CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE:

MARCH 23, 2015

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

URSULA LUNA-REYNOSA, DIRECTOR

EVAN LANGAN, AICP, ASSOCIATE PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP14-0028 TO ALLOW THE ADDITION OF 1,680 SQUARE FEET OF NEW HABITABLE FLOOR AREA, IN CONJUNCTION WITH A 250 SQUARE FOOT EXPANSION OF AN EXISTING, TWO-VEHICLE GARAGE AT A SINGLE-STORY, SINGLE-

FAMILY DWELLING LOCATED AT 165 MONARCH BAY DRIVE

RECOMMENDATION:

That the Planning Commission adopt the attached resolution

approving Coastal Development Permit CDP14-0028.

PROJECT APPLICANT and PROPERTY OWNERS: Max and Michelle Hoe

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:

165 Monarch Bay Drive (APN 670-131-55)

NOTICE:

Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on March 11, 2015, published within a newspaper of general circulation on March 12, 2015, and posted on March 13, 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 project measures 11,613 square feet (.27 acres) in area and is located within the Monarch Bay Homeowners Association (HOA), a built-out residential community of exclusively single-family dwellings. The lot is mostly regular in shape, flat and presently developed with a conforming, single-story dwelling constructed in 1964 and comprising 2,015 square feet of habitable floor area with an attached, 482 square foot, two-vehicle garage.

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 1,680 square feet of new habitable floor area to the dwelling in the form of two new bedrooms, an expanded master bedroom, living/dining room and kitchen (including a new pantry and wine cellar). A near complete interior remodel is also proposed and that would result in several rooms being reconfigured and partition walls removed or relocated - including two existing bedrooms that would be converted into new or expanded spaces within the floor-plan. The dwelling's existing bedroom count of three would be unchanged. An additional 250 square feet is also proposed to be added to the dwelling's two-vehicle garage that would create additional space to store a golf cart as well as increased parking area for automobiles. Finally, a covered patio is proposed at the rear of the structure, mounted on posts and with spanning lattice work above.

With all improvements, the remodeled/expanded dwelling would comprise 3,695 square feet of gross (habitable) floor area with an attached, 732 square foot garage. The building's height would be 13 feet, 5inches and the dwelling would remain single-story. No new landscaping or exterior (site area) improvements are proposed. All components of the proposed scope of work are found to comply with the property's RSF-4 Zoning District and no variances or other deviations from standards are requested.

Coastal Development Permit CDP14-0028

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 CDP. The subject application proposes the addition of 1,930 square feet to an existing, 2,497 square foot single-family dwelling - an increase of approximately 77 percent.

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

- 1. 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.

Supportive findings can be made for the CDP request 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 approval of the proposed

remodel and expansion.

CONCLUSION: 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 CDP14-0028 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. 15-03-23-xx

Supporting Documents

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

RESOLUTION NO. 15-03-23-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP14-0028 TO ALLOW THE ADDITION OF 1,680 SQUARE FEET OF NEW HABITABLE FLOOR AREA, IN CONJUNCTION WITH A 250 SQUARE FOOT EXPANSION OF AN EXISTING, TWO-VEHICLE GARAGE AT A SINGLE-STORY, SINGLE-FAMILY DWELLING LOCATED AT 165 MONARCH BAY DRIVE

Project Applicant and Property Owners: Max and Michelle Hoe

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 165 Monarch Bay Drive (APN 670-131-55): 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 23rd day of March, 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 CDP14-0028.

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 CDP14-0028 subject to conditions of approval:

Findings:

Coastal Development Permit CDP14-0028

- 1. That the project is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096) in that the site and architectural design of proposed improvements are found to comply with all development standards of the Dana Point General Plan and Zoning Code (the latter acting as the Local Coastal Program for the property) and will further General Plan 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 at the subject property that is both wholly compatible and complimentary to surrounding structures.
- 2. If located between the nearest public roadway and the sea or shoreline of any body of water, that the project is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096) in that while the project is located between the nearest public roadway and the sea or shoreline, the property is an already developed lot zoned for residential use, located within a private, gated community that does not contain public access ways or areas of recreation. Moreover, adequate public access to public tidelands or areas of recreation exist nearby at City, County and State beaches and so the subject request conforms with the public access and public recreation policies of Chapter Three of the Coastal Act.
- 3. That the project conforms with Public Resources Code Section 21000 (the California Environmental Quality Act CEQA) and following, that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any potentially significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 Cal. Code of Regulations/13096) in that the project is qualified as Categorically Exempt from review under CEQA pursuant to Section 15301 (Class 1 Existing Facilities) in that it proposes a nominal increase in square footage (as defined in the Guidelines) to an existing residential dwelling.

- 4. That the project has been 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.
- 5. That the project minimizes the alteration 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 area of residential uses 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, minimizing undue risks from these or other hazards.
- 6. That the project is visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas in that the proposed project will make additions to an existing residential dwelling in a manner that conforms to current development and design standards of the Dana Point Zoning Code.
- 7. That the project conforms with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs in that the subject project has been reviewed by Planning and Building/Safety Division staffs as well as the Public Works/Engineering Department and found to conform with applicable requirements of the Dana Point Zoning Code (which serves as the implementing document for the General Plan and Local Coastal Program for the subject property). There are no adopted specific plans that apply to the subject property.

