CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE:

OCTOBER 27, 2014

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

URSULA LUNA-REYNOSA, DIRECTOR DANNY GIOMETTI, ASSISTANT PLANNER

SUBJECT:

PRELIMINARY REVIEW (PA14-0152) OF VARIANCES AND A SITE DEVELOPMENT PERMIT FOR A NEW, THREE-STORY, 3,372 SQUARE-FOOT SINGLE-FAMILY DWELLING WITH A ROOF DECK AND AN ATTACHED, 456 SQUARE-FOOT, TWO-VEHICLE GARAGE

ON VACANT LAND LOCATED AT 34156 CRYSTAL LANTERN.

RECOMMENDATION:

That the Planning Commission assesses the building site

design and provide feedback to the applicant focusing on potential issues which may be raised during consideration of a

formal submittal for the project.

<u>APPLICANT:</u>

Sunmoon Suhaimi

PROPERTY OWNER:

Sunmoon Suhaimi

REQUEST:

Preliminary review for a request to permit Variances for: building height, floor area ratio (FAR), upper story setback and driveway depth and grade, in conjunction with a Site Development Permit for a new single family dwelling on a

residentially zoned, vacant lot.

LOCATION:

34156 Crystal Lantern (APN 682-162-03)

NOTICE:

No noticing is required.

ENVIRONMENTAL:

Not applicable at this time.

<u>ISSUES:</u>

- Project consistency with the Dana Point General Plan and the Dana Point Zoning Code (DPZC).
- Project land use compatibility and community values.
- Findings for Variances.

BACKGROUND: The applicant submitted a preliminary application on October 13, 2014 regarding the development of the vacant lot located at 34156 Crystal Lantern with a detached dwelling unit. The subject site is a 2,442 square foot, vacant lot which fronts Crystal Lantern to the east and backs to an existing single family dwelling to the west. The lot is rectangular in shape and is bordered by existing and similar single-family development to its sides. The subject site is designated as Residential Single Family 22 (RSF 22) and is designated Residential 14 - 22 D.U. /AC in the City's current General Plan Land Use Element.

The topography of the subject site is very unique as its lowest point is roughly in the middle of the lot creating what is, in essence, a ravine that is 13 feet deep. The site is further limited by its small size and steep terrain. This drainage ravine sets the existing grade considerably lower than the street and adjacent lots (See Attachment 3 for site photos).

Because of the unique characteristics of this lot and the project's multiple impending entitlements, Staff recommended a preliminary review by Planning Commission. Pursuant to Section 9.61.100, a preliminary review is a request for a pre-submittal evaluation of a project. The preliminary review will assess the site and architectural design of the proposed project. In addition, this review will consider General Plan consistency, development standards, land use compatibility and community values. The objective of this exercise is to provide the applicant with a sense of the issues that need to be addressed in the formal application. The preliminary review process is not intended and cannot be used as a process to determine the ultimate decision on the formal application. Information gathered through this process can be used to determine whether a formal application should be filed.

a brief assessment will be prepared by staff to identify the issues pertinent to the proposed project. The applicant will have the opportunity to present the proposal directly to the Planning Commission. The Planning Commission is legally limited in the type and amount of input they can provide at this level. Typically, comments are focused on the identification of potential issues which may be raised during consideration of a formal submittal. General feedback on how key issues or policies might apply to the project may also be provided.

DISCUSSION: The proposed new single family dwelling on the presently vacant lot would comprise three-stories, 3,372 square feet of living area and an attached, 456 square foot, two-vehicle garage. The floor-plan includes three bedrooms, as well as several accessory rooms. The dwelling's footprint would cover approximately 52 percent of the lot and provide landscaping throughout the remaining lot area. Overall building height would be approximately 40 feet from existing lowest grade and as stated, the structure would comprise of three stories. A roof deck is also proposed.

Although the applicant's plans are still preliminary, staff has determined that multiple Variances and a Site Development Permit would be required for the project as designed.

Variances Requested

Height Variance

Pursuant to Section 9.05.110(4) (C) of the DPZC, residential structures with a roof pitch of 6:12 or greater designed on lots with a 20% or greater slope, have a height limit of 33 feet. Due to the lot's natural gully shape, in order to build a three story structure, the top of ridge would exceed the height limitation by approximately seven feet. Staff approximates that the proposed height is two feet lower than the adjacent home to the south. In order to accommodate existing drainage patterns, the applicant may need to construct a drain channel/pipe underneath the proposed house, similar to the neighboring property to the south.

The Planning Commission would need to grant a variance from the 33 foot height limit in order for the applicant to proceed with the project as proposed. The project, as proposed, results in a height of 40 feet.

Three Story Structure/Massing Variance

Pursuant to Section 9.05.110(4) (B) of the DPZC, three story structures shall be designed so that the second and third stories have stepbacks from the face of the building at the ground level. The purpose of this standard is to provide massing relief from the street level. The code provides a calculation method resulting in an amount of square feet that the second and third floor areas must achieve as setbacks to provide maximum design flexibility. The calculation requires that the street level width of the structure be multiplied by 5 feet for the second level and 10 feet for the third level.

The subject structure at street elevation is 34'5" in width. Based on the above formula, a setback of 172 square feet for the second story and 345 square feet for the third story is required.

The Planning Commission would need to grant a variance from the required 172 square feet stepback for the second story and 345 square feet stepback for the third story. The project, as proposed, does not provide any stepbacks on either the second or third stories.

