CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE:

APRIL 13, 2015

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

URSULA LUNA-REYNOSA, DIRECTOR

EVAN LANGAN, AICP, ASSOCIATE PLANNER

SUBJECT:

COASTAL DEVELOPMENT PERMIT CDP15-0001 AND SITE DEVELOPMENT PERMIT SDP15-0003 TO ALLOW THE EXPANSION OF AN EXISTING UPPER-LEVEL BALCONY, IN CONJUNCTION WITH AN INTERIOR REMODEL OF A CONFORMING SINGLE-FAMILY DWELLING LOCATED ON LAND WITHIN THE CITY'S FLOODPLAIN

AND COASTAL OVERLAY DISTRICTS AT 35845 BEACH ROAD

RECOMMENDATION: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP15-0001 and Site Development Permit SDP15-0003.

APPLICANT & PROPERTY OWNER: Kevin Nagel

REQUEST:

Approval of Coastal and Site Development Permits to allow expansion of an existing upper-level balcony, in conjunction with an interior remodel, at a conforming dwelling located on land within the City's Floodplain and Coastal Overlay Districts.

LOCATION:

35845 Beach Road

NOTICE:

Assessor Parcel Number (APN): 691-332-17 Notices of the Public Hearing were mailed to property owners

within a 500-foot radius and occupants within a 100-foot radius on April 15, 2015, published within a newspaper of general circulation on April 16, 2015, and posted on April 17, 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) Guidelines, staff finds the project is Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that the request proposes nominal additions to an existing single-family dwelling.

ISSUES:

- Is the proposal consistent with the Dana Point General Plan, Zoning Code (DPZC), and Local Coastal Plan (LCP)?
- Does the project comply with the City's Floodplain Regulations?
- Is the project compatible with and an enhancement to the site and surrounding neighborhood?
- Does the project satisfy all required findings pursuant to the DPZC and LCP for approval of a Coastal Development Permit (CDP) and Site Development Permit (SDP)?

BACKGROUND: The subject property is an oceanfront lot located within the Capistrano Beach Community Association, an established and built-out subdivision of residential single-family and duplex structures. Adopted zoning for the property is "Residential Beach Road 12" (RBR-12); the lot is located within the City's Coastal Overlay District (also known as the California Coastal Zone) and appeals jurisdiction of the California Coastal Commission, as well as the aforementioned Floodplain Overlay District.

The property is relatively small (approximately 45 feet in width and 153 feet in depth) and presently developed with a single-family dwelling with an attached, two-vehicle garage. Neighboring development both up and down-coast is residential in nature with the Pacific Ocean located to the southwest, train tracks and Pacific Coast Highway (PCH) to the northeast. The subject property is located within the City's Floodplain Overlay District, a location and designation that stipulates the property is subject to potentially damaging wave action and so, pursuant to Section 9.31 of the Dana Point Zoning Code (DPZC), proposed development shall adhere to specific structure design and location criteria. The property's existing dwelling is constructed with a foundation supported by caissons and grade-beams and elevated to a height of 17 feet above the sand and mean sea level (MSL - NAVD88 baseline). This structural design and elevation mean that the project complies with Floodplain Overlay District design criteria and no foundation upgrades are required as part of the proposal.

<u>DISCUSSION</u>: The application proposes the removal of two small balconies and a fireplace/chimney that, combined, span the entire façade of the dwelling at the second story. A new balcony will be added to replace that removed, covering approximately 78 percent of the façade at that level, coupled with a new fireplace and vent. At both the first and second levels of the dwelling (ocean-facing side), existing doors would be removed and replaced with new sliding doors. No changes are proposed to the structure's lower-level deck, nor are any alterations proposed to the remainder of the dwelling's interior, exterior surface materials, overall height or form. No new floor area (square footage) is proposed and the changes would result in no alterations to the structure's existing, Codecompliant foundation.

Coastal Development Permit CDP15-0001

Pursuant to Section 9.69.040 of the DPZC, proposed improvements to any structure located on the sand or between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of a beach or of the mean high tide line of the sea (unless specifically exempted) shall require approval of a CDP. Section 9.69.070 of the DPZC stipulates a minimum of seven findings for approval, requiring a 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)
- 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.

Recommended findings for the CDP request are enumerated in the project's draft resolution of approval (Attachment 1).

