

increased without requiring additional parking. Typical homes have a two-car garage and two spaces in the driveway as required by the zoning code.

Seeing no other speakers, Chair Darnell left the public hearing open and asked for a motion.

**Moved by** Bernstein

**Seconded by** Singh

It is recommended at the request of the Applicant to continue this item to a date certain of May 11, 2022.

AYES (4): Bernstein, Darnell, Pease, and Singh

ABSENT (1): Masterson

**CARRIED (4 to 0)**

## 7.2 CONDITIONAL USE PERMIT 2022-07 RACZEK

Gabriel Diaz, Associate Planner, explained the request to construct the second story addition. The subject property is a 0-lot line property; the applicant will offset the new addition 5 feet from the shared property line; therefore, it will not affect the common wall of the building. The second story windows will face the applicant's own backyard and have limited views into the neighbor's property. The addition is architecturally compatible, staff does not anticipate any privacy impacts and recommends approval of the project.

Chair Darnell invited the applicant to step forward and asked if he agreed with all the conditions of approval.

Doug Raczek, applicant, approached and stated he agreed with all the conditions of approval.

Chair Darnell opened the public hearing.

James Honer, explained he shares a common wall with the applicant. Both homes are currently single-story homes with splendid views and the proposed addition will increase the applicant's property value at his expense. He has spoken to a few realtors who say the proposed addition will cause his home to decline in value because a portion of the view will be eliminated. Based on the drawings that he has seen, the proposed addition is not on top of the current first floor, but it protrudes from the

back of the structure by 13 feet 18 inches. From his patio, he will see a 22-foot 9-inch wall and roof because it is only five feet from his property line. There are only three other homes in the development that have added a second story; however, the additions are on top of the original floorplan of the first story, thus there is no structure jutting out of the back of the home, they are still flush with one another and not obstructing views. The proposed structure is not architecturally compatible with the current neighborhood. It will shade a large portion of his yard and patio which will destroy his grass and landscaping. He will only see a wall when he looks out to the west of his patio. Also, the water runoff from the proposed structure can potentially flood his yard. He does not object to the second story, he just prefers one that does not impede his view, lower his property value, and inhibits his landscaping.

3640 Blue Gum Drive stated he has the same concerns as the previous speaker.

*I could not understand this speaker, heavy accent, the recording is gobbled and all I can hear is typing.*

?? Joseph?? stated a significant portion of his view would also be obstructed and a reduced view would also be a detriment to the value of his property.

Seeing no other speakers, Chair Darnell closed the public hearing.

Mr. Diaz explained one of the reasons they requested a five-foot set back was for the water runoff and landscaping. Due to an easement that is adjacent to these properties, there is a 0-foot setback for this zone.

Chair Darnell opined that there appears to be some concerns with the neighbors and asked Director Brantley if this item should be continued in order for the applicant to work with the neighbors.

Director Brantley responded it is the prerogative of the Planning Commission to encourage the neighbors to discuss the proposed development and try to address concerns. When additions on these attached homes occur there's often a heightened sensitivity. Normally, if a common wall is altered, it requires the adjoining neighbor to be part of the application because the overall structure is being altered.

Some of the comments that were expressed by the neighbors touched on the view impacts. The purpose of this conditional use permit is not related to ensuring that neighbors' views are protected or guaranteed. Views are

not protected by the city; Laguna Beach is the only city in Orange County that has involved themselves in view protection because it is such a volatile issue. By right, these properties have the right to build out onto the rear of their property in a one-story configuration without Planning Commission approval and the same view impacts would occur. It is an important parameter to keep in mind if the Commission chooses to continue this item. As for the design not being well integrated, the Planning Commission typically looks at design of two-story room additions from the standpoint of making sure that they are fairly well integrated. However, there is a balance and there are certain constraints to design where sometimes it isn't as well integrated as the original construction.

Chair Pro Tem Pease stated he was sensitive to the concerns of the neighbors, as well as the property owner, and supports the Chair's suggestion to continue the item.

Chair Darnell stated he agreed with Director Brantley and explained the Commission cannot take views into account. Continuing the item to a date certain seems reasonable.

**Moved by Pease**  
**Seconded by Singh**

The Planning Commission continued Conditional Use Permit 2022-07 Raczek to a date certain of May 11, 2022.

AYES (4): Bernstein, Darnell, Pease, and Singh

ABSENT (1): Masterson

**CARRIED (4 to 0)**

### 7.3 ~~CONDITIONAL USE PERMIT 2022-10 HEALY~~

~~Greg Rehmer, Senior Planner, stated correspondence was received from one individual that morning. This request is to open a 13-lane gun range with a stand-alone building on the La Palma Avenue. Staff has determined that there is sufficient parking due to the size of the building and the intensity of the use. Staff has received comments regarding sound from adjacent uses. The applicant will provide a presentation on the impacts and sound studies that they conducted.~~

~~Director Brantley added that staff received a letter earlier in the day citing a number of concerns; many of them are related to safety. There are a~~