

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: JUNE 27, 2016

TO: DANA POINT PLANNING COMMISSION

**FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
EVAN LANGAN, AICP, ASSOCIATE PLANNER**

**SUBJECT: SITE DEVELOPMENT PERMIT SDP16-0015 TO ALLOW ADDITIONS
TO AN EXISTING, LISTED HISTORIC RESOURCE (A SINGLE-FAMILY
DWELLING) LOCATED AT 33905 EL ENCANTO**

RECOMMENDATION: That the Planning Commission adopt the attached resolution approving Site Development Permit SDP16-0015.

APPLICANT/OWNER: Tomas Prietto

OWNER'S AGENT: Pacific Coast Design, Inc. (Al Smith)

REQUEST: Approval of a Site Development Permit to allow the addition of 322 square feet to an existing, listed historic resource (a single family dwelling).

LOCATION: 33905 El Encanto (APN 682-091-22)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius, published within a newspaper of general circulation and posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library on June 16, 2016.

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 and Section 15331 (Class 31 – Historical Resources Restoration/Rehabilitation) in that proposed improvements would not result in a substantial adverse change to the significance of a historical resource and are consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

ITEM #4

ISSUES:

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

BACKGROUND: The subject property measures approximately 4,750 square feet (.11 acres) in area and is presently developed with a two-story, 1,135 square foot single-family dwelling constructed in 1930. The dwelling was identified in the City's circa-1997 Historic Inventory as meeting eligibility criteria (ultimately codified in Section 9.07.250 of the Dana Point Zoning Code - DPZC) for listing as a "historic resource" and subsequently, in January 2008, was placed on the City's Historic Register and entered into a Mills Act contract.

The dwelling has been maintained in good condition since its original construction by early Dana Point developer Sidney Woodruff, remaining consistent to its original Spanish Colonial Revival architecture. That style and the subject building itself both include a hand-trowelled stucco facade, red clay, barrel tile roof, tile gable vents and a large window facing the street elevation. The interior of the building is designed according to a "T" floor-plan with an intersecting gable roof and street-facing, "ranch-style" porch with an overhang supported by square, wood/timber posts. Access to the front porch is provided by the dwelling's original wood-plank door and flanked by two double-hung windows. The front gable wall is emphasized by a large window and tile vents. Parking for the dwelling is provided via an attached, side-loaded, two-vehicle garage located at the rear of the property and accessed by a driveway leading from the street and running parallel to the property's southeasterly side property-line. Finally, a 322 square foot, second story deck is located at the rear of the dwelling and accessible both from within the interior of the floor-plan, as well as an exterior staircase.

The property is zoned "Residential Multiple-Family 14" (RMF-14) and is not located within the City's Coastal Overlay District (the California Coastal Zone) nor within any overlays or specific plan areas.

DISCUSSION: The proposed scope of work would add 322 square feet to the dwelling by enclosing the open area under the second-story rear deck. The new floor area would be open and designated on submitted plans for use as a "utility room" (Attachment 4). While no intention has been provided to utilize the new space as a second dwelling unit, the room does not have an internal connection to the dwelling's existing floor-plan. The proposed addition and broader property presently do not meet criteria for provision of a second dwelling unit, therefore a condition of approval has been included in the project's draft Planning Commission resolution prohibiting any conversion of the area to

a second unit without first meeting all required design criteria for such development as enumerated in Section 9.07.210 of the DPZC.

The exterior of the enclosed space (new utility room) would be surfaced and painted and utilize materials to match the dwelling's existing façade. The resulting, expanded dwelling would comprise 1,457 square feet and cover 31 percent of the property – less than the potential 60 percent permissible in the RMF-14 Zoning District. No change would occur to the dwelling's existing, approximately 22 foot overall height. Proposed exterior improvements include new landscaping and hardscape within the property's front and side yards.

The proposed scope of work is found to comply with all development standards of the DPZC - including specifically, the requirements and intent of Section 9.07.250 (Historic Resources). The proposed floor area additions would not be visible from the street and would not result in significant or adverse impacts to the existing architectural aesthetic of the dwelling within the context of the aforementioned DPZC section, the Secretary of the Interior's Standards for Rehabilitation (Attachment 5) or pursuant to the requirements of the California Environmental Quality Act (CEQA).

