CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE: JU

JULY 25, 2016

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

URSULA LUNA-REYNOSA, DIRECTOR

EVAN LANGAN, AICP, ASSOCIATE PLANNER

SUBJECT: SITE

SITE DEVELOPMENT PERMIT SDP16-0021 TO ALLOW CONSTRUCTION OF A NEW, THREE-STORY, SINGLE-FAMILY DWELLING WITH ATTACHED TWO-VEHICLE GARAGE ON PRESENTLY VACANT LAND IN A HILLSIDE CONDITION AT 33863

CALLE LA PRIMAVERA

RECOMMENDATION:

That the Planning Commission adopt the attached resolution

approving Site Development Permit SDP16-0021.

APPLICANT/OWNER:

TWG Properties, Inc.

APPLICANT'S AGENT:

David Park

REQUEST:

Approval of a Site Development Permit to allow construction of a new, three-story, 3,335 square-foot single-family dwelling with attached 406 square-foot two-vehicle garage, on

presently vacant land in a hillside condition.

LOCATION:

33863 Calle La Primavera

Assessor Parcel Number (APN) 682-141-57

NOTICE:

Notices of the Public Hearing were mailed to property owners within a 500-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 July 14, 2016.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15303 (Class 3 – New Construction or Conversion of Small Structures) in that the Project proposes construction of one new single-

family dwelling.

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 is a presently vacant lot measuring 5,691 square feet (.13 acres). Directly adjacent to the south is another vacant lot (also owned by the Applicant) and recently approved for development with a single-family dwelling via Site Development Permit SDP16-0013. All other surrounding properties contain varied residential development, including single-family, duplex and multiple-family structures. The subject lot itself is sparsely landscaped, slopes steeply downward and ultimately terminates at a heavily landscaped gulley, which itself continues further downward toward the Pacific coast (Attachment 3 – Site Photos).

Pursuant to definitions and standards enumerated in Section 9.05.110 of the Dana Point Zoning Code, the property qualifies as a "hillside condition," possessing an average slope (as measured between front and rear property lines) of at least 20 percent. That designation allows for construction of up to three-stories (where two stories are otherwise the maximum) and a 33 foot height limit, subject to specific design criteria.

The subject property is zoned "Residential Single-Family 7" (RSF-7), is not located within the City's Coastal Overlay District (the California Coastal Zone) and pursuant to the City's adopted General Plan, is not cited as containing Environmentally Sensitive Area (ESA).

<u>DISCUSSION</u>: The proposed project would construct a new, three-story single-family dwelling comprised of five bedrooms, in addition to several accessory rooms including a loft and den/exercise room. Total (gross) floor area for the new dwelling would be 3,335 square feet with an attached, 406 square foot, two-vehicle garage. The building's footprint would cover approximately 27 percent of the lot, with combined new and existing landscaping covering 58 percent.

At the street elevation, the structure would appear to be two-stories and stand at 14 feet tall above Calle La Primavera (street). The overall architectural design is contemporary, with a façade surfaced in stucco and wood and painted a variety of earth-toned colors. Overall height for the structure would be 29 feet as measured from the lowest point of the dwelling at natural grade to the highest point on the dwelling's "flat" roof. Finally, multiple balconies of varying depth are proposed at the rear elevation, facing out and overlooking the downward slope of the property.

Exterior site improvements include the addition or replacement of approximately 495 square feet of varied, new landscaping as well as construction of several short (maximum height two feet) retaining and planter walls within the property's front and side yards.

Hillside Condition / Three-Story Residential Design Requirements

Section 9.05.110 (a)(4) of the DPZC stipulates design and location requirements for dwellings proposed on properties qualifying as a "hillside condition." The subject property qualifies in that it possesses an average topographic slope equaling or exceeding 20 percent as measured from the front to the rear of the property. Specific design details of the proposed project and their compliance with the DPZC hillside conditions follows:

Additional average setback on upper floors (Subsection 9.05.110 [a][4][B])

New dwellings proposing three stories on properties with a hillside condition must provide additional setbacks at their second and third levels. The proposed dwelling has been designed to incorporate additional setbacks as required and with the intention of reducing visual bulk and mass on the exposed hillside (rear) elevation.