Site Development Permit SDP15-0003

Pursuant to the site's location within the City's Floodplain Overlay District, proposed improvements shall first require approval of a SDP subject to standards enumerated in Section 9.31 (Floodplain Overlay) of the DPZC. Moreover, within so-called "coastal high hazard areas," a Base Flood Elevation (BFE) must be established via a wave run-up report, recommending a minimum safe height to which structures must be elevated above

an established baseline (NAVD88 datum or similar). As aforementioned, the subject dwelling's foundation is constructed with caissons and elevated to a BFE of 17 feet - a safe height above MSL (mean sea level) and potential breaking waves as corroborated by a wave run-up study submitted to and on file with the City. This proposal is accordingly compliant with both the standards and intent of the DPZC.

Section 9.71.050 stipulates a minimum of four findings for approval of a SDP, requiring:

- 1. Compliance of the site design with development standards of this Code.
- 2. Suitability of the site for the proposed use and development.
- 3. Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines.
- 4. Site and structural design which is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture.

Recommended findings for the SDP request are enumerated in the project's draft resolution of approval (Attachment 1).

CORRESPONDENCE: To date, no correspondence has been received concerning the subject project.

The Beach Road Community Association is established as a District and does not have a homeowners association (HOA).

<u>CONCLUSION</u>: Staff finds that the subject project is consistent with the policies and provisions of the Dana Point General Plan, Zoning Code and Local Coastal Program. As the project complies with all standards of development, staff recommends the Planning Commission adopt the attached draft resolution, approving CDP15-0001 and SDP15-0003 subject to findings and conditions of approval.

Evan Langan, AICP Associate Planner

Ursula Luna-Reynosa

Director of Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 15-04-13-xx

Supporting Documents

- 2. Vicinity Map
- 3. Site Photographs
- 4. Project Plans

RESOLUTION NO. 15-04-13-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP15-0001 AND SITE DEVELOPMENT PERMIT SDP15-0003 TO ALLOW THE EXPANSION OF AN EXISTING UPPER-LEVEL BALCONY, IN CONJUNCTION WITH AN INTERIOR REMODEL OF A CONFORMING SINGLE-FAMILY DWELLING LOCATED ON LAND WITHIN THE CITY'S FLOODPLAIN AND COASTAL OVERLAY DISTRICTS AT 35845 BEACH ROAD

Applicant and Property Owner: Kevin Nagel

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

WHEREAS, the applicant filed a verified application for Coastal and Site Development Permits to allow improvements to an existing single-family dwelling on land located within the City's Coastal and Floodplain Overlays at 35845 Beach Road (APN 691-332-17), 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) in that the application proposes nominal additions to an existing single-family dwelling, and;

WHEREAS, the Planning Commission did, on the 13th day of April, 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 CDP15-0001 and Site Development Permit SDP15-0003.

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 a Coastal Development Permit CDP15-0001 and Site Development Permit SDP15-0003 subject to conditions:

Findings:

Coastal Development Permit CDP15-0001

- 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 improvements 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 while the subject property lies adjacent to the Pacific Ocean, a noted sensitive habitat area, park and recreation area, the proposed scope-of-work comprises development permitted by the Dana Point Zoning Code/Local Coastal Program, has been reviewed and found to conform to all applicable development standards (including design criteria intended to minimize to the greatest extent feasible, potentially adverse impacts to shoreline processes) and so no buffer (from adjacent sensitive habitat) is required.
- 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 and so 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 subject 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.

Site Development Permit (SDP15-0003)

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code in that the subject project has been reviewed by City staff and found to conform to both the standards and intent of the Dana Point Zoning Code - specifically Section 9.31 (Floodplain Overlay).

- 2. That the site is suitable for the proposed development in that the subject application proposes improvements to an existing single-family dwelling on land zoned and subdivided for such a use and located within an established community of like uses.
- 3. That the project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines in that the proposal does not conflict with any goal or policy; the additions proposed have been found to conform to the prescribed zoning envelope (including overall height, setbacks, etc.) for structures in its respective zoning district.
- 4. That the site and structural design is appropriate for the site and function of the proposed use in that the proposed improvements would utilize materials, scale and site design wholly compatible with its surrounding neighborhood and will be constructed in compliance with the requirements of the Floodplain Overlay District which, among other things, requires that the proposed dwelling be constructed atop caissons founded into the earth and elevated to a height recommended by a qualified engineer that would protect habitable portions of the dwelling from potential inundation by waves.