Site Development Permit SDP16-0015

Pursuant to Section 9.07.250 (h)(1)(a and b) of the DPZC, proposed "major modifications" (defined as improvements comprising more than 250 square feet of new floor area) to listed Historic Resources are subject to approval of a Site Development Permit by the Planning Commission (acting in its capacity as the City's Historic Preservation Commission). The subject application proposes the addition of 322 square feet to an existing 1,135 square foot single-family dwelling and so requires approval of a SDP.

Section 9.71.050 of the DPZC stipulates a minimum of four findings to approve 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, without requiring a particular style or type of architecture.*

Staff's recommended findings to approve the SDP request are enumerated in the project's draft resolution (Attachment 1).

CORRESPONDENCE: To date, no correspondence has been received for this project. The property is not located within a designated district or homeowner's association (HOA).

CONCLUSION: Staff finds that the subject project is consistent with the policies and standards of the City of Dana Point General Plan and Zoning Code and, as stated, that the proposed improvements would not result in adverse impacts to the dwelling's historic architectural integrity. As the project has been found to comply with all standards of development, staff recommends the Planning Commission adopt the attached resolution, approving SDP16-0015 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. 16-06-27-xx

Supporting Documents

2. Vicinity Map
3. Site Photos
4. Project Plans (architectural only)
5. Secretary of the Interior's Standards for Rehabilitation

RESOLUTION NO. 16-06-27-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP16-0015 TO ALLOW ADDITIONS TO AN EXISTING, LISTED HISTORIC RESOURCE (A SINGLE-FAMILY DWELLING) LOCATED IN THE RESIDENTIAL MULTIPLE-FAMILY 14 (RMF-14) ZONING DISTRICT AT 33905 EL ENCANTO

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

WHEREAS, Tomas Prietto (the "Applicant") is the owner of real property commonly referred to as 33905 El Encanto (APN 682-091-22) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Site Development Permit for the proposed additions to a listed historic resource (an existing single-family dwelling) 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 per Section 15301 (Class 1 – Existing Facilities) in that it proposes a nominal increase in square footage to an existing residential dwelling as well as Section 15331 (Class 31 - Historical Resources Restoration/Rehabilitation) in that proposed improvements would not result in a substantial adverse change to the significance of a historical resource and are consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

WHEREAS, the Planning Commission did, on the 27th day of June, 2016, 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 Site Development Permit SDP16-0015.

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 and incorporated herein by this reference.
- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Site Development Permit SDP16-0013, subject to conditions:

Findings:

1. That the site design complies with the development standards of the Dana Point Municipal Code (DPMC) **in that the subject project has been reviewed by the Planning and Building/Safety Divisions as well as the Public Works/Engineering Department and found to conform to applicable standards of development – including specific standards as pertain to proposed improvements to historic resources (Dana Point Zoning Code Section 9.07.250).**
2. That the site is suitable for the proposed use and development **in that all proposed improvements are permitted in the property's RMF-14 Zoning District and further, been found to conform to the standards and intent of Section 9.07.250 of the Dana Point Zoning Code and the Secretary of the Interior's Standards for Rehabilitation.**
3. That the project complies with all elements of the General Plan as well as applicable provisions of the City's Urban Design Guidelines **in that the project “*achieves design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development.*”** The proposed project has been designed to complement neighboring residential development in form and mass, as well as existing (historic) architecture and construction materials, while simultaneously allowing better use and enjoyment of the dwelling and property by the Owner.
4. That the site and structural design are appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture **in that the proposed development conforms to the standards of the property's RMF-14 Zoning District and is consistent with existing surrounding development in terms of structure size, overall massing and bulk.**
5. That the Project conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) **in that the Project qualifies 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 to an existing residential dwelling as well as Section 15331 (Class 31 - Historical Resources Restoration/Rehabilitation) in that proposed**

improvements would not result in a substantial adverse change to the significance of a historical resource and are consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

Conditions:

A. General:

1. Approval of this application permits the addition of 322 square feet of floor area (pursuant to submitted plans on file) to an existing, listed historic resource (a single-family dwelling) located at 33905 El Encanto. 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 and Zoning Code.
2. Site Development Permit SDP16-0015 shall expire two years (24 months) from the noted date of approval. If development approved by this action is not established, or a building permit for the project not issued within such period of time, the approval shall expire unless (prior to the expiration date) the Applicant requests an extension of time in accordance with the requirements of the Dana Point Zoning Code.
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, she/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 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 officers, employees, or agents arising out of or resulting from 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.
6. The Applicant and Applicant's 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. This Resolution shall be copied in its entirety and placed directly onto a separate plan sheet behind the cover sheet of any development plans submitted to the City of Dana Point.
9. The project shall meet all water quality requirements, including those for implementation of Low Impact Development (LID).
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, telephone and cable television and/or internet services.

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 control measures of a type, size and location as approved by the Director of Public Works. Erosion control measures shall be shown and specified on the grading plan and constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. The Applicant shall maintain all erosion control devices until final approval of all permits.
12. The Applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's Construction and Demolition (C & D) Official. A deposit will be required upon approval of the Waste Management Plan (WMP) to ensure compliance. The WMP shall indicate the estimated quantities of material and the proposed location for recycling.
13. Prior to commencement of any work within public rights-of-way, the Applicant shall apply and be approved for an Encroachment Permit by the Public Works/Engineering Department.
14. All plans submitted to the City shall detail the approved addition's materials, paint colors, doors, window and other trim. All design details for the addition shall be consistent with those of the broader historic dwelling and are subject to review and final approval by the Director of Community Development.
15. The 322 square-foot "utility room" approved by this SDP (and as illustrated on approved plans) shall not be converted into or otherwise utilized as a second dwelling unit until the space and broader property have been shown to meet all applicable requirements enumerated in Section 9.07.210 (Second Dwelling Units or Granny Flats) of the Dana Point Zoning Code.

C. Prior to Issuance of a Building Permit:

16. The Applicant shall submit a Drainage Plan to the Public Works/Engineering Department for review and approval and which illustrates compliance with all applicable City standards - including

but not limited to drainage from all improvements being directed to an approved outlet.

D. Prior to Issuance of a Certificate of Occupancy:

17. The Applicant shall record a covenant against the property which stipulates that the 322 square-foot “utility room” approved by this SDP shall not be converted into or otherwise utilized as a second dwelling unit without approval of all required entitlements by the City.
18. All permanent Best Management Practices (BMP’s), including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
19. All landscaping proposed within the property’s front-yard must be planted (in-place) prior to the Applicant contacting the Planning Division for a final inspection of the Project.
20. The Applicant shall contact all City departments to arrange final inspections of the completed Project.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, CA, held on this 27th day of June, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

April O'Connor, Chairperson
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department