FAR Variance

Pursuant to Section 9.05.110(4) (C) of the DPZC, residential structures having three

stories shall be limited to a maximum Floor Area Ratio (FAR) of .75. Required covered parking (400 SF) is excluded from the FAR calculation; however, any excess garage area is included. For a 2,442 square foot lot with a FAR of .75, the maximum internal floor area is limited to 1,832 square feet.

The applicant is proposing a 3,372 square foot home with a 456 square foot garage. As stated above, 400 square feet of the garage can be excluded when calculating the FAR. Therefore, the excess 56 square feet of garage space is applied into the area, thus increasing the calculated area to 3,428.

The proposed residential unit has an area that exceeds the allowable area by 1,596 square feet. Based on the preliminary research by staff, the proposed home is located on a street with ten houses that have an average internal floor area that exceeds 2,344 square feet.

The Planning Commission would need to grant a variance from the .75 FAR in order for the applicant to proceed with the project as proposed. The project, as proposed, results in a FAR of 1.4.

Driveway Depth and Grade Variance

Pursuant to the requirements of Section 9.35.050, residential driveway lengths must be at minimum 20 feet in depth and have a maximum grade of ten percent, measured along the driveway centerline, for a distance of not less than ten feet from the ultimate street, alley, or driveway right-of-way line and fifteen percent thereafter.

Based on the elevation change of 13 feet, staff has determined that a driveway depth and grade variance may also be required to gain garage access as designed. Creating a level driveway would constitute an even greater in structure height from the already requested deviation. Therefore, a variance is requested to decrease driveway length to match the allotted front yard setback and increase grade.

Site Development Permit Requested

Pursuant to requirements stipulated in Section 9.05.110 (a)(4) of the DPZC, where a property possesses an average slope of 20 percent (a "hillside condition") and proposes either three-stories or a greater maximum height, application for a Site Development Permit (SDP) shall be required. The subject property possesses an average slope of approximately 30 percent and proposes the construction of a new single-family dwelling, 40 feet in height from existing grade, where without the SDP request the maximum potential height would be limited to 28 feet.

Additionally, the subject application proposes a roof deck. Pursuant to Section 9.05.230 of the DPZC, roof decks per dwelling unit may not exceed twenty-five percent of the

roof area of the story directly below the deck or three hundred square feet, whichever is less. In addition, the roof deck shall be architecturally compatible with the existing exterior materials and colors of the existing structure, and appear as an integral part of the roof system.

The applicant proposes a 288 square foot roof deck which is less than 300 square feet and only covers roughly 21% of the roof area below. Additionally, the roof deck will be an integrated part of the roof system and designed so as not to be visible from all sides of the structure or from the grade below.

Section 9.71.050 stipulates four findings for approval of a SDP, requiring that review of proposed development ensure:

- Compliance of the site design with development standards of the DPZC.
- That the site is suitable for the proposed use and development
- The project complies with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines
- That site and structural design is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture.

CORRESPONDENCE: None.

Danny Giometti Assistant Planner Ursula Luna-Reynosa, Director Community Development Department

ATTACHMENTS:

- 1. Applicant Project Description and Justifications for Variances
- 2. Vicinity Map
- 3. Site Photos
- 4. Project Plans, Rendering and Survey

Subject Property: 34156 Crystal Lantern, Dana Point, CA

- 1. Not Applicable
- 2. The subject property topography is limited with small lot size, high variations of steep slope throughout the lot, with highest elevation of 61 feet and lowest elevation of 48 feet, natural 'ditch shape' that made the elevation much lower than the street level and than the directly adjacent 2 properties, have created extraordinary conditions to build single family residence.
- 3. The following interpretations will deprive the applicant of privileges enjoys by the owners of other properties in the same zoning districts with similar constraints:
 Stepped back between stories, FAR size requirement, and maximum height requirement: the other houses in this street has no structure stepped back between stories, has 3 stories, and average house size of 2,483 sq. ft. The proposed house will look similar with the other houses in the street, in height, size, and look. Should the variances not granted, the subject property will look significantly different than the other houses in the street, which aesthetically unpleasant, with shorter, and smaller house, and it will impact significant economic value to the owner of the subject property.
- 4. The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints. The subject property is the vacant residential lot in this section of Crystal Lantern street adjacent to Hwy 1. The proposed house, should the variances are granted, will have similar home size, similar height, and similar structure and look with the other 8 homes in this street. The variance will not make the proposed house look out of place.

- On the contrary, should the variances not granted, the proposed house will look significantly different than the other homes in this street.
- 5. The variance request is made on the basis of a hardship condition and not as a matter of convenience. The proposed home size is within the average home size in this street, should the home size limited to the FAR 0.75 size, this will cause significant economic hardship to the owner by building a home that has 26% smaller in size that the average home size in this street. The height variance and structure stepped back variance also requested due to significant hardship, not only economic hardship, but also aesthetic impact for building shorter, smaller and shorter house compared to the other houses in this street. Without the variances, the proposed house will have to be build using exposed post foundation to avoid having house size more than allowed by FAR, which will make the house not only structurally less sound than a fully build structure, but also aesthetically different than the other house in this street.
- 6. The granting of the variances will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The variances requested do not impact whatsoever to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed house will not be higher than any other house adjacent to it, and the proposed house will look similar with the other houses in this street. On the contrary, the proposed house with the variances will have structurally more sound compared to having to build house with exposed post foundation.
- 7. Not Applicable
- 8. Not Applicable

 The variances requested do not have any impact with coastal access, or public recreation opportunities

II.