Conditions:

A. General:

1. Approval of this application permits additions in habitable floor area and to the garage of an existing single-family dwelling located at 165 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.
- 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. A grading permit shall be obtained prior to any work.
- 8. 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, telephone and cable television services.
- 9. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion control measures. The erosion control measures shall be shown and specified on a plan and shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion control devices until the final approval of all permits.
- 10. The applicant, property owner or successor in interest shall prepare a Waste Management 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.

B. Prior to Issuance of a Grading Permit:

- 11. 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.
- The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.
- 13. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
- 14. 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.

B. Prior to Issuance of a Building Permit

- 15. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
- 16. Building plan-check submittal shall include four sets of the following construction documents:
 - Building (structural) plans
 - Structural calculations
 - Energy calculations
 - Soils/geology report
 - Drainage plan
- 17. Project approval from the Orange County Fire Authority (OCFA) is required. The applicant shall three sets of building plans directly to that agency for review and approval.
- 18. Fire sprinklers shall be required for this project and be illustrated in submitted structural or other plans as required by the Building Official and/or the CA Building Code.
- All improvements authorized under this approval shall comply with 2013 CA Code of Regulations, Parts 1 - 12 and any local amendments thereto as well as with 2013 T-24 Energy Conservation Regulations.
- 20. All onsite utilities shall be undergrounded.
- 21. The foundation system shall provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise.
- 22. A Rough Grade/Pad Certification or Grading Release Form shall be obtained from the Building/Safety Division, completed, and returned for review and approval.
- 23. The applicant shall submit a rough grade certification from the Civil Engineer of Record for review and approval by the City Engineer. 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.

24. 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.

B. Prior to Issuance of a Certificate of Occupancy

- 25. 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 CDP14-0028. The City's standard "Line & Grade Certification" form shall be obtained from the Project Planner at time of Building Permit issuance, prepared by a CA licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
- 26. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
- 27. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
- 28. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.
- 29. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
- 30. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.

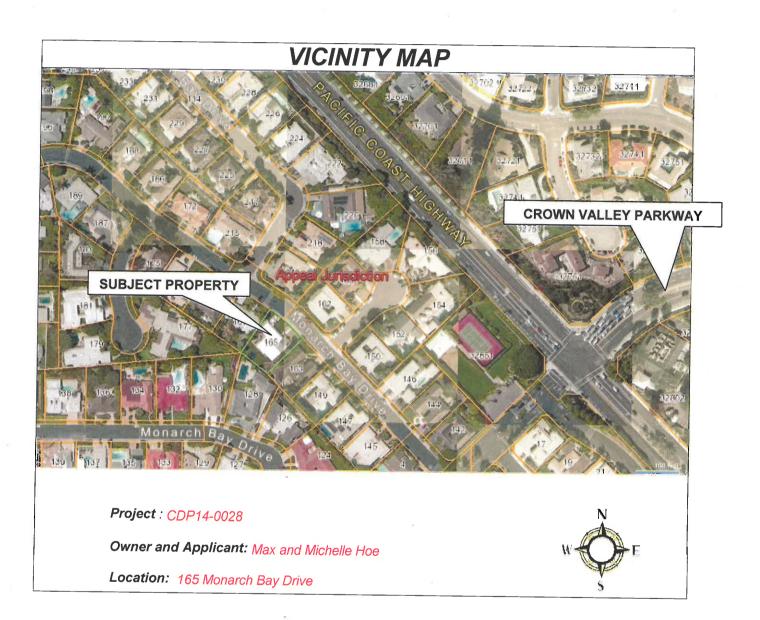
Planning Commission Resolution No. 15-03-23-CDP14-0028 Page 8

PASSED, APPR Commission of the City the following vote, to wi	ROVED, AND ADOPTED at a regular meeting of the Planning of Dana Point, California, held on this 23 rd day of March, 2015 by t:
AYES:	§ ,
NOES:	
ABSENT:	
ABSTAIN	
	Liz Claus, Chairperson City of Dana Point Planning Commission
ATTEST:	
Ursula Luna-Reynosa, Community Developmen	



City of Dana Point CDP14-0028

Evan Langan, AICP, Associate Planner Community Development Department 33282 Golden Lantern Dana Point, CA 92629-1805



















165 Monarch Bay Dr. Dana Point, Calif. 92629

RECEIVED

FEB n 2 2015

CITY OF DANA POINT COMMUNITY DEVELOPMENT DEPARTMENT

CDP14-0028

165 Monarch Bay Drive



BUILDING INFORMATION	BUILDING DATA	VICINITY MAP	PROJECT DIRECTORY	SHEET INDEX
APN# Occupancy: Use: Const. Type:	EXISTING LIVING 2015# GARAGE	155 Morunda Bhý D	OWNER: MAX & MICHELE HOES I 65 MONARCH BAY DR. DANA POINT, CA 92629 PH: 310.863.6331 BRIAN OPP 2703 VIA LADO 9AN CLEMENTE, CA. 92672 PH: 949.363-3715 CONSULTING GARY SUMBERG ARCHITECT 23592 Windsong, apt H AUSO VIELO, CA 92626 PH: 949.853.2924 SURVEY: RDM SURVEYING 23016 LAKE FOREST DR. #409	T1title sheet T2(e) survey SP-1(n) site plan-landscape A101(e) floor plan A102(n) floor plan A103(n) roof plan A201(n) elevations A202(n) elevations A301(n) sections
APPLICABLE CODES: O13 Calif. Building Codes to include: 2013 CBC, CMC, CPC,CEC, CPC CA. Energy Code Local Ordinances	LND9CP COVER 48%		SCOPE OF WORK 1. ADD 1680 SQ. FT. LIVING SPACE 2. RE-CONFIGURE (E) FLOOR PLAN 3. ADD 250 SQ. FT. TO GARAGE 4. REDUCE PATIO BY 210 SQ. FT.	Supporting Document 03/23/15 — Item 4