Conditions:

A. General:

- Approval of this application permits additions to an existing single-family dwelling on land located within the City's Floodplain and Coastal Overlay Districts at 35845 Beach Road as per plans submitted to and on file with the City. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission and in compliance with 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 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 of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he 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. 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's 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's 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.

6. 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 Building Plan Check Submittal and/or prior to Issuance of a Building Permit or release on certain related inspections, the applicant shall meet the following conditions:
 - 7. The owner shall execute and record a deed restriction to include the following language and which cannot be removed or changed without prior City amendment to this Coastal Development Permit. The deed restriction shall be recorded, free of prior liens, to bind the owner(s) and any successors in interest or otherwise recorded to the satisfaction of the City Attorney and Community Development Department.
 - a. The property owner(s) agrees on behalf of themselves and all other successors and assigns, that no shoreline protective device which would substantially alter natural land form along bluffs and cliffs, cause beach erosion or adversely impact the local shoreline sand supply shall ever be constructed to protect the development approved pursuant to the permits issued hereunder including, but not limited to, the dwelling, foundation, decks and any other future improvements in the event the development is threatened with damage or destruction from waves, erosion, storm conditions or other oceanographic hazards in the future.
 - b. The property owner(s) shall be responsible for the removal of any and all pre-existing ocean protective devices directly fronting the subject property at the time they are determined to no longer be required to protect surrounding properties. The property owner shall assume all costs and responsibilities associated with the removal.
 - c. The property owner(s) agrees, on behalf of themselves and all other successors and assigns, that the landowner shall remove the development authorized by this permit, including the dwelling, foundation and decks, in any situation where a government agency with appropriate jurisdiction determines that the structures approved by this permit have been damaged to the point where future occupancy can no longer be permitted and repair cannot be accomplished without contributing significantly to erosion, geologic instability or having a significant adverse impact on local shoreline sand supply.
 - d. The property owner(s) understands that the project site is subject to coastal wave action and that the owner(s) assumes the liability from these hazards.

- e. The property owner(s) unconditionally waive any claim of liability on the part of the City or any other public agency from any damage from such (coastal wave action) hazards.
- 8. Building plan check submittal shall include four sets of the following construction documents:
 - Building Plans
 - Structural Calculations
- 9. All documents prepared by a professional shall be wet-stamped and signed.
- 10. The applicant shall submit payment for any supplemental fees, including school, park, water, sewer and other impact-related fees as required.

PLANNING COMMISSION RESOLUTION NO. 15-04-13-xx CDP15-0001 and SDP15-0003 PAGE 8

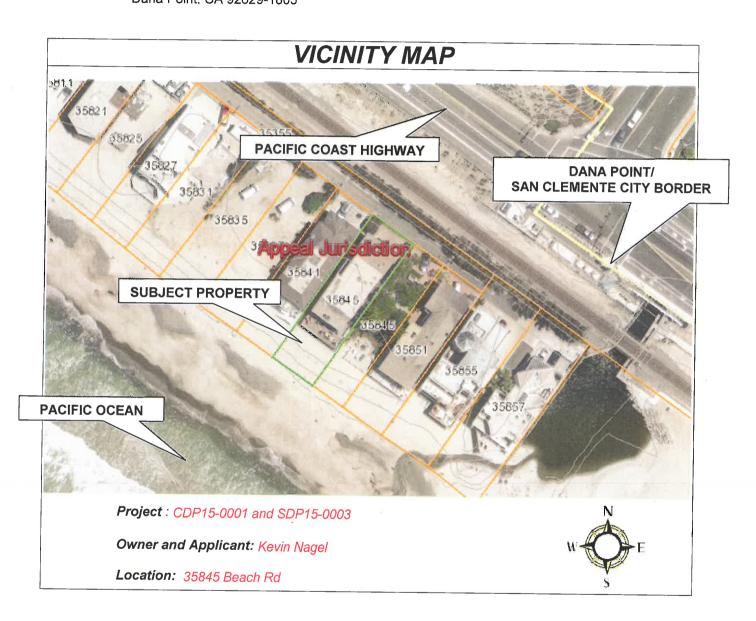
Commission	ED, APPROVED, AND ADOPTED at a regular meeting of the Planning of the City of Dana Point, California, held on this 13 th day of April, 2015, by g vote, to wit:
	AYES:
	NOES:
	ABSENT:
	ABSTAIN:
	Liz Claus, Chairperson Planning Commission
ATTEST:	
100	
Ursula Luna- Community [Reynosa, Director Development Department