Floor Area Ratio (FAR) (Subsection 9.05.110 [a][4][C])

A maximum FAR of .75 is permitted. For the subject property, the maximum possible FAR would equal approximately 4,300 square feet of gross (total) floor area. The proposed FAR for the dwelling is .65 (3,741 square feet of proposed dwelling / 5,691.3 square feet of lot area) – compliant with the standard.

• Reduction in grading (Subsection 9.05.110 [a][4][E]):

The proposed structure has been designed and located at the flattest portion of the lot, minimizing to the greatest extent feasible, required grading and fill of the property.

Story pole staking (Subsection 9.05.110 [a][4][G]):

A preliminary staking plan has been approved by the Planning Division. A minimum of seven calendar days prior to the item's public hearing, the form and overall height of the proposed dwelling will be staked (in accordance with the approved plan) and subsequently, a certification of compliance with the approved plan will be submitted by the Applicant for inclusion in the record.

The project is found to comply with all development standards of the Dana Point Zoning Code - including setbacks from property lines, lot coverage, etc. - and no variances or other deviations are requested.

Site Development Permit SDP16-0021

The subject project proposes construction of a new, three-story residential dwelling on a vacant lot qualifying as a hillside condition - a scope of work that, pursuant to Section 9.05.110 (a)(4) of the DPZC, requires approval of a Site Development Permit (SDP). Section 9.71.050 stipulates four findings for approval of a SDP:

- 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 are 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 requested SDP are set forth in the attached Draft Resolution.

<u>CORRESPONDENCE</u>: To date, no correspondence has been received concerning the subject project. The property is not located within a homeowner's association (HOA).

<u>CONCLUSION</u>: Staff finds that the subject project is consistent with the policies and provisions of the City of Dana Point General Plan and Zoning Ordinance. As the project has been found to comply with all standards of development, staff recommends the Planning Commission adopt the attached resolution, approving SDP16-0021 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. 16-07-25-xx

Supporting Documents

- 2. Vicinity Map
- 3. Site Photos
- 4. Project Plans (architectural only)
- 5. Renderings of Proposed Dwelling

RESOLUTION NO. 16-07-25-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT SDP16-0021 TO ALLOW CONSTRUCTION OF A NEW, THREE-STORY, SINGLE-FAMILY DWELLING WITH ATTACHED, TWO-VEHICLE GARAGE ON VACANT LAND LOCATED WITHIN THE RESIDENTIAL SINGLE-FAMILY (RSF-7) ZONING DISTRICT AT 33863 CALLE LA PRIMAVERA

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

WHEREAS, TWG Properties, Inc. ("Applicant") is the owner of real property commonly referred to as 33863 Calle La Primavera (APN: 682-141-57) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Site Development Permit for construction of a new, three-story 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 15303 (Class 3 - New Construction or Conversion of Small Structures); and

WHEREAS, the Planning Commission did, on the 25th day of July, 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 SDP16-0021.

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 SDP16-0021, subject to conditions:

Action Document No. 1

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 Planning and Building/Safety Divisions as well as the Public Works/Engineering Department, and found to conform to all applicable standards of development.
- 2. That the site is suitable for the proposed use and development in that all proposed development is permitted in the property's Residential Single-Family 7 (RSF-7) Zoning District, and been found consistent with applicable standards of development most notably Section 9.05.110 (a)(4) (hillside condition development standards) of the Dana Point Zoning Code.
- 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 proposal "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 existing, neighboring residential development in form and mass, and coupled with new or additional site landscaping, constitutes an overall enhancement of the subject property.
- 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 RSF-7 Zoning District and is consistent with existing surrounding development in terms of size, mass and bulk.

Conditions:

A. General:

1. Approval of this application permits the construction of a new, threestory single-family dwelling (pursuant to submitted plans on file) on vacant land at 33863 Calle La Primavera. 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 SDP16-0021 shall expire two years 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.

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 the development plans submitted to the City of Dana Point Building/Safety Division for plan check.
- 9. The Project shall meet all water quality requirements.
- 10. A grading permit shall be obtained prior to any work, including demolition activities.
- 11. The Applicant shall be responsible for coordination with local water district, sewer district, San Diego Gas & Electric (SDG&E), AT&T California and Cox Communication Services for the provision of water, sewer, electric, and telephone and cable television/internet services.
- 12. The Applicant shall exercise special care during the construction phase of this Project. The Applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The Applicant shall maintain the erosion and sediment control devices until the final approval for all permits.
- 13. The Applicant, property owner or successor in interest shall prepare a Waste Management Plan for submittal to the City's Construction

and Demolition (C&D) Official. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.