Bri<mark>an Gregory Op</mark> design~~build

P.o. Box 2077 Hailey, Idaho. 83333 lic # RCT-22620 2703 Via Lado, 5an Clemente, CA 92672 Lod# B-822134 949.363.3715

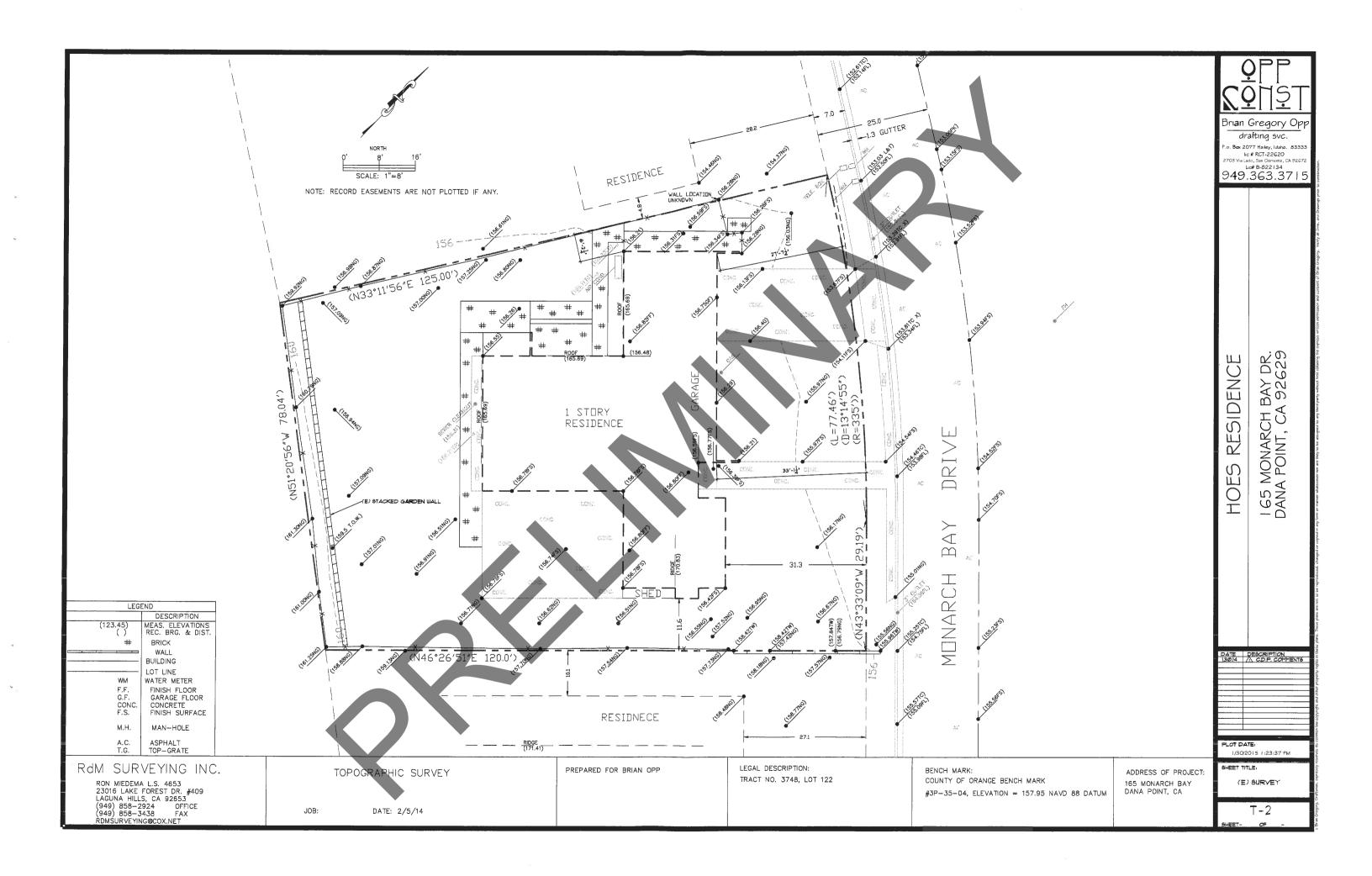
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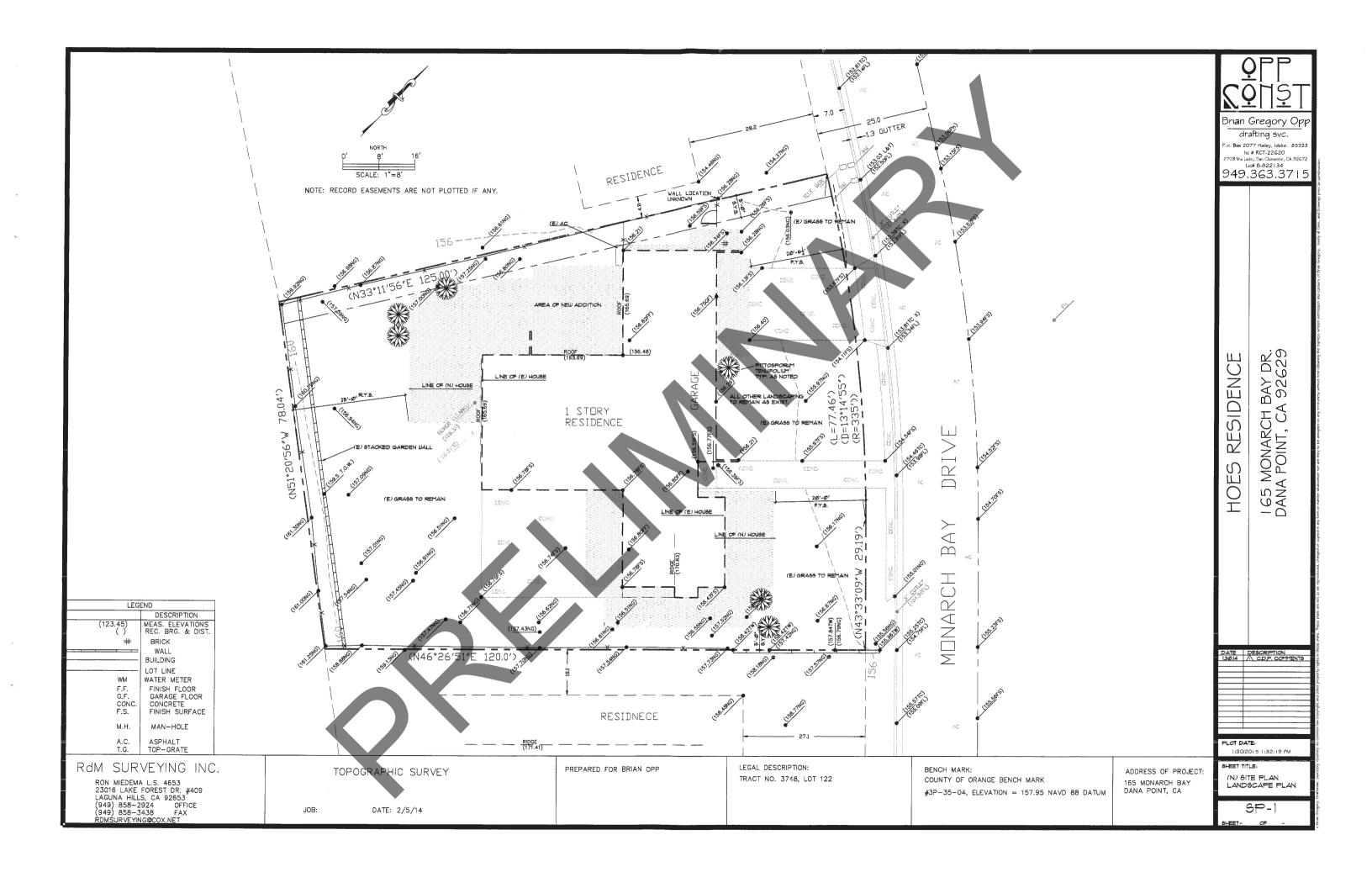
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