CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE:

OCTOBER 12, 2015

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP15-0007 TO ALLOW EXPANSION OF AN EXISTING, SINGLE-FAMILY DWELLING AND ATTACHED GARAGE ON A COASTAL BLUFF WITHIN THE RESIDENTIAL SINGLE-FAMILY 4 (RSF-4) ZONING DISTRICT AT 37

MONARCH BAY DRIVE

RECOMMENDATION:

That the Planning Commission adopt the attached Draft

Resolution approving Coastal Development Permit CDP15-

0007.

APPLICANT/OWNER:

Bernie Walsh

OWNER'S AGENT:

Stan Andrade (Andrade Architects)

REQUEST:

Approval of a Coastal Development Permit to allow the addition of 1,664 square feet of floor area as well as a new, 904 square foot, three-vehicle garage, to an existing, 4,093 square foot single-family dwelling located on a coastal bluff within the City's Coastal Overlay District and the appeals

jurisdiction of the California Coastal Commission.

LOCATION:

37 Monarch Bay Drive

Assessor Parcel Number (APN): 670-141-35

NOTICE:

Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on September 30, 2015, published within a newspaper of general circulation on October 1, 2015, and posted on October 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 found to be Categorically Exempt per Section 15301 (Class 1 - Existing Facilities) in that the project proposes nominal additions to an existing single-family dwelling.

ISSUES:

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

BACKGROUND: The subject property measures 20,473 square feet (.47 acres) and is located within the Monarch Bay Homeowner's Association (HOA) on land containing a coastal bluff as defined in the Dana Point Zoning Code (DPZC). The lot is presently developed with a 4,093 square foot, single-story, single-family dwelling with attached 675 square foot, two-vehicle garage originally constructed in 1965. The property fronts Monarch Bay Drive to the north, is bordered to the east and west by other residential dwellings and with the aforementioned coastal bluff (and the Pacific Ocean beyond) to the south. The lot is zoned as Residential Single-Family 4 (RSF-4) and located both within the City's Coastal Overlay District (the California Coastal Zone) and the appeals jurisdiction of the California Coastal Commission.

Previous Approval

▶ In July 2015, the Planning Commission approved Coastal Development Permit CDP14-0019 and Minor Site Development Permit SDP14-0029(M) to allow the demolition of the property's existing dwelling and construction of a new single-family dwelling. The Applicant has elected to not build that project in favor of the current proposal and a condition of approval has accordingly been included in the attached, draft resolution that should this application be approved, CDP14-0019 will become null and void.

<u>DISCUSSION</u>: The subject project would add 1,664 square feet of floor area to the dwelling in the form of a new recording studio, bonus room, storage area, utility and bathrooms. The studio would be partially subterranean, with a finished floor approximately five feet lower than the rest of the dwelling. Remaining rooms, including bedrooms and the structure's existing kitchen, would be remodeled, with some walls removed and others reconfigured. The dwelling's present bedroom count of four would be unchanged and the structure would remain single-story. Finally, a new, 675 square foot garage is proposed with compliant parking for three vehicles.

The exterior of the dwelling would be updated, with a more modern façade comprised of stone veneer and stucco and a new, flat roof. Pursuant to Section 9.05.110, building height shall be measured from the lower of finished or natural grade at the bottom of a dwelling's pad. The addition of the aforementioned recording studio will create a new,

"lowest" grade elevation for the property and so increase the overall height of the structure to 16 feet. However, as the height "increase" would occur below grade, the visible height of the dwelling from the street or surrounding properties would be unchanged.

As stated, the property contains a coastal bluff as defined in the DPZC. Geotechnical documentation has been submitted that defines the edge of the coastal bluff and further, that a total development setback of 28 feet is appropriate and safe for the property. The existing dwelling is located well arrears of the setback line and no encroachment into the setback is proposed. The structure and all expansion in floor area comply with standards of the Dana Point Zoning Code as relates to development on a coastal bluff. Existing irrigation and non-native landscaping within the setback from edge of bluff are proposed to be removed and replaced with a drought tolerant and California native pallet. Finally, an existing pathway traversing the rear-yard would be maintained and repaired in place with new "floating" (no footings) teak wood planks and bordered by several non-irrigated planter boxes.

Coastal Development Permit CDP15-0007

The subject application proposes floor area additions as well as an increase in overall structure height exceeding 10 percent, both triggers requiring approval of a Coastal Development Permit for properties located within the City's Coastal Overlay District and appeals jurisdiction of the California Coastal Commission. Section 9.69.070 of the DPZC stipulates a minimum of seven findings to approve a CDP, requiring that 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).
- 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 subject project is found to comply with applicable standards of the Dana Point Zoning Code/Local Coastal Program and so recommended findings to approve the CDP request are included in the project's draft resolution (Attachment 1).

CORRESPONDENCE: To date, correspondence has been received only from the Monarch Bay Homeowner's Association, notifying of that entity's approval of the project as proposed.

<u>CONCLUSION</u>: As the project has been found to comply with applicable standards of development and findings can be made for approval of the (CDP) request, staff recommends the Planning Commission adopt the attached resolution, approving Coastal Development Permit CDP15-0007.

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

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 15-10-12-xx

Supporting Documents

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

RESOLUTION NO. 15-10-12-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT CDP15-0007 APPROVING EXPANSION OF AN EXISTING, SINGLE-FAMILY DWELLING AND ATTACHED GARAGE ON A COASTAL BLUFF WITHIN THE RESIDENTIAL SINGLE FAMILY-4 (RSF-4) ZONING DISTRICT AT 37 MONARCH BAY DRIVE

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

WHEREAS, Bernie Walsh (the "Applicant") is the owner of real property commonly referred to as 37 Monarch Bay Drive (APN 670-141-35) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Coastal Development Permit to allow additions to an existing single-family dwelling on a coastal bluff at the Property; 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 Section 15301 (Class 1 – Existing Facilities) in that the project proposes nominal additions to an existing single-family dwelling, and;

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

WHEREAS, at said public hearing, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP15-0007.

