CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE:

JANUARY 12, 2015

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

URSULA LUNA-REYNOSA, DIRECTOR

EVAN LANGAN, AICP, ASSOCIATE PLANNER

SUBJECT:

COASTAL DEVELOPMENT PERMIT CDP14-0024 TO ALLOW THE ADDITION OF 885 SQUARE FEET OF HABITABLE SPACE AND 209 SQUARE FEET OF NEW GARAGE SPACE, IN CONJUNCTION WITH AN INTERIOR REMODEL OF AN EXISTING, SINGLE-FAMILY DWELLING

AT 241 MONARCH BAY DRIVE

RECOMMENDATION:

That the Planning Commission approve the attached

resolution approving Coastal Development Permit CDP14-

0024.

PROJECT APPLICANT:

Stan Andrade (Andrade Architects)

PROPERTY OWNERS:

Dan Maas

REQUEST:

Approval of a Coastal Development Permit for additions to a single-family dwelling that will exceed 10 percent of existing square footage, on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals

Jurisdiction of the California Coastal Commission.

LOCATION:

241 Monarch Bay Drive (APN 670-111-29)

NOTICE:

Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on December 15, 2014, published within a newspaper of general circulation on January 1, 2015, and posted on January 2, 2015 at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana

Point Library.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that it proposes a nominal increase in

square footage to an existing residential dwelling.

ISSUES:

- Project consistency with the Dana Point General Plan, Zoning Code (DPZC) and Local Coastal Program (LCP).
- Project satisfaction of all findings required pursuant to the LCP and DPZC for approval of a Coastal Development Permit (CDP).
- Project compatibility with and enhancement of the site and surrounding neighborhood.

BACKGROUND: The subject property measures 12,118 square feet and is located within the Monarch Bay Homeowners Association (HOA), a built-out community of exclusively single-family dwellings. The lot is of a slightly irregular shape, mostly flat and presently developed with a conforming, single-story residential dwelling, constructed in 1963, with 2,984 square feet of habitable area and an attached two-vehicle garage measuring 459 square feet for a total of 3,443 square feet.

The property is zoned "Residential Single-Family 4" (RSF-4) and is located within the City's Coastal Overlay District (the California Coastal Zone) as well as the Appeals Jurisdiction of the California Coastal Commission.

<u>DISCUSSION</u>: The proposed scope of work would add 885 square feet of new habitable gross floor area in the form of a new master bedroom, closet space and bathrooms, a new, 209 square foot, single-vehicle garage and a new entryway/porch. Improvements would be located exclusively at the front (street-side) of the dwelling and would comply with all standards of development, including height, lot coverage and setbacks from property-lines. No variances are requested.

With the proposed improvements, the expanded/remodeled dwelling would comprise 3,869 square feet of habitable gross floor area with total garage space of 668 square feet and providing parking area for three vehicles for a total of 4,537 square feet (a 32% increase). Total bedroom count would be four, in addition to several accessory rooms including an office and dining room. The structure would remain single-story, standing a maximum of 13 feet in height, less than the two stories and 28 feet potentially allowed in the property's RSF-4 Zoning District. Finally, limited improvements are proposed to the property's front-yard in the form of new landscaping and an expanded driveway to provide access to the dwelling's proposed single-vehicle garage. No improvements are proposed to the property's side or rear-yards.

Coastal Development Permit CDP14-0024

Additions to residential structures located in the City's Coastal Overlay District resulting in a square footage expansion of 10 percent or more shall require application for a

Coastal Development Permit (CDP). The subject application proposes the addition of 1,094 square feet to a 3,443 square foot dwelling, an increase of approximately 32 percent.

Section 9.69.070 of the DPZC stipulates a minimum of seven findings to approve a CDP, requiring that the project:

- Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).
- 2. (If located between the nearest public roadway and the sea or shoreline of any body of water), be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).
- 3. Conform with Public Resources Code Section 21000 and following and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 CA Code of Regulations/13096).
- 4. Be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.
- 5. Minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.
- 6. Be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.
- 7. Conform to the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.

The required findings for the CDP request can be made and are enumerated in the project's draft resolution (Attachment 1).

CORRESPONDENCE: To date, correspondence for this project has been received only from the Monarch Bay HOA, notifying of that body's review and conditional approval of the proposed remodel and expansion.

<u>CONCLUSION</u>: Staff finds that the subject project is consistent with the policies and provisions of the City of Dana Point General Plan, Zoning Ordinance and Local Coastal Program. As the project has been found to comply with all standards of development, staff recommends the Planning Commission adopt the attached resolution, approving CDP14-0024 subject to findings and conditions of approval.