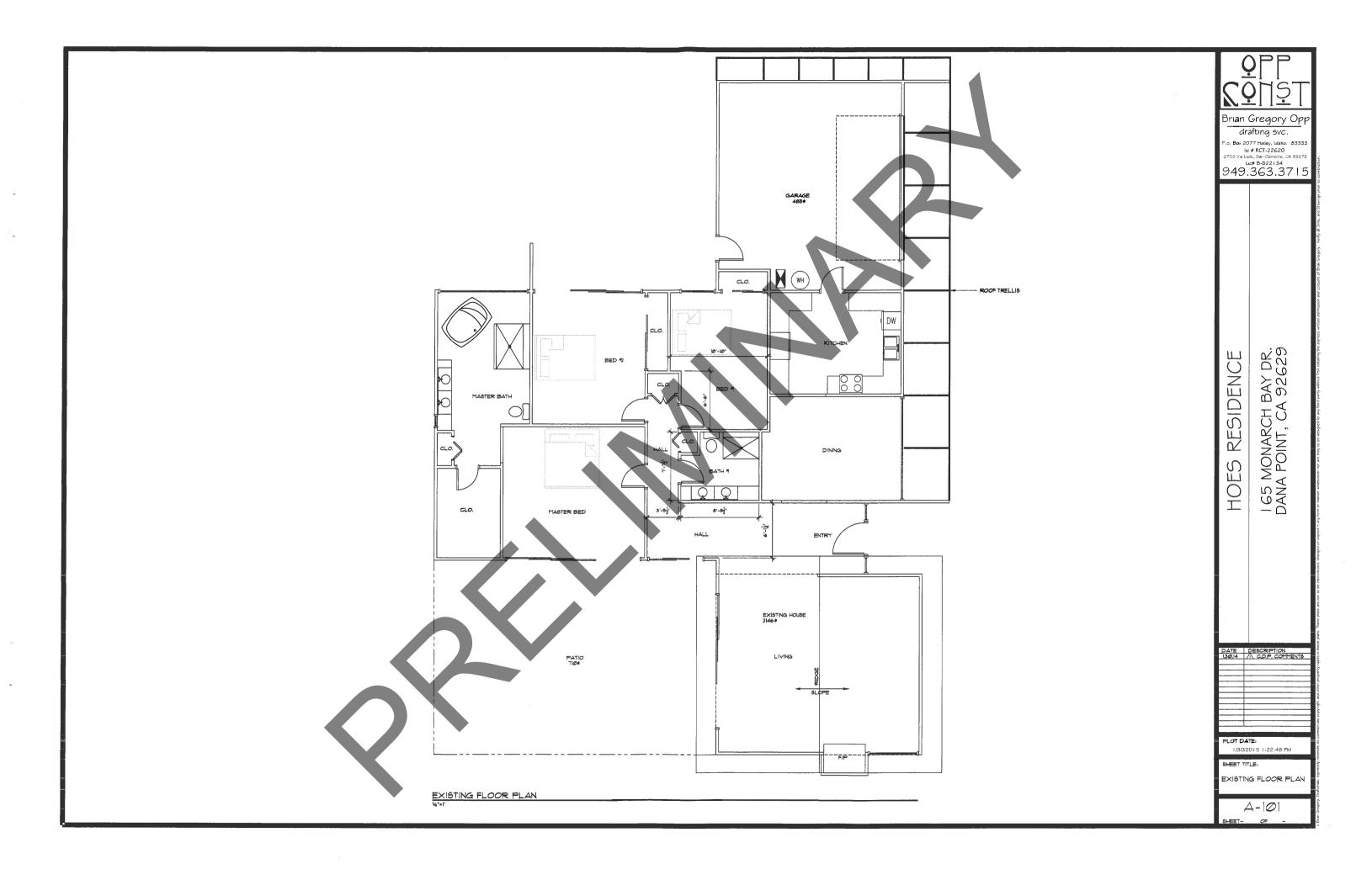
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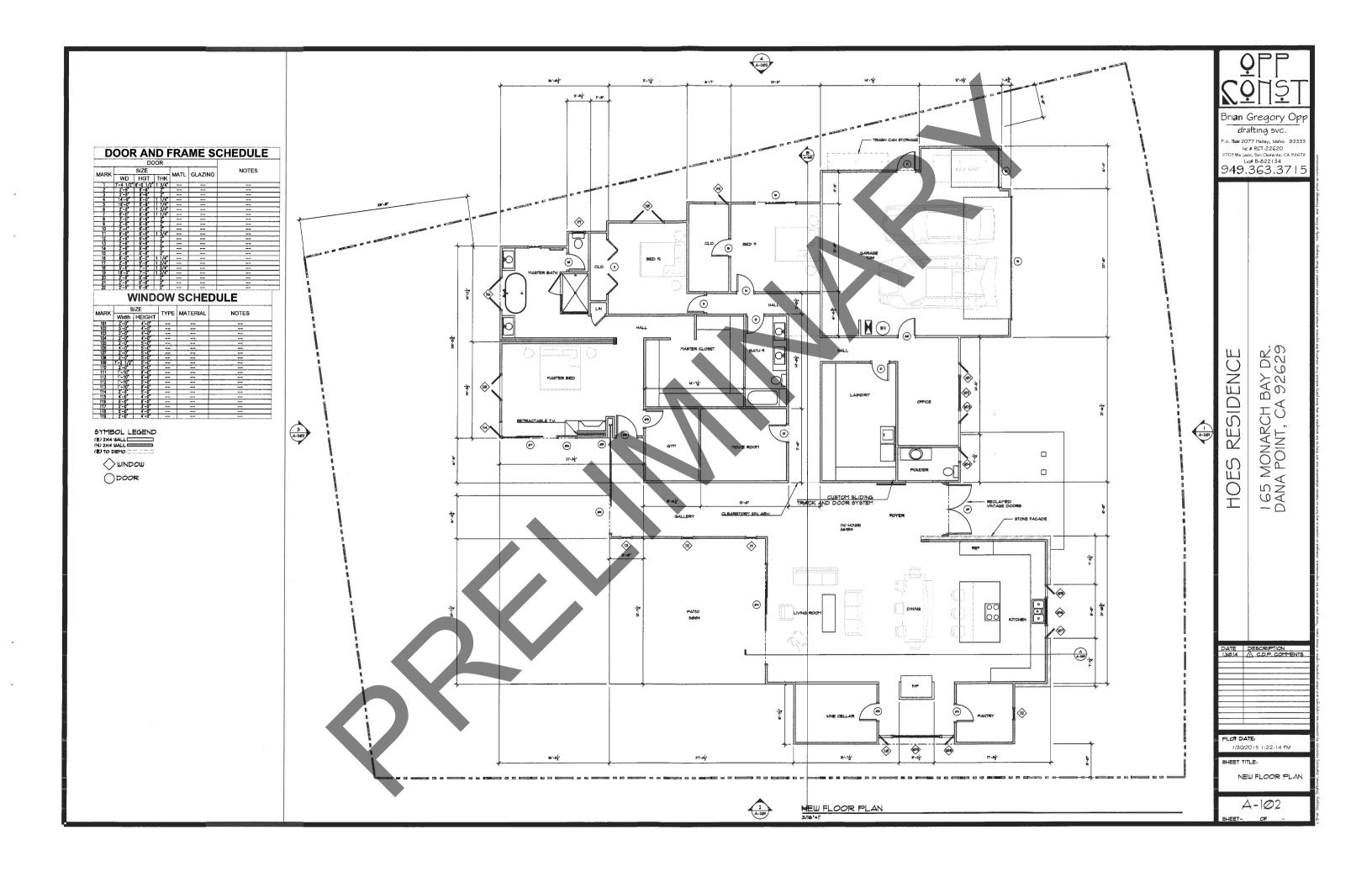