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

- A. The above recitations are true and correct.
- Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves CDP15-0007 subject to conditions:

Findings:

Coastal Development Permit CDP15-0007

- 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 effecting new, aesthetically pleasing development of the subject property that is 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.
- 3. That the project conforms to 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 the project proposes nominal additions to an existing single-family 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 project is identified in the Conservation/Open Space Element of the Dana Point General Plan as containing

- environmentally sensitive habitat area (a coastal bluff), all proposed development would occur on already developed portions of the lot containing no habitat area and would result in no adverse impacts to existing habitat, including the coastal bluff.
- 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 all proposed development would occur on already developed portions of the property, resulting in no impacts to the property's remaining natural landforms. The project will be constructed in conformance with applicable, contemporary 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 project proposes additions to an existing single-family dwelling and will utilize materials and methods conforming to the development and design standards of the Dana Point Zoning Code and so resulting in development of the property in a manner that is complementary to surrounding development.
- 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 the addition of 1,664 square feet of floor area as well as an attached, 904 square foot, three-vehicle garage to an existing single-family dwelling on a coastal bluff at 37 Monarch Bay Drive. 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 Specific Plan and Zoning Code.
- 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. Prior Authorizations Are Voided:

By approval of this permit, all rights and/or entitlements that may exist relative to the City's approval of Coastal Development Permit CDP14-0019 and Site Development Permit SDP14-0029(M) and Resolution No. 15-07-13-17 are hereby extinguished and are null and void, effective immediately.

- 4. 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.
- 5. 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.

- 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's fees, costs and expenses incurred concerning the claim, action, or proceeding.
- 7. 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.
- 8. The Applicant 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.
- 9. 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.
- 10. The project shall meet all water quality requirements of the City of Dana Point Municipal Ms4 Permit as required by the State Water Resources Control Board. This compliance shall include incorporation of low impact design (LID) features to the greatest extent practicable.
- 11. A grading permit shall be obtained from the Public Works/Engineering Department prior to commencement of any construction or demolition activities.

- 12. The Applicant shall limit all construction activities within the area of the setback from edge of coastal bluff. The coastal bluff in its entirety shall be protected at all times from potential erosion as relates to construction activities.
- 13. The Applicant shall exercise special care during the construction phase of the project. The Applicant shall provide erosion and sediment control measures. The erosion control measures shall be constructed and in place prior to commencement of grading operations. The Applicant shall maintain erosion and sediment control devices until final project approvals are granted.
- 14. The Applicant shall illustrate the line of the property's approved 28 foot total setback from edge of bluff on all plans submitted to the City for review.
- 15. Per Dana Point Zoning Code Section 9.27.030, no new structure foundations shall be permitted within the 28 foot total setback from edge of coastal bluff.
- 16. Any proposed changes to landscaping within the area of the property's approved setback from edge of coastal bluff, either under this or a future discretionary request, shall be subject to review and approval by the Planning Division.
- 17. All documents prepared by a professional shall be wet-stamped and signed.
- 18. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions to the satisfaction of the City Engineer.

B. Prior to Issuance of a Grading Permit

19. The Applicant shall submit a grading plan, in compliance with City standards, 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.

- 20. The Applicant shall submit for review and approval by the Public Works/Engineering Department, a geotechnical report in compliance with all City of Dana Point standards
- 21. The Applicant shall complete rough grading (establishment of building pads) in accordance with approved grading plans and reports.

C. Prior to Building Plan Check Submittal:

- 22. Building plan check submittal shall include four sets of the following construction documents:
 - Building Plans
 - Energy calculations
 - Structural Calculations
 - Soils/Geology Report
 - Drainage Plan
- 23. The Applicant shall complete rough grading (establishment of building pads) in accordance with approved grading plans and reports.
- 24. The Applicant's Civil Engineer shall compete the City's Certification Form for Rough Grading (document) for review and approval by the City Engineer. The rough certification document shall approve grading as completed in conformance with the approved Grading Plan, certify that the elevation of the graded pad is in compliance with the vertical (grade) position and, to the satisfaction of the City Engineer and the Director of Community Development, document all pad grades to the nearest 0.1-feet.
- 25. An as-graded geotechnical report shall be prepared by the project geotechnical consultant following grading of the subject site. The report shall include the results of all field density testing, depth of reprocessing and re-compaction, as well as a map depicting the limits of grading, locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading of the site, including associated appurtenances, have been completed in conformance with the recommendations of the preliminary geotechnical report.

26. The Applicant shall submit for review and approval by the Planning and (if applicable) Building/Safety Divisions, a Final Landscaping Plan that complies with the standards of the Dana Point Zoning Code, preliminary plans approved by the Planning Commission, as well as the following:

All landscaping proposed within the rear half of the property shall comply with the following:

- All plantings proposed within the 28 foot setback from edge of bluff shall be of a variety that is both CA native and drought tolerant.
- No more than 50 percent of the area of the setback from the property's edge of bluff shall be comprised of hardscape.
- No new irrigation is permitted within the area of the setback from edge of bluff.