Evan Langan, AICP Associate Planner Ursula Luna-Reynosa, Director Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 15-01-12-xx

Supporting Documents

- 2. Vicinity Map
- 3. Site Photos
- 4. Project Plans (architectural only)
- 5. Approval Documentation, Monarch Bay HOA

RESOLUTION NO. 15-01-12-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP14-0024 TO ALLOW THE ADDITION OF 885 SQUARE FEET OF HABITABLE SPACE AND 209 SQUARE FEET OF NEW GARAGE SPACE, IN CONJUNCTION WITH AN INTERIOR REMODEL OF AN EXISTING, SINGLE-FAMILY DWELLING AT 241 MONARCH BAY DRIVE

Project Applicant: Stan Andrade (Andrade Architects)
Property Owner: Dan Maas

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, the applicant filed a verified application for a Coastal Development Permit to allow for additions to an existing single-family dwelling at 241 Monarch Bay Drive (APN 670-111-29): and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code: and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15301 (Class 1- Existing Facilities); and

WHEREAS, the Planning Commission did, on the 12th day of January, 2015, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP14-0024.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows:

- A. That the above recitations are true and correct.
- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves CDP14-0024 subject to conditions:

ATTACHMENT #1

Findings:

Coastal Development Permit CDP14-0024

- 1. The proposed use is consistent with the General Plan and Local Coastal Program in that the site and architectural design of proposed improvements further Urban Design Element Goal No. 2 which states that development should "preserve the individual positive character and identity of the City's communities" by fostering new, aesthetically pleasing residential development of the subject property that is both wholly compatible and complimentary to surrounding structures.
- 2. That the proposed development is located within the Coastal Overlay District and is in conformity with the Public Access and Public Recreation policies of Chapter Three of the Coastal Act in that the proposed development would not alter existing public access or public recreation in the vicinity.
- 3. That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act CEQA) in that the subject project qualifies for a Categorical Exemption pursuant to Section 15301 (Class 1 Existing Facilities) of the Guidelines in that it proposes nominal additions to an existing residential dwelling.
- 4. That the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area in that the subject project proposes additions to an existing single-family dwelling located where no public accessway exists, and so would not result in impacts to public access, nor public views of and along the coast.
- 5. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources in that the subject property is an already developed parcel containing no environmentally sensitive habitat area (ESHA) and accordingly, proposed improvements would not result in adverse impacts.

- 6. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards in that the subject site is an already developed property located within an established residential subdivision with little to no natural landforms present and; in that the proposed development will be constructed in conformance with applicable regulations for flood and fire hazards, minimizing undue risks from flood, fire or other hazards.
- 7. That the proposed development will be visually compatible with the character of surrounding areas and, where feasible, will restore and/or enhance visual quality in that the architectural style and overall form of the expanded and remodeled dwelling would be consistent with other residential structures in the surrounding neighborhood and throughout the City.
- 8. That the proposed development will conform to the General Plan, Zoning Code, Local Coastal Program, applicable Specific Plan(s), or other, applicable adopted plans and programs in that the proposed project has been reviewed by the Planning and Building/Safety Divisions, as well as the Public Works/Engineering Department for conformance with applicable documents and, subject to conditions of approval, has been found consistent.

Conditions:

A. General:

- 1. Approval of this application permits the addition of 1,094 square feet to an existing single-family dwelling located at 241 Monarch Bay Drive as per plans submitted to and on file with the Community Development Department. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan, Local Coastal Program and Zoning Code.
- 2. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.

- 3. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location of, or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved site plan, he/she may approve the amendment without requiring a new public hearing.
- 4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
- 5. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety Division for plan check.
- 6. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding.

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its offers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding. The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

The applicant and owner, and their successors in interest, shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

- 7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
- 8. A grading permit shall be obtained prior to any work.
- 9. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
- 10. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, cable television and telephone and internet services. The applicant is responsible to coordinate any potential conflicts or existing easements.
- 11. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control measures at all times. The applicant shall maintain the erosion and sediment control devices until the final approval of all permits.
- 12. The applicant, property owner or successor in interest shall submit a standard Waste Reduction and Recycling Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The standard Waste Reduction and Recycling Plan shall be reviewed and approved and deposit posted prior to issuance of any permits.
- 13. At no time shall the project's approved casita be converted to or utilized as a second dwelling unit (as defined in the Dana Point Zoning Code), unless made to comply with all applicable standards of development.