- 1. The subject property has topography of hillside condition with significant variations of slope throughout the subject property with highest elevation at 61 feet and lowest elevation of 48 feet, and the natural 'ditch' shape. The subject property is small in size (only 2,442 sq. ft.). The natural topography of the property has elevation that is much lower than the street level and the directly adjacent 2 properties. The subject property is enveloped by much taller homes, that will make building shorter home to look out of place and aesthetically unpleasant. There is a natural stream that constantly running through the subject property and other property in this street, the proposed house need to account of installing approximately 18" drain pipe connection underneath the house to allow this stream to continue run downward, similar to the house adjacent to the subject property.
- 2. Variances requested:
 - a. Height Limitation: in order to build a 3 stories house, due to the lot topography, the property height will exceed the height limitation by approximately 7 feet. Because the topography of the lot, and the natural stream runs through the subject property, the need to build a drain pipe underneath the proposed house, similar to its direct adjacent property (34162 Crystal Lantern). Even with 7 feet higher than the height limit, the highest point elevation of the proposed house is only at approximately 88.0 feet, which is still 2.26 feet lower than its direct adjacent

- house (34162 Crystal Lantern 90.26' top of building per the topography survey prepared by JRN civil engineer). The proposed house height is the same or slightly lower than its direct 2 adjacent houses, without the proposed 3 stories, the proposed house will look significantly lower than its direct 2 adjacent houses.
- b. Maximum Floor Area Ratio (FAR) of 0.75 the area of the lot, excluding garage area: with the lot size of approximately 2,442 sq. ft., applying the 0.75 FAR the maximum house size is limited to 1,831 sq. ft. The subject property is located at street with 8 houses that have average house size of 2,483 sq. ft with 3 bedrooms. With only limited to 1,831 sq. ft, the proposed house will be 26% smaller than the average size of the houses in the said street, this will cause the subject property at significant economic disadvantage. The proposed house is 2,552 square feet with 2 car garages.
- c. The requirement of stories to be stepped back: with the requirement of stepped back of five (5) feet times the total width of the structure on the second story, and additional setback of ten (10) feet times the total width of the structure at the street elevation, with the limitation of small structure size of only 34'-5" (W) x 39'-10" (D), the 2nd story will only be 34'-10" in depth and 3rd story will only be 29'-10" in depth. The 1st story of the proposed house will have garage and storage, bathroom, and laundry area, without living space. 2nd story and 3rd story are the living area, and with limitation in depth of the lot dictated by the lot size and other setback requirement, the requirement of stepped back of each story will make the house be limited in its use and significantly affect the economic value.

- 3. The proposed house with requested variances will not be detrimental to the neighborhood because:
 - a. The proposed house will not have higher than its direct homes.
 - b. The proposed house design without setback between stories have the same look as the other homes in this same street that are 3 stories.
 - c. The proposed house size of 2,552 sq. ft. which is within the average of the 8 homes in this street, which is 2,483 sq. ft.
 - d. If the variances are not granted, the proposed house will be much shorter than the 2 homes its adjacent, it will looks much smaller than the other homes in this street, which will create not only significant economic hardship to the owner, but also aesthetically unpleasant.



City of Dana Point

Preliminary Review (PA14-0152)