City of Dana Point

CDP15-0001 and SDP15-0003

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



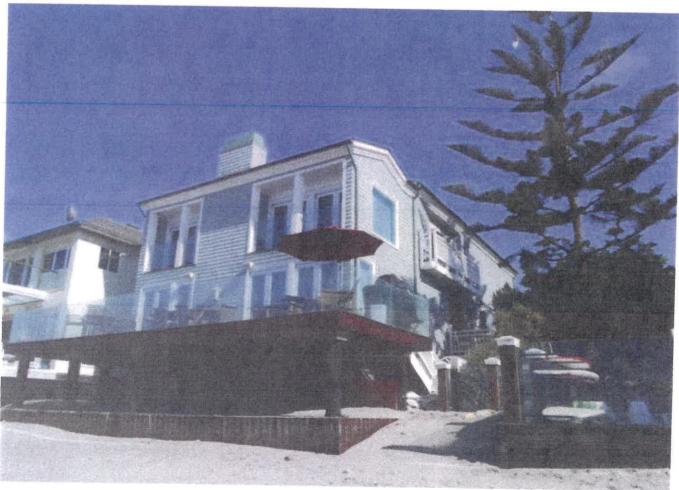


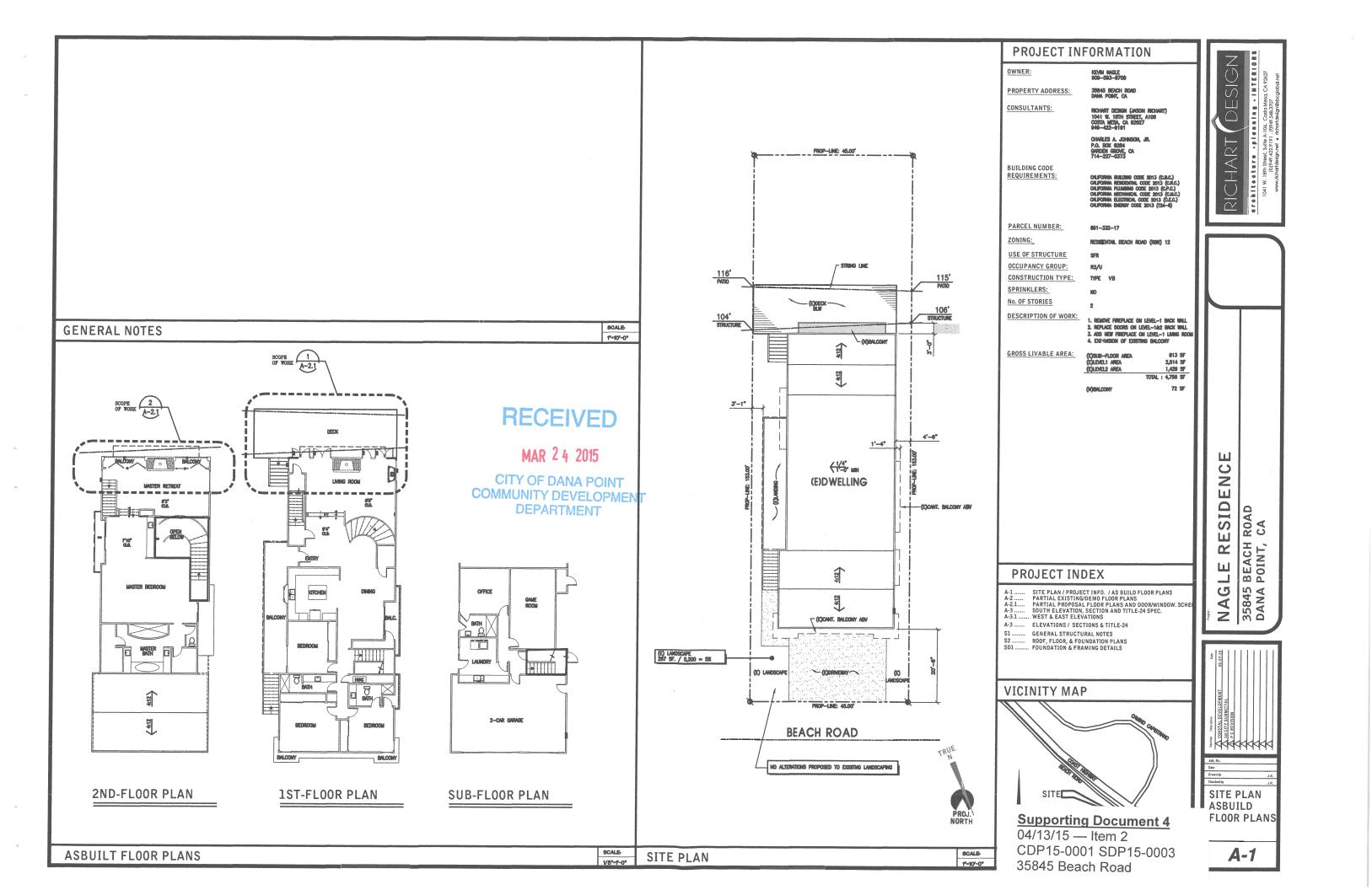
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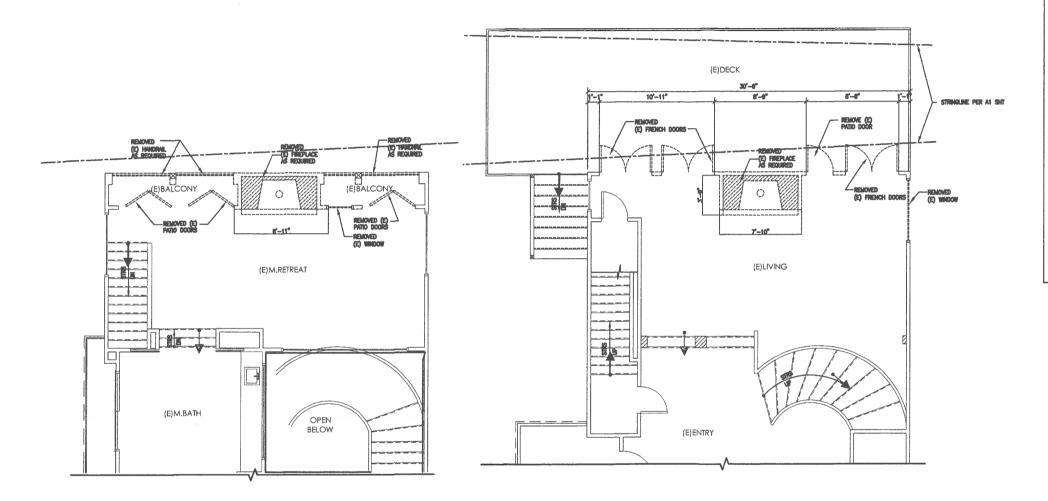
JAN 29 2015