City of Dana Point

Site Development Permit SDP16-0015

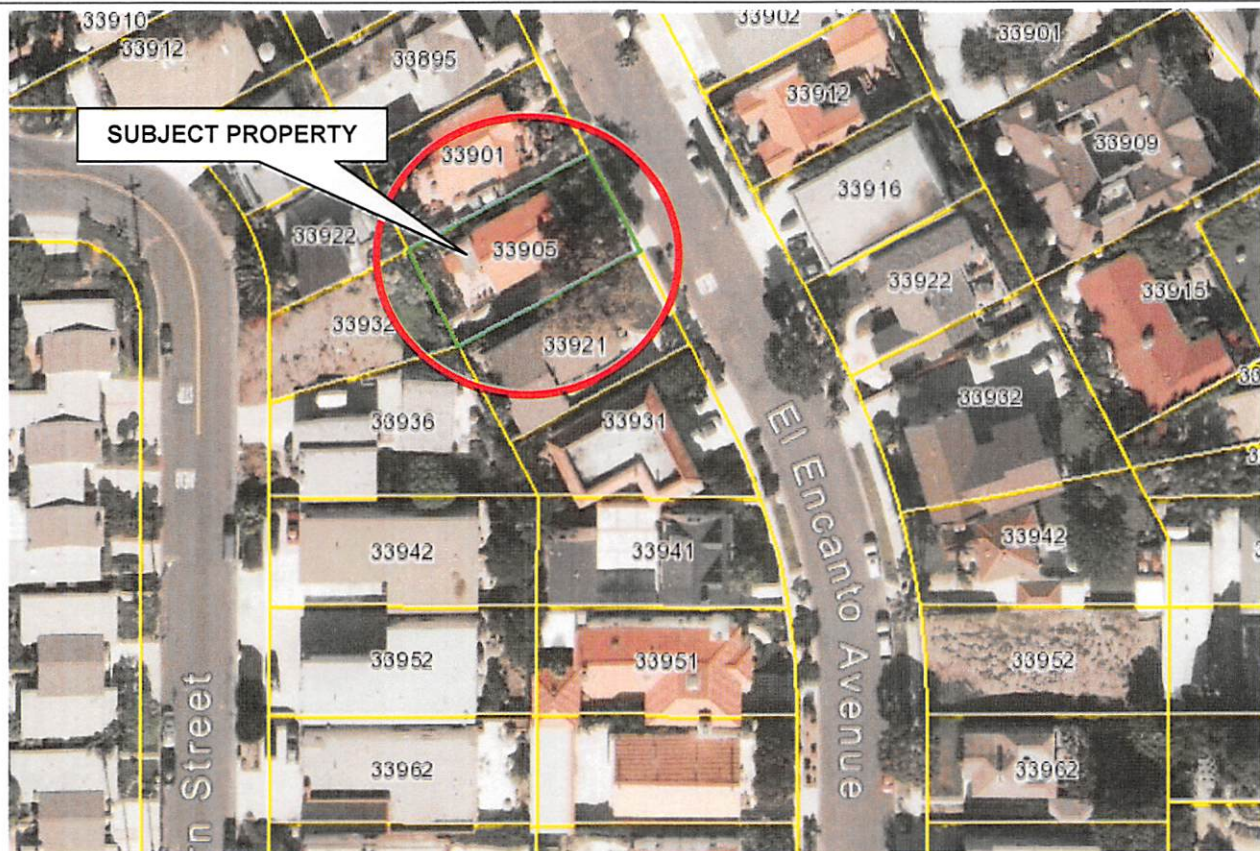
Evan Langan, AICP, Associate Planner

Community Development Department

33282 Golden Lantern

Dana Point, CA 92629-1805

VICINITY MAP



Project : SDP16-0015

Project Applicant: Tomas Prietto

Location: 33905 El Encanto



SITE PHOTOS

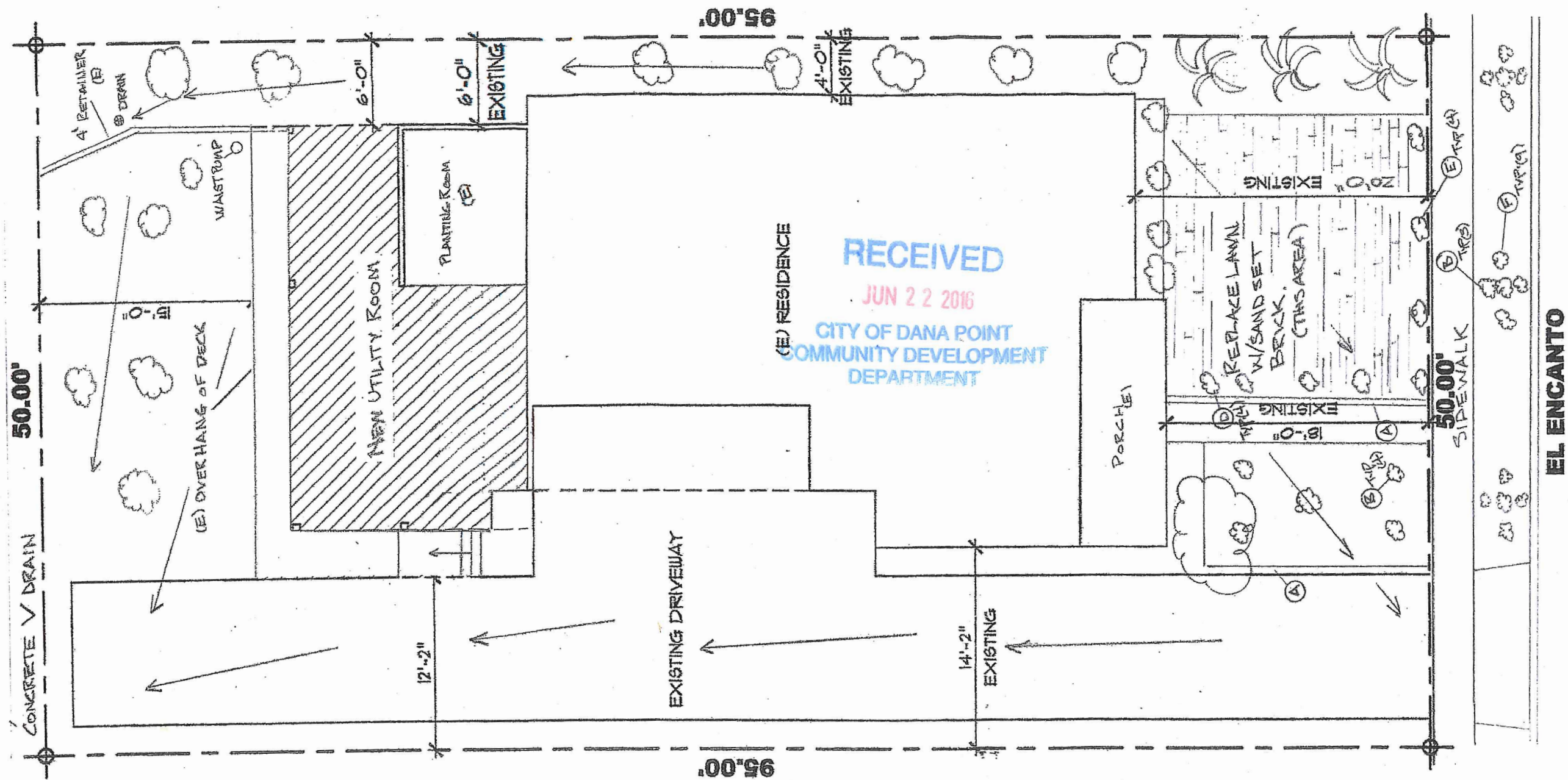


Supporting Document #3

SOUTHERLY AERIAL VIEW

Create Utility Room under existing waterproof deck. (322 SF)
Convert existing Planting Room into a bathroom. (64 SF)

Create Utility Room under existing waterproof deck. (322 SF)
Convert existing Planting Room into a bathroom. (64 SF)



- A. Existing retaining walls
- B. *Lavendula Stoechas*- Hazel Lavender
- C. *Coprosma* "Tequila Sunrise"
- D. *Rosmarinus Officinalis* - Rosemary
- E. *Agave Attenuata*- Foxtail
- ☒ F. *Carrissa Grandiflora* - Natal Plum
- E. *Tecomaria Capensis* - Cape Honeysuc

All Plants not noted are existing

NEW LANDSCAPE AREA 522 S.F.

Lot Size-
Existing Residence-
New addition under existing deck-
Building Footprint-