B. Prior to Issuance of a Grading Permit:

- 14. The applicant shall submit an application for a grading permit. The grading permit application, in compliance with City standards, submitted for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.
- 15. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.

- 16. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
- C. Prior to Building Plan Check Submittal and/or prior to Issuance of a Building Permit or release on certain related inspections:
 - 17. Building plan check submittal shall include three sets of the following construction documents (as applicable):
 - a. Building Plans
 - b. Energy Calculations
 - c. Structural Calculations
 - d. Soils/Geology Report
 - 18. Review of the project by the Orange County Fire Authority (OCFA) shall be required. The applicant shall submit three separate sets of plans directly to the OCFA for review and approval.
 - 19. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
 - 20. The applicant shall submit a rough grade certification from the Civil Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (along with the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the project.
 - 21. The applicant shall submit a rough grade certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (along with the City's standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.

22. Prior to issuance of any building permits, the applicant shall submit for review and approval by the Planning Division, a final landscaping plan for all areas onsite proposed for new or modified landscaping. Said plan shall identify the location and types of planting proposed as well as any new built structures - including walls, furniture, fountains, fire-pits and the like. The proposed planting palette shall comply with minimum landscape coverage requirements (per the Dana Point Zoning Code) and it is recommended that such consist of plant types that are both CA native and drought tolerant.

D. Prior to Issuance of a Certificate of Occupancy ("C-of-O") and/or Final Inspection by City Staff:

- 23. Prior to commencement of framing, the applicant shall submit a foundation certification, by survey that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines included as part of CDP14-0024. The City's standard "Line & Grade Certification" form shall be obtained from the Project Planner at time of building permit issuance, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
- 24. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
- 25. A written approval by the Geotechnical Engineer of Record shall be submitted to the Public Works/Engineering Department, stipulating that grading is in conformance with the approved grading plan.
- 26. A written approval by the Civil Engineer of Record shall be submitted to the Public Works/Engineering Department, stipulating that construction of line and grade for all engineered drainage devices and retaining walls was completed in conformance with the approved grading plan.
- 27. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
- 28. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.

Planning Commission Resolution No. 15-01-12-xx CDP14-0024 Page 8

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 12th day of January, 2015 by the following vote, to wit:

AYES: NOES: ABSENT: **ABSTAIN:** Liz Claus, Chairperson Planning Commission ATTEST: Ursula Luna-Reynosa, Director Community Development Department