CITY OF DANA POINT COMMUNITY DEVELOPMENT DEPARTMENT









LEGEND

NDICATES EXIST WALL

MOICATES EXISTING TO BE REMOVED

DEMO NOTES

- 5. UPON COMPLETION OF WORK EACH DAY, AREA OF WORK SHALL BE BROOM SWEPT.

RESIDENCE

DESIGN

RICHART

NAGLE RESIDI 35845 BEACH ROAD DANA POINT, CA



PARTIAL EXIS./DEMO FLOOR PLANS

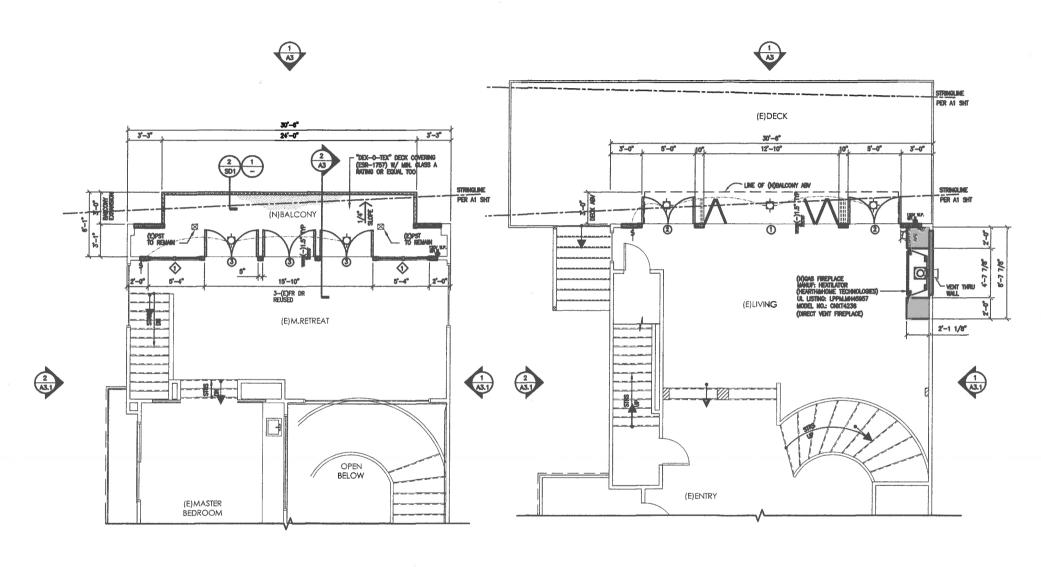
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EXISTING/DEMO 1st LVL FLOOR PLAN

