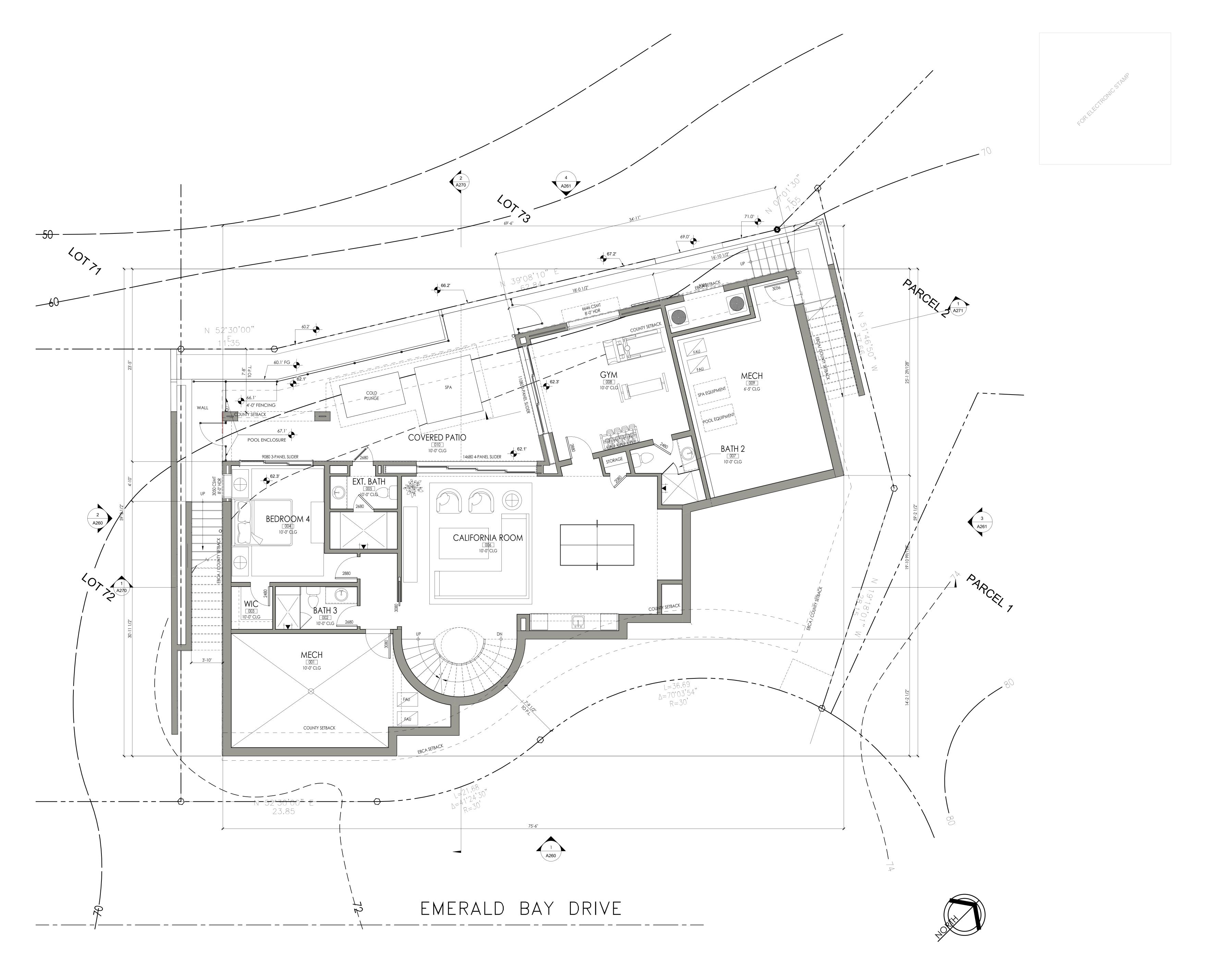
BENCHMARK NOTE: OCSBM 3K-56-04

NAVD88 DATUM, 2004 ADJ.

ELEV=85.701

THE PLAT SHOWN HEREON REPRESENTS A BEST FIT OF THE RECORD BOUNDARY TO THE FOUND MONUMENTS

AND LINES OF OCCUPATION. IT SHALL NOT BE CONSIDERED THE FINAL BOUNDARY, AND A BOUNDARY SURVEY IS RECOMMENDED PRIOR TO DESIGN OR CONSTRUCTION OF IMPROVEMENTS.





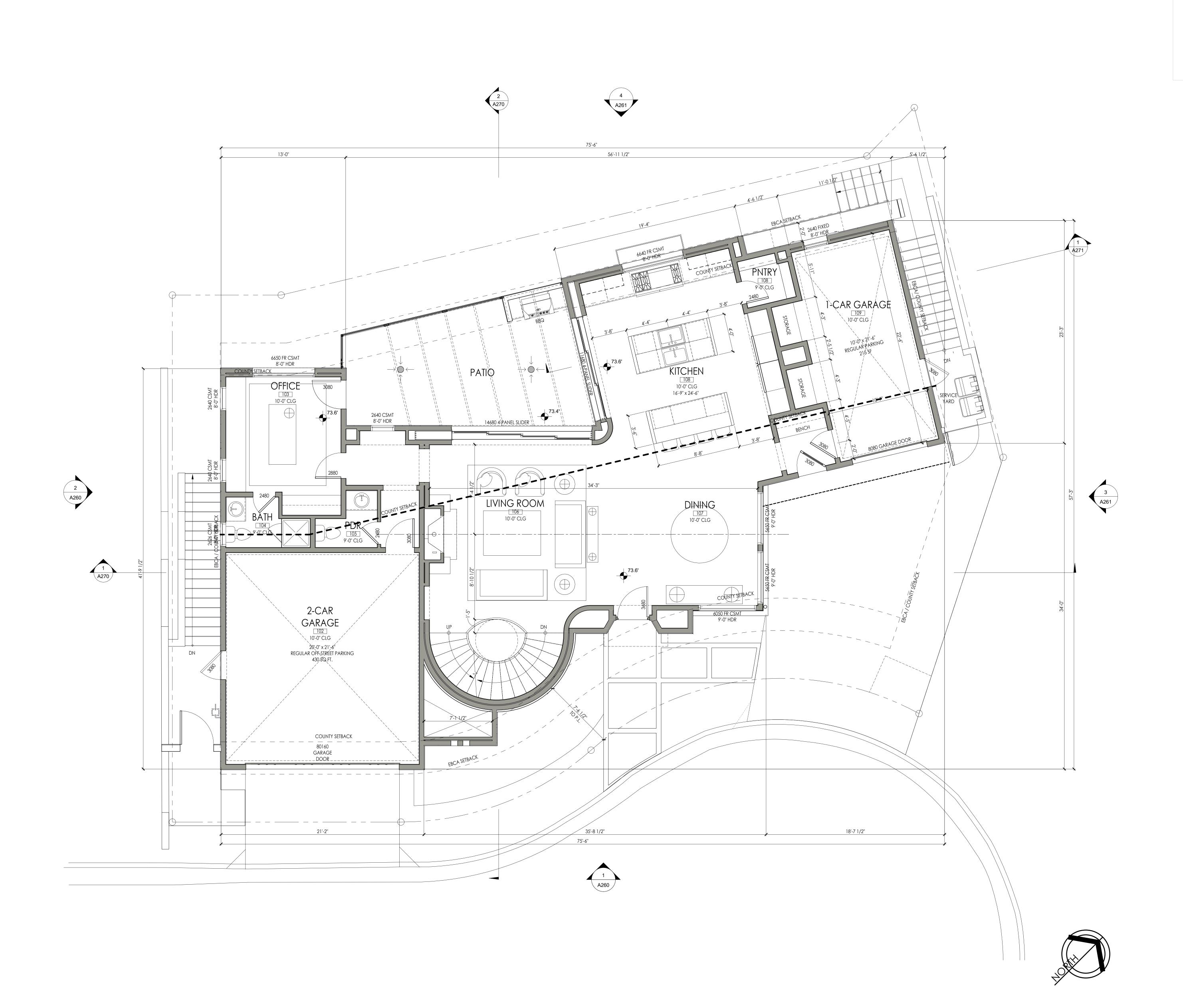


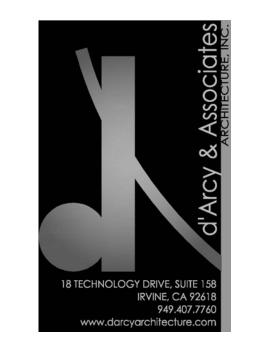
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BASEMENT LEVEL REFERENCE







DESIDENCE

REVISIONS

JOB # 2143

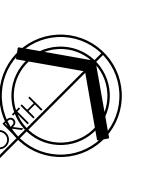
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MAIN LEVEL REFERENCE

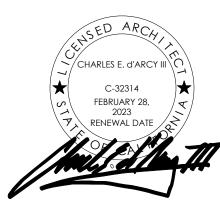
A220

SCALE: 1/4" = 1'-0"









OLSON RESIDENCE

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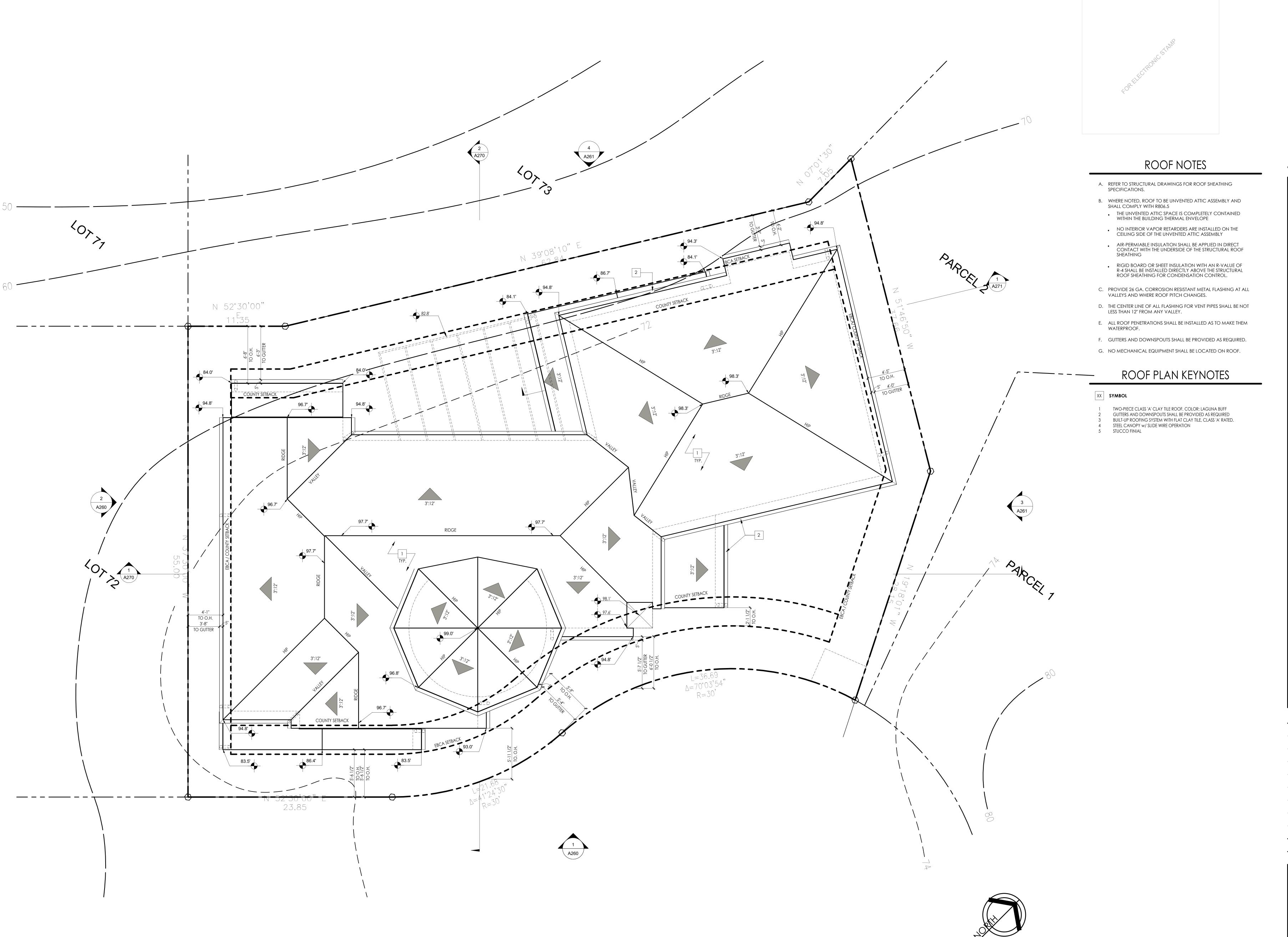
JOB # 2143

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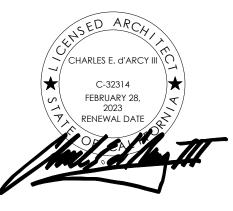
UPPER LEVEL REFERENCE

A230

SCALE: 1/4" = 1'-0"





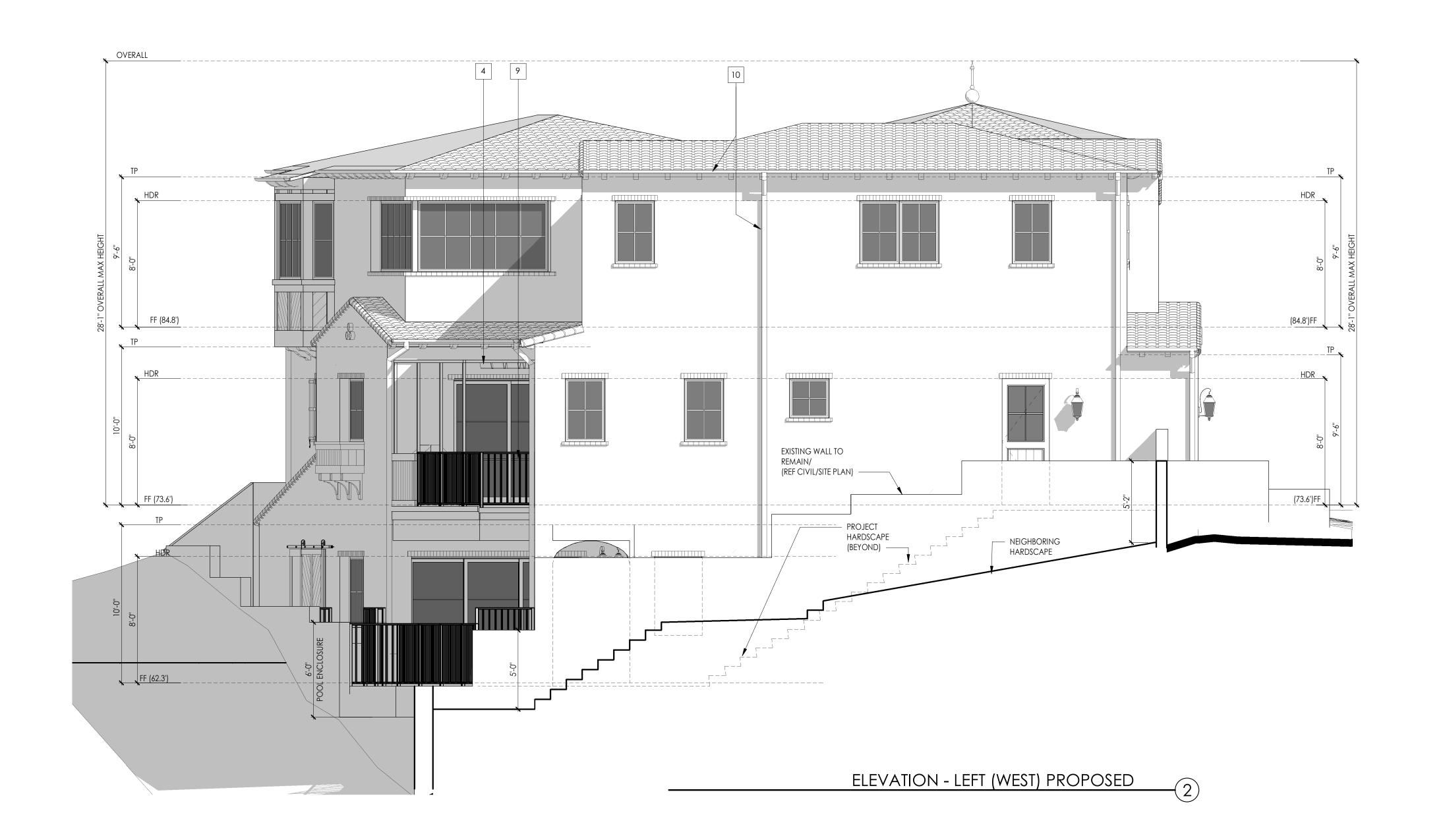


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ROOF PLAN

SCALE: 1/4" = 1'-0"











EXTERIOR ELEVATION NOTES

- A. REFER TO GENERAL NOTES SHEETS FOR THE GENERAL CONSTRUCTION METHODS AND CONDITIONS.
- B. ALL VERTICAL DIMENSIONS SHOWN ARE FROM FINISH FLOOR (TOP OF SHEATHING) U.N.O.
- C. REFER TO CIVIL AND HARDSCAPE PLANS FOR FINISH GRADE ELEVS. AND STEP LOCATIONS.

EXTERIOR ELEVATION KEYNOTES

XX SYMBOL

- 7/8" MIN. EXTERIOR CEMENT PLASTER, SMOOTH TROWEL FINISH. PAINT: OMEGA 431 RECLAIMED WOOD RAFTER TAILS
- STEEL CANOPY STRUCTURE w/ SLIDE WIRE OPERATION DARK ANODIZED BRONZE ALUMINUM DOOR & WINDOW SYSTEMS
- LOUVERED MECHANICAL DOORS, RECLAIMED WOOD TO MATCH
- COPPER ROOF FINIAL
- COPPER ROOF GUTTER & DOWNSPOUTS
 RECLAIMED WOOD GATE, 5'-0" HT. MIN. (POOL ENCLOSURE)
 NEW EXTERIOR LIGHT SCONCE, HILLGATE LANTERN PER SELECTION
- **BBQ LOCATION**
- CLAY VENT PIPES TRIANGULAR PATTERN
- 20 GARAGE DOOR (RECLAIMED BARN WOOD)

TWO-PIECE CLASS 'A' CLAY TILE ROOF WITH MUD BOOST, LAGUNA BUFF BLEND

- STUCCO FINIAL
- 42" WROUGHT IRON GUARDRAILING
- 14 48" WROUGHT IRON FENCING (@ POOL ENCLOSURE)
- RECLAIMED WOOD TRIM RECLAIMED WOOD PLANT LEDGE/SHELF
- 18 12" STUCCO CHAMFERED SILLS 19 DECORATIVE WOOD BRACKET DETAIL BELOW CANTILEVERED FLOOR SYSTEM
- 21 RECLAIMED WOOD SHUTTERS WITH IRON ACCENTS & DETAILS 21 RECLAIMED WOOD SHUTTERS WITH IRON ACCENTS & DETAILS
 22 SPLAYED DECORATIVE STUCCO SURROUND @ ENTRY
 23 DIAMOND CUT FOAM INSERT w/ STUCCO FINISH TO MATCH
 24 WHITE OVERGROUTED BRICK
 25 WHITE OVERGROUTED BRICK CORBELING
 26 WHITE OVER GROUTED BRICK HEADER/ SILL DETAILING
 27 DOG TOOTH BRICK DETAIL BANDING
 28 WROUGHT IRON JULIET BALCONY
 29 RECLAIMED WOOD DOOR w/ GLASS INSERTS
 30 60" WROUGHT IRON GUARDRAILING