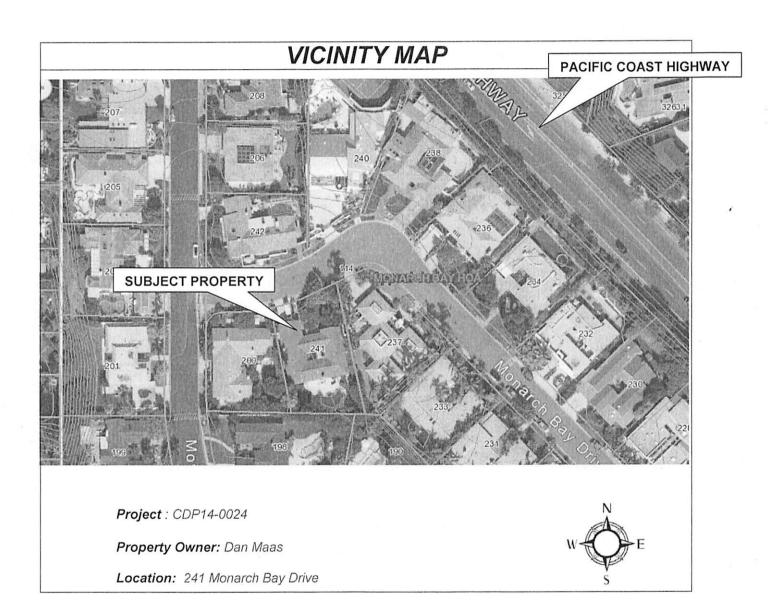
City of Dana Point

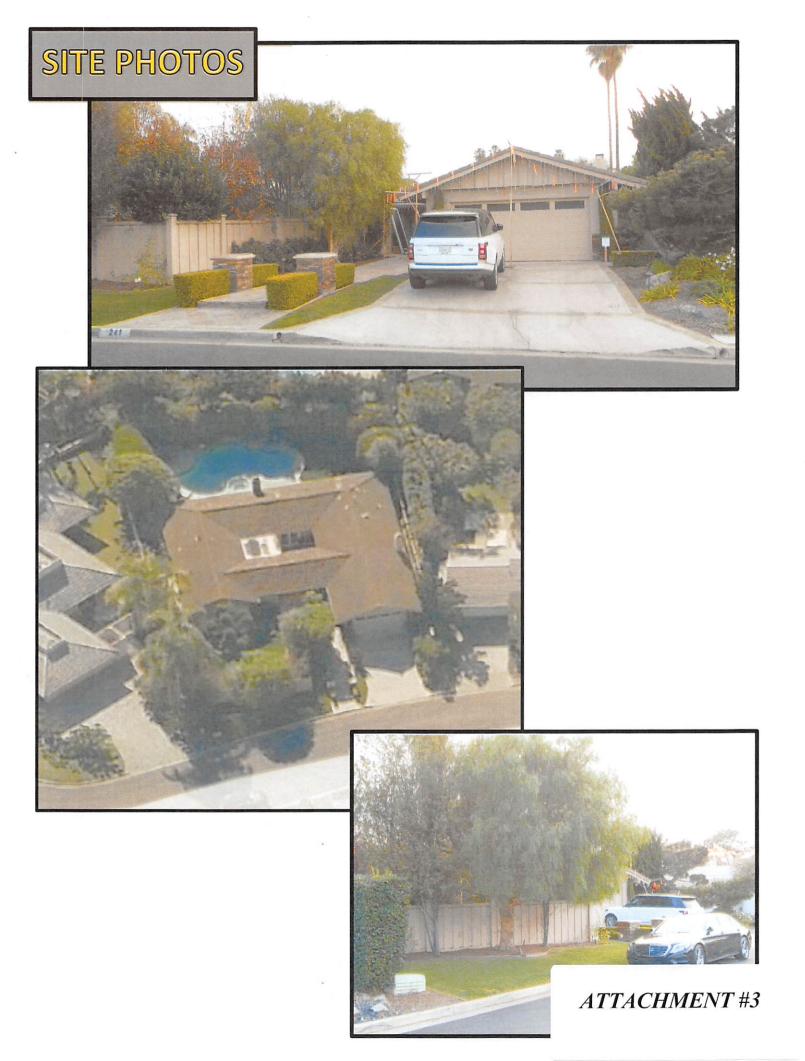
Coastal Development Permit CDP14-0024