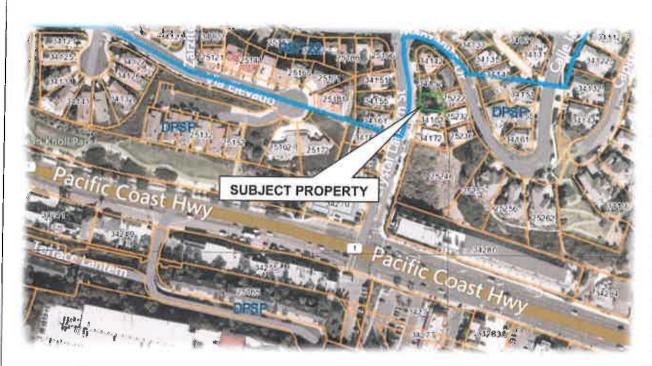
Danny Giometti, Assistant Planner

Community Development Department

33282 Golden Lantern (Danny Giometti, City Planner)

Dana Point, CA 92629-1805

VICINITY MAP



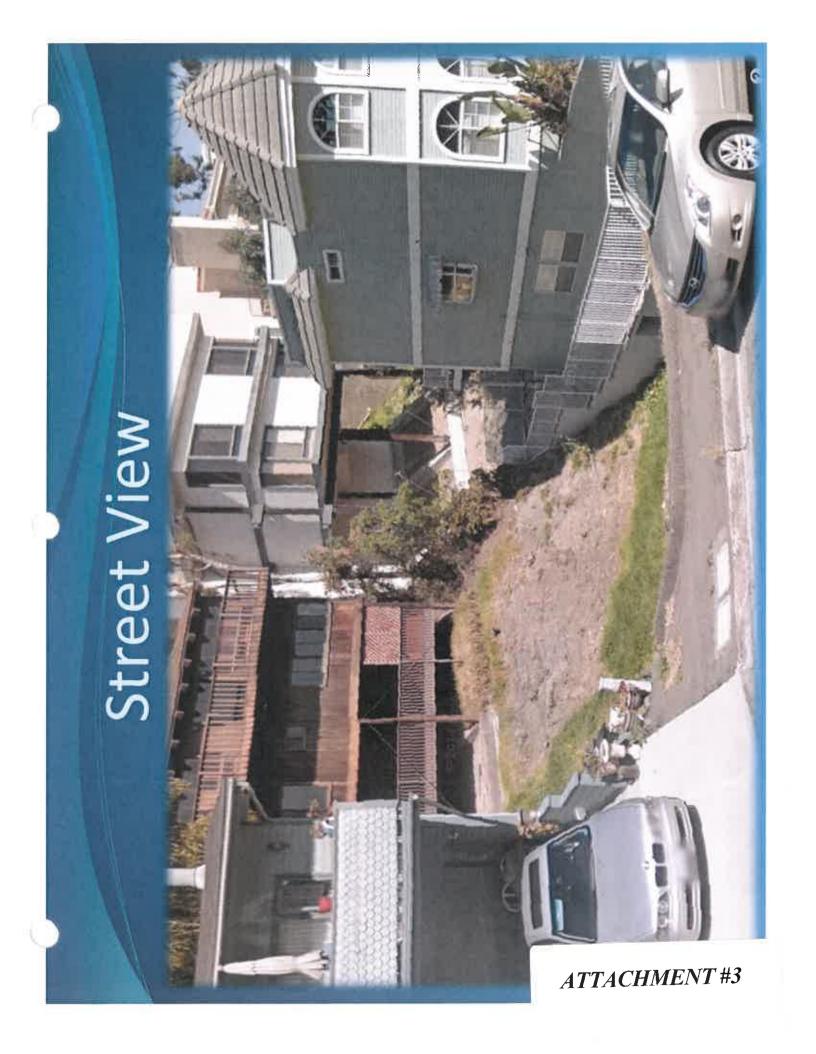
Project : PA14-0152

Applicant: Sunmoon Suhaimi

Location: 34156 Crystal Lantern







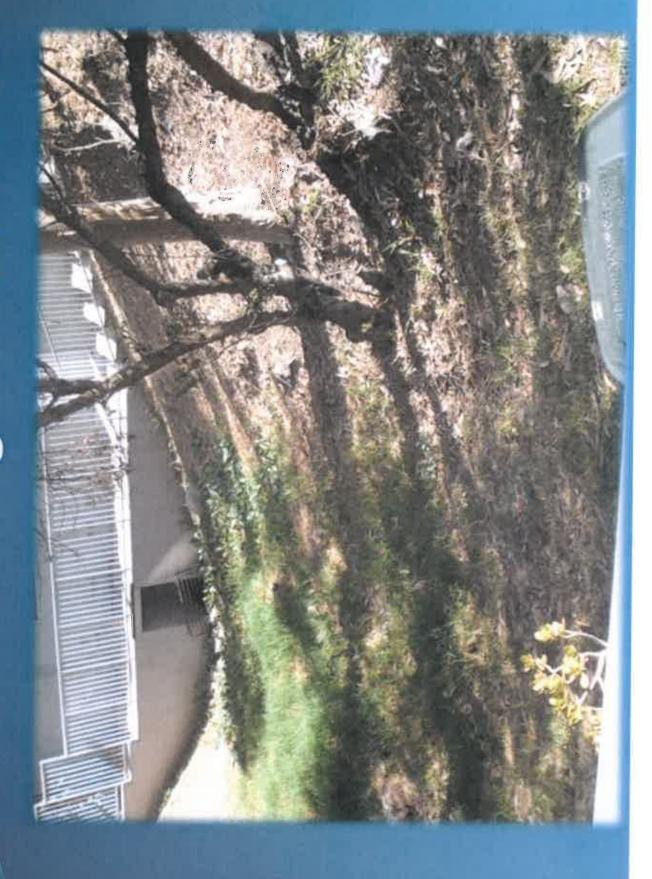
Site Photos







Natural Drainage Watercourse



LEGAL DESCRIPTION LOT 218 BLOCK 162 TRACT 968 APN NO 682-162-03 34156 CRYSTAL LANTERN ST. DANA POINT CA 92629 LANTERN DISTRICT

BUILDING CODE COMPLY WITH 2013 CRC/CMC/CPC/CEC/ CGBSC/CEES & CITY DANA POINT LOCAL ORDINANCE OCCUPANCY: R-3/U-1
CONSTRUCTION: VN
RESIDENTIAL ZONING DISTRICTS: RSF22

SITE SUMMARY SITE AREA: BUILDING AREA: MAIN LEVEL UPPER LEVEL 1,276 1,276 S.F. SE BASEMENT LEVE S.F. TOTAL LIVABLE 2,552 S.F. 2-CAR GARAGE 456

S.F. S.F. S.F. BUILDING FOOTPRINT BASEMENT LEVEL 2-CAR GARAGE TOTAL FOOT PRINT (LESS THAN 60% MAXIMUM LOT COVERAGE)

820 300

OWNER: SUNMOON SUHAIMI YAKOB LIAWATIDEWI 2108 RUSTY SPUR RD. DIAMOND BAR, CA 91765 PH: 909-837-7993 E-MAIL: SUNMOONSUHAIMI@GMAIL.COM

BALCONY BASEMENT STORAGE

ROOF DECK

STRUCTURAL ENGINEER:
DAVID LI & ASSOCIATES
CONSULTING STRUCTURAL ENGINEERING, INC.
1000 SAN GABREL BLVD., STE 208
ROSEMEAD, CA 91770
PH: 626-288-1216 FAX: 626-288-5078