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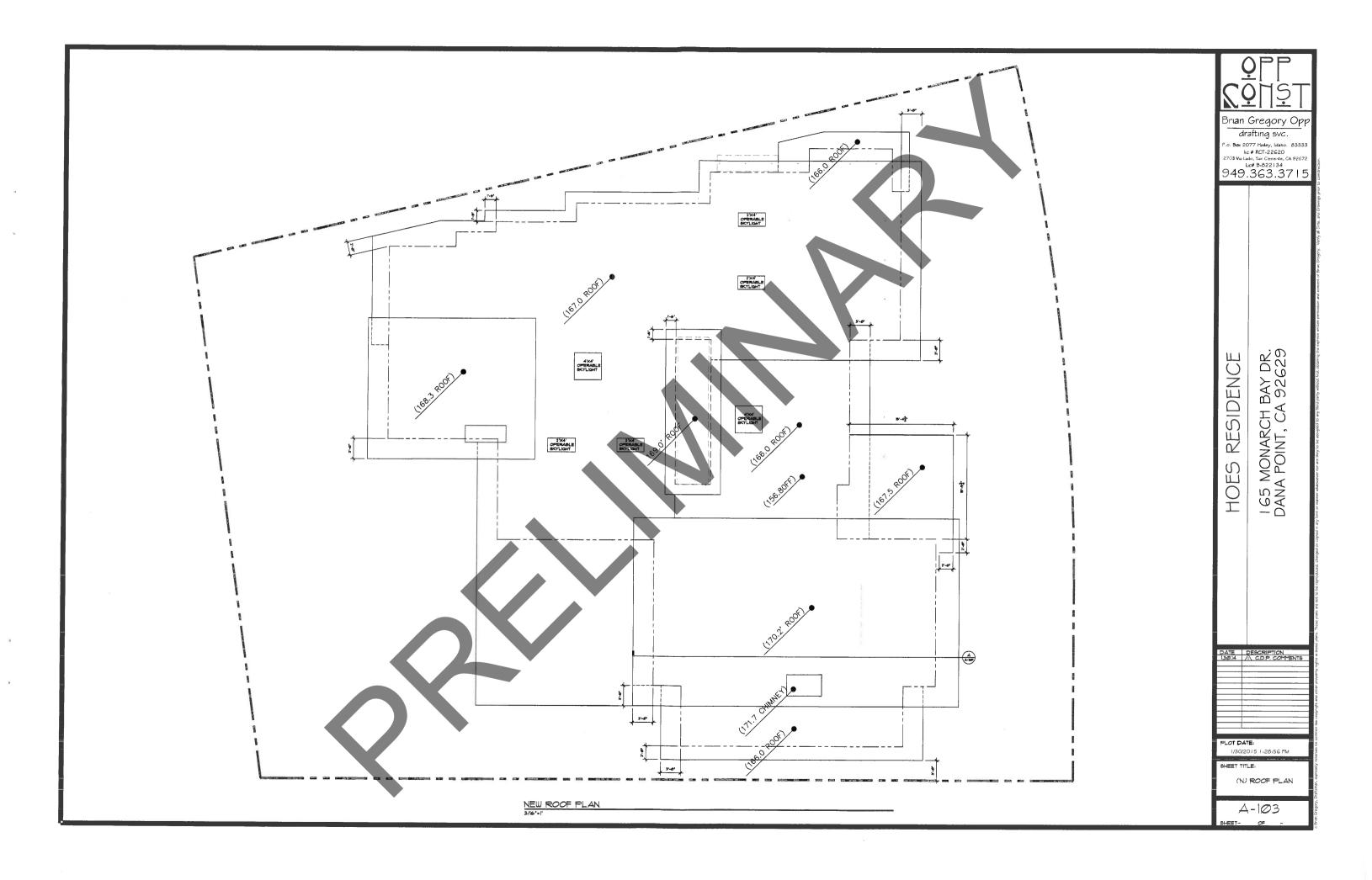
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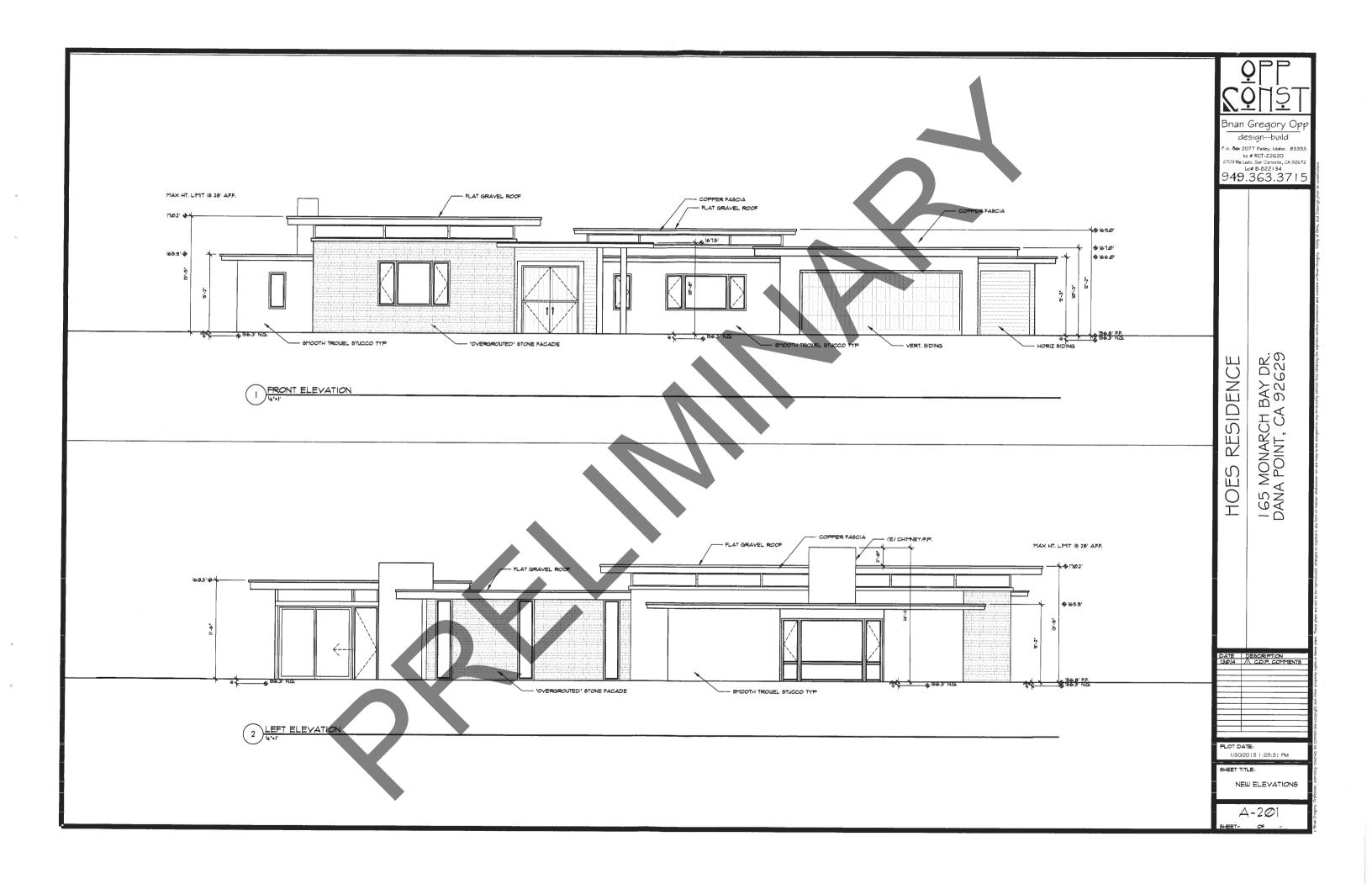