REVISIONS

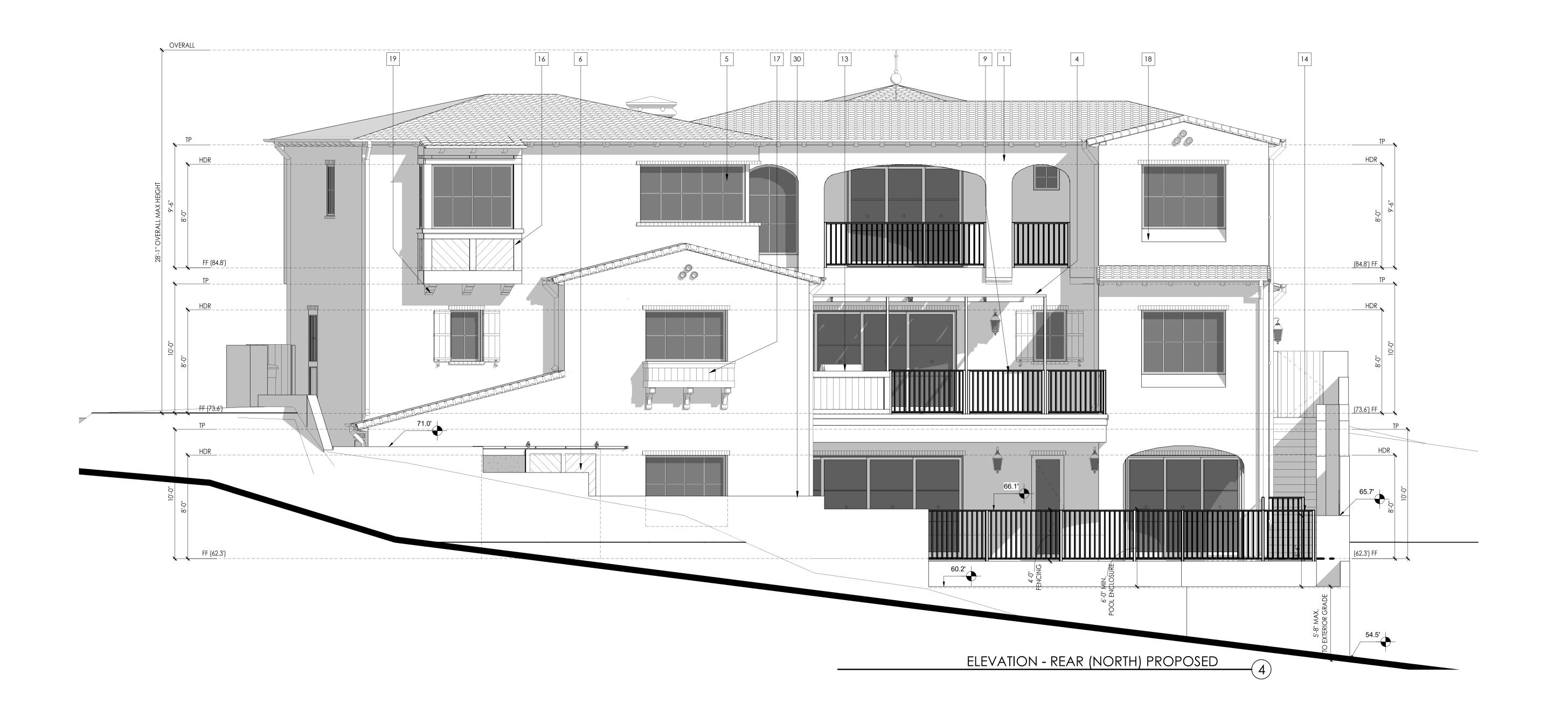
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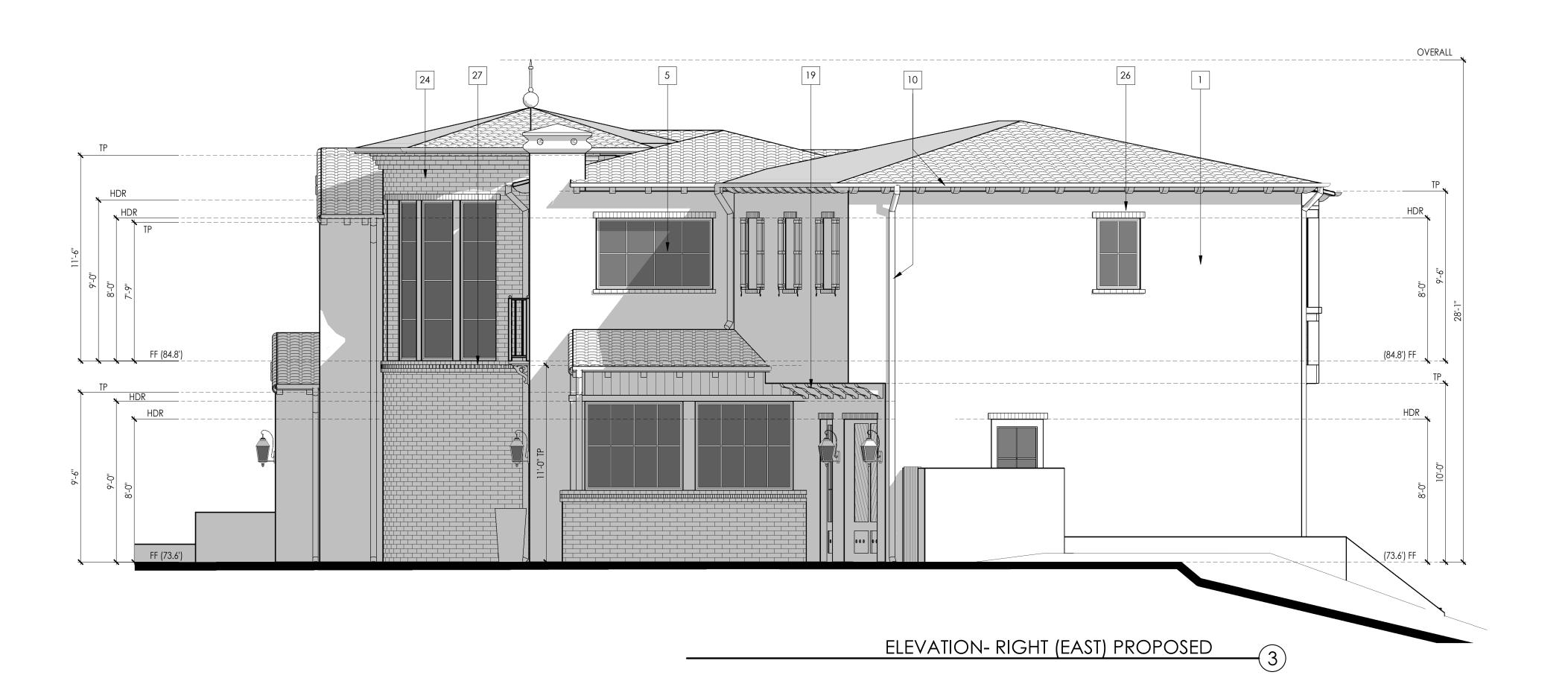
EXTERIOR ELEVATIONS

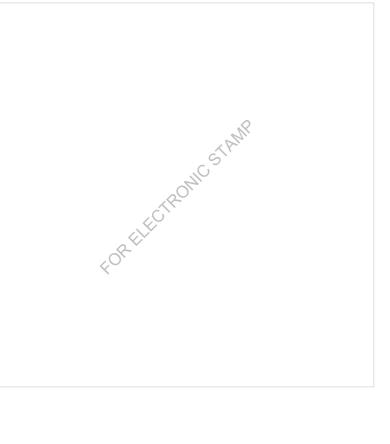
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A260

SCALE: 1/4" = 1'-0"







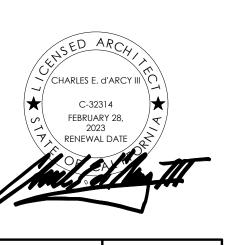


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- B. ALL VERTICAL DIMENSIONS SHOWN ARE FROM FINISH FLOOR (TOP OF SHEATHING) U.N.O.
- C. REFER TO CIVIL AND HARDSCAPE PLANS FOR FINISH GRADE ELEVS. AND STEP LOCATIONS.

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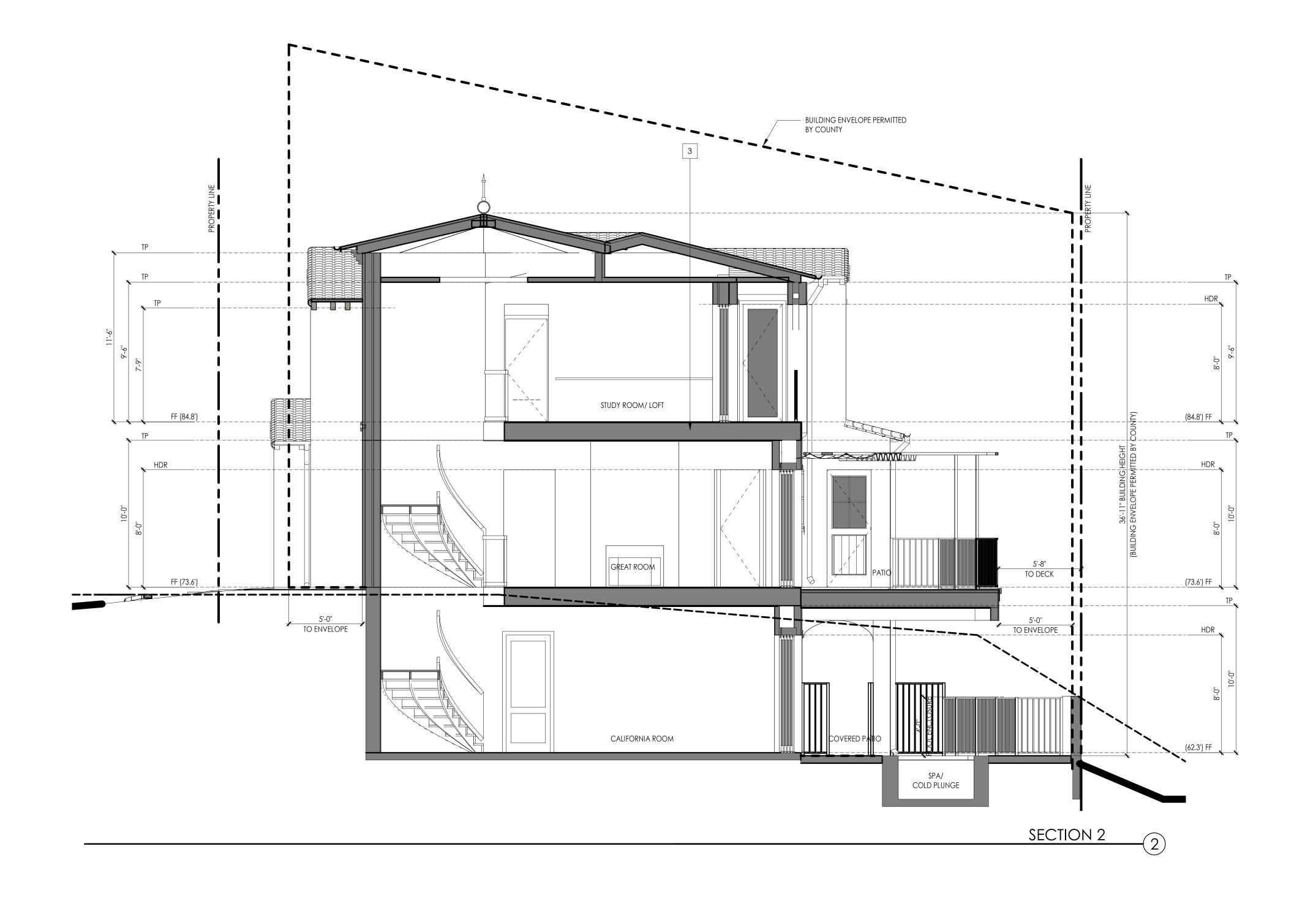
REVISIONS

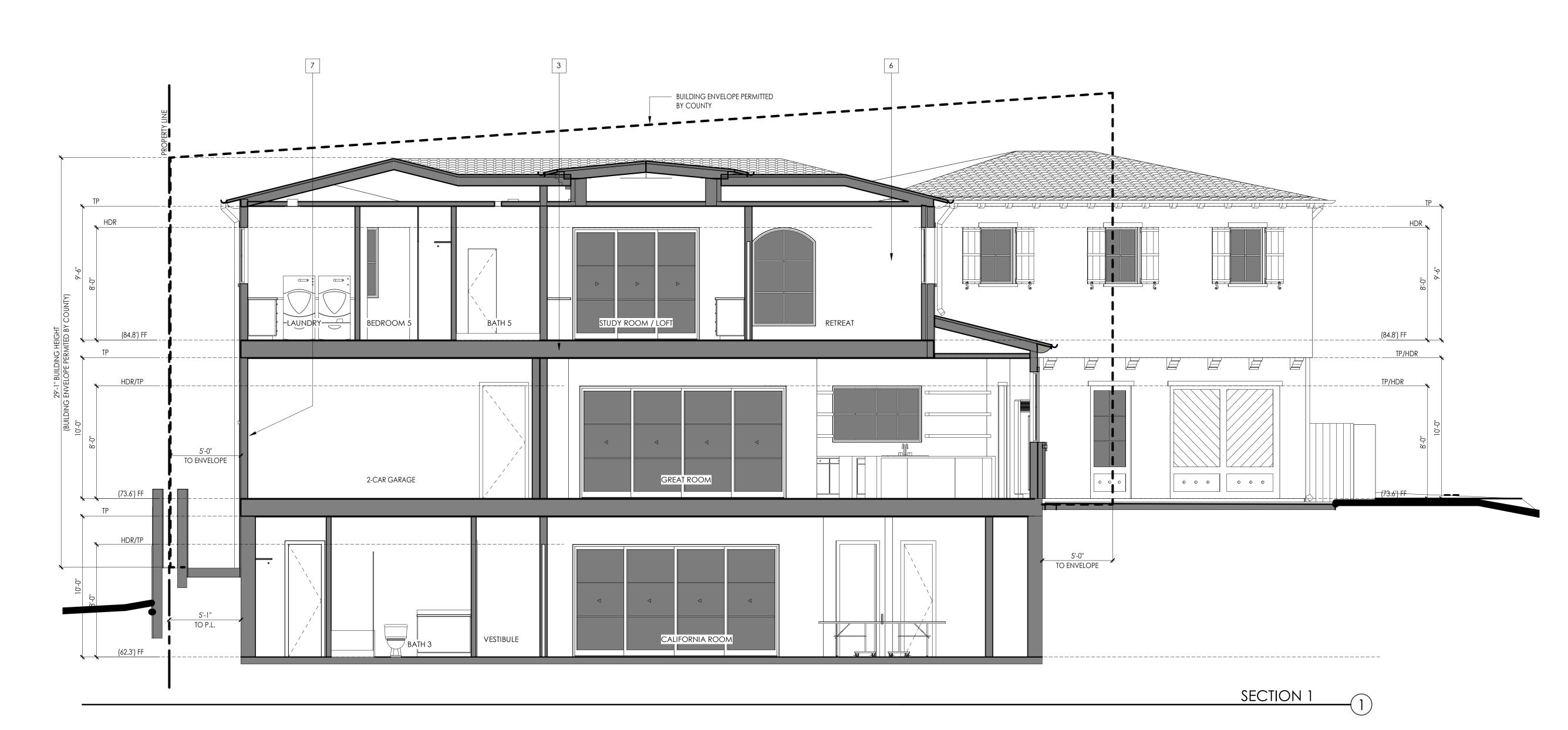
JOB # 2143

EXTERIOR ELEVATIONS

07/08/2022

SCALE: 1/4" = 1'-0"











BUILDING SECTION NOTES

- A. REFER TO GENERAL NOTES SHEETS FOR THE GENERAL CONSTRUCTION METHODS AND CONDITIONS.
- B. ALL VERTICAL DIMENSIONS SHOWN ARE FROM FINISH FLOOR (TOP OF SHEATHING) U.N.O.
- C. REFER TO CIVIL AND HARDSCAPE PLANS FOR FINISH GRADE ELEVS. AND STEP LOCATIONS.
- D. THE FOUNDATION AND FRAMING ELEMENTS SHOWN ARE FOR REFERENCE ONLY. REFER TO THE STRUCTURAL PLANS, DETAILS AND
- E. PROVIDE FIREBLOCKING AND DRAFT STOPS AT FURRED SPACES PER CODE.

CALCULATIONS FOR ALL STRUCTURAL INFORMATION.

- F. INSULATION REQUIREMENTS PER T-24 ENERGY REPORT: R-13 INSULATION IN EXTERIOR WALLS TYP.
- R-19 INSULATION IN RAISED WOOD FLOOR SPACE TYP.
 R-30 INSULATION IN CEILING SPACE TYP.
 (R-30 HIGH DENSITY 7.25" THICK "ROXUL COMFORTBATT" INSULATION AS NEEDED.)
- G. WINDOW HEADERS ARE AT 8'-0" TYP. U.N.O. ON ELEVATIONS OR

BUILDING SECTION KEYNOTES

XX SYM

- ROOF SHEATHING : REFER TO FRAMING PLANS
 ROOF RAFTERS : REFER TO FRAMING PLANS
- FLOOR JOISTS: REFER TO FRAMING PLANS
 CEILING JOISTS: REFER TO FRAMING PLANS
 SLAB ON CRADE: REFER TO FOUNDATION PLA
- 5 SLAB ON GRADE: REFER TO FOUNDATION PLAN
 6 INTERIOR FINISH:
- INTERIOR WALLS SHALL BE COVERED WITH ONE LAYER 1/2" THICK MIN. GYPSUM WALLBOARD, SCREWED DIRECTLY TO STUDS AND JOISTS, WITH ALL SEAMS TAPED AND FILLED FLUSH WITH APPROVED JOINT COMPOUND, PER MANUF SPECS, UNLESS NOTED OTHERWISE. PROVIDE WATER RESISTANT GYPSUM WALLBOARD AT
 - ALL BATH AND KITCHEN AREAS.

 INTERIOR FLOORS SHALL BE FINISHED WITH WOOD, OR THINSET TILE
 IN WET AREAS, PER INTERIOR DESIGNER SPECIFICATIONS. GARAGE
 AND MECHANICAL ROOM(S) FLOORS TO BE FINISHED CONCRETE.
 OCCUPANCY SEPARATION: MINIMUM 1/2" GYPSUM BOARD AT
 ALL GARAGE WALLS & CEILINGS. MINIMUM 5/8" TYPE 'X' GYPSUM
 BOARD AT GARAGE CEILINGS BELOW HABITABLE SPACE PER CRC
 R302.6. DUCTS PENETRATING WALL OR CEILING SEPARATIONS SHALL BE

CONSTRUCTED OF MINIMUM 26 GAUGE SHEET METAL AND SHALL HAVE NO OPENINGS INTO THE GARAGE, PER CRC 302.5.2.

OLSON RESIDENCE

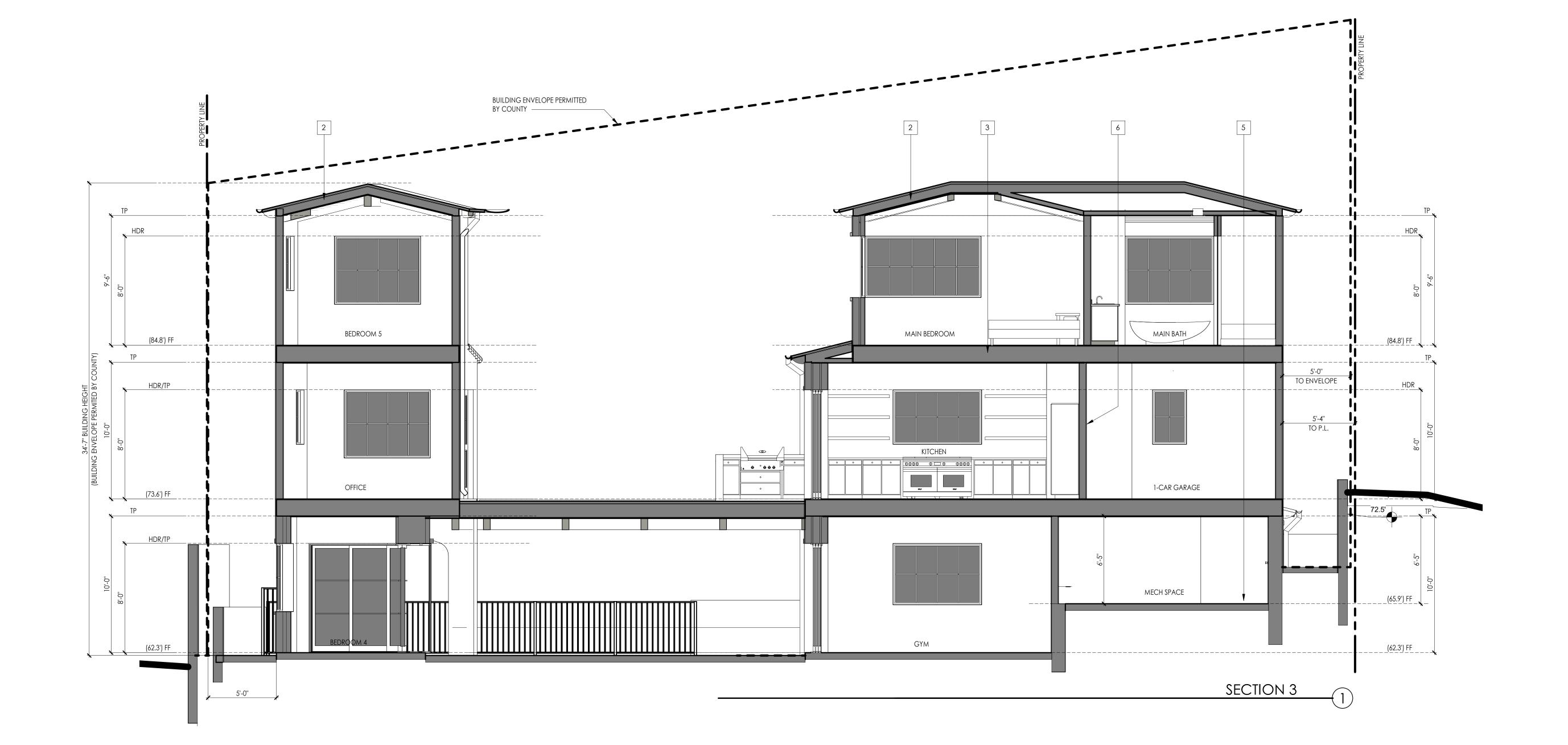
52 EMERALD

REVISIONS

JOB # 2143 07/08/2022

BUILDING SECTIONS

SCALE: 1/4" = 1'-0"









BUILDING SECTION NOTES

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- D. THE FOUNDATION AND FRAMING ELEMENTS SHOWN ARE FOR REFERENCE ONLY. REFER TO THE STRUCTURAL PLANS, DETAILS AND
- CALCULATIONS FOR ALL STRUCTURAL INFORMATION.

 E. PROVIDE FIREBLOCKING AND DRAFT STOPS AT FURRED SPACES PER
- CODE.

 F. INSULATION REQUIREMENTS PER T-24 ENERGY REPORT:
 R-13 INSULATION IN EXTERIOR WALLS TYP.
- R-30 INSULATION IN CEILING SPACE TYP.
 (R-30 HIGH DENSITY 7.25" THICK "ROXUL COMFORTBATT" INSULATION AS NEEDED.)
- G. WINDOW HEADERS ARE AT 8'-0" TYP. U.N.O. ON ELEVATIONS OR PLANS.

R-19 INSULATION IN RAISED WOOD FLOOR SPACE TYP.

BUILDING SECTION KEYNOTES

XX SY

- 1 ROOF SHEATHING: REFER TO FRAMING PLANS 2 ROOF RAFTERS: REFER TO FRAMING PLANS
- FLOOR JOISTS: REFER TO FRAMING PLANS
 CEILING JOISTS: REFER TO FRAMING PLANS
 SLAB ON GRADE: REFER TO FOUNDATION PLANS
- 5 SLAB ON GRADE : REFER TO FOUNDATION PLAN
 6 INTERIOR FINISH :
 INTERIOR WALLS SHALL BE COVERED WITH ONE LA
- INTERIOR WALLS SHALL BE COVERED WITH ONE LAYER 1/2" THICK MIN. GYPSUM WALLBOARD, SCREWED DIRECTLY TO STUDS AND JOISTS, WITH ALL SEAMS TAPED AND FILLED FLUSH WITH APPROVED JOINT COMPOUND, PER MANUF SPECS, UNLESS NOTED OTHERWISE. PROVIDE WATER RESISTANT GYPSUM WALLBOARD AT ALL BATH AND KITCHEN AREAS.
- ALL BATH AND KITCHEN AREAS.