14. The approved Project shall comply with all standards of Section 9.05.110 (Measurement of Building Height) of the Dana Point Zoning Code – including an overall height measured from the lower of the structure's finished pad, existing or finished grade, to the uppermost portion of the roof, as determined by the Director of Community Development.

B. Prior to Issuance of a Grading Permit:

- 15. The Applicant shall submit an application for a grading permit. The application shall include 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 current Public Works Department's plan check policies, the City of Dana Point Municipal Code, Grading Manual and Municipal Separate Storm Sewer Systems (MS4s) Permit.
- 16. As a part of the grading permit application, the Applicant shall provide drainage calculations showing that post-development drainage flow will not exceed pre-development drainage flow to the natural drainage channel.
- 17. The Applicant shall submit for review and approval, a geotechnical report in compliance with all the City of Dana Point standards.
- 18. The Applicant shall submit an application for shoring as needed or required, to the Building/Safety Division. In the event shoring is required, a separate permit submittal shall be made to the Building/Safety Division for review and approval. All shoring permits shall be issued concurrent with the grading permit.
- 19. The Applicant shall submit a Final Landscape Plan for review and approval by both the Planning Division and the Public Works/Engineering Department. The Landscape plan shall be in substantial conformance with the approved grading plan, City of Dana Point Municipal Code, Grading Manual and Municipal Separate Storm Sewer Systems (MS4s) Permit.

- 20. The Project shall meet all water quality requirements, including Low Impact Development (LID) implementation.
- 21. A Performance Bond in an amount up to 100 percent of the cost of proposed improvements shall be required for all grading activities. A separate Performance Bond may be required for shoring activities to ensure completion of grading activities and protection of adjoining improvements.

C. Prior to Issuance of a Building Permit:

- 22. The Applicant shall complete rough grading (establishment of building pads) in accordance with the approved grading permit, plans and reports.
- 23. The Applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (per the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as having been completed in substantial conformance with the approved grading plan and shall further document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer and the Director of Community Development. The Project 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 (the City's standard Geotechnical Engineer's Certification Form for Rough Grading) submitted by the Geotechnical Engineer shall approve the grading as having been completed in substantial conformance with the recommendation of the Project geotechnical report approved grading plan from a geotechnical standpoint.
- 25. An as-graded geotechnical report shall be required and prepared by the Project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and recompaction, 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, as having been completed in conformance with the recommendations of the Preliminary Geotechnical Report.

D. Prior to Issuance of a Certificate of Occupancy:

- 26. 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 SDP16-0021. The City's standard "Line & Grade Certification" form shall be obtained at time of permit issuance, prepared by a licensed civil engineer/surveyor and delivered to the City of Dana Point Building and Planning Divisions for review and approval.
- 27. Prior to release of the roof sheathing inspection, the Applicant shall certify by a survey or other appropriate method that the height of the structure is in compliance with plans approved by the Planning Commission and the structure heights included as part of SDP16-0021. The City's standard "Height Certification" form shall be obtained from the Project Planner at time of 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 before release of final roof sheathing is granted. A Final Geotechnical Report shall be prepared by the Project Geotechnical Consultant in accordance with the City's Grading Manual.
- 28. A written approval shall be submitted by the Geotechnical Engineer of Record approving the grading as having been completed in conformance with the approved grading plan from a geotechnical standpoint.
- 29. A written approval shall be submitted by the Civil Engineer of Record approving the grading as having been completed in conformance with the approved grading plan and specifically, that construction was completed for all engineered drainage devices