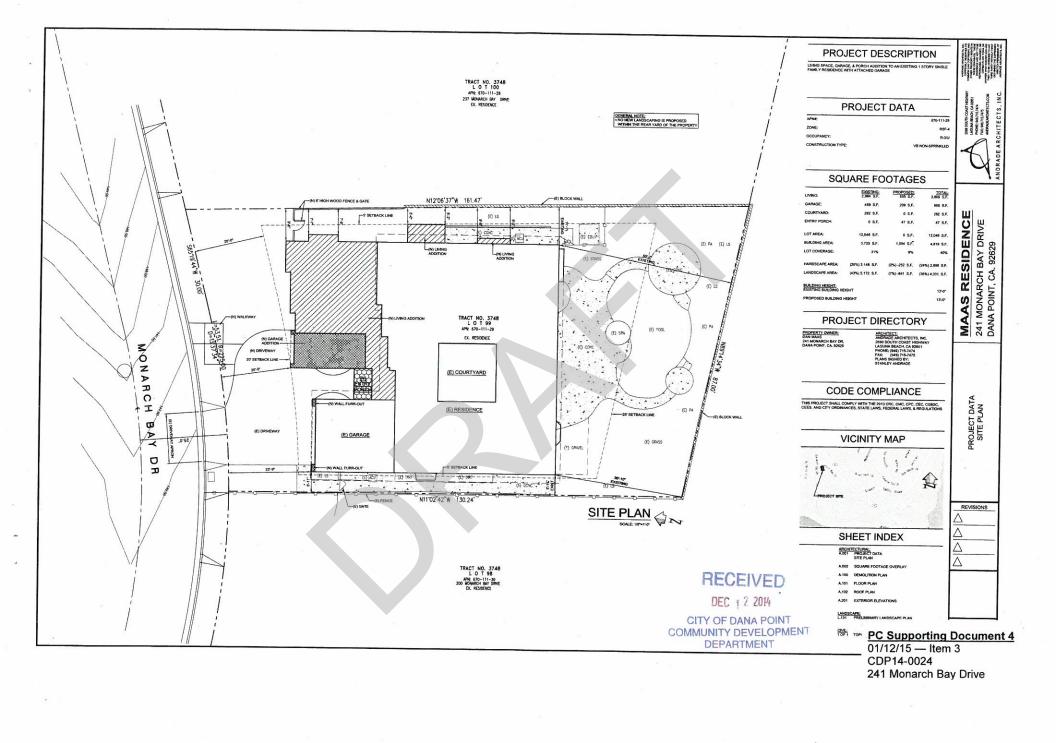
Community Development Department

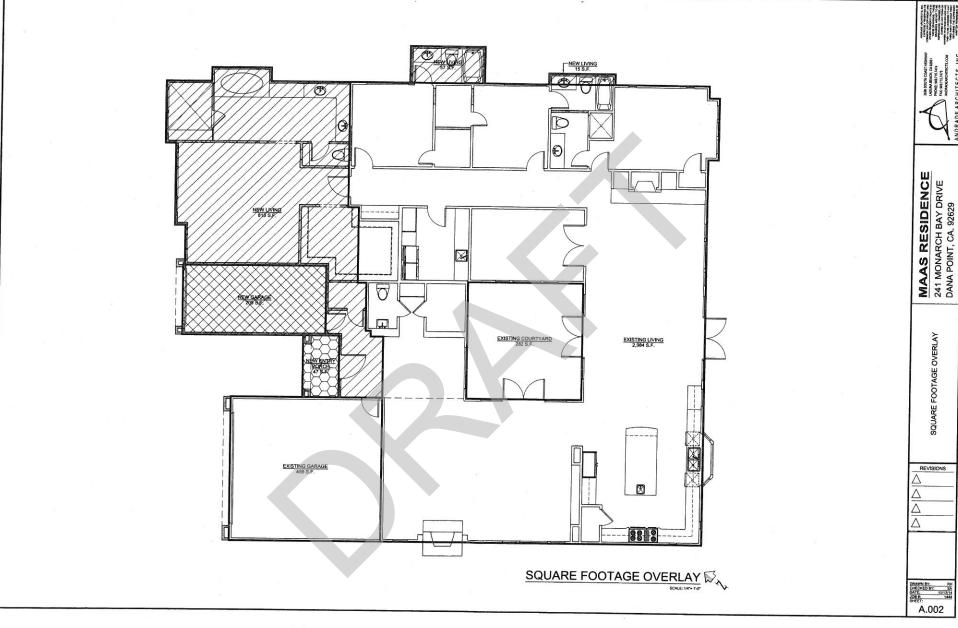
33282 Golden Lantern (Evan Langan, AICP, Associate Planner)