D. Following Issuance of a Building Permit:

- 27. 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 CDP15-0007. 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.
- 28. The Applicant's Geotechnical Engineer of Record shall provide to both the Public Works/Engineering Department and the Planning Division, written certification that final grading was completed in conformance with the approved grading plan.
- 29. The Applicant's Civil Engineer of Record shall provide to the Public Works/Engineering Department and the Planning Division, written certification that final grading, all engineered drainage devices and retaining walls were completed in conformance with the approved grading plan.
- An As-Built Grading Plan shall be prepared by the Civil Engineer of Record and provided to the Public Works/Engineering Department for review and approval.

E. Prior to issuance of a Certificate of Occupancy

- 31. All permanent Best Management Practices (BMP's) shall be installed and in-place and approved by either the project Landscape Architect or the Civil Engineer of Record.
- 32. The Applicant shall execute the City's standard deed restriction and submit to the Planning Division for review, approval. The deed restriction shall stipulate the following:
 - That the Applicant understands that the subject site is subject to bluff retreat and that the owner(s) assumes the liability from these hazards:
 - That the Applicant unconditionally waives any claim of liability on the part of the City or any other public agency from any damage from such hazards;
 - That the Applicant assumes all liability for damages incurred as a result of any required off-site grading.
- 33. The Applicant shall submit to the Project Planner, a wet-stamped and signed certification from a licensed landscape architect stipulating that all landscaping was installed in conformance with the project's Final Landscaping Plan. This certification shall be submitted and approved prior to final inspection of the project by the Project Planner.
- 34. The Applicant shall schedule a final site inspection from the Community Development Department that shall include a review of the completed project and its compliance with approved plans including landscaping, finished architecture and materials and compliance with any outstanding project conditions of approval.

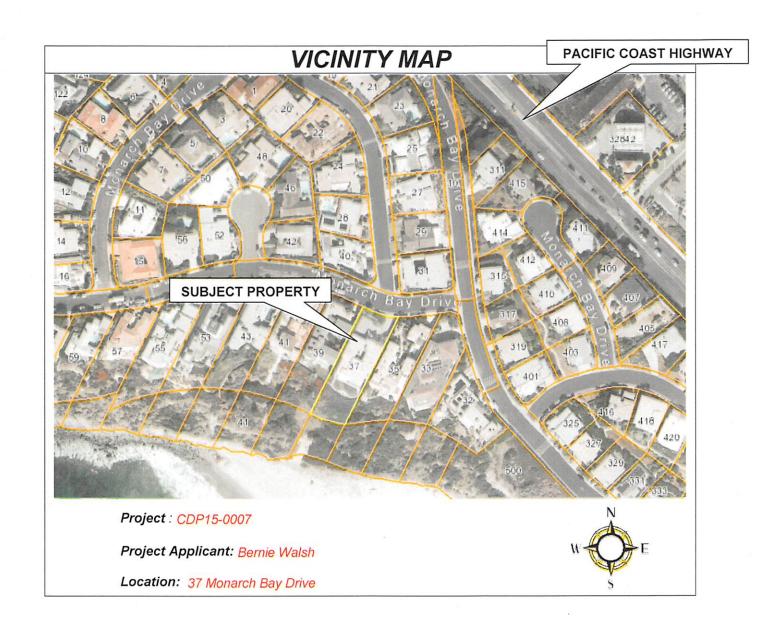
PASSED, APPROVED, AND A Commission of the City of Dana Point, by the following vote, to wit:	ADOPTED at a regular meeting of the Planning California, held on this 12 th day of October, 2015,
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	April O'Connor, Chairperson Planning Commission
ATTEST:	
Ursula Luna-Reynosa, Director Community Development Department	