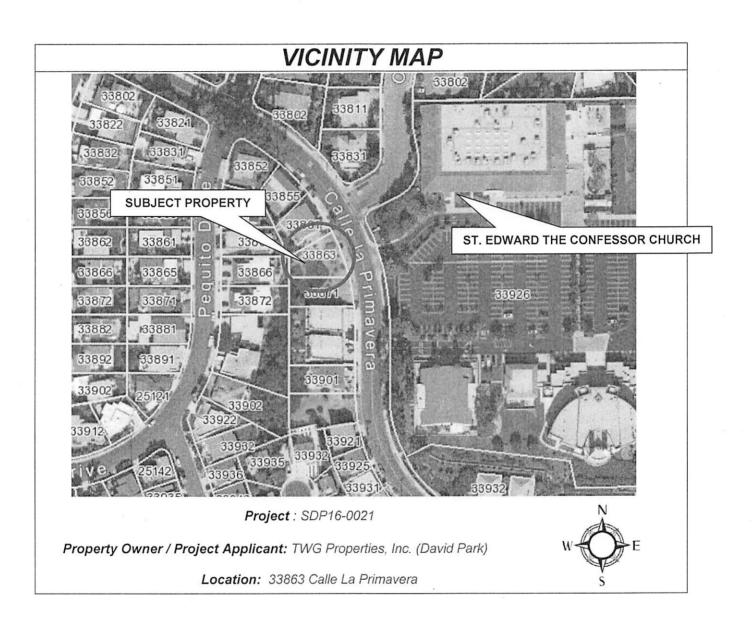
and retaining walls.

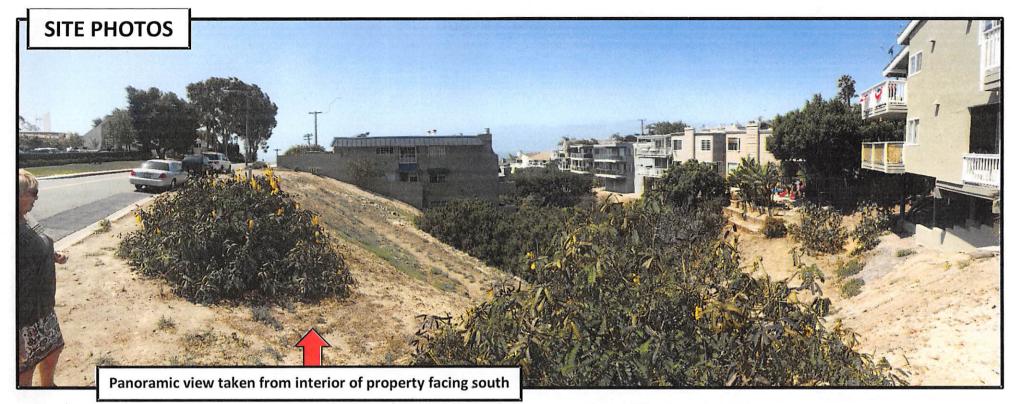
- 30. An as-built grading plan shall be prepared by the Civil Engineer of Record and submitted to the Public Works/Engineering Department for review and approval.
- 31. All permanent Best Management Practices (BMP's) including landscaping shall be installed and approved by either the Project Landscape Architect or the Civil Engineer of Record.
- 32. All Project landscaping within the subject property's front yard shall be installed (in accordance with the project's approved landscaping plan) prior to the scheduling of a final inspection by the Planning Division.
- 33. The Applicant shall schedule a final inspection with the Community Development Department (Planning, Building/Safety and Public Works/Engineering) at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding Project conditions of approval.

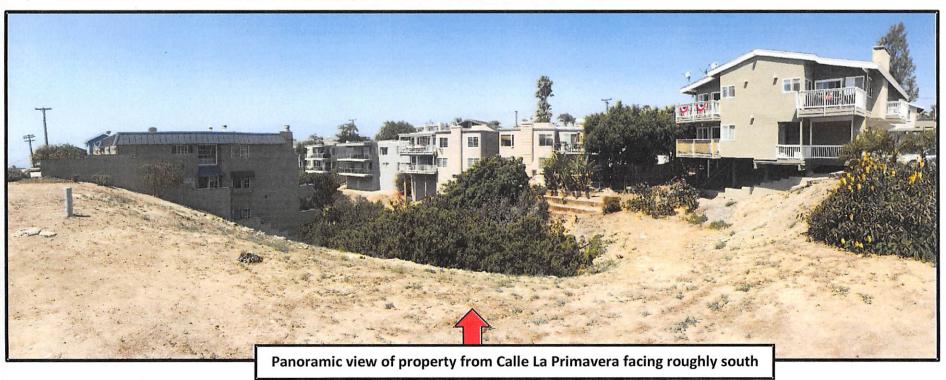
PASSED, APPRO Commission of the City of following vote, to wit:	VED, AND ADOPT of Dana Point, CA,	ED at a regular held on this 25 th	meeting of day of July,	the Planning 2016, by the
AYES:				
NOES:				
ABSENT:				
ABSTAIN:				
			Eric	Nelson, Chair
				Commission
ATTEOT				
ATTEST:				
Ursula Luna-Reynosa, Dir Community Development				