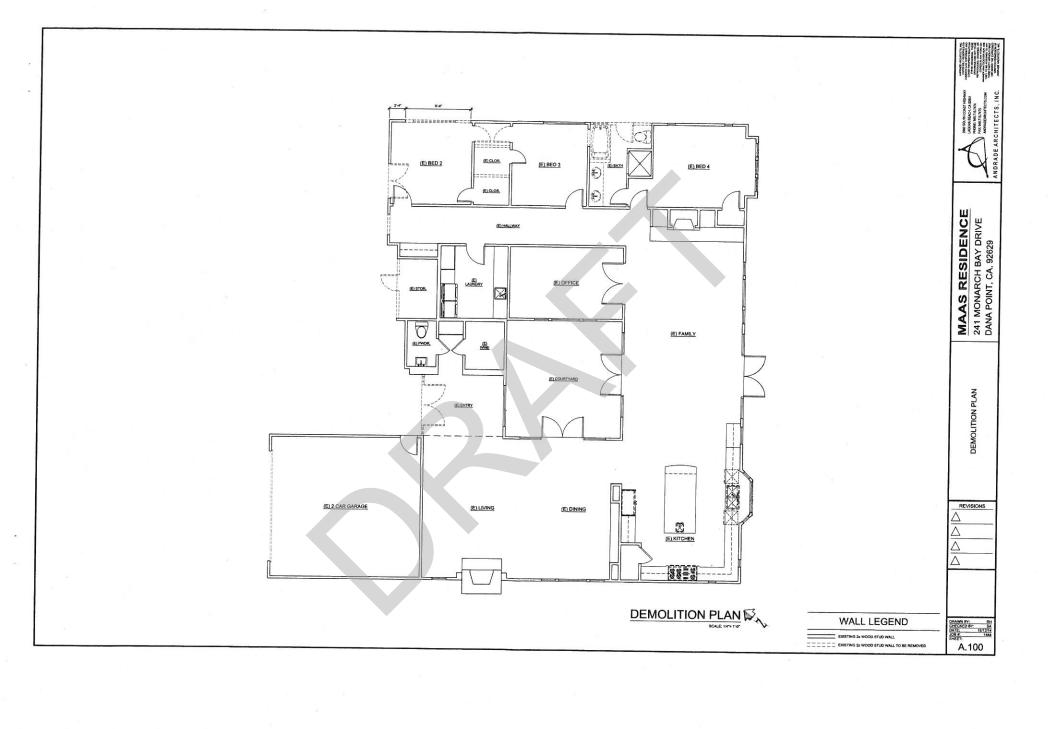
Dana Point, CA 92629-1805

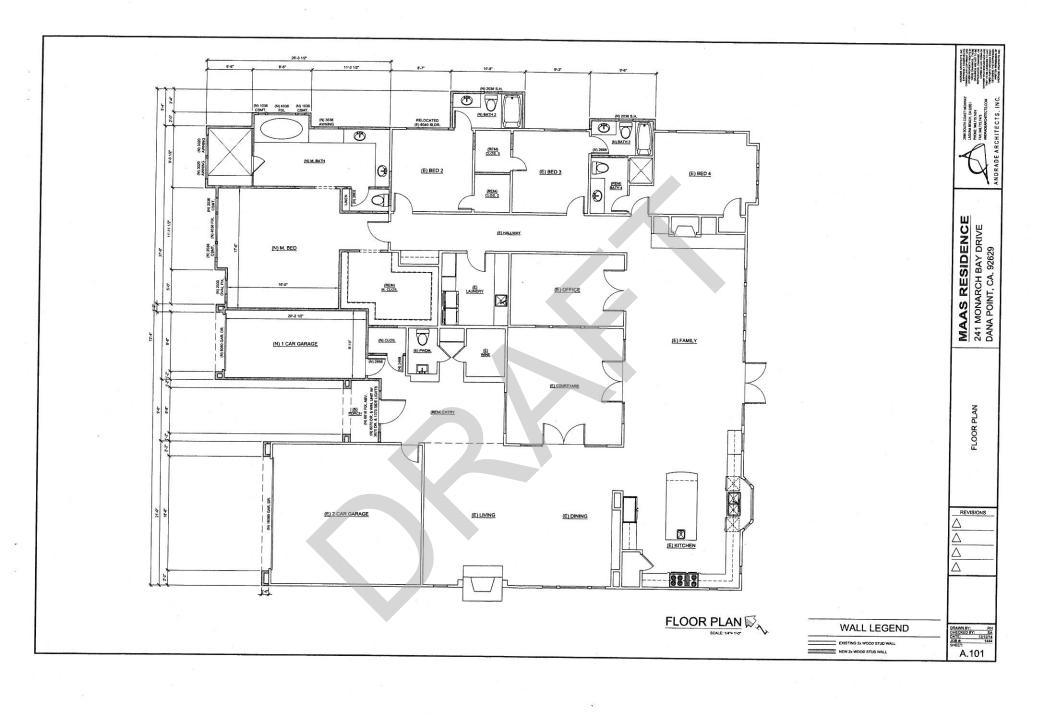


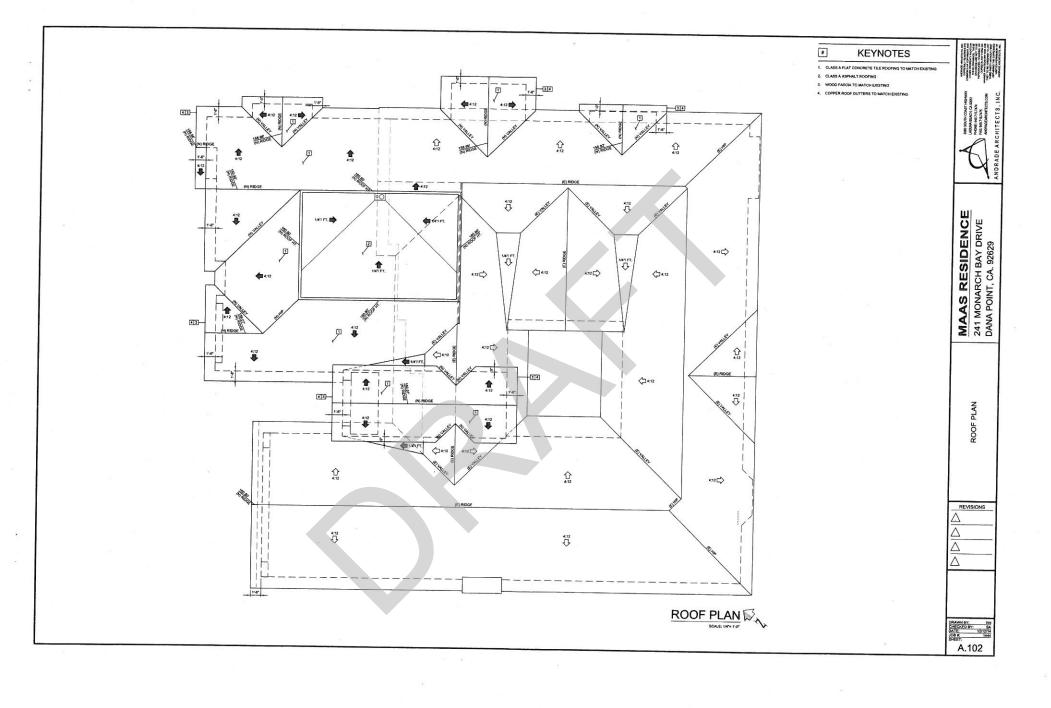


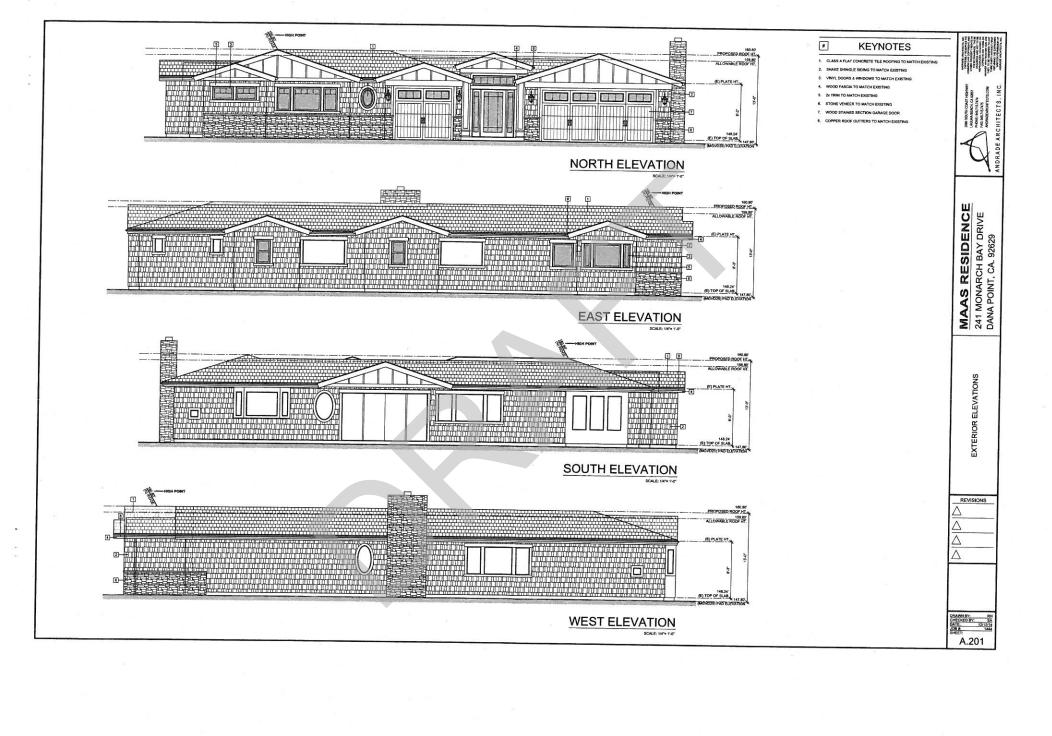


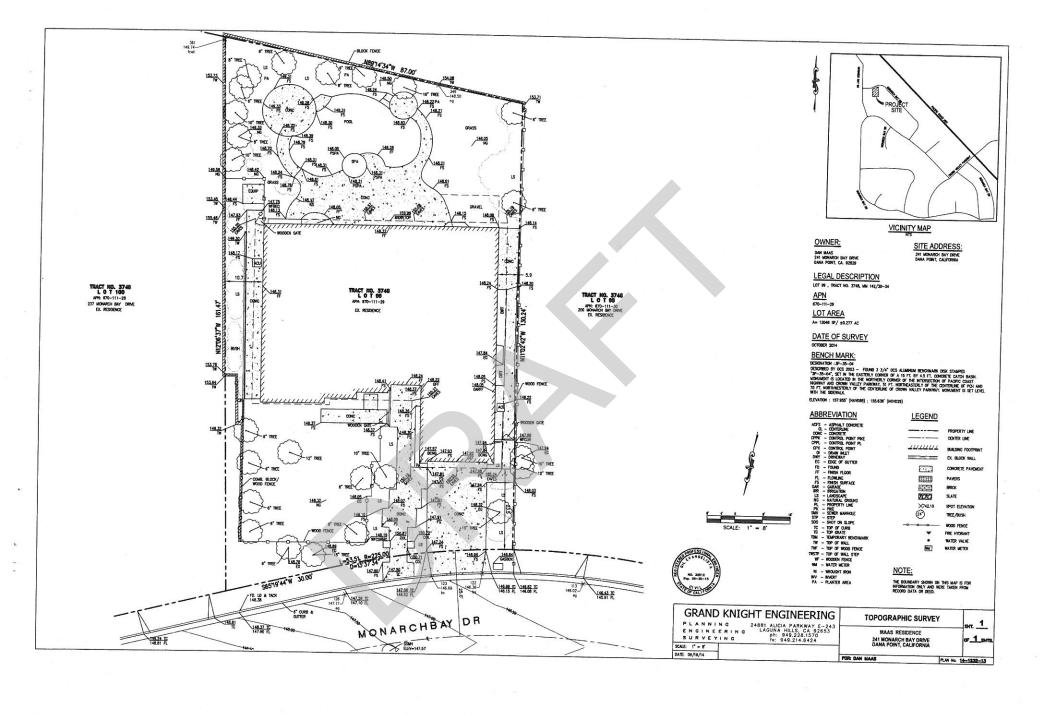














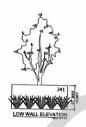


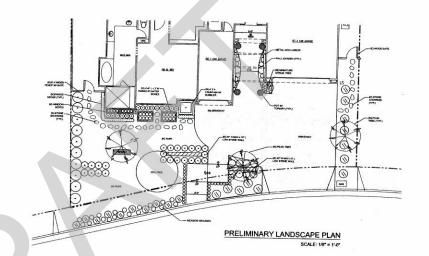
NORTH ELEVATION SCALE: 1/8" = 1'-0"

RECEIVED

DEC 2 2 2014

CITY OF DANA POINT COMMUNITY DEVELOPMENT DEPARTMENT





SUGGESTED PLANT PALETTE					
	BOTANICAL NAME:	COMMON NAME:		BOTANICAL NAME:	COMMON NAME
TREES:	PRUNUS CERASPERA PYRUS KAHAKAMI	PURPLE LEAF PLUM EVERGREEN PEAR	SHRUBS (CONT):	ROSA SALVIA LEUCANTHA	ICEBERG
SHRUBS:	ARRITIDA PURPUREA BLOCAS SINCA DESIGNADA	FURPLE THREE-AUN KOREAH BOXWOOD		SANSEVERIA TRIPASCIATA STIPA TENERSINA	SNAKE PLANT MEDICAN FEATHER GRASS