SURVEYOR: SURVEYOR: JRN CIVIL ENGINEER INC 232 AVENIDA FABRICANTE STE107 SAN CLEMENTE, CA 92672 PH: 949-248-4685 FAX: 949-248-4687 E-MAIL: INFO@JRNCIVIL.COM

PROJECT SUMMARY

-(2)

 $\frac{\text{NOTES:}}{-\text{DESTRUCTIVE}} \ \text{REMOVAL} \ \text{OF WORK PERFORMED WITHOUT PERMITS MAYBE REQUIRED FOR}$ INSPECTION(S)

-DEPUTY INSPECTORS ARE REQUIRED TO BE REGISTERED WITH THE CITY OF DANA POINT

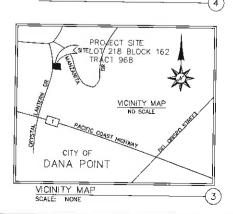
-FINISH GRADE WITHIN 10 FEET OF THE NEW STRUCTURE SHALL BE SLOPED A MINIMUM 2% AWAY FROM THE BUILDING FOR DRAINAGE PURPOSES

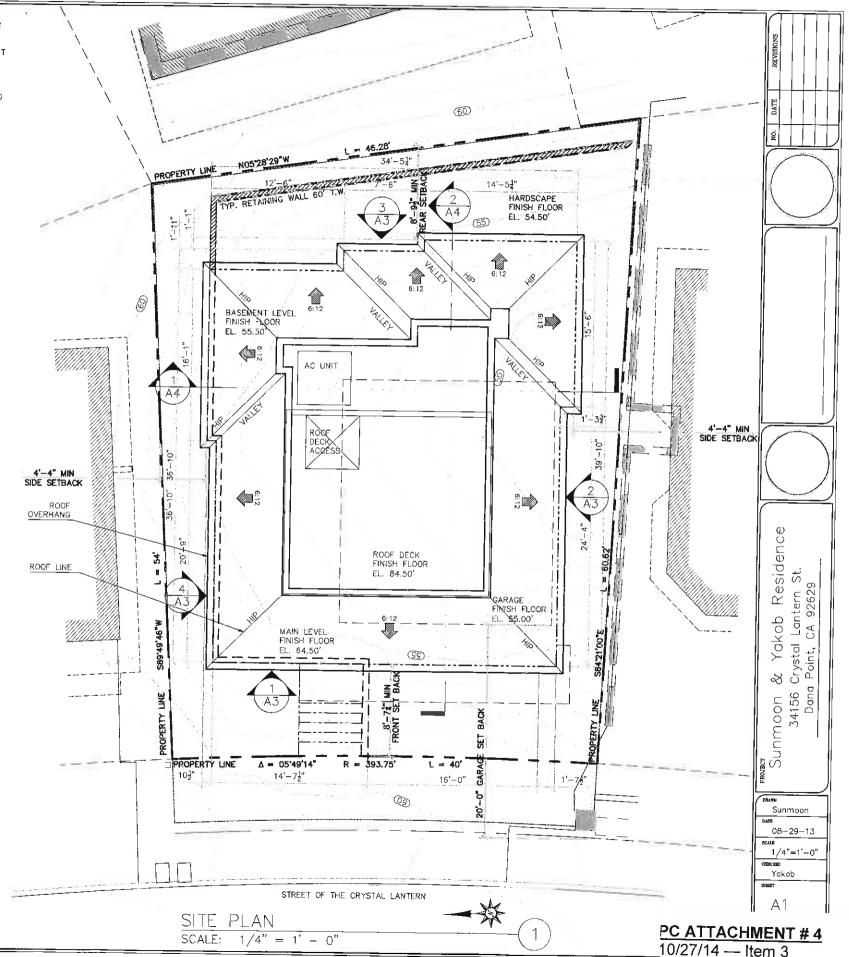
-THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE, PETROLIUM BYPRODUCTS, SOIL PARTICULATE, CONSTRUCTION WASTE MATERIALS, OR WASTEWATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTIONS ACTIVITIES SHALL BE PLACED, CONVEYED OR DISCHARGED INTO THE STREET, GUTTER OR STORM DRAIN SYSTEM

-ANNULAR SPACES AROUND PIPES, ELECTRIC CABLES, CONDUITS, OR OTHER OPENINGS IN PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST THE PASSAGE OF RODENTS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, CONCRETE MASONRY OR SIMILAR METHOD

 $-\mathsf{AT}$ THE TIME OF FINAL INSPECTION, AN OPERATION AND MAINTENANCE MANUAL, ACCEPTABLE TO THE ENFORCING AGENCY SHALL BE PROVIDED TO THE BUILDING OCCUPANT OR OWNER