 INTERIOR FLOORS SHALL BE FINISHED WITH WOOD, OR THINSET TILE
 IN WET AREAS, PER INTERIOR DESIGNER SPECIFICATIONS. GARAGE
 AND MECHANICAL ROOM(S) FLOORS TO BE FINISHED CONCRETE.

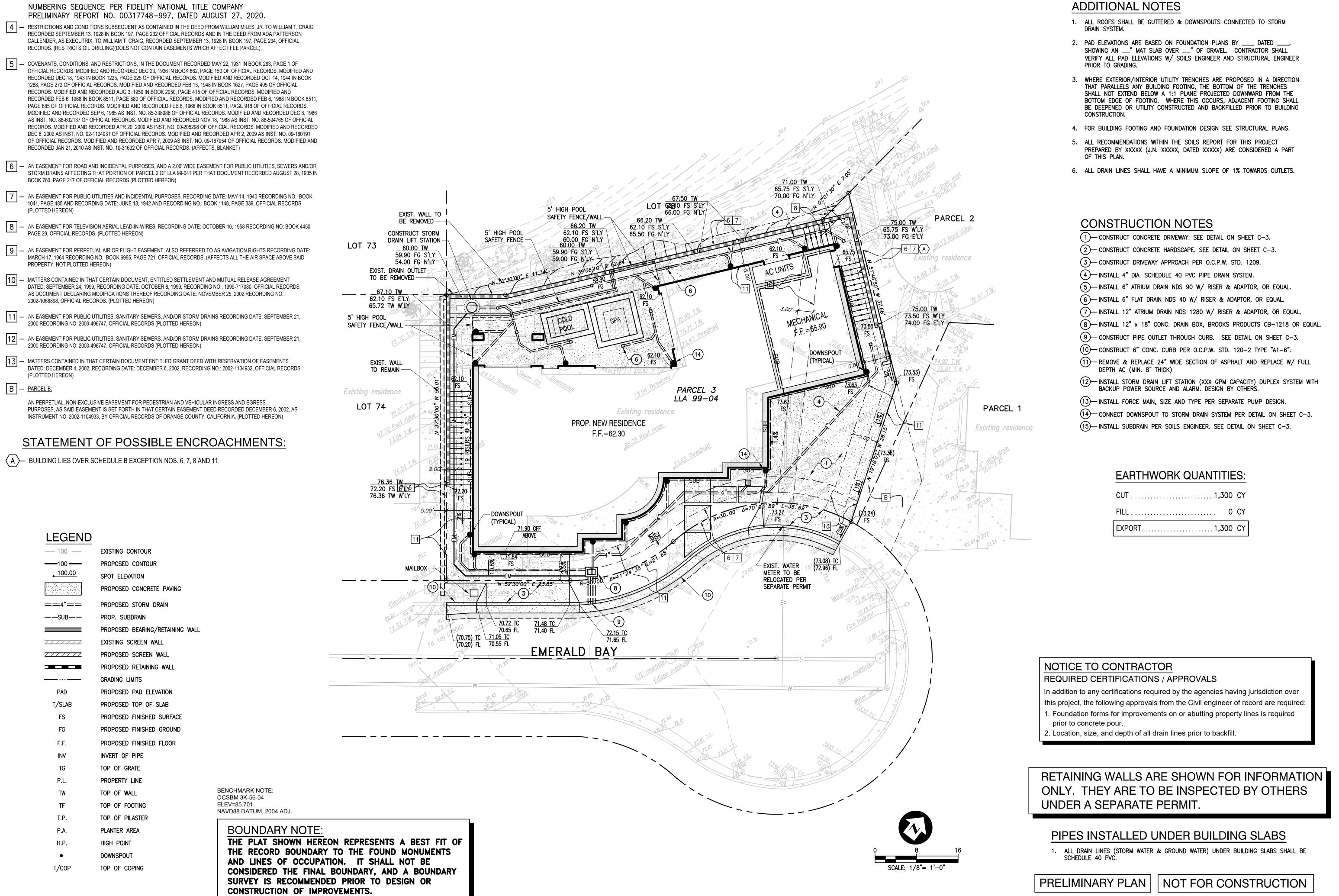
 OCCUPANCY SEPARATION: MINIMUM 1/2" GYPSUM BOARD AT
 ALL GARAGE WALLS & CEILINGS. MINIMUM 5/8" TYPE 'X' GYPSUM
 BOARD AT GARAGE CEILINGS BELOW HABITABLE SPACE PER CRC
 R302.6. DUCTS PENETRATING WALL OR CEILING SEPARATIONS SHALL BE
 CONSTRUCTED OF MINIMUM 26 GAUGE SHEET METAL AND SHALL
 HAVE NO OPENINGS INTO THE GARAGE, PER CRC 302.5.2.

OLSON RESIDENCE

JOB # 2143

BUILDING SECTIONS

07/08/2022



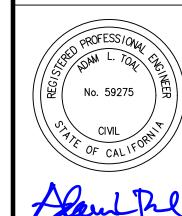
EASEMENT NOTES:

PLANS PREPARED BY:

TOAL ENGINEERING, INC.

CIVIL ENGINEERING LAND SURVEYING STORMWATER QUALITY

139 Avenida Navarro San Clemente, CA 92672 9 4 9 . 4 9 2 . 8 5 8 6 www.toalengineering.com



ADAM L. TOAL R.C.E. 59275 DATE: 5 23 22

PREPARED FOR:

d'Arcy & Assoc. Architecture 18 TECHNOLOGY DRIVE, SUITE 158 IRVINE, CA 92618 TEL: (949) 407-7760

S I O N S BY DATE APVD.

GRADING PLAN

PRELIMINARY (
PARCEL 3,

DATE: 1/8"=1'

SURVEY DATE: 1/8"=1'

SURVEY DATE: 4/8/20 V. SCALE: N/A

DRN.: A.M.S. DWG. NO.

CHD.: A.M.S. C—1

JOB NO. SHEET OF

20053 1 1

COUNTY OF ORANGE PLAN CHECK NO.

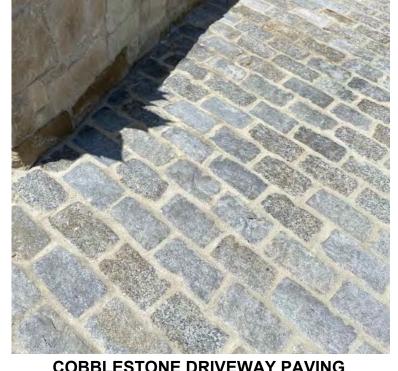




RECLAIMED TERRACOTTA STEPS



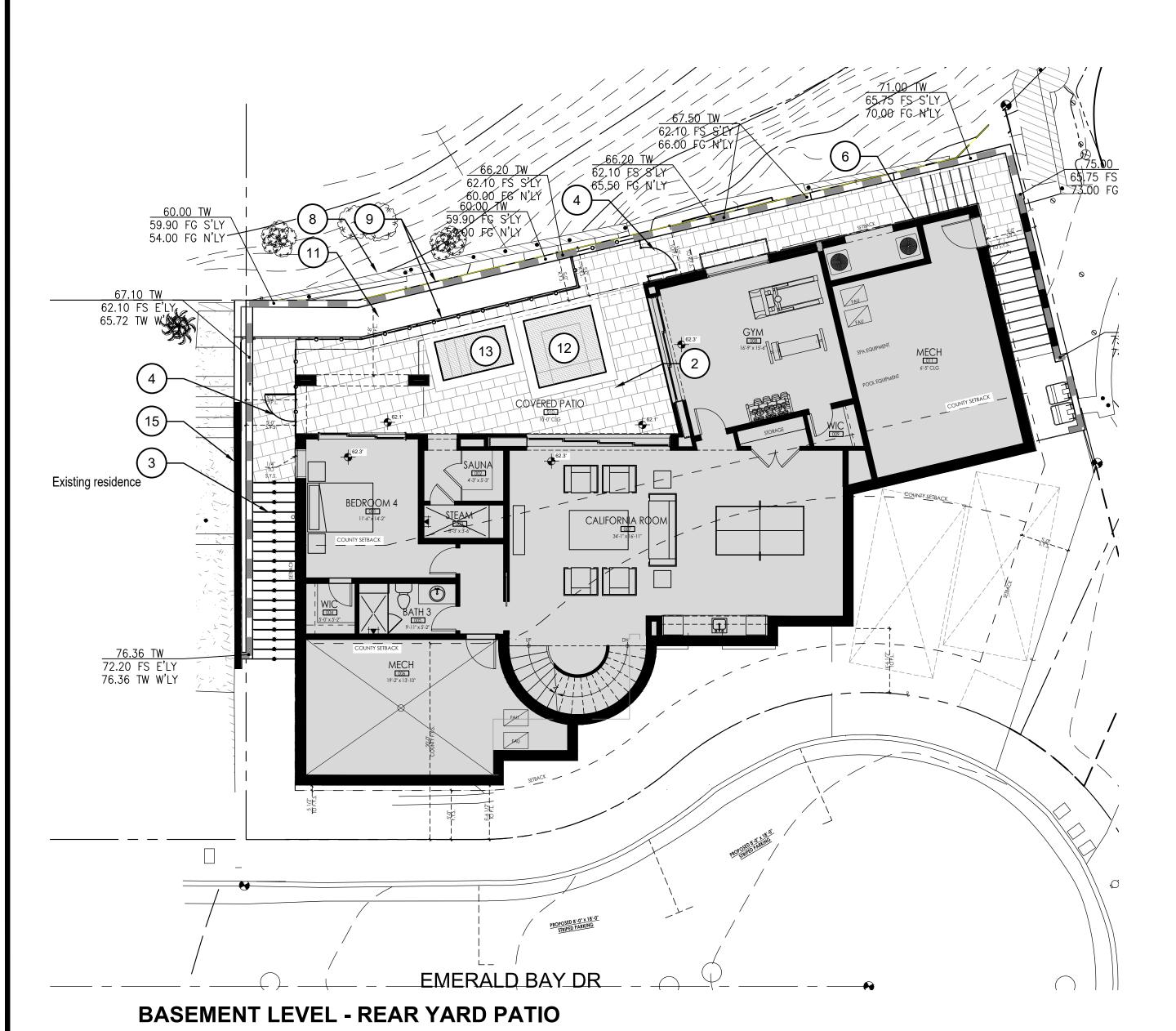


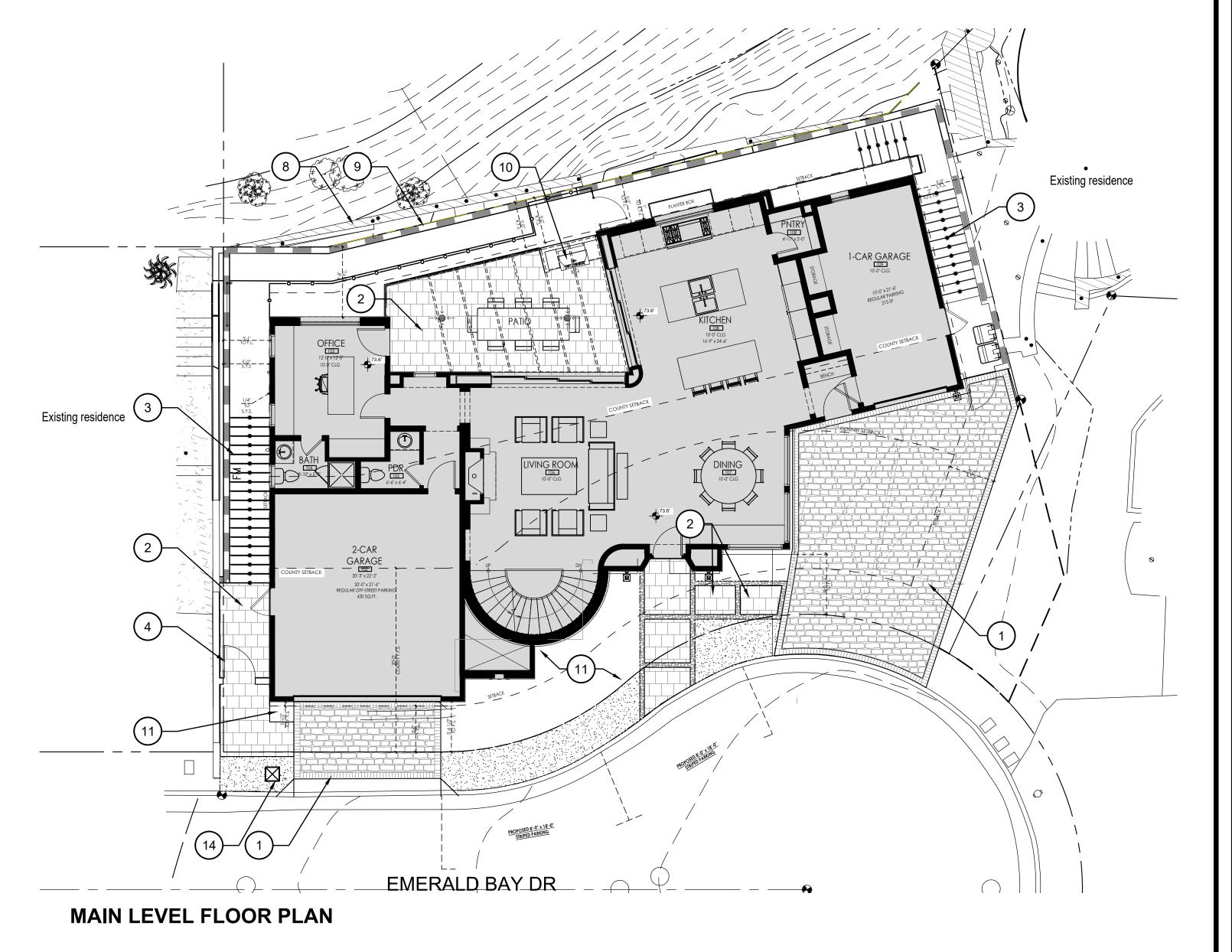


COBBLESTONE DRIVEWAY PAVING

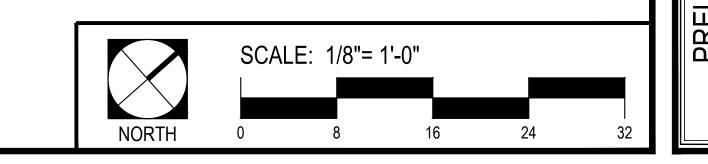
OLSON RESIDENCE HARDSCAPE LEGEND

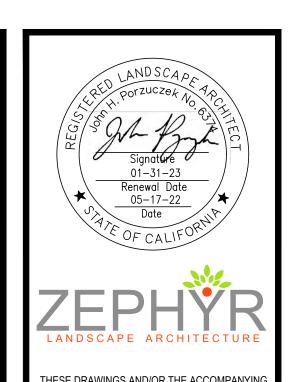
- NEW GROUTED COBBLESTONE DRIVEWAY W/ DECORATIVE BANDING
- 2. NEW ANTIQUE TERRACOTTA PAVING
- 3. NEW ANTIQUE TERRA COTTA STEPS
- 4. NEW 5'-6" SELF-CLOSING, SELF-LATCHING GATE (5' HT.)
- 5. EXISTING AIR CONDITIONER LOCATION
- PROPOSED A/C UNIT LOCATION
- EXISTING RETAINING WALL TO BE REMAIN
- 9. NEW MASONRY RETAINING WALLS (NOT TO EXCEED 6' FROM FINISH GRADE TO TOP OF WALL - OUTSIDE OF PL.)
- 10. BBQ COUNTER
- 11. PLANTING AREA
- 12. 7' x 7' BUILT-IN SPA
- 13. 4' x 7'-4" COLD PLUNGE
- 14. MAILBOX LOCATION REFER TO ARCHITECT'S PLAN FOR DETAIL
- 15. EXISTING PROPERTY WALL TO REMAIN



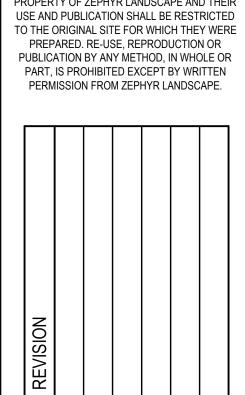








SPECIFICATIONS ARE THE EXCLUSIVE PROPERTY OF ZEPHYR LANDSCAPE AND THEIR



22	SHEET DESCRIPTION
ISSUED: 05/18/2022	PRELIMINARY HARDSCAPE PLAN
A'	
	DESIGNED

SHEET NUMBER



24" BOX

LIG TÉX 14

EMERALD BAY

15 GAL.

15 GAU

Existing residence

LOT 74

PATH LIGHT |

AURORA



SHRUBS



5 | ASP DEN

4 LIG TEX 15 GAL.

8 WES FRU 5 GAL.

14 | LIR MUS

5 GAL. 4 | AGA ATT

5 GAL.

5 GAL.





PARCEL 2

Existing residence







SUCCULENTS

Agave attenuata

PLANTING LEGEND

OLE EUR WES FRU			2'W x 6'H 4'W x 3'H
SUCCULEN	ITS		
AGA ATT	Agave attenuata	Foxtail Agave	4'W x 3'H



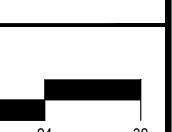
IRF	RIGATION NOTES:
•	ALL LANDSCAPE AREAS TO BE DRIP IRRIGATED WITH A
	AUTOMATIC CONTROLLER INCLUDING A WEATHER
	SENSOR OR SOIL MOISTURE SENSOR & BACKFLOW
	DEVICE PER COUNTY CODES
1	

IRRIGATION SYSTEM WILL BE DESIGNED IN COMPLIANCE WITH THE COUNTY OF ORANGE WATER EFFICIENT LANDSCAPE ORDINANCE (WELO REQUIRED FOR NEW LANDSCAPE OF 500 SF OR GREATER)





CARLSBAD, CA | PHONE 877 942 1179 | FAX 760 931 2916 | E-MAIL SALES@AURORALIGHT.COM | AURORALIGHT.COM





PERENNIALS & GROUNDCOVERS





OLSEN RESIDENCE

ARB MAR Arbutus 'Marina'



SOD LAWN: Marathon II w/ black metal edging

- IRRIGATION PLAN TO BE SUBMITTED TO THE COUNTY OF ORANGE PRIOR TO PULLING PERMIT

La Jolla features a bold, robust frame, strikingly good looks, stellar glarefree performance, and a Copper Louver with precision-machined optics. Use adjacent to paved areas or in planters at the lawns edge, La Jolla: Bold styling, Superior materials, Mechanical innovation, Illuminating performance,

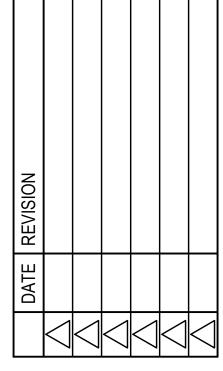
Ships complete with 2GS stake assembly (unless other option selected)

Copper Core® is a registered trademark of Auroralight. It is synonymous with the mark of quality and integrity. It means that our products are built upon a superior foundation of Solid Copper, ensuring every critical part functions seamlessly together Thermally integrated® one component to the next. Auroralight manufactured without compromise, engineered with passion, in the USA. Powered L,

SEE NEXT PAGE FOR ORDERING INFORMATION

SCALE: 1/8"= 1'-0"

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATIONS ARE THE EXCLUSIVE PROPERTY OF ZEPHYR LANDSCAPE AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. RE-USE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM ZEPHYR LANDSCAPE. Marina Strawberry Tree 25'W x 40'H



OLSON RESIDEI 52 EMERALD BA LAGUNA BEACH, CA LANDSCAPE IMPROVEME

SHEET DESCRIPTION **PRELIMINARY** PLANTING & LIGHTING

PLAN DESIGNED

■ S | DRAWN 05/18/2022 DATE

> CAD FILE SHEET NUMBER

2 OF 2 SHEETS

Exhibit No. 3

A-5-LGB-23-0023 (Olson) EMB CDP PA22-0104 NOFA (1 page) (Without Attachments)

5-emb-23-0607

NOTICE OF FINAL DECISION

RECEIVED South Coast Region

DATE: June 15, 2023

JUN 19 2023

Coastal Development Permit No.: Planning Application PA22-0104

CALIFORNIA COASTAL COMMISSION

Date of County Action: June 14, 2023

Action: Conditionally approved by the Zoning Administrator on March 2, 2023 and appealed to Planning Commission. The appeal was denied and PA22-0104 was conditionally approved by Planning Commission on June 14, 2023.

Applicant: Steve Olson, Property Owner

Project Address: 52 Emerald Bay, Laguna Beach CA 92651

Project Description: PA22-0104 is a request for a Coastal Development Permit for the demolition of an existing 2,500 square foot home and the construction of a new residence with 5,750 square feet of living area on three levels and garage spaces for three cars, and a requested Variance to allow a reduced front and rear setback of 5 feet, where the Zoning Code would require a setback of 8.35 feet utilizing shallow lot provisions (less than 75 feet deep). The application was approved by the Zoning Administrator on March 2, 2023. That decision was appealed. On June 14, 2023, the Planning Commission heard the appeal and voted to deny the appeal and approve PA22-0104 for a Coastal Development Permit and Variance. The Planning Commission's action is final and not further appealable.

Project Location: The project is located in the community of Emerald Bay at 52 Emerald Bay, Laguna Beach, CA within the Fifth Supervisorial District.

X AN APPEAL OF THIS PROJECT WAS ACTED ON AS STATED ABOVE.