City of Dana Point
Site Development Permit SDP16-0021
Evan Langan, AICP, Associate Planner
Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-1805









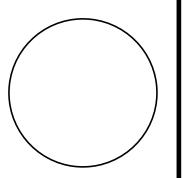
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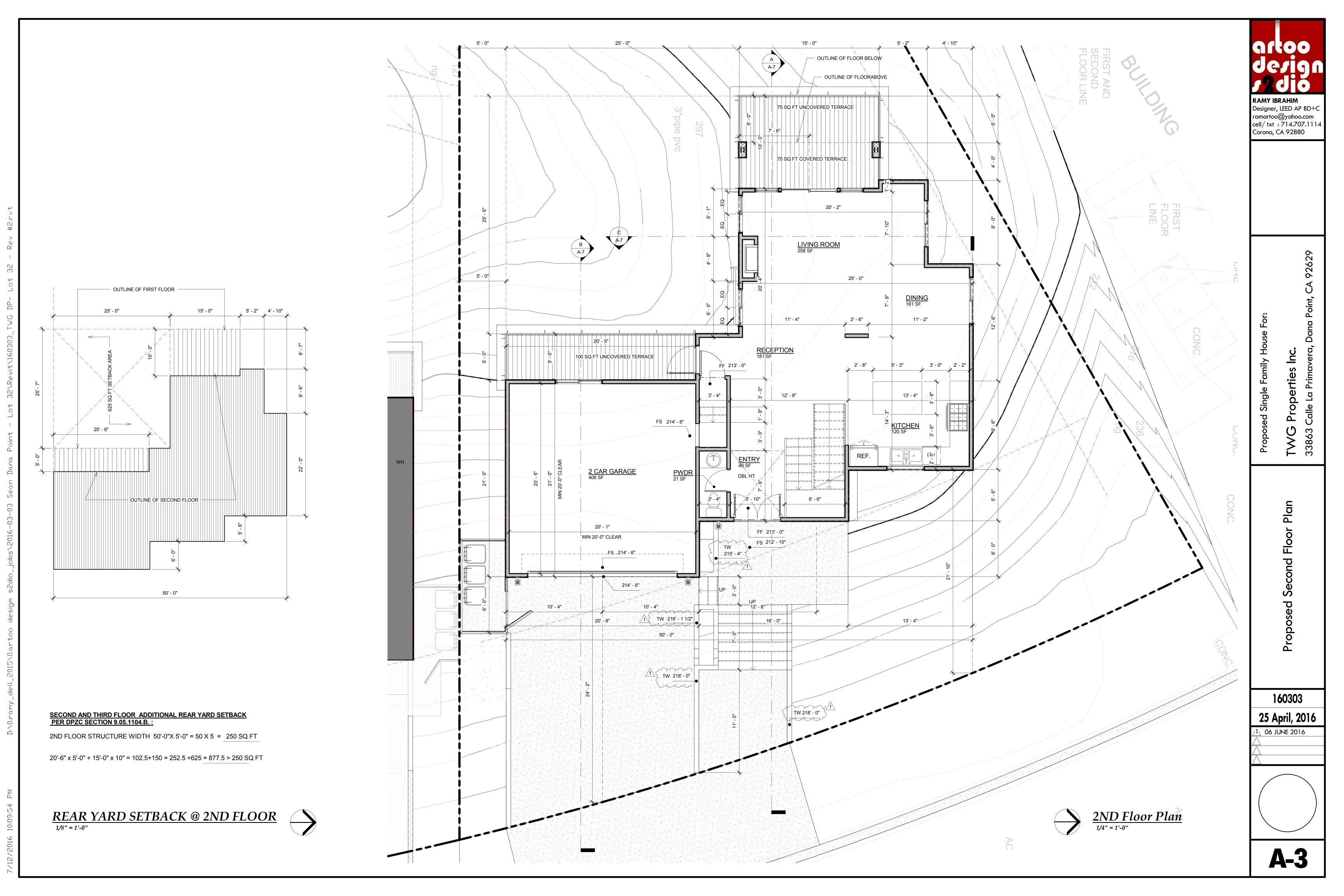
Mailing Address: 420 N. McKinley St. Suite 111- 413 Corona CA 92879