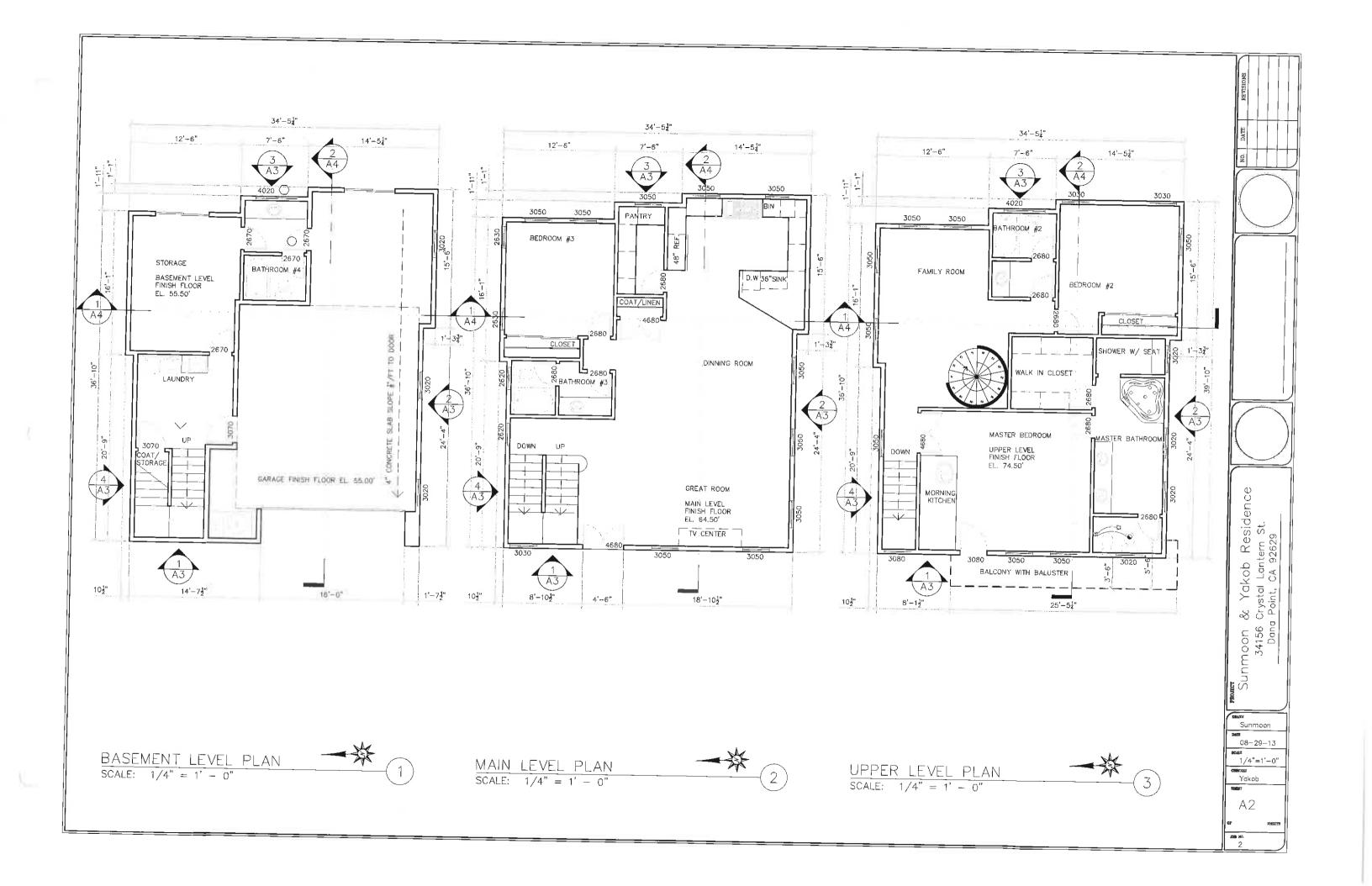
	ARCHITECTURAL
A1	SITE PLAN, PROJECT INFORMATION
A2	BASEMENT, MAIN & UPPER FLOOR PLAN
А3	ELEVATION PLAN
A4	SECTION PLAN
	STRUCTURAL
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_	
-	
	HEET INDEX