____ THE COUNTY'S ACTION ON THE ABOVE PROJECT WAS <u>NOT</u> APPEALED WITHIN THE LOCAL APPEAL PERIOD ENDING

County contact: Kevin Canning, Contract Project Planner

OC Public Works/OC Development Services

601 North Ross Street, Santa Ana, CA 92701-4048

(714) 667-8847 Kevin.Canning@ocpw-ocgov.com

This project is in the coastal zone and <u>is</u> an "appealable development" subject to Coastal Commission appeal procedures.

Approval of an "appealable development" may be appealed to the California Coastal Commission within 10 working days after the Coastal Commission receives and posts this Notice. Appeals must be in writing and in accordance with the California Code of Regulation Section 13111. For additional information write to the California Coastal Commission, South Coast Area Office, 301 E. Ocean Ave, Suite 300, Long Beach, CA. 90802 or call (562) 590-5071.

MAIL TO:

California Coastal Commission (including: Staff Report with attached Findings, Conditions)
Applicant
Agent

Exhibit No. 4

A-5-LGB-23-0023 (Olson)
OCPC Conditions of Approval
(5 pages)



Attachment 2 Conditions of Approval PA22-0104

1 BASIC/ZONING REGULATIONS

PA22-0104

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2 BASIC/TIME LIMIT

PA22-0104

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void, unless a valid extension is approved.

3 BASIC/PLAN

PA22-0104

If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4 BASIC/COMPLIANCE

PA22-0104

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

INDEMNIFICATION

PA22-0104

Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6 BASIC/APPEAL EXACTIONS

PA22-0104

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

GEOLOGY REPORT

PA22-0104

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Building and Safety Division, for approval. The report shall include the information and be in the form as required by the Grading and Excavation Code and Grading Manual.

CONSTRUCTION NOISE

8

PA22-0104

- A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:
- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.
- B. Notations in the above format appropriately numbered and included with other **notations on the front sheet of the project's permitted grading plans, w**ill be considered as adequate evidence of compliance with this condition.

9 EROSION AND SEDIMENT CONTROL PLAN

PA22-0104

Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

10 DRAINAGE STUDY

PA22-0104

If determined necessary, prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Permit Services

- A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
- B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
- C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

11 WATER QUALITY MANAGEMENT PLAN

PA22-0104

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building and Safety, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for **reference**, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

12 HIGH FIRE HAZARD ZONE

PA22-0104

The building plans shall comply with Section R337 of the 2022 CRC, including required residential fire sprinklers

13 PRIVATE LANDSCAPING

PA22-0104

A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for

landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).

- B. Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.
- C. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.

14 STANDARD PLAN – SIGHT DISTANCE

PA22-0104

Prior to the issuance of a precise grading permit, the approved plans shall demonstrate compliance with Standard Plan 1117 for adequate sight distance at the driveway area.

15 ARCHEOLOGY MONITOR

PA22-0104

Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Chief, EMA/Regulation/Grading Section that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the project developer and to the Manager, Harbors, Beaches and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeologist observer shall determine appropriate actions, in cooperation with the project developer, for exploration and/or salvage. Excavated finds shall be offered to County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Harbors, Beaches and Parks/Program Planning Division.

16 PALEONTOLOGY MONITOR

PA22-0104

Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Chief, EMA/Regulation/Grading Section that a County-certified paleontologist has been retained to observe grading activities and salvage fossils as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. In major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the project developer and to the Manager, Harbors, Beaches and Parks/Program Planning Division. The paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. Excavated finds

shall be offered to county of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources shall be subject to approval by the Manager, Harbors, Beaches and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, Harbors, Beaches and Parks/Program Planning Division, which shall include the period of inspection, an analysis of the fossils found, and present repository of the fossils.

Exhibit No. 5

A-5-LGB-23-0023 (Olson)
Appeal of Neel & Sharlene Grover
(67 pages)

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD., SUITE 300 LONG BEACH, CA 90802 (562) 590-5071 SOUTHCOAST@COASTAL.CA.GOV



APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: A-5-EMB-23-0023

Date Filed: 6/30 /2023

Appellant Name(s): Neel and Sharlene Grover



APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at https://coastal.ca.gov/contact/#/).

Appeal of local CDP decision Page 2

Name:	31 Emerald Bay, Laguna Beach CA 92651
Mailing addre	949 337 0945
Phone numb Email addres	er:elgrover@gmail.com
How did you	participate in the local CDP application and decision-making process?
	Submitted commonic to the
If you did <i>no</i> please iden participate l	of participate in the local CDP application and decision-making process, tify why you should be allowed to appeal anyway (e.g., if you did not because you were not properly noticed). N/A
If you did not please iden participate to Describe: Please iden why you should be compared to the please iden why you should be compared to the please iden why you should be compared to the please iden why you should be compared to the please identification.	of participate in the local CDP application and decision-making process, tify why you should be allowed to appeal anyway (e.g., if you did not because you were not properly noticed). N/A Intify how you exhausted all LCP CDP appeal processes or otherwise identify hould be allowed to appeal (e.g., if the local government did not follow proper and hearing procedures, or it charges a fee for local appellate CDP
If you did not please iden participate to Describe:	of participate in the local CDP application and decision-making process, tify why you should be allowed to appeal anyway (e.g., if you did not because you were not properly noticed). N/A Intify how you exhausted all LCP CDP appeal processes or otherwise identify hould be allowed to appeal (e.g., if the local government did not follow proper and hearing procedures, or it charges a fee for local appellate CDP

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision Page 3

2. Local (CDP decision being appealed	12		
Local gove	ernment name:	Orange County Public Works		
Local government approval body: Local government CDP application number:		Orange County Planning Commission		
		PA22-0104		
	ernment CDP decision:	CDP approval CDP denials		
		June 14, 2023		
Date of loc	al government CDP decision:	•		
	ntify the location and description of the local government.	of the development that was approved or		
Describe:	52 Emerald Bay Laguna Beach, Ca 92651			
	Orange County APN:06059-053-060-92			
	Project Description: The demolition of an existing 2,500 sq. ft. home and			
	the construction of a new residence with 5,750 sq. ft. of living area on			
	3 levels and 3 car garage.			
	1			
				
	-			

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

 $_3$ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision Page 4

3. Applicar	nt information		
Applica	nt name(s):	Steve Olson	
Applica	nt Address:	52 Emerald Bay Laguna Beach, Ca 92651	
4. Grounds	s for this appeal4		
approved do provisions. that the dev Please clea applicable,	evelopment does not conform to For appeals of a CDP denial, greelopment conforms to the LCP orly identify the ways in which the total Act provises to the conformation of the conformation.	or appeal are limited to allegations that the of the LCP or to Coastal Act public access rounds for appeal are limited to allegations and to Coastal Act public access provisions. The development meets or doesn't meet, as sions, with citations to specific provisions as ged to be concise, and to arrange their licies.	
Describe:		ine 29, 2023 and Exhibits A - H thereto.	
Describe:	Appelant maintains that the Emerald Bay Local Coastal Program (LCP)		
	was not complied with as set forth in Section 4 of the LCP.		
	The attached Appeal and Exhibits fully describe the grounds and are		
	incorporated herein by reference.		
	moorperate s		
	-		
	-		

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Neel Grover Sharlene Grover

Signature

Date of Signature

Neel Grover Sharlene Grover

Sharlene Grover

Sharlene Grover

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200 FAX (415) 904-5400



DISCLOSURE OF REPRESENTATIVES

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name	Neel Grover	
CDP Applica	ation or App	peal Number PA22-0104
Lead	Representa	ative
Name	Robert L. La	abbe
Title	Attorney at	Law
Stree	t Address.	3309 Via Lido
City N	Newport Beach	
State	Zip Califor	nia 92663
Emai	Address	RLabbe@labbecompany.com
Daytin	me Phone	949.278.8265
		1.A
Your Signat	ture	124
Date of Sign	nature	6.24.27

ATTORNEY AT LAW

ADMITTED IN NY & CALIFORNIA 3309 Via Lido, Newport Beach, CA 92663

Main: 949.278.8265 Email: rlabbe@labbecompany.com

Filing Date: June 29, 2023

Re: Appeal to the California Coastal Commission of the Orange County

Planning Commission's Approval of Planning Application PA22-0104 for

a Coastal Development Permit (CDP)

Local Application: PA22-0104 approved June 14, 2023

CCC Post-Cert No.: 5-EMB-23-0607

Local Jurisdiction: Orange Co - S/Emerald Bay

Applicant: Steve Olson

Project Location: 52 Emerald Bay Laguna Beach, Ca 92651

Orange County APN:06059-053-060-92

Project Description: The demolition of an existing 2,500 sq. ft. home and the construction of a

new residence with 5,750 sq. ft. of living area on 3 levels and 3 car garage

Date of Local Action: June 14, 2023 Local Action Notice: June 19, 2023 Appeal Period Ends: July 3, 2023

To: California Coastal Commission

South Coast District

301 E. Ocean Blvd, Suite 300, Long Beach, CA, 90802

SouthCoast@coastal.ca.gov

From: Robert L. Labbé, Esq.

Admitted in California and New York

3309 Via Lido

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(949) 278.8265

Representing: Neel and Sharlene Grover

Appellants 31 Emerald Bay

Laguna Beach CA 92651 [Adjacent Property Owners]

The undersigned is the attorney representing Neel and Sharlene Grover (collectively, "<u>Appellant</u>"), members of the Emerald Bay Community Association ("EBCA") and adjacent property owners of the property which is the subject of PA22-0104 (the "Project").

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Decision under Appeal

On June 14, 2023 the Orange County Planning Commission denied the appeal of Neel and Sharlene Grover objecting to the OC Zoning Commission's approval of Planning Application PA22-0104 which included approval of a Coastal Development Permit (CDP). Thus, the OC Planning Commission approved the granting of a CDP for the development of the Project, which is the subject of this appeal to the California Coastal Commission.

Appeals to the Coastal Commission

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of CDP decisions by cities and counties that have Commission-certified LCP's. The Emerald Bay Local Coastal Program (LCP) was approved by the County of Orange on January 24, 1989 and was certified by the California Coastal Commission on September 13, 1989. Local CDP decisions are appealable when they apply to approval of a development located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance. The subject Project is located within the appealable area.

Appellant's Standing to Appeal - Appellant is an "Aggrieved Person"

Any "aggrieved person" may submit an appeal to the Commission provided they have exhausted all local appeals. An "aggrieved person" means any person who participated in the local CDP application and decision-making process, whether directly or through a representative, which Appellant has. Appellant also exhausted the local appellate process via an appeal of the OC Zoning Administrator's decision to the to the OC Planning Commission. The Appellant therefore qualifies as an "aggrieved person" and has standing to file the present appeal.

Grounds for Appeal

For appeals of a CDP approval, grounds for appeal are very narrow and are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions:

"The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that **the development does not conform to the standards set forth in the certified local coastal program** or the public access policies set forth in this division." Cal. Pub. Resources Code § 30603.

Appellants need to identify the ways in which they believe the development doesn't meet the LCP and Coastal Act provisions, with citations to specific provisions, and emphasis on the areas where they believe the local government decision was in error.

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Emerald Bay's Local Coastal Program (LCP)

Emerald Bay is regulated by the Emerald Bay Local Coastal Program (LCP), which was approved by the County of Orange on January 24, 1989 and was certified by the Coastal Commission on September 13, 1989. The LCP serves as both the Land Use Plan and the Implementing Actions Program for Emerald Bay. At adoption of the LCP, the County applied the R1 Zoning over all residential lots that had been created pre-LCP. The Emerald Bay LCP is fully certified, and therefore, issuance of a CDP is within the jurisdiction of the County of Orange.

Section 4 - Local Coastal Program

Section 4 of the Emerald Bay LCP provides that:

"All new development is monitored and influenced by the Emerald Bay Community Architectural Committee. The committee, which comprises members of the Emerald Bay Board of Directors and architects, reviews construction and landscape plan proposals to:

- o Ensure project conformity with recorded restrictions;
- Ensure project compatibility with the architectural design and character of the community; and
- o Ensure that existing ocean views of surrounding property owners within the community are preserved." [N/A for purposes of this appeal]

The Emerald Bay Community Architectural Committee

The construction and landscape plans for the new development Project at issue in this appeal were reviewed by the "Emerald Bay Community Architectural Committee", as referred to in Section 4 of the LCP. The Architectural Committee's composition is governed by the Covenants, Conditions and Restrictions (CC&Rs), which are "recorded restrictions" (also as referred to in Section 4 of the LCP) which CC&R's constitute a contract between Emerald Bay homeowners and the EBCA, of which they are members, and said CC&R's bind the EBCA and homeowners as would any contract. In the case at hand, the Appellant submits that the proposed Project was:

- (i) reviewed by an improperly constituted Emerald Bay Architectural Committee; and
- (ii) due to its improper composition (constituting a <u>material</u> omission) the Architectural Committee failed to meet the requirements set forth in the CC&R's and failed to meet its obligations under Section 4 of the Emerald Bay LCP.

The improperly constituted Architectural Committee failed to "Ensure project conformity with recorded restrictions" and failed to "Ensure project compatibility with the architectural design and character of the community" such that the proposed Project will not be aesthetically compatible and harmonious with adjacent homes in the 940 Tract of Emerald Bay, where it is located.

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The Architectural Committee that Recommended Approval of the Project to the EBCA Board Was Not Properly Constituted Pursuant to the CC&R's. Therefore, the Development "does not conform to the standards set forth in the certified local coastal program".

The Emerald Bay CC&R's, Article VIII, Section 2 Appointment of Architectural Committee (a copy of which is attached as "Exhibit "A") state: "The Board of Directors shall appoint an Architectural Committee which shall act at all times subject to authority and direction of the Board.

The Committee shall consist of five (5) persons: the Chairman, who shall be a Board member, two Members of the Association who are not Board members, and two Architects licensed by the State of California who do not reside in or own property in Emerald Bay ...".

On March 29, 2022, the date the Architectural Committee recommended approval of the Project Plans (despite numerous neighbor objections) the Committee was constituted as follows:

- 1. Scott McCarter (Chair); (Board Member)
- 2. Christopher "Chris" E. Brown; (General Contractor)
- 3. Chris Gwaltney (Artist)
- 4. Deborah "Debi" Pavlik; (EBCA Member, no license w/CA Architects Board)
- 5. James "Jim" Dockstader; (no license w/CA Architects Board/Expired Landscape Architect License since 2019)
- 6. Kenneth L. "Ken" Wilkins (Architect License No. C 14763)

Plaintiff's counsel performed a search of each member of the Committee with the California Architects Board records via the CA Department of Consumer Affairs online search portal California Architects Board and the only Committee member Architect who met the CC&R imposed requirement of being (a) licensed by the State of California and (2) not reside in or own property in Emerald Bay, was Kenneth Wilkins, Architect. Since the departure of Jill Chambers, AIA, a California licensed Architect from the Committee (Ms. Chambers departed on February 1, 2022 and her last Committee meeting as a Member of the Committee was held 2-22-22 per the Committee Agenda), no other State of California licensed Architect (or Landscape Architect) was present as a member of the Committee during the relevant period as is evidenced by the Committee Agendas for March 29, 2022 and April 26, 2022 attached as Exhibit "B" and Exhibit "C".

Relevant Period of Time: [March 29, 2022 - April 26, 2022]. Commencing with the March 29, 2022 Committee meeting when they "Unanimously Recommend Approval" and any Committee actions taken and workshops conducted in intervening period through April 26, 2022, the date of the Committee meeting where the Committee "Unanimously Recommends Approval" of the Project.

The Architectural Committee was therefore improperly constituted during the relevant period from March 29, 2022 - April 26, 2022 when it recommended approval of the Project by not

Section A – Introduction and Overview

A.1 Purpose of Document

The Emerald Bay Architectural Regulations are intended to enable Owners and Owner Representatives to plan Structures that are compatible with each other, their surrounding environment and to conform to the Building Restrictions set forth in Schedule 'A' of the Amended Master Declarations of Restrictions (CC&R's) of the Emerald Bay Community Association. These building requirements and procedures have been adopted by the Board of Directors and are to be used to regulate development in Emerald Bay in a manner compatible with 'a reasonably sound and attractive general plan of development'. The Architectural Regulations supplement the CC&R's adopted by the Members and the Board of Directors of Emerald Bay Community Association, and if any provision contained herein is found to be in conflict with said CC&R's the provision contained in the CC&R's shall prevail.

These Regulations are to be used as a guide for the design and development of a project by the Owner and their Representative as well as for the review and approval of the project by the Architectural Committee and Board of Directors. These Regulations are also to be used for final approval of the construction of the project by the Community Manager or his/her designee.

The intent of the Regulations is to outline basic and simple criteria for sound architectural development and creative design, while also promoting construction and modification of improvements in a manner that is aesthetically compatible and harmonious with other surrounding properties and other improvements in the neighborhood.

The Committee's review considers visual mass, scale, materials, Setbacks and proximity to property lines, compatibility with the neighborhood, and imposition on neighboring properties, as well as the overall aesthetic qualities of the design. The appearance of the roof from neighboring view opportunities above and overhangs from below or ground plane perspective will also be considered.

These Regulations may be modified and/or amended as determined by the Architectural Committee, subject to approval of the Board of Directors and due notice to the Members of the Association.

A.2 The Architectural Committee

The Board of Directors and the Architectural Committee acting under its supervision, shall have the right and the obligation, within the limitations of the Building Restrictions set forth in the CC&R's, to control the character of Landscaping, accessory structures, buildings, lot coverage, Setbacks, design, proportion, massing, building heights, materials, colors, roofs, chimneys, skylights and other roof projections, and style of architecture of all Structures in the surrounding neighborhood to ensure that they are aesthetically compatible and harmonious with other Structures and conform to a reasonably sound and attractive general plan of development of Emerald Bay.

The responsibilities of the Architectural Committee include:

- Review all plans submitted for new construction, development or modifications to Structures, Landscape or Hardscape elements
- Make recommendations concerning said plans to the Board of Directors
- Assist staff to ensure conformance with the Approved Plans

All Structures and Landscaping must be erected and maintained at all times in accordance with the Approved Plans, the CC&R's and the Architectural Regulations.

The Board of Directors and the Architectural Committee shall also have the authority to notify owners of unsightly property conditions including but not limited to weeds, dead trees, rubbish or any other material that may be deemed a nuisance per the CC&R's. Written notice will be sent to any property owner with instructions for remediation.

A.3 Subdivision of Lots (CC&R's, Article III, Section 3, as amended)

No Owner of a Lot, Parcel, or real property fee interest shall:

- Partition or further subdivide his/her Lot, Parcel, or real property fee interest in a manner that could result in an increase in the number of Lots, Parcels, or real property fee interests; or
- Adjust the property lines of a Lot, Parcel, or real property fee interest in a manner that could result in an increase in the number of Single Family residences that could be developed upon the affected Lot(s), Parcel(s), or real property fee interest(s).

A.4 Construction on Contiguous Properties

No Owner of a Lot, Parcel, or real property fee interest may construct a residence on or across a property line. An Owner of more than one contiguous Lot, Parcel, or real property fee interest who proposes to construct a residence on any common property line(s) of said Lot, Parcel, or real property fee interest shall be required to adjust said property line(s), in accordance with applicable County codes or other ordinances, and combine said contiguous Lot, Parcel, or real property fee interest into a single Parcel, so that no portion of the residential Structure shall be constructed upon any existing property line(s); and such resulting Parcel may not thereafter be subdivided to restore the original configuration of the properties, or otherwise create more than one Lot, Parcel, or real property fee interest. (CC&R's, Article III, Section 4, as amended)

A.5 Mitigation of View Obstruction

A fundamental objective of the Board of Directors and the Architectural Committee shall be to adopt and enforce a strong policy of preserving and protecting the views of existing homes in Emerald Bay. The hillside orientation and ocean vistas of the Community make the views a unique feature that account for a substantial portion of the value of the property in Emerald Bay. It is recognized, however, that each property owner has a right to construct a residence on his/her property to the maximum of the Building Restrictions on height, mass, and lot coverage as set forth in Schedule 'A' of the CC&R's, Article VIII, Section 1)

The Board of Directors and Architectural Committee shall attempt to balance the need to protect views while not unduly intruding on the rights of construction of each property owner. (CC&R's, Article VIII, Section 1)

When a new construction project, remodel or addition is in the early stages of design, it is strongly suggested that the Applicant conduct view mitigation meetings with all neighbors to

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having as a member the requisite "<u>two</u> Architects licensed by the State of California who do not reside in or own property in Emerald Bay" as called for in the CC&R's. Nor did it have a licensed Landscape Architect as called for in the Emerald Bay Handbook.

Moreover, Section 4 of the LCP also refers to "architects" (in the plural, not "architect") where it refers to the composition of the Emerald Bay Architectural Committee to "Ensure project conformity with recorded restrictions", which restrictions, in the form of the Emerald Bay CC&R's, were not complied with, contrary to the Emerald Bay LCP, by having been improperly constituted (by lacking a key subject matter licensed professional – i.e., the 2nd required architect). Had the Committee lacked a member who was not a licensed subject matter professional it could be argued that missing a Committee member was not a "material" event; however, in this instance, 50% of the required subject matter professionals, i.e., one of the two (2) licensed Architects, was missing, and this materially affected the Committee's qualification and ability to provide a valid recommendation to the EBCA.

The Committee was therefore <u>not composed of the requite membership</u> as called for in the Emerald Bay LCP and the "recorded restrictions" to which it refers (which include the CC&R's) and therefore the Committee was not qualified to review and issue an approval recommendation of the Project Plans to the Board. This being the case, the Committee was therefore unable to legally discharge its duties and "review construction and landscape plan proposals" for this "new development" the whole as called for in Section 4 of the Emerald Bay LCP.

<u>The Project Plans Must be Reviewed de novo by a Properly Constituted Architectural Committee</u>

The Project Plans must therefore be reviewed *de novo* by a properly constituted, qualified Architectural Committee that does not lack 50% of the required constituent subject matter professionals, i.e., one of the two (2) licensed Architects, failing which the development does not conform to the standards set forth in the LCP which provides that "All new development is monitored and influenced by the Emerald Bay Community Architectural Committee. The committee, which comprises members of the Emerald Bay Board of Directors and architects, reviews construction and landscape plan proposals to . . . Ensure project compatibility with the architectural design and character of the community. . .".