City of Dana Point

Coastal Development Permit CDP15-0007

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







Supporting Document #3

JOB#. DATE: 0

1352 09-08-15

PH-1

FRONT ELEVATION OF PROJECT SITE

WALSH RESIDENCE 37 MONARCH BAY DRIVE DANA POINT, CA 92629

LEGAL DESCRIPTION: APN 670-141-35



2880 SOUTH COAST HIGHWAY LAGUNA BEACH, CA 92651 PHONE: 949.715.7474 FAX: 949.715.7475 ANDRADEARCHITECTS.COM

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JOB #: 1352 DATE: 09-08-15

PH-2

REAR ELEVATION OF PROJECT SITE

WALSH RESIDENCE 37 MONARCH BAY DRIVE DANA POINT, CA 92629

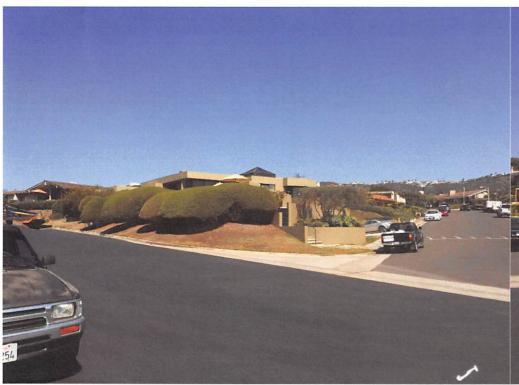
LEGAL DESCRIPTION: APN 670-141-35



2880 SOUTH COAST HIGHWAY LAGUNA BEACH, CA 92651 PHONE: 949.715.7474 FAX: 949.715.7475

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JOB#: DATE: 1352 09-08-15