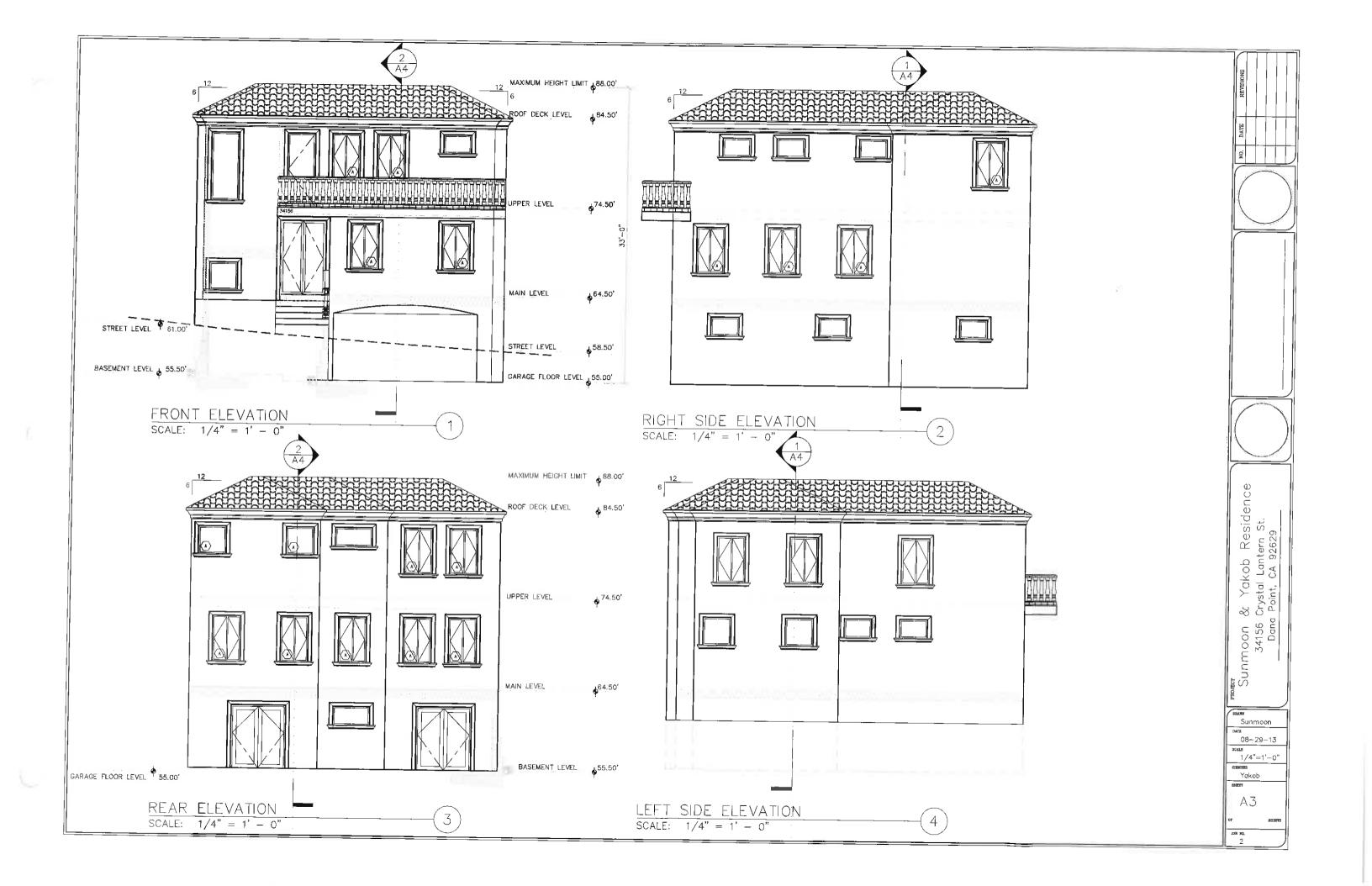


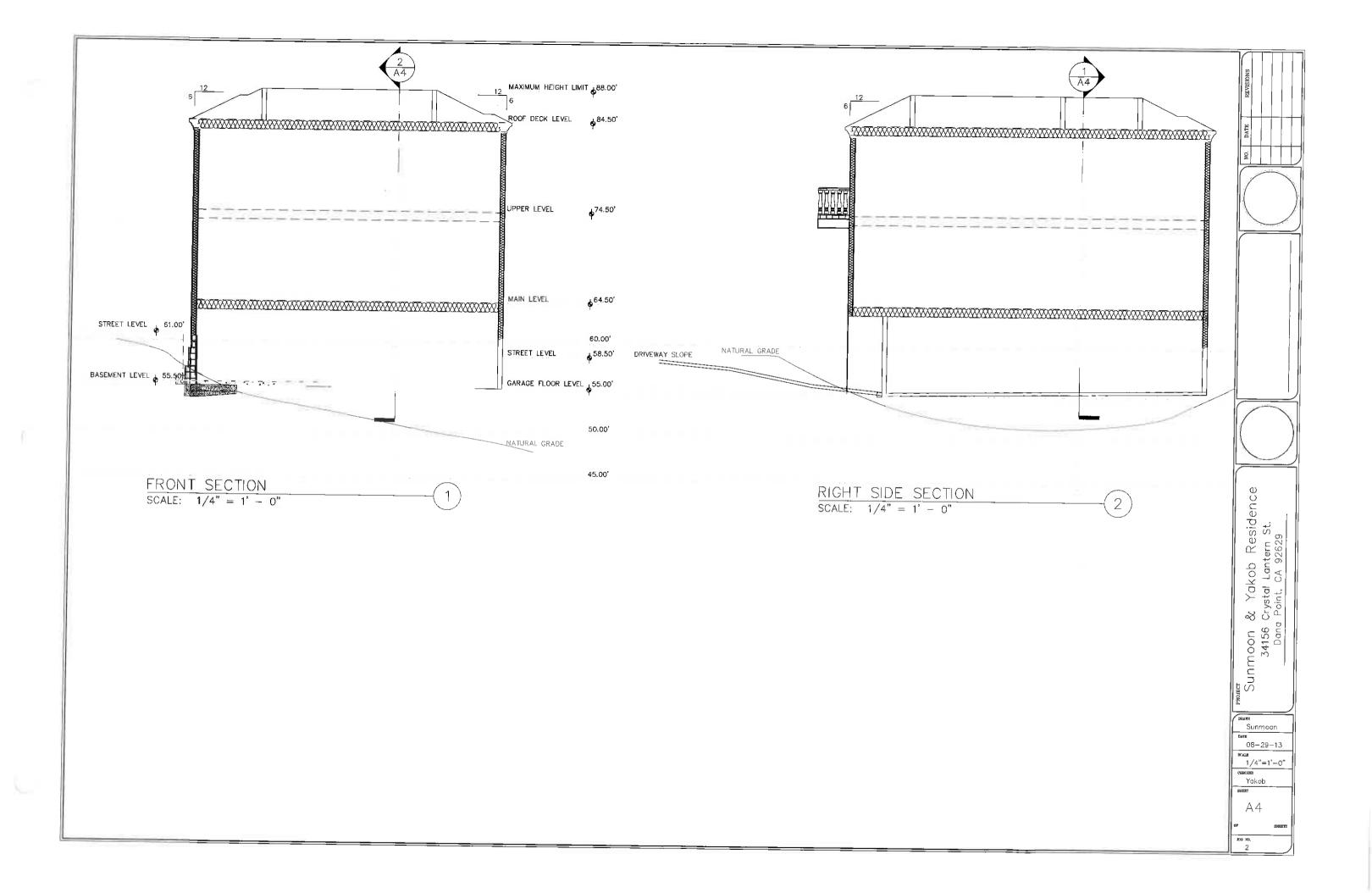


PA14-0152

34156 Crystal Lantern St.



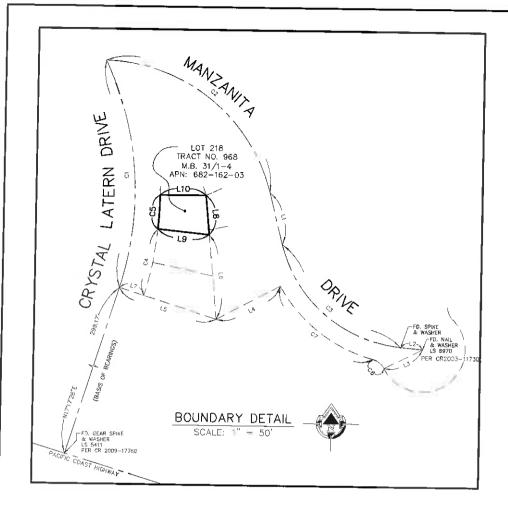






Sunmoon

08-29-13



LEGAL DESCRIPTION:

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE COUNTY OF GRANGE, STATE OF CALIFORNIA:

LOT 218 OF TRACT NO. 968 IN THE: CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 31 PAGE(S) 1 TO 4 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY.

BASIS OF BEARINGS:

APN: 682-162-03

THE BEARING OF N17:17:28"E ALONG THE CENTERLINE OF CRYSTAL LANTERN DRIVE PER TRACT NO. 13355 IN THE CITY OF DAMA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

DATUM STATEMENT:

ORANGE COUNTY - OC PUBLIC WORKS GEOMATICS LAND INFORMATION SYSTEMS SECTION VERTICAL CONTROL DATA SHEET - O.C.S. 1995 ADJUSTMENT DESIGNATION: 3RR-1-82 DATE GESTROYED:
DATE REVENED: 5/10/1998
LINE \$/SSN: 367/0050 GPS & FOR RECONTAISANCE ONLY: LATITUDE (30' +/-)33 27 39.29
LONGITUDE (30' +/-) 117 41 37.98
MONUMENT TYPE: GRANGE COUNTY SURVEYOR'S 3 3/4" ALUVINUM DISK
 DISK
 OCS 1982
 VEAR LEVELED

 ESTABLISHED BY:
 OCS 1982
 VEAR LEVELED

 NAVD29
 METERS
 FEET
 METERS

 13.829
 4.215
 11.533
 3.515
 1997