Appellant's Evidence of the Improper Make-up of the Architectural Committee

The Committee Members throughout the Relevant Period and at the time of Unanimous Approval of the Project by the EBAC (March 29, 2022 through April 26, 2022):

- 1. Scott McCarter (Chair); (Board Member)
- 2. Christopher "Chris" E. Brown; (General Contractor)
- 3. Chris Gwaltney (Artist)
- 4. Deborah "Debi" Pavlik; (EBCA Member, no license w/CA Architects Board)
- 5. James "Jim" Dockstader; (No license w/CA Architects Board & Expired Landscape Architect License since 2019)

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6. Kenneth L. "Ken" Wilkins (Architect - License No. C 14763)

Only 1 Architect on Committee: Following the departure of Jill Chambers, AIA on February 1, 2022 and who last appeared of record on the February 22, 2022 ARC Agenda, Ken Wilkins was the only licensed California Architect on the Committee.

No Landscape Architect on Committee: James "Jim" Dockstader; (Landscape Architect, was not licensed w with the CA Architects Board, and was not licensed as a Landscape Architect since January 31, 2019 (and therefore was not legally permitted to practice in California).

Applicable Law:

<u>CA Bus & Prof Code §5500</u>: 'Architect' is defined as "a person who is licensed to practice architecture in this state under the authority of this chapter."

<u>CA Bus & Prof Code §5615</u>: '<u>Landscape Architect'</u> is defined as "a person who holds a license to practice landscape architecture in this state", and further provides "This chapter shall not empower a landscape architect, licensed under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.

Also attached as **Exhibit "D"** is a printout from the CA Dept. of Consumer Affairs evidencing the expiration of Mr. Dockstader's Landscape Architect license since January 31, 2019. The Architectural Committee was therefore not legally constituted by the Board in accordance with the CC&R's at the time the consideration of and approval recommendation of the Property submittal was made to the Board, neither under the CC&R's requiring two (2) licensed CA Architects or as set forth in Section 4 of the Emerald Bay LCP.

The Architectural Committee Not Being Properly Constituted Either Under the CC&R's or Section 4 of the Emerald Bay LCP with a 2nd Licensed Architect or a Landscape Architect During the Relevant Period Rendered It Unqualified to Make Recommendations to the Board & Resulted in Errors Committed by the Committee.

Despite the objections of approximately twenty-five (25) Emerald Bay homeowners to the approval of the Project Plans, at the Architectural Committee meeting of March 29, 2022 the Committee recommended approval of the plans. However, at the April 5, 2022 Board meeting that followed, when the Board considered the Committee's recommended approval, they deferred a Board decision on the Committee's approval recommendation. The Board specifically directed the Committee via motion to further consider their recommendation to provide the Applicant and their design team "additional time for consideration of if there is a different design possible that does not reduce available on-street parking spots." (Harley Bassman, Board Member). See copy of April 5, 2022 Board meeting minutes attached as Exhibit "E"). The Committee held a workshop in the interim to consider different designs that did not reduce onstreet parking followed by the April 26, 2022 Architectural Committee Meeting. Applicant failed

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to provide any alternative designs to the Architectural Committee and thereafter, on May 3, 2022 the Emerald Bay Board went on to approve the Project as designed.

Corrective Action Required: Appellant submits that documentation provided to the Committee by Applicant was erroneous and materially inaccurate and that the Committee was unqualified to detect the error and that Applicant should present corrected documents *de novo* to a properly constituted Architectural Committee and that the Committee's approval of the Project and the Board's subsequent Preliminary approval of the Project Plans on May 3, 2022 based thereon was invalid, null and void. Appellant also contends that had the Architectural Committee been properly constituted with either a 2nd Licensed Architect or a Licensed Landscape Architect that a proper analysis of the Project Plans would have taken place and a properly constituted Committee would have recommended disapproval of the Project.

Evidence that the Board Relied "Heavily" on the Approval Recommendation of the Improperly Constituted Architectural Committee when it Approved the Project Plans at its May 3, 2022 Meeting.

At the May 3, 2022 Board meeting, the Board denied each of the Grover, Speed and Duran's appeal of (i.e., opposition to) the Applicant's submittal and approved Project Plans based on the Architecture Committee's recommendation of approval. Director Scott Swensen stated at the Board meeting that:

"the Board <u>relies heavily on the professionals on the Architecture Committee</u> who have put in countless volunteer hours investigating whether a parking space could be preserved with the Applicant's' present submittal."

Although Mr. Swensen erred insofar as the professionals on the Committee <u>are</u> in fact paid for their services, Mr. Swensen's statement emphatically supports Appellant's contention that the <u>Board relies "heavily" on the Architectural Committee's recommendations</u> when approving or disapproving plan submittals.

A motion was then made by Director Scott McCarter to approve the improperly constituted Architectural Committee recommendations and the approval motion passed. See copy of May 3, 2022 Board Meeting Minutes attached as <u>Exhibit "F"</u>). Director Swensen's statement of heavy reliance on a Committee that was deficient by 50% of its subject matter professionals (either a 2nd Licensed Architect or Landscape Architect) makes it irrefutably clear that the Board's approval must be declared void and the Project Plans be re-submitted to a properly constituted Architectural Committee for reconsideration, and only after such review should the Board act on the Committee's recommendation for approval or disapproval.

The Improperly Constituted Architectural Committee failed to "Ensure project conformity with recorded restrictions" and failed to "Ensure project compatibility with the architectural design and character of the community" as required by Section 4 of the Emerald Bay LCP, such that the proposed Project will not be Aesthetically Compatible and

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<u>Harmonious with Adjacent Homes in 940 Tract of Emerald Bay in Terms of Size,</u> <u>Dimensions and External Design</u>

The EBCA CC&R's at ARTICLE VIII (ARCHITECTURAL AND LANDSCAPING CONTROL) Section 1 - Architectural Control of Structures provide, under Authority of the Board of Directors:

The Board of Directors and the Architectural Committee acting under its supervision, shall have the right, and the obligation, within the limitations of the Building Restrictions set forth in Schedule 'A', to control the character of buildings, Setbacks, location, proportion, elevation, design, finish, materials, color, roof pitch, chimneys, skylights and other roof projections, lot coverage, building heights, style of architecture and manner of construction of all structures in order to ensure that they are aesthetically compatible and harmonious with other Structures in said Tract and conform to a reasonably sound and attractive general plan of development and improvement for all of Emerald Bay. All Structures shall be erected and maintained at all times in accordance with such control.

Approval shall be based upon the following consideration:

- Compliance with the provisions of this ARTICLE, the Building Restrictions set forth in Schedule 'A', and such Rules and Regulations as may be adopted by the Architectural Committee from time to time in accordance with this ARTICLE;
- 2. <u>Conformity and harmony of size, dimensions and external design with other Structures in the neighborhood;</u>

The Board, pursuant to its authority granted in the CC'R's, on September 3, 2013 adopted the ARCHITECTURAL REGULATIONS which provide, at Section B.1 under Design Review Procedures, the following:

Approval to be based on the following considerations (CC&R's, Article VIII, Section
1):
☐ Compliance with the provisions of the CC&R's, Building Restrictions and these Regulations.
☐ Compatibility and harmony of size, dimension, mass, Setbacks and the exterior design with respect to other Structures in the neighborhood.
☐ Effect of location and use of improvements and Landscaping on properties in the neighborhood.
☐ Relation of the topography, grade and finished elevation of the Structure to that of the neighborhood.
☐ Assurance of adequate access to the Association in connection with the performance of its duties and the exercise of its powers herein.

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☐ The matters set forth for architectural control under the Board of Directors and
Architectural Committee's authority, the CC&R's and as provided herein.

☐ Compliance with the parking provisions as provided herein.

And under Architectural Design Standards, Section D.3 provides, under Compatibility:

- The <u>aesthetics and function</u> of a proposed building design will be reviewed.
 Consideration <u>will be given to adjacent properties</u>, the surrounding neighborhood, and the overall community interests.
- 2. The Architectural Committee and the Board of Directors shall have the authority to interpret compatibility of proposed designs and their potential impact on adjacent properties, the surrounding neighborhood, and the community at large.
- 3. In the case of a remodel or addition, the compatibility between the new and existing portions of the residence will also be examined.

The Project Plans, due to the "size, dimensions and mass" of the proposed structure, when compared to the other structures in the neighborhood, and the effect of the proposed improvement on the other properties in the neighborhood, do not meet the "Conformity and harmony of size, dimensions and external design with other Structures in the neighborhood" standards for approval by the Architectural Committee or the Board.

<u>Dimensions of Project vs. Surrounding Lots and Properties</u> (taken from public records).

Cul-de-Sac Street Map: Attached as Exhibit "G".

A. Summary of Mass & Scale in Relation to Surrounding Cul-de-Sac Properties

Street Map: Attached

No. of Homes in Cul-de-Sac: 16
Average Lot Sq. Ft.: 3,742
Average Home Sq. Ft.: 3,657
Square Ft. Proposed at 52: 5,750
Sq. Ft. above Average: 2,093
52 Home Size vs. Average: 1.57X

Please see <u>Study of Dimensions of Cul-de-Sac Lots and Structures</u> attached hereto as <u>Exhibit</u> <u>"H"</u>, compiled from public records for all sixteen (16) homes on the subject cul-de-sac, an extremely narrow street (please see: <u>Cul-de-Sac Street Map (Exhibit "G"</u>) for identification of subject street and 16 homes). As reproduced above, the objectives of the EBCA Design Guidelines take into account factors such as promoting the construction of improvements in a manner aesthetically compatible and harmonious with surrounding properties and other improvements in the neighborhood, potential imposition on neighboring properties, improvement of the overall aesthetics of the neighborhood and consistency with the development of surrounding homes. Based on the facts set forth above, i.e., the outsized dimensions of the residence proposed, at a factor of 1.57X + larger than the average size of the sixteen (16) homes

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on the cul-de-sac, the 52 Plans fail to conform to these standards in terms of compatibility with the aesthetics of the neighboring properties, are not in harmony with the "size, dimensions and mass" of the adjacent properties - - it is submitted that any viewing by an objective observer would make it apparent that the "size, dimensions and mass" of the proposed structure is aesthetically incompatible with, and overbearing in relation to, the narrow street and surrounding properties, thus the improperly constituted Architectural Committee failed to "Ensure project conformity with recorded restrictions" and failed to "Ensure project compatibility with the architectural design and character of the community" as required by Section 4 of the Emerald Bay LCP.

Substantial Use Issue Analysis Calls for De Novo Review of Appealed Project

Section 30625(b)(2) of the Coastal Act requires the Commission to conduct a *de novo* review of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal has been filed pursuant to Section 30603(a). "Substantial Issue" is not defined in the Coastal Act or its implementing regulations; however, Section 13115(c) of the Commission's regulations lists the following five (5) factors as appropriate considerations in determining whether an appeal raises a substantial issue:

The degree of factual and legal support for the local government's decision that the
development is consistent or inconsistent with the relevant provisions of the certified
LCP. Appellant submits that neither the OC Zoning Administrator or the Planning
Commission considered the issues set forth herein in determining whether the Project
development is consistent or inconsistent with the relevant provisions of the Emerald Bay
LCP.

In their June 14, 2023 Staff Report, the OC Planning Dept. simply states:

"As required by the LCP, the project was reviewed by the Emerald Bay Community Association (EBCA) and approved in May 2022. The EBCA found the proposal consistent with their local architectural and design criteria."

They failed to take into account that the EBCA relied upon the recommendation of an improperly constituted Architectural Committee. In fact, the EBCA "<u>relied "heavily</u>" on the Architectural Committee's recommendations, despite Appellant having proved that the Committee was short by a factor of 50% of its required architectural expertise on that Committee.

Appellant submits the Coastal Commission should determine that there was an insufficient degree of factual and legal support for the local government's decision, because Appellant's claims were either not considered or deemed "outside the purview of" the local government's review of the Project. Appellant submits the Project's development process did not comply with Section 4 of the Emerald Bay LCP because the Architectural Committee referred to therein was

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clearly not properly constituted, that this omission of 50% of the subject matter professionals was material, inter alia.and that this factor alone supports a finding of a substantial issue.

- 2. The extent and scope of the development as approved or denied by the local government. The local government approved a CDP which includes the demolition of a single-family residence and construction of a proposed new residence which the local authority considered was compatible with the community character. Based on Appellant's evidence submitted with this appeal, the proposed development is an allowable use; however, contrary to Section 4 of the LCP, the proposed residence is not in "compatibility with the architectural design and character of the community" as pertains to Tract 940 of Emerald Bay. Therefore, this factor supports a finding of substantial issue.
- 3. The significance of the coastal resources affected by the decision. Appellant concedes that the Project would not result in the loss of a potentially architecturally and historically significant resource and thus requirements in the LCP pertaining to historical and architectural resources do not apply to the project. Therefore, this factor does not support a finding of a substantial issue.
- 4. The precedential value of the local government's decision for future interpretations of its LCP. The proposed Project is inconsistent with the policies and requirements of the Emerald Bay LCP for the reasons set forth herein. Accordingly, the Orange County Zoning Administrator and the Planning Commission decision will set an adverse precedent for interpretation of the LCP as they stand. This factor supports a finding of a substantial issue.
- 5. Whether the appeal raises local issues, or those of regional or statewide significance. The appeal raises a local, county and state issue and it is submitted this factor weighs in favor of a finding of a substantial issue.

Conclusion Renovation of older single-family residences is very common in the Emerald Bay community. Many of these applications request approval of a variance for reduced setbacks and use permits for over-height walls in the front, side, and rear setbacks and steep/reduced length driveways. The variances requested are minor in nature and are not the subject of this appeal.

Appellant has however provided ample evidence that the Emerald Bay LCP was not complied with insofar as Section 4 of the Emerald Bay LCP provides that:

"All new development is monitored and influenced by the Emerald Bay Community Architectural Committee. The committee, which comprises members of the Emerald Bay Board of Directors and architects, reviews construction and landscape plan proposals" and the requisite make-up of the Architectural Committee was materially not complied with, that the EBCA did not "Ensure project conformity with recorded restrictions (i.e., the CC&R's) and that the

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improperly constituted Architectural Committee failed to "Ensure project compatibility with the architectural design and character of the community".

RELIEF SOUGHT

- That the California Coastal Commission find that that a substantial issue exists with respect to the grounds on which the appeal has been filed;
- That the California Coastal Commission review the Project Application *de novo* and deny the issuance of a Coastal Development Permit (CDP) for the development of the Project based upon all or some of the Appellant's reasons stated herein; and/or
- That the California Coastal Commission allow this appeal and remit the Application back to the local decision-making body with directions that, as appropriate, either the EBCA, the Zoning Administrator or the Planning Commission require a *de novo* consideration of the Project by a properly constituted Emerald Bay Architectural Committee, which Committee can then lawfully make a valid recommendation as to Project approval or disapproval to the EBCA Board of Directors, consistent with Section 4 of the Emerald Bay LCP; and/or,
- That the California Coastal Commission take any other action as it deems appropriate.

Respectfully submitted.

Robert Labbé

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Exhibit List Follows

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Appellant Exhibit List

Exhibit "A": Emerald Bay CC&R's, Article VIII, Section 2 Appointment of

Architectural Committee

Exhibit "B": Architectural Committee Agenda for March 29, 2022

Exhibit "C": Architectural Committee Agenda for April 26, 2022

Exhibit "D": CA Dept. of Consumer Affairs license status evidencing the expiration of

James Dockstader's Landscape Architect license since January 31, 2019

Exhibit "E": April 5, 2022 Board Meeting Minutes

Exhibit "F": May 3, 2022 Board of Director meeting Minutes

Exhibit "G": Cul-de-Sac Street Map

Exhibit "H": Study of Dimensions of Cul-de-Sac Lots and Structures

Exhibit "A":

Emerald Bay CC&R's, Article VIII, Section 2 <u>Appointment of Architectural Committee</u>

Grover - EBAC - Architectural Committee (ARC) Members - CC&R's

EMERALD BAY CC&R's ARTICLE VIII ARCHITECTURAL AND LANDSCAPING CONTROL

Section 2 - Appointment of Architectural Committee:

The Board of Directors shall appoint an Architectural Committee which shall act at all times subject to the authority and direction of the Board.

The Committee shall consist of five (5) persons: the Chairman who shall be a Board member, two Members of the Association who are not Board members and two Architects licensed by the State of California who do not reside in or own property in Emerald Bay. The Architect members of the Committee shall be entitled to compensation for their services based on reasonable fee standards within the architectural profession in the area. Architects serving on the Committee shall be prohibited from representing a client re: sending plans to the Committee. The Board shall have the right to remove members of said Committee and appoint new members at its discretion. All decisions by the Architectural Committee shall be at least a majority vote of the full Committee.

CC&R's require two (2) Architects licensed by State of CA. Following the departure of Jill Chambers, AIA, who last appeared of record on the February 22, 2022 ARC Agenda, Ken Wilkins was the only licensed California Architect on the Committee until the appointment by the Board of Jonathan Canedo, License No. C37268. The Architectural Committee was therefore not legally constituted by the Association in accordance with the governing documents at the time the approval of the 52 submittal was made to the Association Board.

ARC Committee Members at Time of Approval of 52 Submittal by EBAC (4/26/22)

- 1. Scott McCarter (Chair); (Redwood Partners)
- 2. Christopher "Chris" E. Brown; (General Contractor, Brown Brothers Construction)
- 3. Chris Gwaltney (Artist)
- 4. Deborah "Debi" Pavlik; (No license found with the CA Architects Board)
- 5. James "Jim" Dockstader; (Landscape Architect, No license w/ CA Architects Board)
- 6. Kenneth L. "Ken" Wilkins (Architect License No. C 14763)

CA Department of Consumer Affairs (DCA) license search:

HTTPS://SEARCH.DCA.CA.GOV

Exhibit "B": Architectural Committee Agenda for March 29, 2022

EMERALD BAY COMMUNITY ASSOCIATION 600 EMERALD BAY LAGUNA BEACH, CA 92651 March 29, 2022

ARCHITECTURAL COMMITTEE AGENDA SUMMARY

Held in EBCA Community Center

Members Present: Scott McCarter (Chair); Chris Brown; Chris Gwaltney; Debi Pavlik (via Zoom for Ochal); Jim Dockstader; Ken Wilkins

Staff Present: Toni Hughes (EBCA Community Manager); Bill Stoffregen (EBCA Inspector)

A. Submittals:

Hansen #1016 5:15 Major Remodel with Medium Landscape/Hardscape - Preliminary Resubmittal Victor Rogel and Vanessa Espino (CJ Light's office) Committee Unanimously Recommends Approval Giem #193 5:30 10-25% Remodel with Major Landscape/Hardscape - Preliminary Victor Rogel and Vanessa Espino (CJ Light's office) **Committee Unanimously Recommends Disapproval** Reda #412 6:00 10-25% Remodel with Medium Landscape/Hardscape - Preliminary Resubmittal Craig Schultz (Architect); Maha Reda (Owner) Committee Unanimously Recommends Approval **Koury #135** 6:15 New Residence with Major Landscape/Hardscape- Final Eric Trabert (Architect) Committee Unanimously Recommends Approval **Bower #191** 6:30 New Residence with Major Landscape/Hardscape - Revised Final Eric Trabert (Architect); Scott Bower (Owner) Committee Unanimously Recommends Approval Ochal #1008 6:50 New Residence with Major Landscape/Hardscape with VARIANCE -Preliminary Resubmittal (Previously Deferred) Scott Laidlaw (Architect); Dylan Ochal (Owner - Via Zoom) (Chris Brown and Chris Gwaltney recused themselves were not present for the review) Committee Unanimously Recommends Approval Committee Unanimously Recommends Approval of the Variance Members Present:

Karen Pierce #1010

March 29, 2022

ARCHITECTURAL COMMITTEE AGENDA - Continued

NOT IN ATTENDANCE

Varner #311

New Residence with Major Landscape/Hardscape – Final Committee Unanimously Recommends Approval

Post #547

10-25% Remodel with Major Landscape/Hardscape with VARIANCE 2 – Revised Preliminary (Previously Deferred)
Committee Unanimously Recommends Approval
Committee Voted to Approve the Variance on a 4-1 Vote

Vuylsteke #530

Less than 10% Remodel – Concept (Possible Final)
Committee Unanimously Recommends Approval

Werlemann #519

25-50% Remodel with Major Landscape/Hardscape – Preliminary Resubmittal (Landscape only)

Committee Unanimously Recommends Approval

ATTENDING

7:45 Olson #52

New Residence with Major Landscape/Hardscape — Preliminary Charles d'Arcy (Architect); Steve and Kerri Olson (Owners) Committee Unanimously Recommends Approval Members Present:

Jeff Phelan #23 Lisa Rossi #813 Chris Reedy #151 Joseph Duran #39 Jeff Speed #45 Kathryn Speed #45 Neel Grover #31 Sharlenver rysteeth (Architect)

Dave Frith (Architect) representing Mitch and Melissa Ogron #50

B. Review Construction Reports:

1. March 2022

C. Communication:

- 1. Ochal #1008:
 - a. Hood #1006
 - b. Scott Laidlaw (Architect)
 — Response to Hood #1006
 - c. Pierce #1010 Letter of Objection
 - d. Scott Laidlaw (Architect) Staking changes
- 2. Reda #412:
 - a. O'Keefe #414 Objection

March 29, 2022

ARCHITECTURAL COMMITTEE **AGENDA** - Continued

- b. Pontremoli #411 Initial view of Staking
- c. Reda #412 Response to neighbors
- d. Craig Schultz (Architect) Response to O'Keefe #414
- e. Pontremoli #411 Letter of Support
- 3. Olson #52:
 - a. Speed #45 Staking view
 - b. Grover #31 Staking view
 - c. Grover #31 and Speed #45 Objection
 - d. Charles d'Arcy (Architect) Response to Grover #31 and Speed #45
 - e. Duran #39 Questions and Concerns
 - Residents Neel and Sharlene Grover (#31); Joe and Jennifer Duran (#39); Carol Engen (#41); David and Ashley Coolidge (#42 and #58); Jeff and Kathryn Speed (#45); Sylvester and Tanya Johnson (#60) - Letter of Objection
 - Sims #38 Letter of Objection
 - h. Additional Letters of Objection received post Architectural Committee Workshop: Casebier #206; Duran #39; Ball/Davis #2; Watts #405; Disman #937; Heard #811; Grover #31 and Speed #45; Ball/Davis, Slavik, Grover #31, Hosea #32, Sims #38, Duran #39, Engen #41, Coolidge #47, Speed #45, Coolidge #58, Johnson #60, Paulson #63, Grant #65, Banks #161, Kelleher #239, Lanni #256, Disman #731; Hexberg #921
- 4. Post #547
 - a. Alex Villalpando (CJ Light's Office) Buchanan #545 Letter of support
- 5. Giem #193
 - a. Dougher-Foster #195 Objection
 - b. Giem #193 Response to Dougher Foster #195
 - c. Additional Letters of Objection received post Architectural Committee Workshop: Dougher-Foster #195

D. Other Business:

Proposed sconce lights at #52 Bennett

Dear Architectural Committee Members:

Re: 52 Emerald Bay Proposed New Home

We, along with numerous concerned residents of Emerald Bay, have significant concerns regarding the most recent submittal. As we have noted several times to the Architectural Committee ("AC") during the various iterations of the plans for #52 over the last 2 years, we fully support a resident's right to develop their property in the Bay provided they comply with the applicable Architectural & Construction Regulations (the "Regulations") which must be consistently applied to all Bay residents.