PH-3

FRONT ELEVATION OF PROPERTIES DIRECTLY ACROSS THE STREET FROM THE SUBJECT PROPERTY

WALSH RESIDENCE 37 MONARCH BAY DRIVE DANA POINT, CA 92629

LEGAL DESCRIPTION: APN 670-141-35



2880 SOUTH COAST HIGHWAY LAGUNA BEACH, CA 92651 PHONE: 949.715.7474 FAX: 949.715.7475 ANDRADEARCHITECTS.COM

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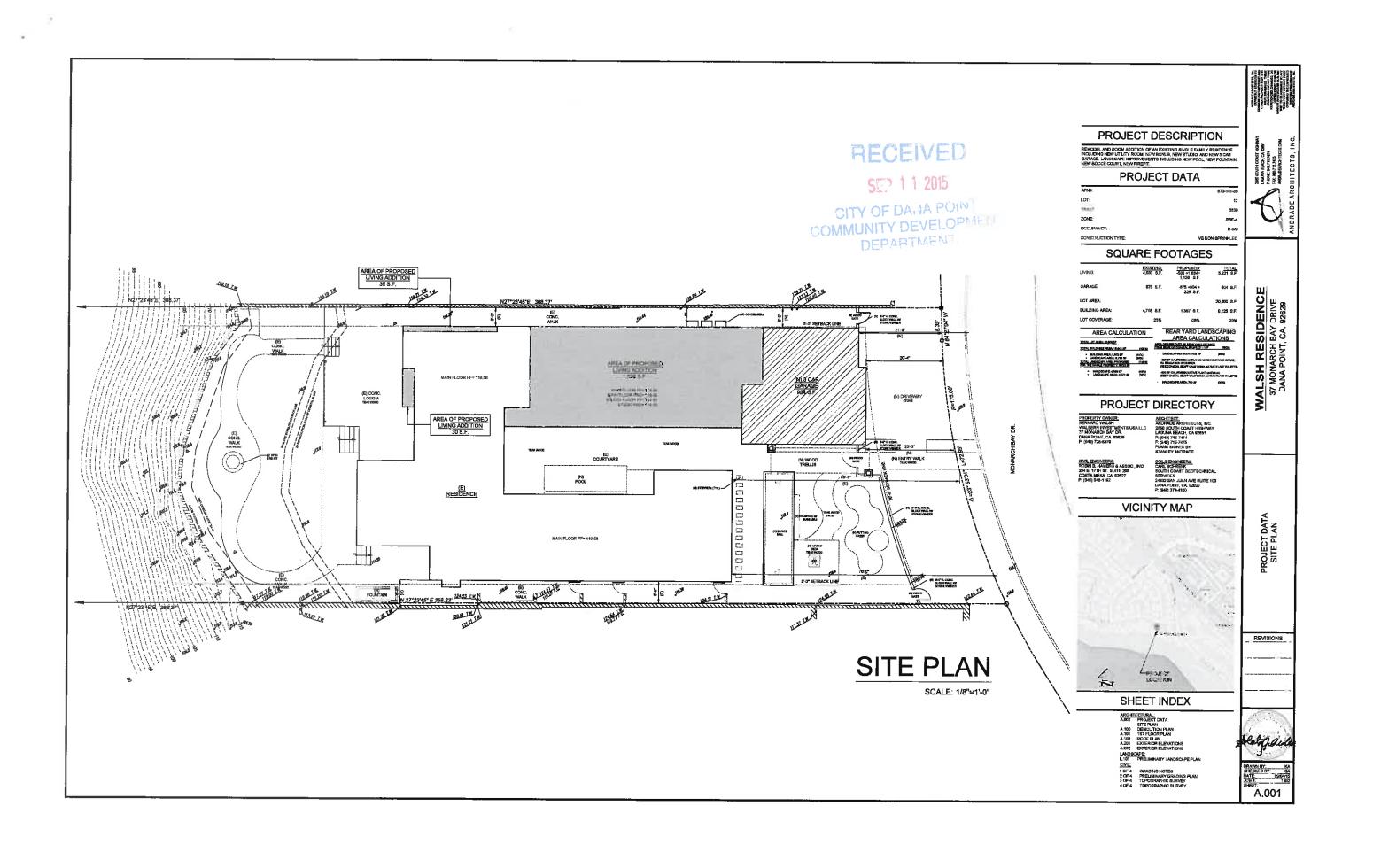