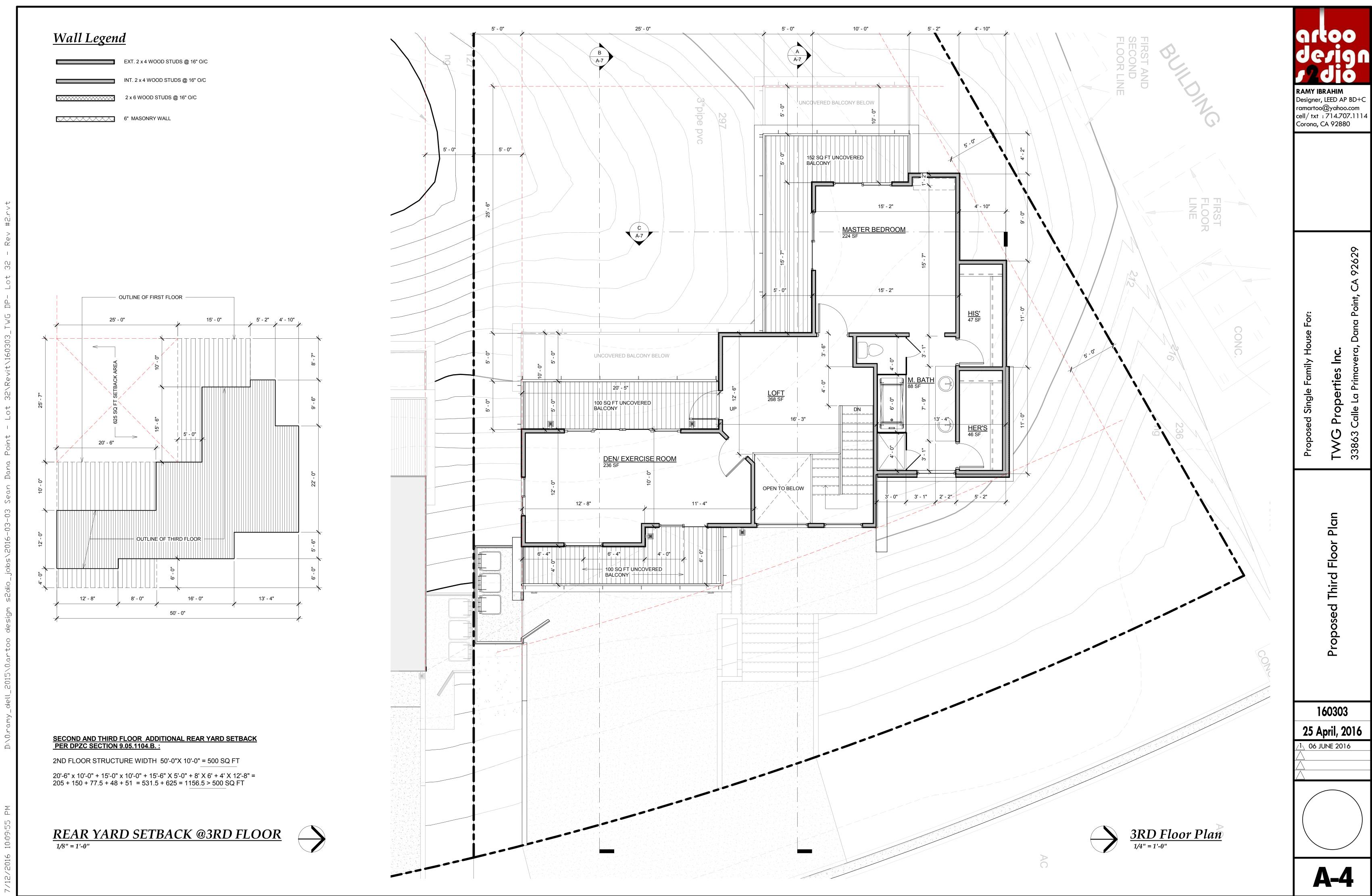
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