"TO REACH" DESCRIPTION: DESCRIBED BY DCS 2003 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "3RR-1-82", SET IN THE SOJTHWESTERLY CORNER OF A 4 FT. BY 5 FT. CONORETE CATCH BASIN, MONUMENT IS LOCATED ALONG THE STOLED THE STREET OF THE GOLDEN LANTERN, 0.1 MILES SOUTHERLY SIDE OF THE STREET OF THE GOLDEN LANTERN, POINT HARBOR DEVE AND 30 FT. SOUTHERLY OF THE CENTERLINE OF GOLDEN LANTERN, MONUMENT IS SET LEVEL WITH THE SDEWALK. O.C.S. CONTROL, MDES MAP: 020-06 MAP PAGE: 971/J-7

LEGEND:

ASPHALT CONCRETE

ASPESSOR'S PARCEL NUMBER

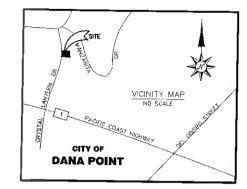
BLOCK WALL
CONCRETE PILLAR
ELECTRIC VAULT
FOUND

FLOW LINE
FLOW LINE
GATE TRACK
TOP OF BURM
TOP OF BURM
TOP OF BURM
TOP OF BURN
TOP OF BURLOING
TOP OF CURB
TELEPHONE FEDISTAL
TOP OF RAIL
TOP OF RAIL
TOP OF RAIL
TOP OF WALL
WROUGHT TON FENCE
WATER METER



TOPOGRAPHY SURVEY 34156 CRYSTAL LANTERN STREET DANA POINT, CA 92629

r						_
-			LINE TABLE			1
	LINE L1 L2 L3 L4		BEARING \$14'39'07"5 \$84'40'18"E N63'17'42"5 N62'02'06"E		62,71 25,57 50.00 84,92	
	L5		S72'42'32"E	119.75		
	1,6		N05'28'29"W		99.43'	
	1.7		S72*42'32"E		30.00	
	18 19 110		N05'28'29"W 584'21'00"E		46.28' 60.62'	
			S89'49'46"W	54.00'		1
			CURVE TABLE	- 7		-
DURV:	ΞΪ	RADIUS	DELTA		LENGIH	
C1	C1 36:		43'08'18"	_	273.	
C2	T	205.00	74'28'48"		265.46	
C3		160.00	70'01'11"		195.53	
C4			11'38'28"		80.00'	
C5	T	393.75	5'49'14"		40.00	
C6	7	20.00	48'14'47"		16.84	
C7		180.00	45'15'54"		142.20	



ENGINEERS

JRN

TOPOGRAPHY SURVEY

ADDRESS:

HEET PF