Lot Coverage	
4,750	100%
1,135	24%
322	7%
1,457	31%

Owner: Tomas Prietto
33905 El Encanto
Dana Point, CA 92629

$$1/8'' = 12''$$

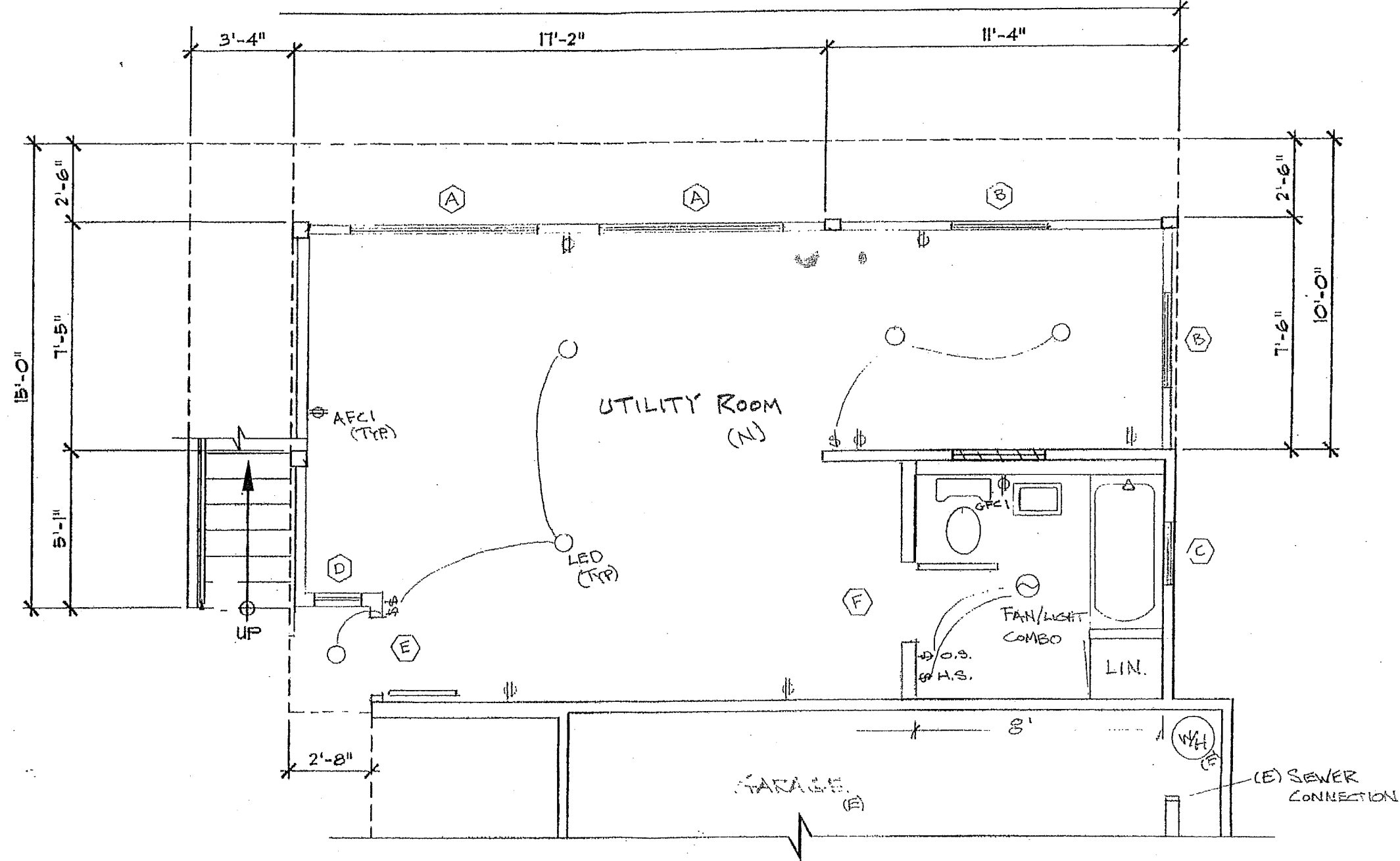
Lot 35 Block 6 Tract No. 861, in Dana Point, County of Orange, CA as per map recorded in book 26, pages 10 & 11, Misc. maps, in the office of the county recorder.

Pacific Coast Design, Inc.
San Clemente, CA 92672
(949) 498-2425

Tomas Prietto Residence
33905 El Encanto
Dana Point, CA 92629

Supporting Document #4

Liberty Pumps ProVore 380 Waist Pump
Install per manufacturer's specification.