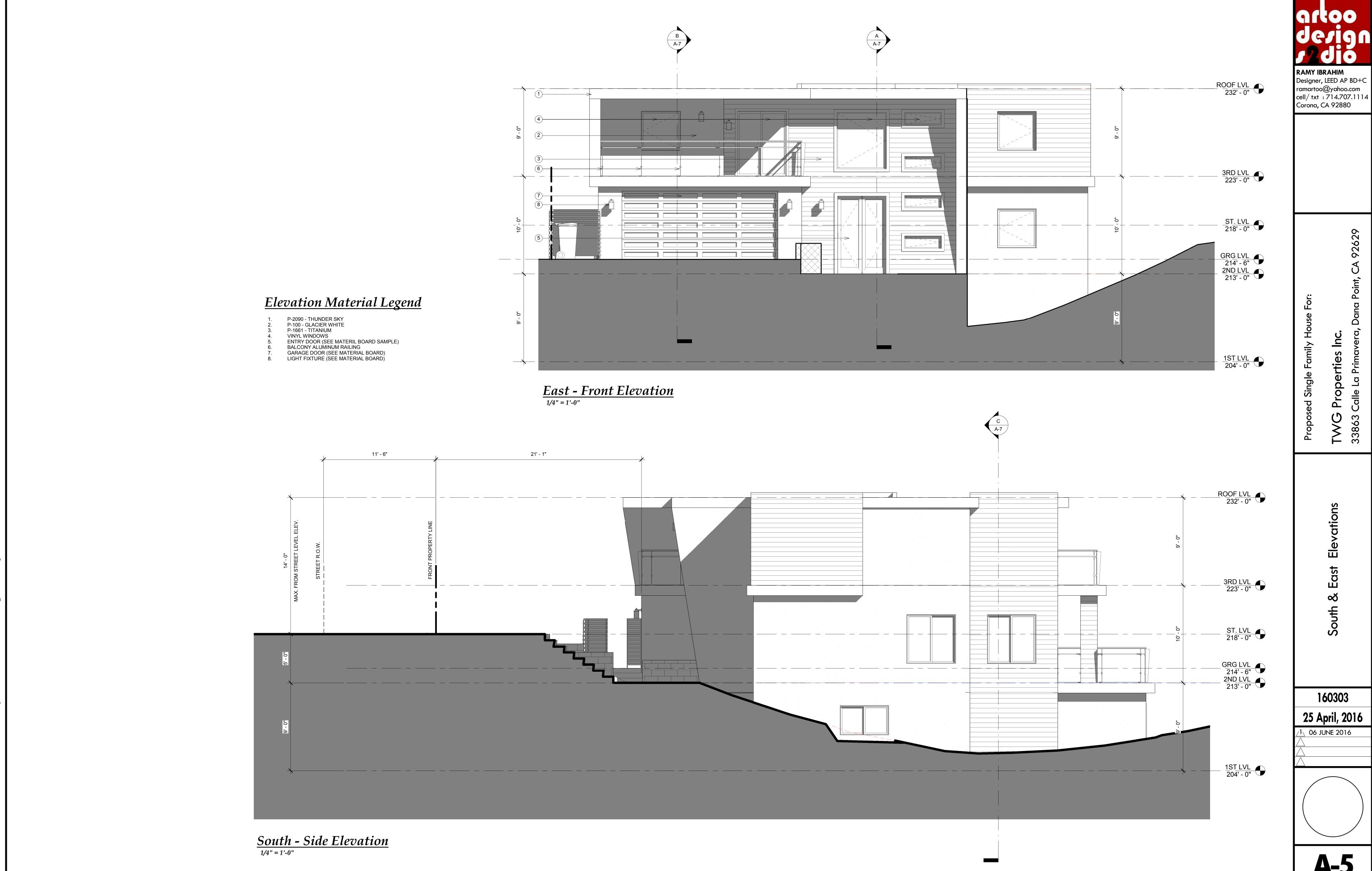
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