PARTIAL EXISTING/DEMO FLOOR PLANS

EXISTING/DEMO 2ND LVL FLOOR PLAN

SCALE 1/4°=1'-0°



PROPOSED 1st LVL FLOOR PLAN

SCALE 1/4"-T-0"

LEGEND

MOICHTES EAST WALL

MOICHES NEW WALL WITH 244 STUDS AT 16" O.C.

MOICHTES EXISTING TO BE REMOVED

DOOR SCHEDULE

SYM	SIZE	TYPE	U-FCTR	SHGC
0	12'-10" x 8'-0"	SI-FOLDING DOORS	0.32	0.25
2	5'-0" x 5'-0"	FRENCH DOORS, REUSED	0.32	0.25
3	5'-0" x 6'-6"	FRENCH DOORS, REUSED	0.32	0.25

WINDOW SCHEDULE

SYM EXIST SIZE	TYPE	UFCTR	SHEC
♦ 5'-0" x 5'-0"	"MILGARD" (SLIDER) DUAL GLAZED	0.32	0.25

- WINDOW NULLS.

 1. ALL DOOR & WINDOW HARDIWARE TO BE SELECTED BY OWNER.

 2. CONTRACTOR TO VERBY ALL WINDOW & DOOR SIZES BEFORE ORDERON.

 3. ALL (I) WINDOWS & DOORS TO BE INSULATED GLASS WITH A MAY.

 1—PACTOR PER T24 REQUIREMENTS.
- O-PACION FOR THE REQUIREMENTS OF THE DESTRIPED BY A PERMANERIT LABEL AS SAFETY GLAZING: GLAZING IN ALL DOORS, GLAZING IN BITH & SONDER ENCLOSURES, ALL CLAZING WITHIN A 54° ANC OF A DOOR EDGE, PANILS GVER 9 SO, FT. WHOSE LOWEST EDGE IS LESS THAM IS TO THE FLOOR OF WITHIN 85° OF INLIVIANS SURFICE, GLAZING IN WILLS ENCLOSING STARRINY LANDINGS OR WITHIN 5 FT. OF THE BOTTOM AND TOP OF STARRINS'S WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60 WICHES ADDICE THE WILLIAMS SURFACE, ALL GLAZING GLADROMIAS AND WIGH LOCATED WITHIN 60 WICHES OF THE FLOOR SURFACE IN TUBS, SHOWERS, SALINS OR STEMI ROOMS.

- . Fenestration's with "U" walle lower than default value must have permanent label. Other penestrations may have factory removable label.

ELECTRICAL LEGEND

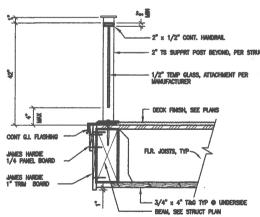
SYM DESCRIPTION

MOTES:

1. INTERMEDIATE RALING OF STAIR HANDRAILS MUST BE SPACED SUCH THAT A 4.375° SPHENE CAMBOT PASS THROUGH ANY PORTION OF THE RELIAND, A 6° SPACE IS ALLONED AT THE RECTANGULAR SPACE BETWEEN RISERS, TREAD & BOTT RAB.