This latest submittal for #52 proposes a home with livable (i.e., excluding garage space) square footage of approximately 5,900 sq ft and is purportedly not seeking any variances. To put the size of the proposed home in context, at 5,900 sq ft the proposed home would be over 40% larger than the average sq footage of the other 6 homes on the cul de sac and over 1,000 sq ft larger than the most comparable size lot at #39 which, based on Zillow, is a slightly larger lot. In addition, the proposed home has significant adverse view impacts to neighbors on the cul de sac primarily due to each of the three levels of the home having 10-foot plate heights. Based on the staking, the sheer mass of this project given its cul de sac location is no less than overwhelming.

Arguably, the most problematic aspect of this project to cul de sac residents and many other residents within the community has to do with parking, which as we all know is at a significant premium on our small cul de sac as well as on the beach side of Emerald Bay. At 5,900 sq ft, 5 parking spots are required with a minimum of 2 full size garage spots, 2 regular size off-street spots, and a maximum of one compact off-street spot. Pursuant to the relevant Regulations, parking must be practical including providing for adequate maneuvering, pursuant to Section C.4. of the Regulations.

The #52 submittal provides for 3 of the 5 required parking spots to be located on the east end of the lot. The 3 spots consist of 2 off-street parking spots situated side by side and stacked behind a single car garage. Importantly, these parking spots and the single car garage are adjacent to the driveway for the residents at #31 and #50. This proposed parking plan would appear to require encroachment onto the driveway of 31 and 50 for ingress and egress maneuvering, not to mention making the single car garage spot essentially unusable at worst, and highly impractical at a minimum, given the 2 spots stacked behind it. Further, the proposed parking plan precludes any landscape/softening on the east end of the lot.

The remaining 2 required parking spots are proposed to consist of a 2-car garage at the west end of the lot. To accommodate the driveway for this 2-car garage, the submittal proposes the elimination of at least one on-street parking spot (and likely reduction of the remaining 2 spots on that side of the street) available to cul de sac residents as well as significant landscaping

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that currently exists. Elimination of an on-street parking spot would result in reducing available street parking for 7 cul de sac homes by 25% (reducing from 4 spots to 3 for the 7 homes).

The removal of any on-street parking spots on the beach side of Emerald Bay, and specifically on our small cul de sac, would have far reaching negative implications on every other homeowner in our cul de sac and throughout Emerald Bay. First and most importantly, the safety of the homeowners, children and guests that would need to walk much greater distances up our narrow street while maneuvering the various delivery trucks, on demand delivery cars, beach users seeking parking and cul de sac residents of an already overcrowded and congested street. This would next lead to a negative impact on the broader community as yet another parking spot closer to the beach would be taken by somebody on our cul de sac, reducing the availability for a resident who doesn't live beach side and wants to enjoy the benefits of the amazing community they bought into. Finally, the negative financial impact on the home values of all of the other homes on the cul de sac for the lack of parking is a huge burden we should not be taking on for the benefit of one who knew what their driveway situation was when they purchased their home.

We noted above our support for an Owner's right to develop their property within the confines of the applicable Regulations, consistently applied. To that end, it's important to note that the Speed's who reside on the same cul de sac at #45 went through the AC review process when they were originally seeking approval to build a 4,200 sq ft home in 2015/2016. Although the Speed's were not seeking any variances, the AC denied approval of their preliminary submittals multiple times and required numerous changes to their plans, including as relates to mass, roof design and height, as well as parking.

The AC utilized concepts from the Regulations regarding compatibility/massing, neighbor view mitigation, and parking practicality to compel the Speed's to make changes to their plans. In order to obtain approval, the Speed's were ultimately required to significantly rework their roof design and pitch to accommodate neighbor view concerns across PCH, increase front and side setbacks well above and beyond that required in the CC&R'S to provide view corridors and reduce "massing," and reduce sq footage to less than 4,000 sq ft in order to eliminate one <u>fully compliant off-street parking spot</u> that was partially stacked behind one bay of the proposed 3-car garage (see attached parking diagram from the #45 submittal). <u>Importantly, in the case of #45, not a single cul de sac resident communicated opposition to the project as submitted and, in fact, both adjacent neighbors communicated their support of the project to the AC. Further, not a single off-street parking spot was proposed to be eliminated. (See attached Committee Disapproval Recommendation for the project at #45 dated October 27, 2015).</u>

Although the Speed's did ultimately obtain AC approval after making a host of changes to their plans (see attached letter listing some, <u>but not all</u>, the changes), the Speed's ultimately decided not to build the home due in part to the various changes required from their original plans.

A consistent application of the Regulations to #52 should require that the size and scale of the project be significantly reduced to allow for a reduction in required parking spots as the current proposed parking is highly impractical, limits landscaping/softening, and seeks to eliminate street

parking for neighbors, which is already extremely limited. Further, based on the precedent set for the project at #45 on the exact same cul de sac (which also was seeking no variances), the AC must similarly require that adjustments be made to massing, roof height, roof design, and pitch, to mitigate neighbor view impacts. Finally, under no circumstances should one of only four onstreet parking spaces available to 7 homes on the cul de sac be allowed to be eliminated to facilitate the construction of this project.

Sincerely,

Neel and Sharleen Grover (#31)

Jeffrey and Kathryn Speed (#45)

Exhibit "C": Architectural Committee Agenda for April 26, 2022

Emerald Bay Community Association Architectural Committee Meeting

Final Committee Recommendations April 26, 2022 Board Approved - May 3, 2022

APPLICANT:

OLSON

ADDRESS:

#52

PROJECT:

LOTS: 74 and Pt 77 TRACT: 940 3031 NEW RESIDENCE W/ MAJOR LANDSCAPE/HARDSCAPE

SCOPE OF WORK: SUBMITTAL

PRELIMINARY

ARCHITECT:

Charles d'Arcy

Phone: 949-407-7760

License: C32314

LANDSCAPE ARCHITECT:

John Porzuczek Phone: (949) 412-4981

Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE RECOMMENDATION: APPROVAL

HISTORY OF SUBMITTALS:

January 2022

CONCEPT

ACKNOWLEDGED

March 2022

PRELIMINARY

DEFERRED

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

The scope of work indicated in the Submittal Application is a new residence of approximately 6,524.7 SF, which includes 2-car and 1-car garage. Overlays were provided. Some inaccuracies and omissions occur in the overlays. Stacking stairs are only required to be counted at one level. EBCA calculation**

The areas indicated on the submittal are:

ic a	.000	Concept	Proposed	Change
121	 Upper Level 	2,067.2 SF**	2,019.8 SF	-47.4 SF
•	Main Level	1,580.25 SF**	1,580.4 SF**	-15 SF
•		774.5 SF	774.5 SF	0 SF
•	Garage	2,016 SF	2,044.5 SF	+ 28.5 SF
•	Basement	307 SF	307 SF	0 SF
•	Supported Deck	87.6 SF**	87.6 SF**	0 SF
	 Roof Deck 	67.0 01		

Primary revisions made since CONCEPT include:

- Re-design of Front Elevation
- Clarification of Mechanical ceiling structure

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: Spa, plunge pool, walls, fencing, paving, planting, irrigation.

STAFF ARCHITECTURAL FINDINGS:

- ARCHITECT STAMP (Section B.2): The plans are stamped and signed. This will be verified at each submittal. OK
- ARCHITECTURAL REVIEW SUBMITTAL COMPLETENESS (Section B.5): Submittal is generally complete enough for review. OK
- 3. LOT COVERAGE (Section C.1): There are no lot coverage requirements for Tract 940, lots 74 and Part of 77. The lot coverage stated on the submittal is 2,767.4 SF / 4,598.0 SF = 60.1% (was 59.6%). Omissions occur in the overlay provided. Lot coverage shall be calculated as the total area of the roof less the overhang including anchored decks. EBCA calculation 2,847.2 SF / 4,598.0 SF = 61.9% OK
 - A signed copy of the 1960 topo plan was submitted.
- SETBACKS (Section C.2): The setbacks appear to be conforming at all sides. Submittal application states setbacks are dimensioned to finish surface of the exterior walls. OK
- UTILITY EASEMENTS (Section C.3): Portions of retaining walls, stairs and planters are allowed within the Utility Easements. OK
- 6. PARKING (Section C.4): The parking requirement shown on the Submittal Application is 5,879.7 SF. The garage area used for required parking (430 SF + 215 SF) is not included in the parking calculations EBCA calculation (6,419.2 430 215 = 5,774.2 SF) This requires a two-car garage plus three off-street parking spaces (one may be compact). A two-car + 1-car garage with two regular off-street parking spaces are shown in the driveway. The height of the basement level Mechanical Room was clarified to be 6'-5" structure to structure and therefore not included. Add Mechanical room name and ceiling height back on sheet A210. OK
- 7. SERVICE YARD (Section C.5): Shown on the Northeast side yard, Sht. A091, OK
- BACKFLOW PREVENTION DEVICES (Section C.8): New residences and renovations/remodels/additions that include the addition of 2 or more plumbing fixtures require a backflow prevention device. The Service District requires this for the scope of work proposed. This will be confirmed during construction.
- 9. NUMBER OF STORIES (Section D.1): No structure shall exceed two stories. First Basement Rule: If the elevation of the finished floor level directly above a basement is more than 6 feet above Natural Grade for more than 50% of the perimeter or is more than 12 feet at any point then it shall be considered a story. The Submittal Application indicates a structure with 2 stories plus a basement. The proposed structure appears to be in compliance. OK

- 10. BUILDING HEIGHT (Section D.2): No structure on any Lot or Parcel in this Tract shall not exceed thirty (30) feet in height above the Natural Grade of the Lot or Parcel." The primary natural grade is identified as 72' (no 73' contour is shown). 72' + 30' = 102'. The highest roof ridge is 98.8', highest stair tower point was lowered by 2.1' to 99.5'. (nearest to the 74' contour). The ornamental spire element is below the allowable. OK
- 11. COMPATIBILITY (Section D.3): Materials are noted as clay tile roof, smooth trowel stucco, wood rafter tails, white over-grouted brick, clay tile vent, cast stone headers and reclaimed wood accents, W.I. guardrails. Materials will be verified at Final review.

The Committee appreciates the effort to improve the front elevation and addressing the comments from the Architectural Committee.

At time of staking the applicant was to work with the neighbors to evaluate and balance views per the View Mitigation requirements of the CC&Rs and Architectural Regulations.

12. NON-CONFORMING STRUCTURES (Section D.4): A pre-existing, non-conforming Structure or portions of a Structure may be retained where the proposed alteration does not increase the square footage by 25% or more, increase the height of the Structure such that it is above the height envelope for the Tract and there is no change to the existing broad style of architecture.

All new elements must conform to the current Architectural Regulations or a Variance Request must be submitted.

Existing non-conforming:

N/A

New non-conforming elements:

None

13. ROOFS (Section D.5):

Roof pitch:

3:12. OK

Flat roof:

Built-up Class "A". Roof slopes less than 3:12 are considered flat. The

maximum area of flat roofs is 15% of the roof area. None shown. OK

Roof materials:

Two-piece Class "A" clay tile. OK

Roof Equipment: None shown. OK

None shown. OK

- 14. ROOF DECKS (Section D.6): A roof deck is considered to be a covered or uncovered exterior space constructed over any part of the residence Structure or garage. Roof decks are not allowed except when the deck is directly accessible from an interior living space on the same level and the area of the deck is equal to or less than the area of the living space from which access is taken. Occurs at the Upper Level. Appears to be in conformance. OK
- 15. MATERIALS AND COLORS (Section D.7): Actual materials samples and exterior colors are required to be submitted on a board no smaller than 11 x 17 and no larger than 18 x 24. A color rendering must be included on the board to clearly identify the location of all proposed materials and colors. The Committee will review the color and materials at the

Final review. Include samples of the awning material and color proposed for the slide wire on the steel canopy structure.

- 16. WINDOWS AND DOORS (Section D.8): Dark anodized bronze aluminum doors and windows. OK
- 17. ANTENNAS (Section D.9): None shown. OK
- 18. SOLAR PANELS (Section D.10). None shown. OK
- 19. SKYLIGHTS (Section D.11): None shown. OK
- 20. ARCHITECTURAL EXTERIOR LIGHTING (Section D.12): Light fixtures must be down lit or shielded to prevent glare or be a nuisance to neighbors. Light fixtures must be complementary to the architectural style of the residence.

Location of light fixtures are shown on elevations.

- 21. GUTTERS AND DOWNSPOUTS (Section D.13): Indicated on roof plan and elevations. OK
- 22. OTHER COMMENTS:
 - Note: All exterior finishes of wall including stucco, brick, stone, etc., must remain out of all setbacks.

STAFF LANDSCAPE FINDINGS:

- SUBMITTAL COMPLETENESS (Section B.5): Submittal must be generally complete enough for review. OK
- LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits): Except for fences and walls, structures are 5' from PL. Spa and plunge shells appear to be proposed in rear setback, and is not allowed.
 - UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. Submit at time of final submittal
- LOT COVERAGE (Sec C.1): Landscape features such as raised patios and/or freestanding structures must not create a lot coverage overage. OK
- SITE DRAINAGE (Sec C.6): A conceptual grading and drainage plan must be included, generally showing adequate site drainage. OK
- CURBS AND GUTTERS (Sec C.7): For new residences and major remodels, plans must show complete replacement of curb and gutter along entire street frontage with reference to EBSD requirements. OK
- BACKFLOW PREVENTION (Sec C.8): A backflow prevention device must be installed for proposed irrigation systems and must not be located on Association Property. Show at time of final

7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. AC and mechanical equipment are in room/alcove at basement level. OK

Mechanical spa equipment appears to be screened from view. OK

Noise impacts on adjacent neighbors must be avoided and/or minimized. OK

An acoustical report prepared by a qualified expert is submitted showing that anticipated noise impacts are less than the County maximum at the nearby property lines. Submit at time of final

Acoustical report assumptions and recommendations are consistent with submittal drawings. Reviewed at time of final

- 8. EXTERIOR LIGHTING (Sec E.2): Landscape lighting proposals must be shown and must appear to limit glare and annoyance. Path lights only. OK
- 9. FENCES, WALLS, AND HEDGES (Sec E.3):

In front yard setback areas fences, hedges, and walls are to be 4' high or less as compared to adjacent top of curb elevations. For corner lots, the maximum height is 3'. OK

Between the front yard setback and the house structure fences, walls, hedges, railings or other features are to be 4' high or less compared to finished grade. OK

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape. OK

In side yard and rear yard setback areas fences and/or walls must be 6' high or less as compared to existing grade along neighbor's side of property line. Unclear. Pool enclosure along most of west side does not appear to be established. It is unclear if raising existing wall on neighbor's property is proposed (existing pool enclosure on neighbor's property can be acceptable for EBCA but potentially not for County) but building pool enclosure on neighbor's property is not allowed by EBCA.

Property line fences, walls, and footings must be constructed completely on the subject property. Unclear if new walls/fencing proposed along west property line.

Block walls are finished on all sides. Unclear

At the street fences, walls, and railings must be held back a minimum of 18 inches from face of curb. OK

10. PLAY EQUIPMENT AND PLAY HOUSES (Sec E.5): Issues of noise and visual impact have been adequately addressed. None proposed, NA

- 11. MAILBOXES (Sec E.6): Design and location must be shown. OK, however because of the need to preserve on-street parking, the mailbox should be moved to adjacent the south side of the double driveway.
- OUTDOOR FIREPLACES, FIREPITS, COOKING ELEMENTS (Sec E.7): Outdoor fireplaces, BBQs, and ovens shall be a minimum of 5' clear of any property line and must be gas only. OK

The minimum setback for any open firepit shall be a minimum of 10'. None proposed. OK

13. WATER FEATURES, SWIMMING POOLS, SPAS (Sec E.8): Pool and spa structures are located entirely outside the 5' utility easement area. OK

Issues of noise and visual impact must be adequately addressed. OK

Security/pool fencing is shown. Unclear along west side.

- 14. PARKWAY ACCESS (Sec E.12): Planting and paving within 18-24" of face of curb shall allow for convenience of on-street parking OK
- 15. IMPROVEMENTS ON EBCA PROPERTY Section C, Part 21): Trees, hedges, and structures are not proposed on EBCA property. **OK**
- POTENTIAL OBSTRUCTION OF VIEW (Sec A.5): Trees and shrubs must not unreasonably block a neighbor's view. OK
- 17. PREPARATION BY LANDSCAPE ARCHITECT (Sec B.2): OK
- 18. FUEL MODIFICATION (Sec E.14): Highly flammable target species shall not be proposed. **OK**

Perimeter properties appear to be consistent with Orange County requirements for Zone A. NA

19. OTHER:

Impacts to on-street parking in this area are important considerations.

FINAL COMMITTEE RECOMMENDATIONS:

- The Committee previously deferred its recommendation due to inadequate information
 provided to address the Board's concern for the on-street parking situation. The Committee
 considered the Applicant's exhibit, the Applicant addressed the Board's comments, and it
 appears that three on-street parking spaces are not feasible. Therefore, the Committee
 recommends <u>Approval</u> of the plans.
- 2. The Applicant may submit for Committee's review taking the Staff Findings above and the following into consideration:

- a. As a part of the Preliminary submittal the proposed structure must be staked and certified by a California State licensed civil engineer or land surveyor. Stake proposed changes at all decks, deck rails, eave corners and ridges with connecting string lines. The Committee reserves the right to request increased setbacks after review of the stakes and Community input. Staking is certified - OK.
- b. Add Mechanical room name and ceiling height back to Sht. A210. Revised. OK
- c. Delete portions of spa and plunge structures within setback areas. Pool and spa bond beams must be shown out of the setback. Revised. OK
- d. Clearly demonstrate pool enclosure along west side. Delete proposals for new offsite construction to establish pool enclosure. Existing walls do not appear to provide adequate pool enclosure. Revised. OK
- e. Delete hedge on EBCA property in front. Revised. OK
- f. Move the mailbox to a location just south of the double driveway to avoid impacts to onstreet parking. Show on-street parking spaces, adjusted to preserve as many spaces as feasible. Architect may want to consider contacting 54 Emerald Bay regarding the possibility of utilization of on-street parking across the 2 property lines. Revised. OK
- g. Show curb cuts and aprons as narrow as feasible. The southern double driveway shown on landscape plans is appropriate and the architect/civil drawings should be adjusted accordingly. Revised to 16' wide. OK
- h. Owner to lower roof 6 inches. Revised. OK

3. At time of FINAL submittal:

- a. An executed Easement Agreement recorded with the County of Orange for improvements on EBCA property will be required. An Encroachment Permit application and exhibits prepared by a licensed civil engineer describing the area of the Easement and legal descriptions are required for EBCA to prepare the Agreement. This is required to be approved by the EBCA Board of Directors prior to the approval of the project.
- b. A color and materials board with actual factory colors and materials must be submitted. Photographs of colors and materials are not allowed. Materials board must be a minimum of 11" x 17" and no larger than 18" x 24". Roof material, glazing sample of windows, doors, and garage (if applies) needs to be included. A colored elevation must be included on the board clearly identifying the location of all proposed colors and
- c. An acoustical report prepared by a qualified expert must be submitted showing that anticipated noise impacts are less than the County maximum at the closest property line. Submitted plans must be consistent with the recommendations of the report.
- d. Submit drawings and the application fee of \$400 to EBSD for review. Provide evidence of EBSD review and approval. The preliminary plans must be developed in sufficient detail to confirm that there will be no structural encroachments into the 5' easement. If caissons are required for the foundation, they must be shown on the Final submittal for review by the District Engineer and approved by the Service District.

4. Note:

- Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
- All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
- c. If it becomes necessary or desirable for the Association to utilize its easements within private property boundaries, it is the responsibility of the owner of such property to remove improvements (whether previously approved by the Association or not) to provide access and to replace or repair improvements subsequent to Association access at no cost to the Association.
- d. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction.

Chad Peterson (d'Arcy and Associates Architecture) and Charles d'Arcy (Architect) were in attendance to discuss the submittal.

Members Present:

#39 Joe Duran (Via Zoom) #76 Kelly Anthony (Via Zoom) #45 Kathryn Speed (Via Zoom) #38 Crystal Sims #31 Sharleen and Neel Grover #39 Jen Duran

At their meeting on May 3, 2022, the Board voted the Approve the recommendation of the Architectural Committee.