Window/Door Schedule-

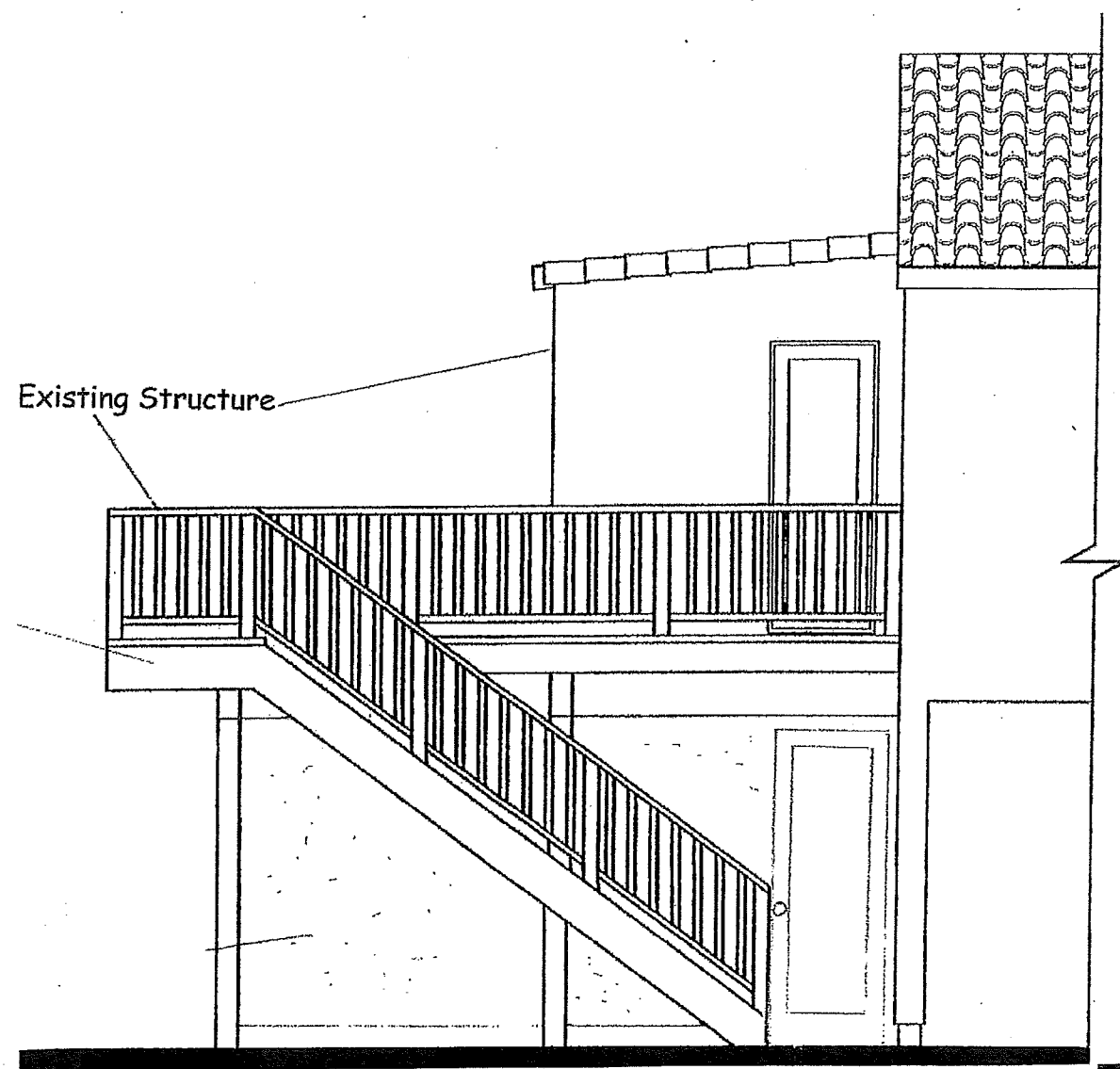
A	6'0"x 3'0"	Wood, D.G., Low E.	D.H./Fixed/D.H.
B	3'0"x 3'0"	Wood, D.G., Low E.	D.H.
C	2'0"x 2'0"	Wood, D.G., Low E.	D.H. Tempered.
D	1'6"x 6'0"	Wood, D.G., Low E.	Fixed Tempered.
E	2'6"x 6'8"	Wood, D.G., Low E.	3/4" Tempered.
F	2'6"x 6'8"	Wood, H.C.	