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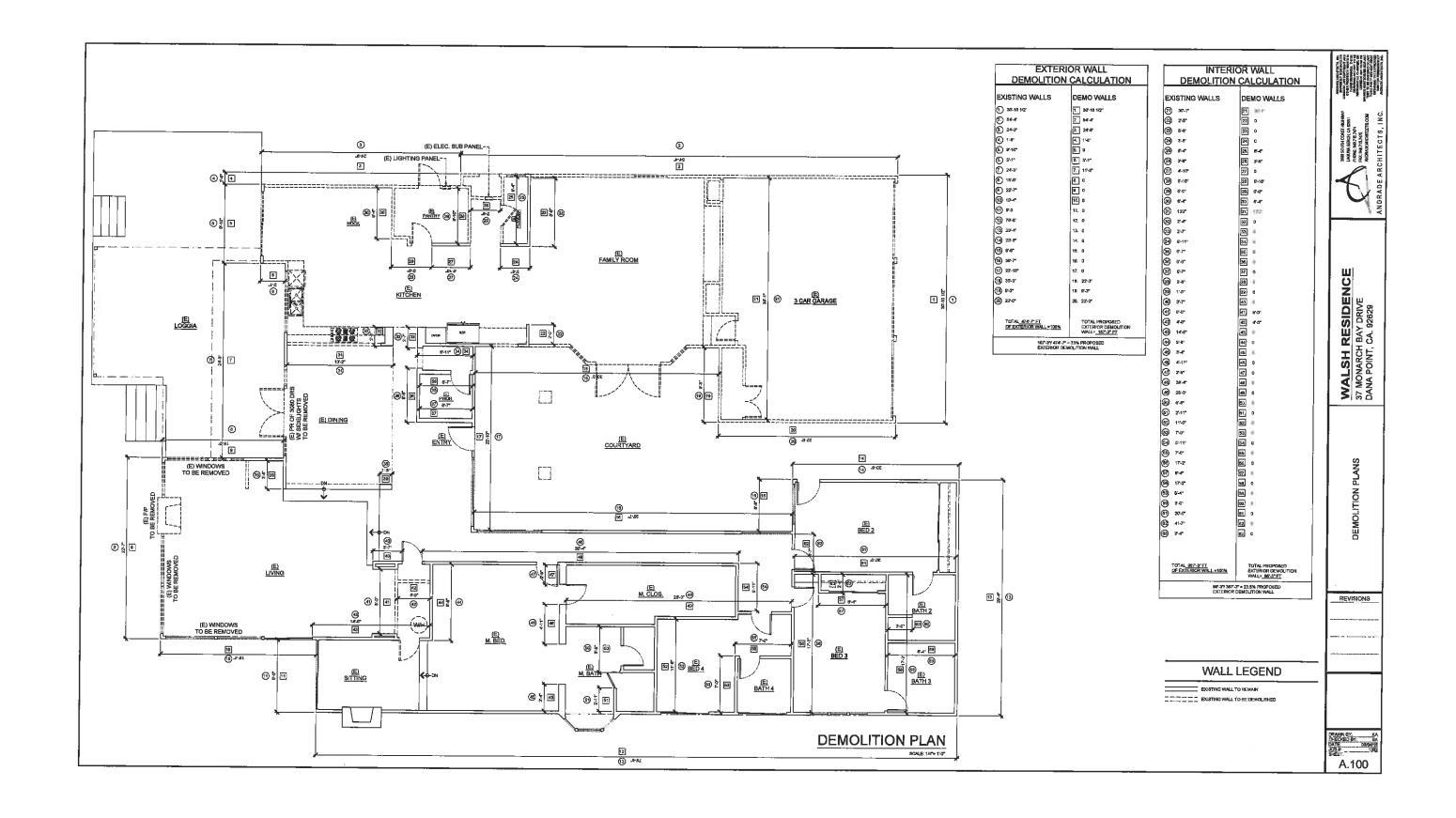
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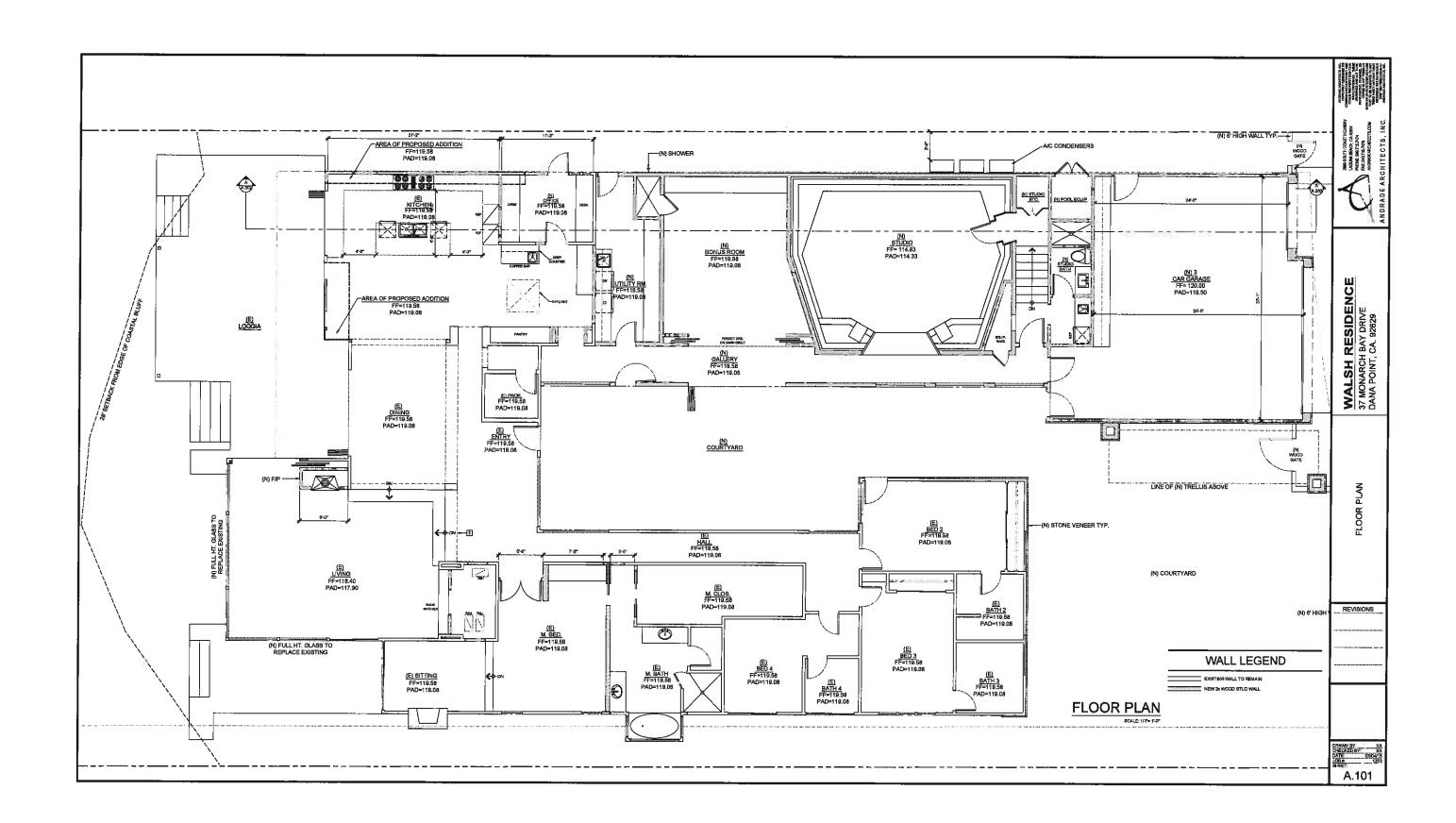
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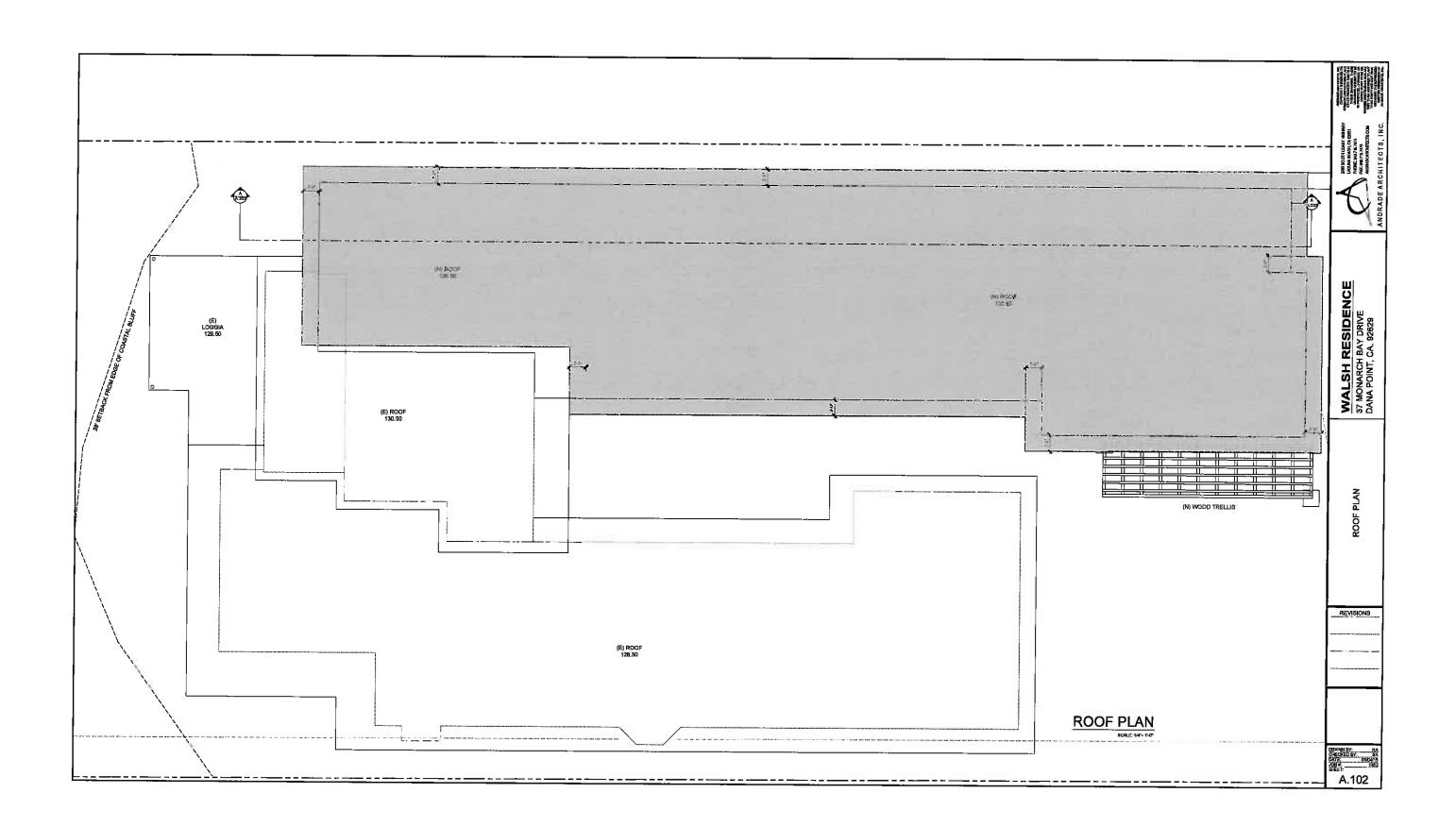
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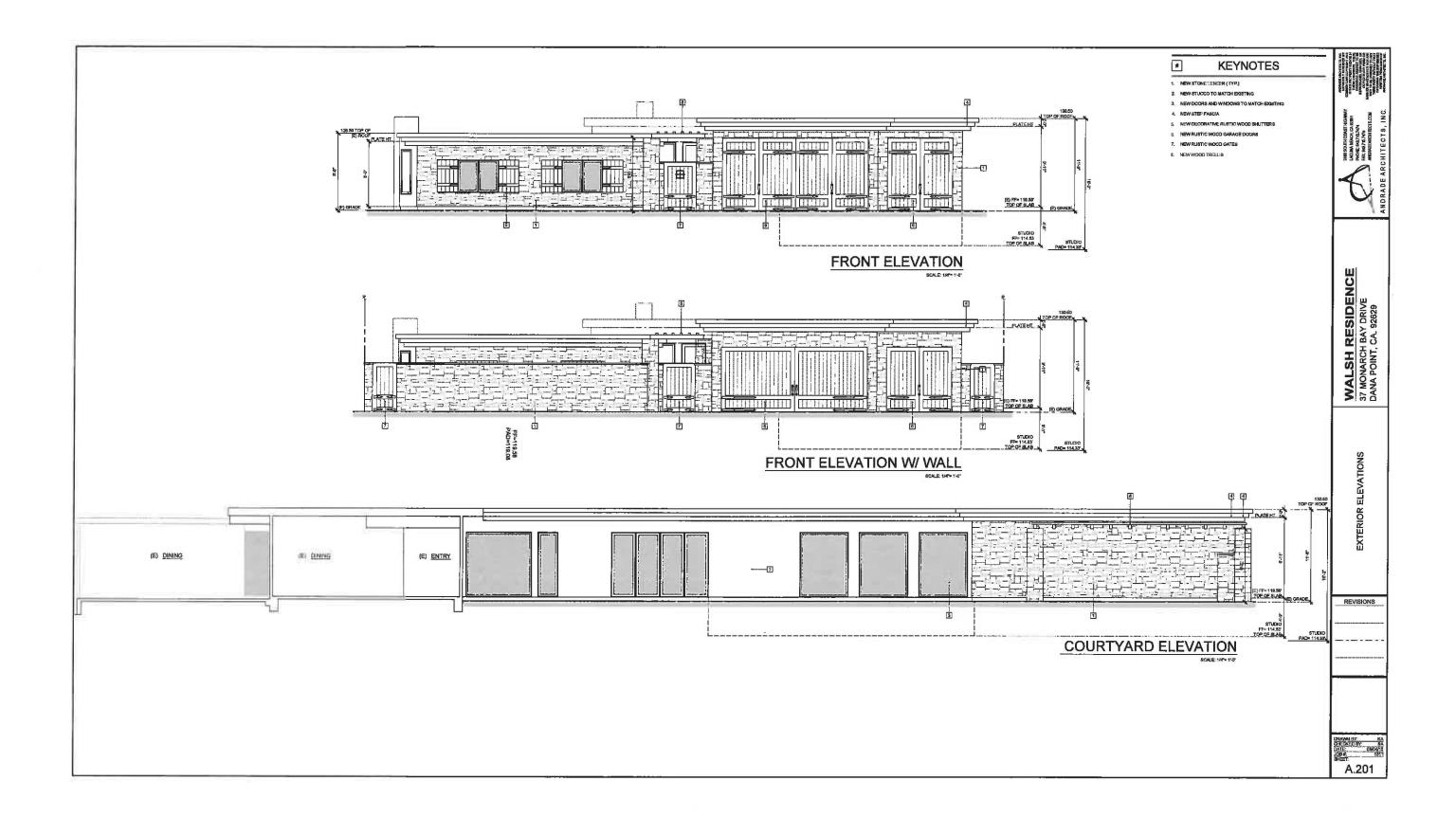
CITY OF DANA POINT COMMUNITY DEVELOPMENT DEPARTMENT