Exhibit "D":

CA Dept. of Consumer Affairs license status evidencing the expiration of James Dockstader's Landscape Architect license since January 31, 2019

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

LICENSING DETAILS FOR: 3072

NAME: DOCKSTADER, JAMES W

LICENSE TYPE: LANDSCAPE ARCHITECT

LICENSE STATUS: EXPIRED ADDRESS

1506 S COAST HWY LAGUNA BEACH CA 92651

ORANGE COUNTY

ISSUANCE DATE

JULY 10, 1989

EXPIRATION DATE

JANUARY 31, 2019

CURRENT DATE / TIME

JANUARY 26, 2023 12:58:45 PM Exhibit "E": April 5, 2022 Board Meeting Minutes

REGULAR SESSION MEETING MINUTES

EMERALD BAY COMMUNITY ASSOCIATION BOARD OF DIRECTORS MEETING COMMUNITY CENTER AND VIA VIDEO TELECONFERENCE April 5, 2022

Board Members Present:

Scott Swensen, Cheryl Doyle, Harley Bassman, Scott McCarter, Neel Grover,

Joselyn Miller, and Bill Moore

Board Members Absent:

Staff Present:

Toni Hughes, Cisco Farias, Coryn Henderson, Jillisa O'Brien, Esq., Michele

Parenteau, Michael Robertson, Bill Stoffregen

CALL TO ORDER

The meeting was called to order by Scott Swensen at 3:00 PM. The Pledge of Allegiance was recited.

The Board entered Executive Session at 3:02 PM.

The Board returned to Open Session at 5:42 PM (after a brief break at 5:25 PM).

EXECUTIVE SESSION DISCLOSURE

An Executive Session Meeting was held just prior to this General Session, where the Board of Directors discussed items related to the following: (1) Architecture and Construction litigation or potential litigation; (2) Non-Architecture and Construction litigation or potential litigation; (3) Contracts; (4) Approval of Executive Session Consent Agenda; and (5) Executive Session Announcements.

CONSENT AGENDA

- A. Minutes March 1, 2022 March 5, 2022 March 15, 2022
- B. Reports:
 - 1. Security Log March 2022
 - 2. Dog violations report March 2022
 - 3. Fire & Emergency Services Report March 2022
 - 4. Party Requests
 - 5. Reserve Fund Projects & Common Area Report March 2022
 - 6. Ratification of February 2022 Monthly Detailed Financial Matters Review
 - 7. Board Goals Update

Scott Swensen requested to pull the Party Requests from the Consent Agenda.

A motion was made by Scott McCarter to accept the remaining Consent Agenda, including the ratification of the financial review by Cheryl Doyle and Scott Swensen. The motion was seconded by Cheryl Doyle. The motion passed.

Party Requests Discussion – Brittney Hodges presented each of the Party Requests.

Caya #309 EB Event scheduled for Sunday May 1, 2022 – This request is to reserve tennis courts for a private event. A motion was made by Joselyn Miller to approve the Party Request for #309 EB on the condition that the time of the event be moved from 2:00 PM – 5:00 PM to 3:00 PM - 6:00 PM. The motion was seconded by Scott McCarter. The motion passed.

Shonfeld #267 EB Event scheduled for Saturday October 22, 2022 — This request is for a Bat Mitzvah. Staff recommends that if approved, updated details to the scope of the event be submitted for approval at the July 12, 2022 Board Meeting. A motion was made by Bill Moore to grant preliminary approval of the Party Request for #267 EB pending the submittal of an updated scope and review at the July 12, 2002 Board Meeting. The motion was seconded by Cheryl Doyle. The motion passed.

Ward #13 EB Event scheduled for Saturday May 21, 2022 Update — This event is a School Carnival, but in scope of a birthday party type of event. A motion was made by Scott McCarter to approve the Party Request for #13 EB with the condition that all rentals are picked up by 11 PM on May 21, 2022. The motion was seconded by Neel Grover. The motion passed.

Jonas #1129 EB Event scheduled for Saturday May 7, 2022 (Previously approved at the March Board Meeting). Special Request – Mrs. Jonas is requesting approval for rental pickup on Monday, May 9, 2022. A motion was made by Joselyn Miller to approve the Special Request for #1129 EB. The motion was seconded by Cheryl Doyle. The motion passed.

Wirta #102 EB Event scheduled for Sunday April 24, 2022 (Handout at meeting)—This event is a child's birthday party. A motion was made by Joselyn Miller to approve the Party Request for #102 EB with the fee charged for late submission. The motion was seconded by Neel Grover. The motion passed.

GENERAL MEMBER COMMENT

Scott Swensen opened Member Comment at 5:51 PM. Member Comment ended at 6:03 PM

A Member presented their concern regarding loud bass-type music coming from an event in Swanson Park. They suggested that music in Swanson Park be set-up on the basketball court or somewhere closer to PCH, and to establish some parameters around the volume and/or placement of the music.

A Member commented that they would like to see one of the Tennis courts turned into a volleyball court.

COMMITTEE REPORTS

Report of Recreation Committee Meeting, March 8, 2022 — Coryn Henderson reported that the Committee discussed Volleyball Rules, the possible reintroduction of pickleball, the concert schedule for summer, and the Fourth of July wristband allocation. The Committee is recommending that the Board approve a 15-wristband allocation per family.

A motion was made by Neel Grover to approve the recommended allocation of 15 wristbands per family for the Fourth of July event. The motion was seconded by Joselyn Miller. The motion passed.

Report of CERT Meeting March 15, 2022 – Mike Robertson reported the CERT Committee discussed the response to the Emerald Fire and the importance of keeping up to date lists for emergencies. They are also discussing the possibility of reimplementing a siren within the Bay.

Report of Aesthetics Committee Meeting March 21, 2022 — Toni Hughes reported that the Committee decided that the new Recreation Office doors should be painted green to match the others. The Committee is also reviewing the projects for the pool and feel that it may be difficult to rebid them prior to the summer season; they are considering working on completing the cubbies project first. Toni also mentioned that the Committee has requested that the firehouse doors be painted.

STAFF REPORTS

<u>Approval of Members to serve on the 2022-23 Nominating Committee</u> – Toni Hughes announced the names of members to act as the 2022-23 Nominating Committee (3 prior Board Members and 2 Members-at-Large): Three prior Board Members which accepted are:

- Mark Disman
- John Murphy
- Gordon Orsborn

Toni reported that she had received two submissions for the Member-at-Large positions in response to the March 4, 2022 mailing:

- Pam Banks
- Dan Potter

Scott Swensen and Scott McCarter recused themselves from election-related discussions and actions.

A motion was made by Neel Grover to approve the appointment of the two drawn Members at Large, Pam Banks and Dan Potter, in addition to Mark Disman, John Murphy and Gordon Orsborn to the 2022-23 Nominating Committee and direct Staff to send the announcement letter to Members with an invitation to submit Board Candidate names to the Nominating Committee. The motion was seconded by Joselyn Miller. The motion passed.

A motion was made by Neel Grover to require that Board Candidates must be a member for at least a year before being qualified to run for a seat on the Board. The motion was seconded by Cheryl Doyle. The motion passed.

<u>Updated Election Rules</u> – At 6:17 PM Scott Swensen opened a Member Hearing on the Proposed Election Rules to add Election by Acclamation. Hearing no comment, Scott Swensen closed the Member Hearing at 6:18 PM.

A motion was made by Harley Bassman to approve the Updated Election Rules. The motion was seconded by Neel Grover. The motion passed.

<u>Selection of Strategic Planning Focus Group Ad-hoc Committee</u> — Toni Hughes reported on the progress of scheduling Members for the focus groups. She also noted that she received a request to solicit members-at-large for the Ad-hoc Focus Group Subcommittee to assist with the recruitment of Members for the groups. Staff has worked on providing various demographics for consideration and will provide the ad-hoc committee with a range of information for their use.

At present, the names received for the members-at-large are Lisa Rossi, and Alan (AJ) Johnson.

A motion was made by Bill Moore to appoint Lisa Rossi and Alan Johnson to join Scott Swensen, Cheryl

Doyle, and Harley Bassman on the ad-hoc Focus Group Subcommittee. The motion was seconded by Harley Bassman. The motion passed.

TREASURER'S REPORTS

February 2022 six-month Financial Statements – Michele Parenteau reported on the February 2022 Financial Statements:

Operating Fund Performance

- As of February 2022, Operating Revenue was ahead of budget by \$7,266.
- Expenses were below budget by \$152,622 (6%).
- Total amount added to the Operating fund balance for the current fiscal year is \$196,955.

Reserve Fund Performance

- YTD expenses are \$133,671 out of a budgeted amount of \$853,320 for the year. The transfer to the operating fund for the February 2022 expenses in the amount of \$22,288 was made at the end of
- Amount added to the Reserve Fund for the current fiscal year is \$317,637.

ARCHITECTURE APPEALS Neel Grover recused himself from the architectural discussions relating to Olson, 52 EB.

Scott McCarter presented a brief summary of the Olson project at 52 EB. The Architectural Committee has given preliminary approval to the proposed structure at 52 EB which would include the removal of one onstreet parking space on the cul-de-sac given the submittal's location driveways to accomplish required offstreet parking to comply with the Regulation's off-street parking requirements.

Duran (#39) Appeal of Architectural Committee Approval of 52 EB Project - Joseph Duran noted that there is already very limited parking in that area, and opined it is unreasonable not to consider that challenge prior to granting a submittal that will result in a reduction of on street parking as a consequence. Jennifer Duran stated that she would like the Board/Architectural Committee to consider the functionality of the street including current levels of domestic workers, deliveries, Ubers, that deliver to homes on the cul-de-sac.

Grover (#31) Appeal of Architectural Committee Approval of 52 EB Project - Sharlene Grover stated that she feels strongly that the Olsons need to submit a proposal to build their house within the Rules and Regulations and without eliminating one on-street parking space. Removing one of the cul-de-sac's on-street parking spaces reduces the cul-de-sac's on-street party by 25%. Neel Grover added that he felt there were procedural issues in that the Community did not receive notice regarding the impact on on-street parking and questioned whether the submittal (if approved) would result in the exclusive use of common area by a single family..

Speed (#45) Appeal of Architectural Committee Approval of 52 EB Project – Jeff Speed argued the recommended approval of the Olson submittal was an inconsistent application of the Architectural Regulations because the Olson submittal includes tandem parking to meet its off-street parking requirements while resulting in the loss of one of the cul-de-sac's on-street parking spaces. Speed state tandem parking was not permitted by the Architectural Committee when he was going through the submittal process, because the Architectural Committee told him tandem parking was impractical.

Hood, #1006, Appeal of Architecture Committee Approval of 1008 EB Project - Bill Hood presented his concerns regarding the approval of the project at 1008 EB and the wraparound side deck and the windows facing his home based on privacy reasons. He also feels the Setback calculations are incorrect and an issue for Mr. Hood. Scott Laidlaw, Architect for project 1008 EB, addressed the concerns regarding the Setbacks.

Steve & Kerry Olson 52 EB — Steve Olson outlined some of the concessions they have made throughout the submittal process in order to accommodate and to be amenable to the neighbors, particularly concerning the views. Steve added that having the most frontage (75 feet) on the street and being asked to keep a twelve-foot driveway as the only access to the house is extremely unfair to them.

Director Scott McCarter, Chair of the Architectural Committee, mentioned that the Architectural Committee considered a number of factors including the net gain of two parking spaces as a result of the submittal, with the loss of one on-street spot offset by the gain of three off-street parking spaces, the project being below the height envelope in several areas, coupled with the fact that the lot tiers down the slope, so the house does not appear to be as large as it actually is.

Other comments from various Members

- This is exactly the parking access that was purchased with the property.
- Most people when they purchase a lot, are usually quite savvy of the physical requirements per the CC&Rs of building within the envelope. They noted that when their project was approved, it took away a parking space in that subdivision.
- One Member would like to hear from the Architectural Committee on how tandem parking off-street is "practical".
- One Member was in favor of the Olsons' project, recognizing there is precedence and history on both sides of the argument.

The Board consider the written and verbal information as presented during member comment.

Harley Bassman made a motion to defer a Board decision on the Architectural Committee's recommendation regarding the Olson project at #52 EB project and to send it back to the Architectural Committee for further consideration in order to provide the Olsons and their design team additional time for consideration of if there is a different design possible that does not reduce available on-street parking spots. The motion was seconded by Cheryl Doyle. The motion passed.

ARCHITECTURE REPORT & RECOMMENDATIONS

Variances

Ochal 1008 EB Variance – This Variance request is for a non-conforming sloped roof of 1.5:12 pitch which will permit a total flat roof for the proposed new home of 17.9%, exceeding the 15% maximum permitted.

At 7:38 PM, Scott Swensen opened a Member Hearing for comments. Hearing none, Scott Swensen closed the Member Hearing at 7:38 PM.

A motion was made by Scott McCarter to make the required findings, approve the Variance Request, and adopt Resolution #2022-04-05-01. The motion was seconded by Cheryl Doyle. The motion passed.

<u>Post 547 EB Variance</u> - This Variance request is to grant a 60 square foot kitchen addition that is 15.25 feet over height.

At 7:40 PM, Scott Swensen opened a Member Hearing for comments. Hearing none, Scott Swensen closed the Member Hearing at 7:40 PM.

Emerald Bay Community Association Board of Directors Meeting April 5, 2022 A motion was made by Harley Bassman to make the required findings, approve the Variance Request, and adopt Resolution #2022-04-05-02. The motion was seconded by Bill Moore. The motion passed.

<u>Architectural Submittals</u> – Bill Stoffregen presented the Architectural Committee recommendations for the April 2022 projects.

1. Hansen (#1016)

Major Remodel with Medium Landscape/Hardscape - Preliminary Resubmittal Recommendation Approval

2. Giem (#193)

25-50% Remodel with Major Landscape/Hardscape - Preliminary Recommendation Disapproval

3. Reda (#412)

10-25% Remodel with Medium Landscape/Hardscape – Preliminary Resubmittal Recommendation Approval

4. Koury (#135)

New Residence with Major Landscape/Hardscape – Final Previous Recommendation was for Approval Recommendation has been changed to a Deferral

5. Bower (#191)

New Residence with Major Landscape/Hardscape - Revised Final Recommendation Approval

6. Ochal (#1008)

New Residence with Major Landscape/Hardscape with VARIANCE - Preliminary Resubmittal (Previously Deferred) Recommendation Approval

7. Varner (#311)

New Residence with Major Landscape/Hardscape - Final Recommendation Approval

8. Post (#547)

10-25% Remodel with Major Landscape/Hardscape with VARIANCE - Revised Preliminary (Previously Deferred)

Recommendation Approval

9. Vuylsteke (#530)

Less than 10% Remodel - Concept & Final Recommendation Approval

10. Werlemann (#519)

25-50% Remodel with Major Landscape/Hardscape - Preliminary Resubmittal (Landscape only) Recommendation Approval

11. Olson (#52)

New Residence with Major Landscape/Hardscape – Preliminary Recommendation Approval Recommendation has been changed to a Deferral

A motion was made by Harley Bassman to approve the Architecture Committee recommendations as summarized, with the amendment of Koury #135 as Deferral and per the previously determined deferral of Olson #52. The motion was seconded by Scott McCarter. The motion passed with Neel Grover recused from voting on Olson #52 Emerald Bay.

BRIEF ANNOUNCEMENTS AND REPORTS

There were no announcements.

The next scheduled Board Meeting is Tuesday, May 3, 2022, at 3:00 PM.

The meeting was adjourned at 7:46 PM.

Submitted by:

Date

Michele Parenteau, Recording Secretary

Exhibit "F": May 3, 2022 Board of Director meeting Minutes

REGULAR SESSION MEETING MINUTES

EMERALD BAY COMMUNITY ASSOCIATION BOARD OF DIRECTORS MEETING COMMUNITY CENTER AND VIA VIDEO TELECONFERENCE May 3, 2022

Board Members Present:

Scott Swensen, Cheryl Doyle, Harley Bassman (via video teleconference), Scott

McCarter, Neel Grover, Joselyn Miller, and Bill Moore

Board Members Absent:

Staff Present:

Toni Hughes, Cisco Farias, Coryn Henderson, Jillisa O'Brien, Esq., Michele

Parenteau, Michael Robertson, Bill Stoffregen

CALL TO ORDER

The meeting was called to order by Scott Swensen at 3:00 PM. The Pledge of Allegiance was recited.

The Board entered Executive Session at 3:01 PM.

The Board returned to Open Session at 5:48 PM (after a brief break at 5:36 PM).

EXECUTIVE SESSION DISCLOSURE

An Executive Session Meeting was held just prior to this General Session, where the Board of Directors discussed items related to the following: (1) Architecture and Construction litigation or potential litigation; (2) Non-Architecture and Construction litigation or potential litigation; (3) Contracts; (4) Personnel; (5) Approval of Executive Session Consent Agenda; and (6) Executive Session Announcements.

CONSENT AGENDA

- A. Minutes April 5, 2022
- B. Reports:
 - 1. Security Log April 2022
 - 2. Fire & Emergency Services Report April 2022
 - 3. New Members & Tenants April 2022
 - 4. Party Requests
 - Reserve Fund Projects & Common Area Report April 2022
 - 6. Board Goals Update

Scott Swensen requested to pull the Party Requests from the Consent Agenda.

A motion was made by Cheryl Doyle to accept the remaining Consent Agenda. The motion was seconded by Scott McCarter. The motion passed.

Party Requests Discussion - Coryn Henderson presented each of the Party Requests.

Loughlin #721 EB Event scheduled for Sunday May 29, 2022 (Memorial Weekend) – This request is for the annual community event Volleyball Tournament at the Main Beach. A motion was made by Joselyn Miller to approve the Party Request for #721 EB. The motion was seconded by Scott McCarter. The motion passed.

Cook #40 EB Event scheduled for Saturday July 2, 2022 (Fourth of July Weekend) - This request is for a children's birthday party at Swanson Park. A motion was made by Scott McCarter to approve the Party Request for #40 EB. The motion was seconded by Neel Grover. The motion passed.

Copps #1611 EB Event scheduled for Wednesday August 17, 2022 - This request is for a work party at fire Ring 10/South Beach grass. A motion was made by Neel Grover to approve the Party Request for #1611 EB. The motion was seconded by Bill Moore. The motion passed.

Miller #330 EB Event scheduled for Saturday October 15, 2022 - This request is for a Wedding Ceremony at fire ring 10 & 11/South Beach grass which was preliminarily approved at the November 2, 2021 Board Meeting. A motion was made by Neel Grover to approve the Party Request for Miller #330 EB with the caveat of permitting a maximum of 50 cars including vendors. Any higher number of cars will require that a shuttle service be used to bring guests/vendors in. The motion was seconded by Scott McCarter. The motion passed.

Miller #330 EB Event scheduled for Saturday October 15, 2022 - This request is for a Wedding Reception in Swanson Park and was preliminarily approved at the November 2, 2021 Board Meeting. A motion was made by Scott McCarter to approve the Party Request for Miller #330 EB. The motion was seconded by Harley Bassman. The motion passed.

GENERAL MEMBER COMMENT

Scott Swensen opened Member Comment at 6:02 PM. Member Comment ended at 6:07 PM

One Member commented that he is aware of the controversy regarding 52 EB and stated that he felt the Olsons have done a great job on the design of their house specifically on the slope side.

A Member presented their concern via a letter to the Board regarding the holiday lighting at the beach and the change of planting at the Emerald Green tennis court.

COMMITTEE REPORTS

Report of the Finance Committee meeting (Draft 2022-23 Budget) - Michele Parenteau reported that the Finance Committee met on Wednesday April 20, 2022 to review the 2022/2023 draft budget and recommends approval of the draft budget subject to the following:

- Removal/Deferral of the Pool Pavers (\$100k) from the Reserve Budget
- Consider reducing the construction legal budget by \$100k. If it is needed, consider a special
- Consider allowing Chris Brown to bid on the remainder of the pool project and if acceptable, begin work on the cubbies and tile this current year, order the material for the showers and deck, and begin the remainder of the work after summer in the new fiscal year
- Levy a modest increase each year on assessments to account for inflation, with a minimum of 2% suggested for the FY 2022/2023 budget; and permit the surplus from FY 2021/2022 cover the remaining deficits in both Operating and Reserves

TREASURER'S REPORTS

<u>Discussion regarding draft 2022-23 budget</u> – Toni Hughes presented the significant changes in the FY 2021/2022 draft Annual Budget for both Operations and Reserves. The Board requested that the pool pavers be removed from the Reserve Budget prior to the next Board meeting.

<u>Discussion regarding possible annual assessment outcomes for 2022-23</u> – Toni Hughes mentioned that each 1% equates to \$43,882 increase in assessments or an \$82 annual increase at rank 3. The Board discussed the various amounts for assessments and will decide on an assessment increase at the next Board meeting.

ARCHITECTURE APPEALS

Neel Grover recused himself from the Directors table during the discussions relating to Olson, 52 EB and presented his comments to the Board from the Members' seating area.

Scott McCarter presented a brief summary of the Architecture Committee's report and findings on project 1008 EB prior to the Board Appeals.

Hood, #1006, Appeal of Board Approval of 1008 EB Project — Bill Hood used a slide presentation to show his privacy concerns regarding the approval of the project at 1008 EB and the wraparound side deck and the windows facing his home and stated that there are a limited number of wrap-around decks in the Bay. Director McCarter responded that there are a significant number of wrap around decks in the Bay and 1006's deck is set back more from the property than the minimum setbacks.

A motion was made by Scott McCarter to deny Mr. Hood's appeal of for the Board Approval of the Project at 1008 EB. The motion was seconded by Cheryl Doyle. The motion passed.

Appeals of Architectural Committee Approval of 52 EB — Director McCarter presented a brief summary of the Architecture Committee's report and findings on project 52 EB which includes the removal of one on-street parking space on the cul-de-sac given the submittal's location of driveways to accomplish required off-street parking to comply with the Regulation's off-street parking requirements. Scott also added that there is precedence in that a significant number of new construction or substantial remodels approved in the past have resulted in the loss of an on-street parking space.

<u>Duran (#39) Appeal of Architectural Committee Approval of 52 EB Project</u> – Via letter, Joseph Duran noted that there is already very limited parking in that area, and opined it is unreasonable not to consider that challenge prior to granting a submittal that will result in a reduction of on-street parking as a consequence. Jennifer Duran (in-person) stated that she would like the Board/Architectural Committee to consider the functionality of the street including current levels of domestic workers, deliveries, Ubers, that deliver to homes on the culde-sac.