Floor Plan

1/4"=12"

Pacific Coast Design, Inc.
San Clemente, CA 92672
(949) 498-2425

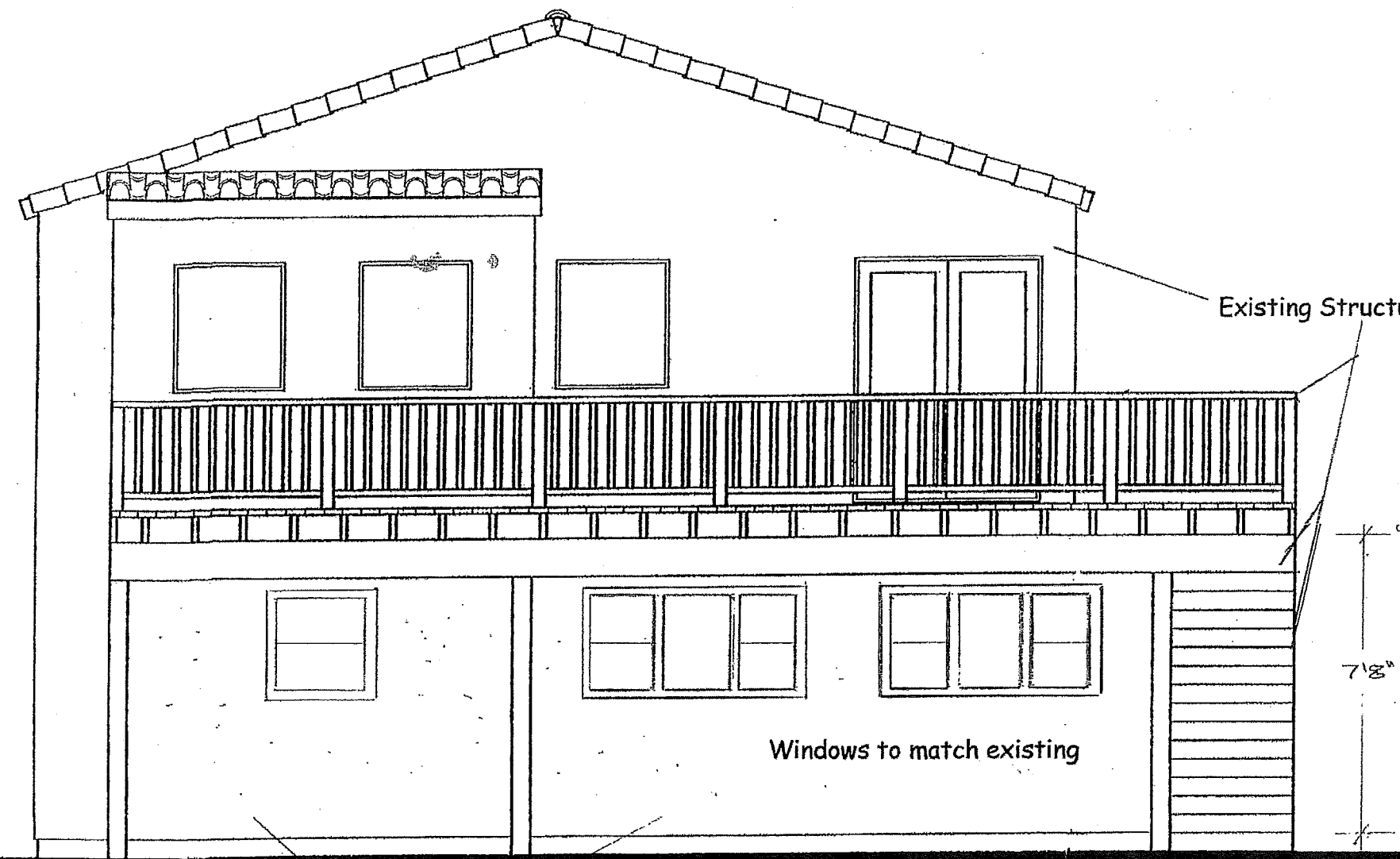
Tomas Prietto Residence
33905 El Encanto
Dana Point, CA 92629



Existing Structure

Left Elevation

1/4"=12"



Existing Structure

7'8"

Stucco to match existing

Rear Elevation

1/4"=12"

Windows to match existing

Tomas Prietto Residence
33905 El Encanto
Dana Point, CA 92629

Pacific Coast Design, Inc.
San Clemente, CA 92672
(949) 498-2425

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

1. Every reasonable effort shall be made to provide a compatible use for a property which requires a minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and site shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure of site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.