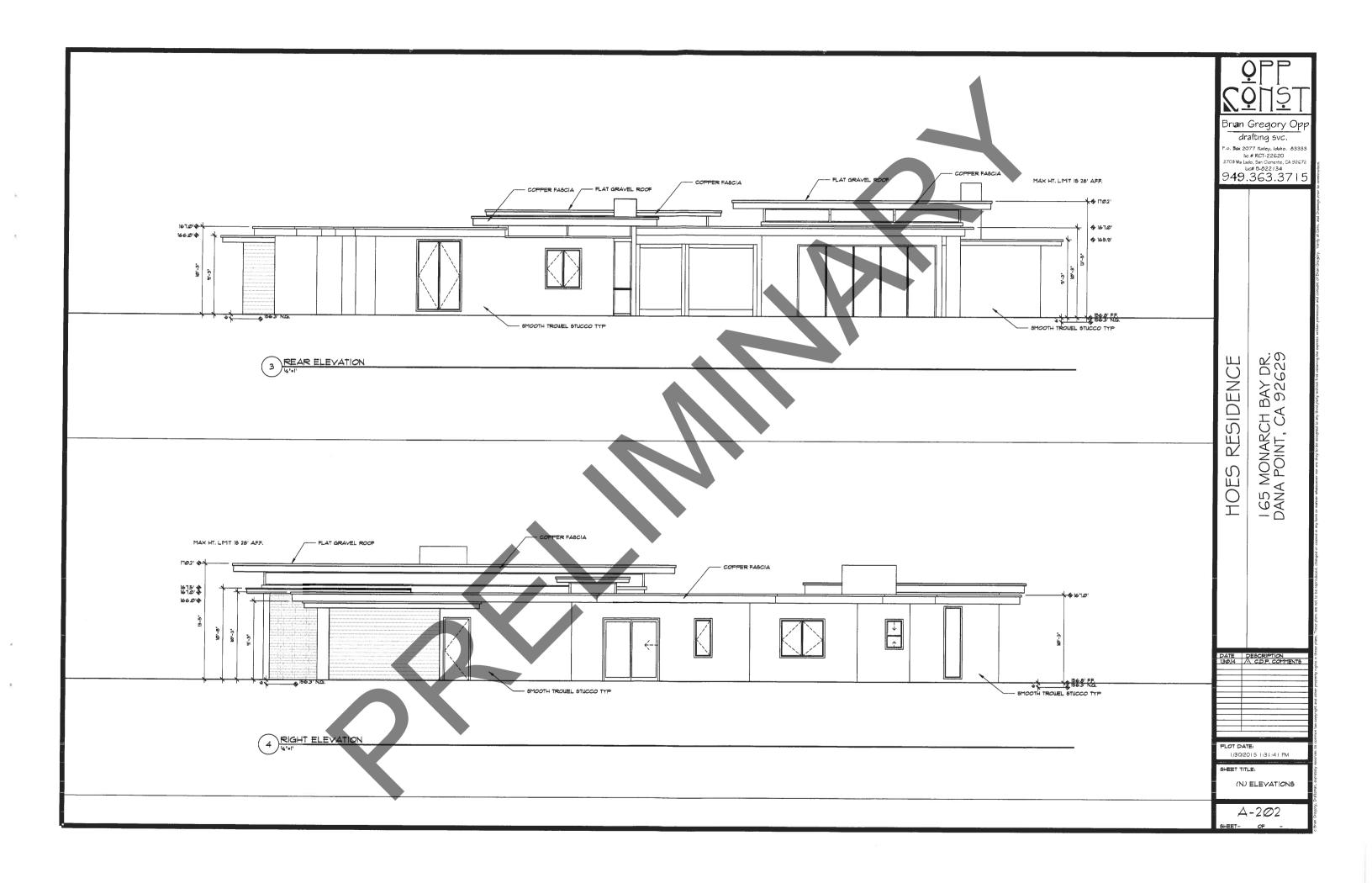


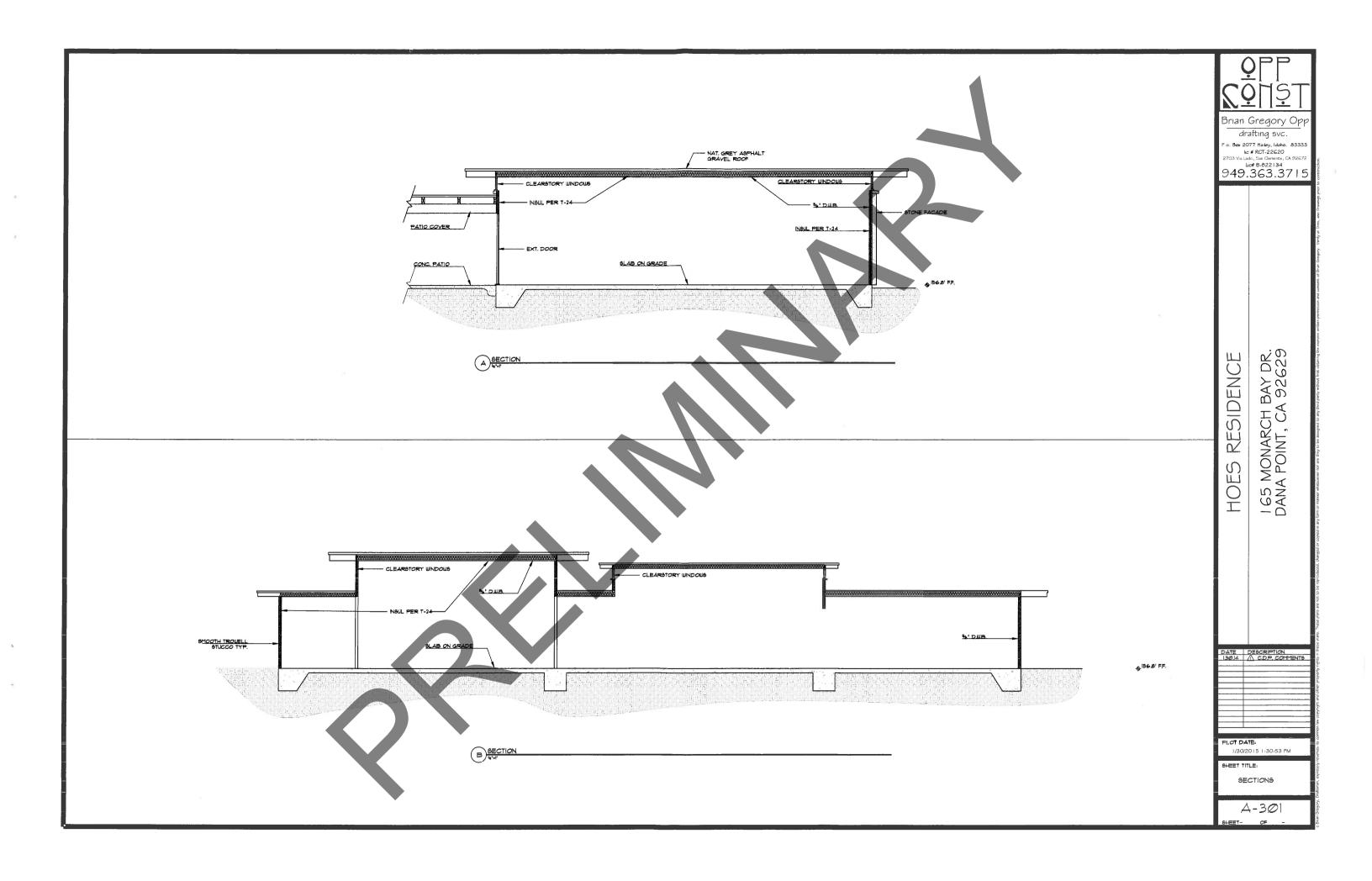














Monarch Bay Association

November 4, 2014

Max and Michelle Hoes 165 Monarch Bay Drive Monarch Beach, CA 92629

RE: MONARCH BAY ASSOCIATION

APPROVAL OF ARCHITECTURAL PLANS DATED 10/7/14 BY OPP CONSTRUCTION

Dear Mr. and Mrs. Hoes:

Thank you for attending the Monarch Bay Association Architectural Control Committee meeting last week to review your plan for the remodel of your home to include the addition of 1,680 square feet of living area and 250 square feet of garage to the existing single story residence. The Committee unanimously approved your plans as submitted and depicted in the revised staking of 10/31/14.

We are also in receipt of your review fee retainer of \$5,000; however, we will also need to receive your construction deposit in the amount of \$10,000, which will be refunded minus road use fees upon the successful completion of your project.

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.

We sincerely appreciate your cooperation.

Sincerely,

THE MONARCH BAY ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE RECEIVED

FEB 0 2 2015

CC: Board of Directors

MB/165/corres/home remodel approval/11.04.14

CITY OF DANA POINT COMMUNITY DEVELOPMENT DEPARTMENT

ATTACHMENT #5