Grover (#31) Appeal of Architectural Committee Approval of 52 EB Project — Sharlene Grover stated that the Olson's project creates a safety concern for the street, takes away community property from everyone, and that the Association should have members park in their garages instead of using them for storage, playrooms and other uses. Neel Grover added that the neighbors should not bear the burden for one resident who is altering the rules in his favor. Community property should not be taken away from the residents to benefit one member.

Speed (#45) Appeal of Architectural Committee Approval of 52 EB Project – Jeff Speed mentioned that he is still opposed to the removal of the one parking space for the project at 52 EB.

A member spoke in opposition to the project at 52 EB for two reasons; the first being that people appear to buy in Emerald Bay to build bigger and better homes; and they are bigger yes, but not always better; the second is that parking is a major problem and residents should park cars in their garage.

Steve Olson, owner at 52 EB, stated that his project is taking cars off the street by creating spaces on the property and addressed the safety issue stating with two driveways there will be no need for parallel parking.

Director Scott Swensen stated that the Board relies heavily on the professionals on the Architecture Committee who have put in countless volunteer hours investigating whether a parking space could be preserved with the Olsons' present submittal. Swensen advised those in attendance that there is no specific provision in the Architectural Regulations addressing or prohibiting the elimination of on-street parking spaces.

Cheryl Doyle stated that the Olsons' submittal meets every requirement in accordance with the Architectural Regulations, including with respect to providing adequate off-street parking.

The Board considered the written and verbal information as presented during member comment.

A motion was made by Scott McCarter to deny the Duran appeal of the Olson Submittal. The motion was seconded by Joselyn Miller. The motion passed with Director Grover recused.

A motion was made by Scott McCarter to deny the Grover appeal of the Olson Submittal. The motion was seconded by Harley Bassman. The motion passed with Director Grover recused.

A motion was made by Scott McCarter to deny the Speed appeal of the Olson Submittal. The motion was seconded by Cheryl Doyle. The motion passed with Director Grover recused.

ARCHITECTURE REPORT & RECOMMENDATIONS

Vitti (935 EB) Variance - This Variance request is for a project that includes drainage, landscape, and hardscape improvements on Association property adjacent to the property located at 935 Emerald Bay.

At 6:44 PM, Scott Swensen opened a Member Hearing for comments. Hearing none, Scott Swensen closed the Member Hearing at 6:44 PM.

A motion was made by Scott McCarter to make the required findings, approve the Variance Request, and adopt Resolution #2022-05-03-01. The motion was seconded by Bill Moore, The motion passed.

Koury (135 EB) Variance - This Variance request is for a project that includes drainage, landscape, and hardscape improvements on Association property adjacent to the property located at 135 Emerald Bay.

At 6:46 PM, Scott Swensen opened a Member Hearing for comments. Hearing none, Scott Swensen closed the Member Hearing at 6:46 PM.

A motion was made by Scott McCarter to make the required findings, approve the Variance Request, and adopt Resolution #2022-05-03-02. The motion was seconded Joselyn Miller. The motion passed. Page 4 of 6

<u>Varner (311 EB) Variance</u> – This Variance request is for a project that includes drainage, landscape, and hardscape improvements on Association property adjacent to the property located at 311 Emerald Bay.

At 6:47 PM, Scott Swensen opened a Member Hearing for comments. Hearing none, Scott Swensen closed the Member Hearing at 6:47 PM.

A motion was made by Scott McCarter to make the required findings, approve the Variance Request, and adopt Resolution #2022-05-03-03. The motion was seconded by Cheryl Doyle. The motion passed.

Offield (235 EB) Variance – This Variance request is for a project that includes drainage, landscape, and hardscape improvements on Association property adjacent to the property located at 235 Emerald Bay.

At 6:49 PM Scott Swensen opened a Member Hearing for comments. Hearing none, Scott Swensen closed the Member Hearing at 6:49 PM.

A motion was made by Scott McCarter to make the required findings, approve the Variance Request on Association property, and adopt Resolution #2022-05-03-04. The motion was seconded by Joselyn Miller. The motion passed.

<u>Pavlik (28 EB) Variance</u> – This Variance request is for a project that includes drainage, landscape, and hardscape improvements on Association property adjacent to the property located at 28 Emerald Bay.

At 6:50 PM, Scott Swensen opened a Member Hearing for comments. Hearing none, Scott Swensen closed the Member Hearing at 6:50 PM.

A motion was made by Scott McCarter to make the required findings, approve the requested encroachment on Association property, and adopt Resolution #2022-05-03-05 granting the requested landscape and hardscape easement. The motion was seconded by Joselyn Miller. The motion passed.

<u>Architectural Submittals</u> – Bill Stoffregen presented the Architectural Committee recommendations for the May 2022 projects.

- Olson (#52) New Residence with Major Landscape/Hardscape
 — Preliminary (Board Deferred in April 2022) Recommendation Approval
- Hansen (#1409) 10-25% Remodel with Medium Landscape/Hardscape with VARIANCE – Revised Final Recommendation Deferral
- Slavik (#211)
 New Residence with Major Landscape/Hardscape Concept
 No Recommendation for Concept
- Barton (#931)
 Less than 10% Remodel (Solar) Concept (Reviewed as Final)
 Recommendation Approval

Giem (#92)
 Major Remodel with Major Landscape/Hardscape – Final Approval Extension Request (2)
 Recommendation Approval

A motion was made by Scott McCarter to approve the Architecture Committee recommendation for Olson-Project at 52 EB. The motion was seconded by Cheryl Doyle. The motion passed with Director Grover recused.

A motion was made by Scott McCarter to approve the Architecture Committee recommendations as summarized except the Olson project at #52 EB. The motion was seconded by Joselyn Miller. The motion passed.

BRIEF ANNOUNCEMENTS AND REPORTS

Toni Hughes mentioned the Firefighter Recognition event taking place at the Firehouse on Wednesday, May 4, 2022, hoping that everyone would attend.

The next scheduled Board Meeting is Tuesday, June 7, 2022, at 3:00 PM.

The meeting was adjourned at 6:54 PM.

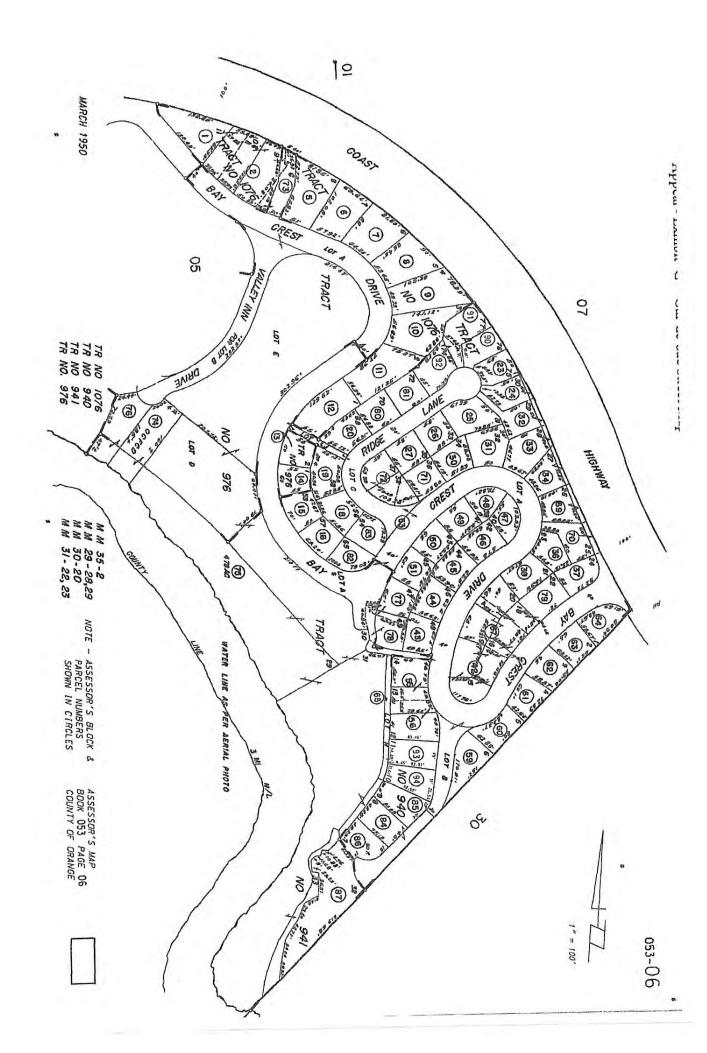
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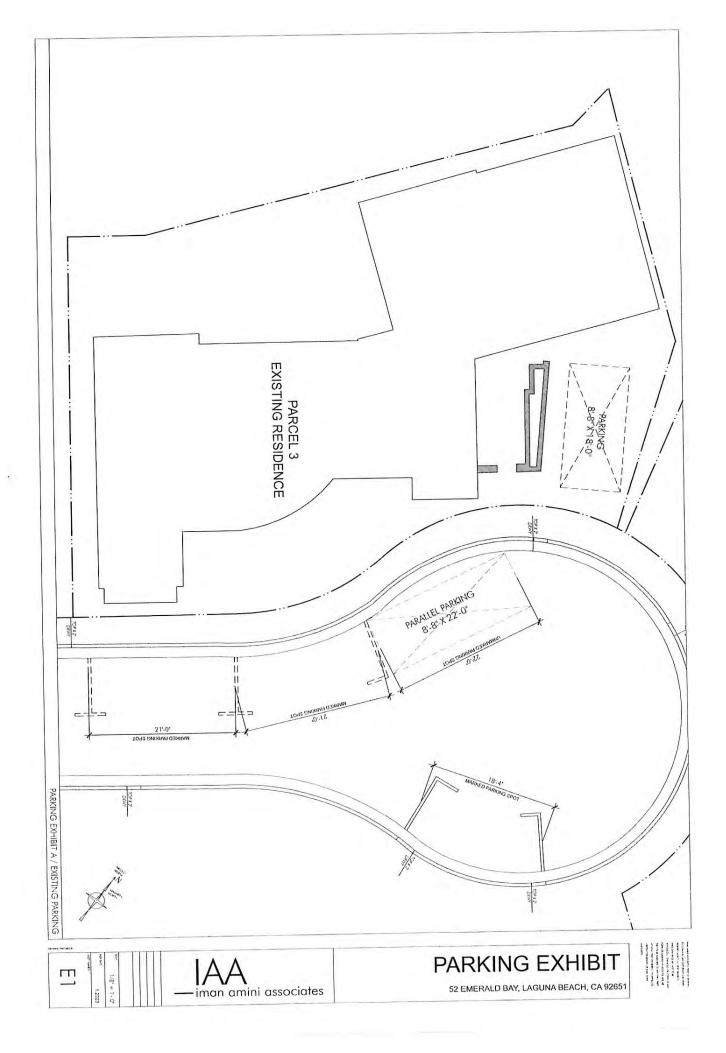
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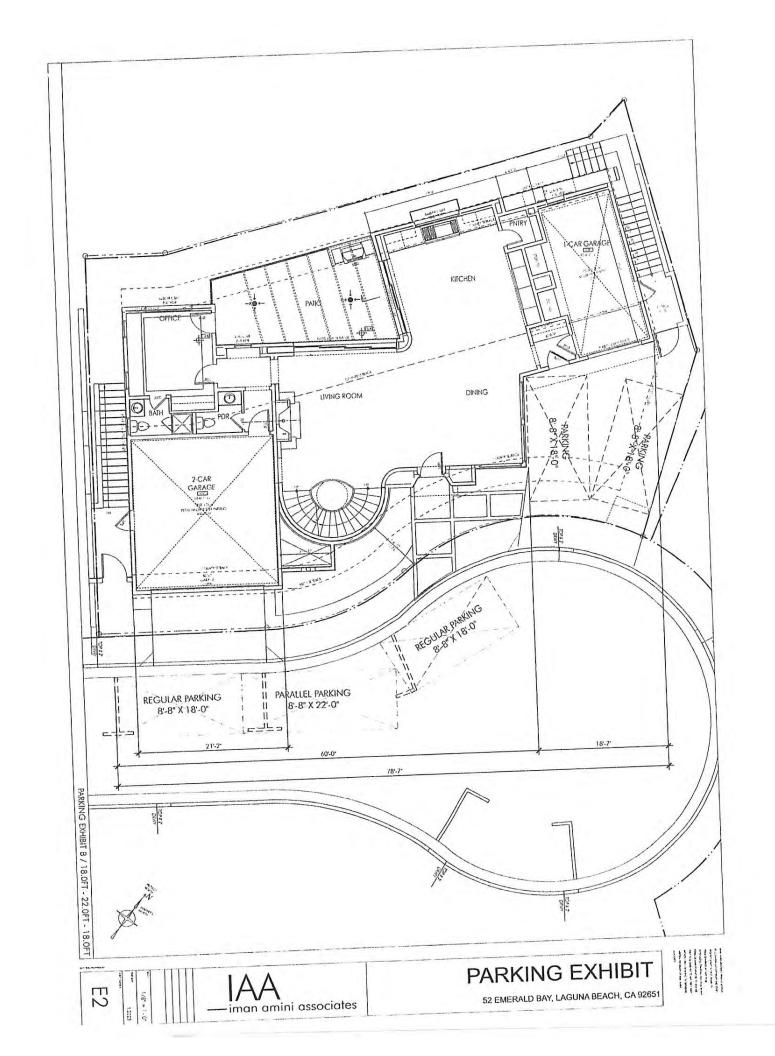
Scott Swensen, President

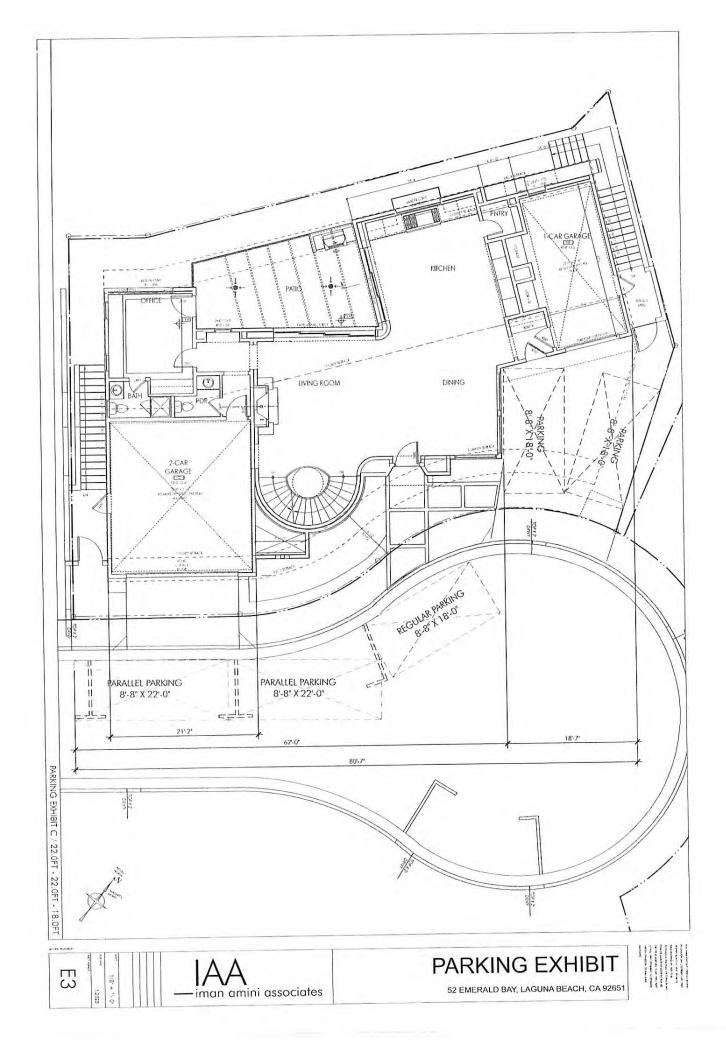
Michele Parenteau, Recording Secretary

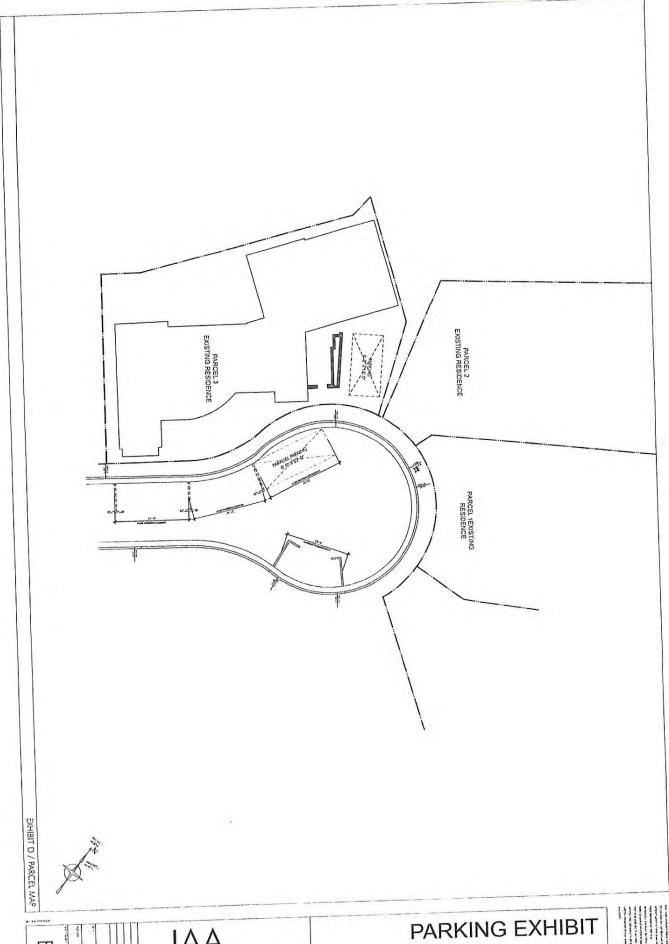
Exhibit "G": Cul-de-Sac Street Map











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52 EMERALD BAY, LAGUNA BEACH, CA 92651



Exhibit "H": Study of Dimensions of Cul-de-Sac Lots and Structures

Study of Dimensions of Cul-de-Sac Lots and Structures (January 27, 2023)

Mass and Scale

The project is not compatible with surrounding neighborhood development in <u>size</u>, <u>design and massing</u>, see statistics below.

In terms of mass and scale, the planned development is not consistent with the pattern of development and will negatively impact the overall aesthetics of the neighborhood, and the character of the community, creating an injurious impact to adjacent properties and is inconsistent with the pattern of development. Moreover, it eliminates 25% of the cul-de-sac parking.

The objectives of the EBCA Design Guidelines take into account factors such as promoting the construction of improvements in a manner aesthetically compatible and harmonious with surrounding properties and other improvements in the neighborhood, potential imposition on neighboring properties, improvement of the overall aesthetics of the neighborhood and consistency with the development of surrounding homes. It is submitted the planned development fails to conform to these objectives and should <u>not</u> meet with the EBCA's approval.

Applicable Standards

- Mass and scale of planned development compatibility with the surrounding properties
- Consistency with development of surrounding homes
- Aesthetically compatible with surrounding homes
- Imposition and impact on neighboring properties

A. Summary of Mass & Scale in Relation to Surrounding Cul-de-Sac Properties

Street Map: Attached
No. of Homes in Cul-de-Sac: 16
Average Lot Sq. Ft.: 3,742
Average Home Sq. Ft.: 3,657
Square Ft. Proposed at 52: 5,750
Sq. Ft. above Average: 2,093
52 Home Size vs. Average: 1.57X

Cul-de-Sac Property List (16 properties)

Cul-uc-k	out I Topoco				
Address	Home Size (sqft)	Lot Size (sqft)	Year-Built	Owner	
#50	4,985	3,885	2003	Mitchell Ogron	
#31	3,274	3,454	2001	Neel & Sharlene Grover	
	2,221	3,131	1954	Jeff & Kathryn Speed	
#45	2,221	5,25		G . W I Tiffeny Engine	
#43	2,114	3,412	1950	Curt W. and Tiffany Ensign	

#41	2,297	3,954	1962	Carol L. Engen
#39	4,774	4,725	1990	Joseph J. Duran
#37	3,841	3,190	1993	Jeffrey Estabrooks
#35	3,103	3,049	1955	Brian Y. Chang
#33	6,000	4,000	1990	Steven A. Rodosky
#64	3,588	3,250	1986	Susan White
#62	3,800	4,072	1989	Mike Moinfar
#60	2,351	4,640	1936	Sylvester Johnson
#58	4.950	3,920	1950	David Coolidge
#56	4,142	3,300	1982	John A. McDermott
#54	3,556	3,300	1982	Fredrick L. Allen
#52	3,528	4,598	1926	Steve Olson
Average	3,657	3742		

B. Summary of Mass/Scale in Relation to Subgroup of Homes Facing Green/Beach (6)

Address	Home Size (sqft)	Lot Size (sqft)	Year-Built	Owner
#62	3,800	4,072	1989	Mike Moinfar
#60	2,351	4,640	1936	Sylvester Johnson
#58	4,950	3,920	1950	David Coolidge
#56	4,142	3,300	1982	John A. McDermott
#54	3,556	3,300	1982	Fredrick L. Allen
#52	3,528	4,598	1926	Steve Olson
Average	3,721	3,971		

Facts as to Subgroup of Homes Facing Green/Beach (6 properties)

No. of Homes in Sub-group: 6
Average Lot Sq. Ft.: 3,971
Average Home Sq. Ft.: 3,721
Square Ft. Proposed at 52: 5,750
Sq. Ft. above Average: 2,029
52 Home Size vs. Average: 1.55X

*all lot and home sq. ft. data taken from public records.

*Lot Coverage Constraints N/A. The 52 Property is located in Tract 940; therefore 40% lot coverage restraint applicable to other Tracts within Emerald bay is excepted per Building Restrictions set forth in Schedule "A" of CC&R's, therefore no lot coverage restrictions. This however does not impact the Architectural Committees or Board of Directors standards in ensuring a proposed development's compatibility with surrounding development in size, design and massing.