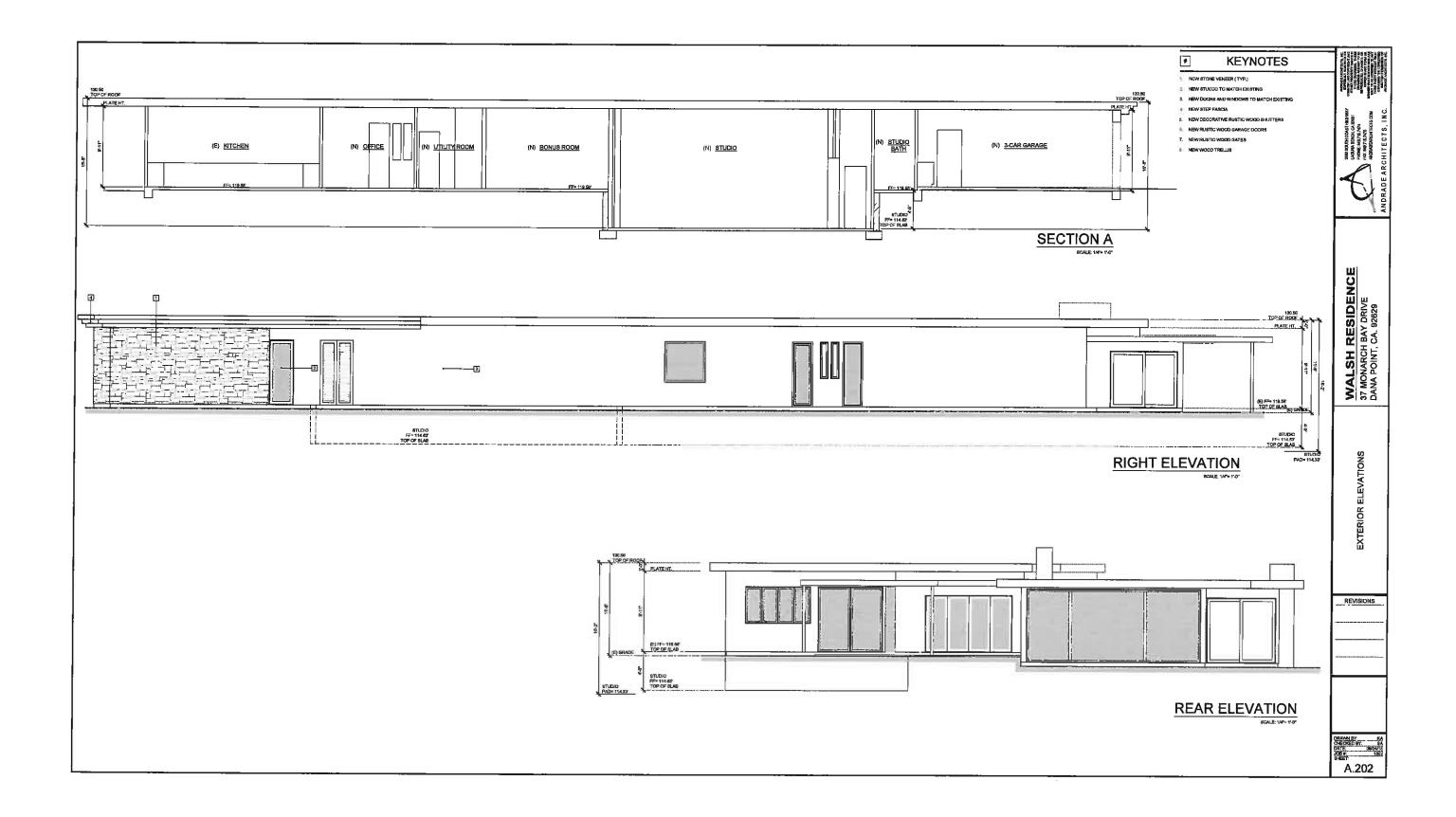


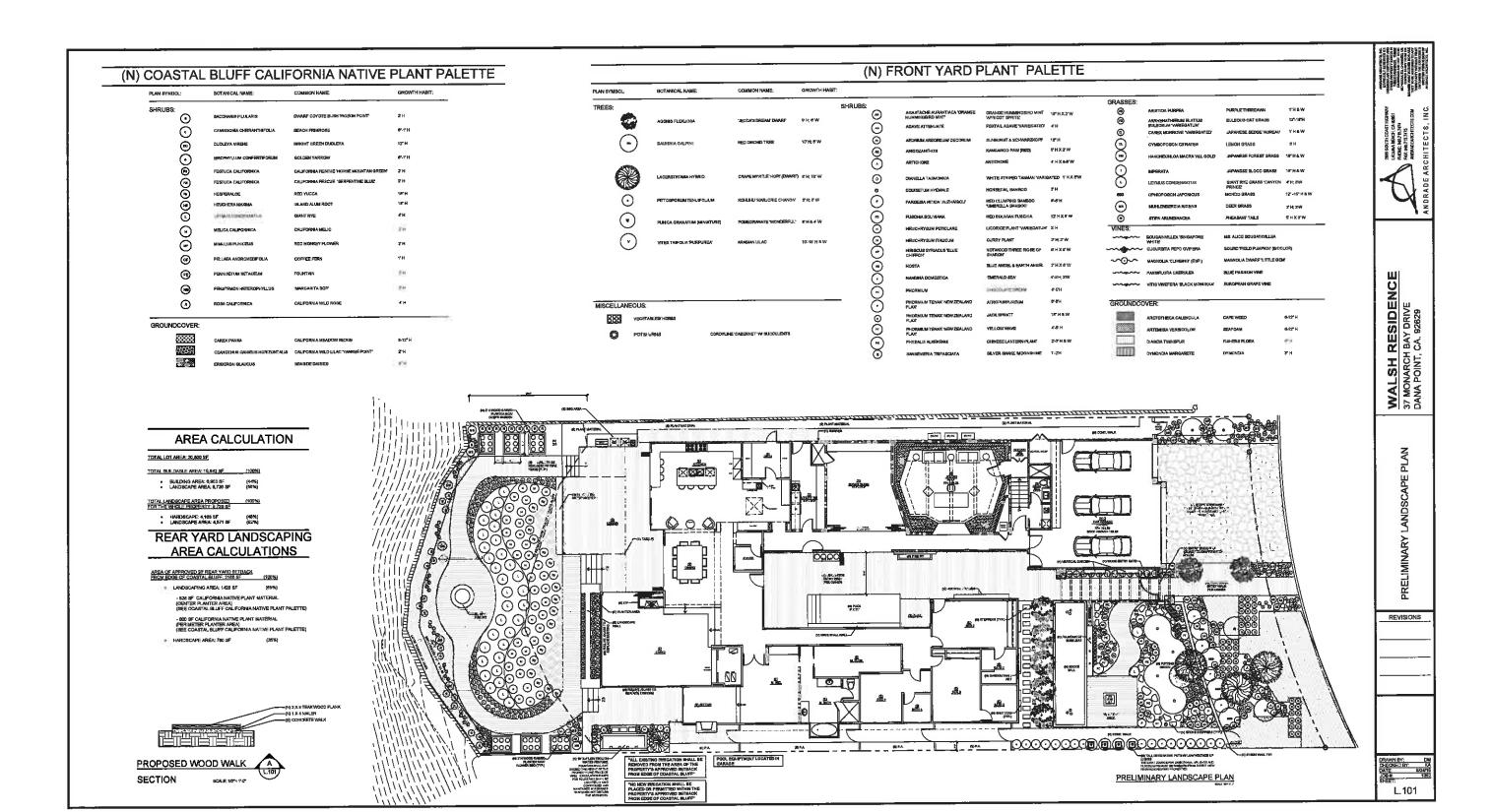














Monarch Bay Association

April 28, 2015

Walbern Investments USA, LLC c/o Bernie Walsh 29222 Rancho Viejo Road, Suite 207 San Juan Capistrano, CA 92675 via e-mail

RE: 37 MONARCH BAY DRIVE

REMODEL PLANS- BY ANDRADE ARCHITECTS 4/21/15

Dear Mr. Walsh.

Thank you for attending the Monarch Bay Association Architectural Control Committee meeting yesterday with your Architect Stan Andrade to review your home remodel plans dated April 21, 2015. As you know, the Committee reviewed and approved these design plans as submitted, noting that the materials board is still needed and the landscape plans will be reviewed as submitted at the May ACC meeting. Two sets of stamped/approved remodel plans were given to Stan Andrade following the meeting.

We thank you for your on-going cooperation. We wish you luck with your project and look forward to receiving these additional details.

Respectfully.

THE MONARCH BAY ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE

CC: Board
Architectural Control Committee
MB/037/arch/remodel approval/04.28.15

Supporting Document #5