	CLIMA MINIATA INTORANGEA MACROPHILLA	KAPPIK LILY BIGLEAF HYDRANGEA	VINES:	HAPDENBERGIA VIOLACEA	ERIAC VANE CONCELLINES
	LIFTOPE MUSICARI LIGUISTROM	ING BLUE LILY TURN MAJESTIC' PRIVET	MISC:	POTTED TOPANIES	

























Monarch Bay Association

December 9, 2014

Dan and Tessa Maas 1312 E. Warner Avenue Santa Ana, CA 92705

RE: MONARCH BAY ASSOCIATION- 241 MONARCH BAY DRIVE

APPROVAL OF ARCHITECTURAL PLANS DATED 11/21/14 BY ANDRADE ARCHITECTS

Dear Mr. and Mrs. Maas:

The Monarch Bay Association Architectural Control Committee has reviewed and approved your revised plans as submitted for your home remodel which includes the approval for a variance for the roof height limit at a maximum datum point of 160.8' (12" above maximum limit for the home) to match the existing roof height.

We are in need of your submittal of the construction deposit in the amount of \$10,000, which will be refunded minus road use fees upon the successful completion of your project. Construction may not commence until this deposit is received.

Enclosed are the Construction Rules so that you may share these with your contractor so they know what is expected of them when working within the community. Please note that no construction may commence until the fees/deposits are received accordingly.

We sincerely appreciate your cooperation.

Sincerely,

THE MONARCH BAY ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE

CC: Board of Directors

MB/241/corres/remodel and variance approval/12.09.14

ATTACHMENT #5