3. HANDRINI, FOLHIDINALS TO RESIST 20 pai LATER FORCE APPLIED AT RIGHT MIQLE TO TOP RIVIL & 25 pai LATERN, FORCE APPLIED AT RICHARD RIVING RIVING FORCE APPLIED AT RICHARD RIVING RIVING

4. GLASS HANDRALS SHALL BE OF SAFETY GLAZING W/CONTINUOUS TOP RAI



H-RAIL SECTION

PLAN AND SCHEDULE A-2.1

PARTIAL PROP. FLOOR

PARTIAL PROPOSED FLOOR PLANS

8CALE 1/4"-T-0"

PROPOSED 2nd LVL FLOOR PLAN

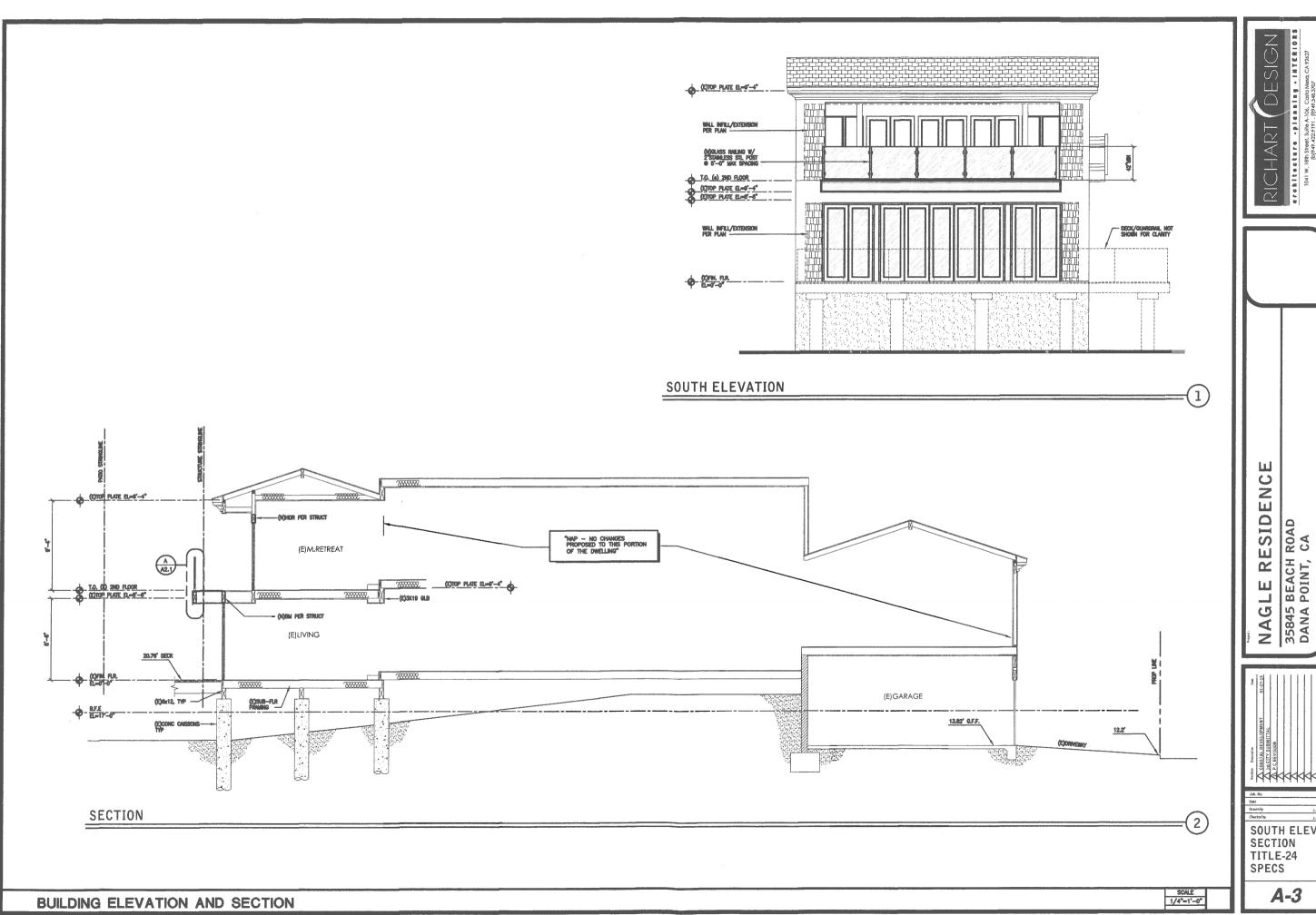
SGALE 1/4°=1'-0°

SIDEN ROAD CA RE BEACH POINT,

SIGN

RICHART

NAGLE 35845 BEA DANA POIN



Reveitin COA

SOUTH ELEV. SECTION TITLE-24

A-3

