

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

DATE: DECEMBER 12, 2016

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
BELINDA DEINES, SENIOR PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP16-0015 TO ALLOW ADDITIONS AND ALTERATIONS TO AN EXISTING SINGLE-FAMILY DWELLING LOCATED WITHIN A RESIDENTIAL SINGLE-FAMILY (RSF-7/PRD-3) ZONING DISTRICT AT 23591 VERRAZANNO BAY

RECOMMENDATION: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP16-0015.

APPLICANT: Karin and Keith Bremer, Property Owner

REPRESENTATIVE: Ron Wikstrom, Designer

REQUEST: Approval of a Coastal Development Permit to allow a 492 square-foot addition to an existing single-family dwelling located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

LOCATION: 23591 Verrazanno Bay (APN 672-081-04)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on December 1, 2016, published within a newspaper of general circulation on December 1, 2016, and posted on December 1, 2016 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 additions to an existing single-family dwelling that will result in an increase of less than 50% of the existing floor area.

ISSUES:

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

BACKGROUND: The project site is a 4,410 square-foot lot located within the Shore Garden neighborhood of Niguel Shores, a built-out neighborhood of single-family residences.

The property is zoned "Residential Single-Family 7" (RSF-7)/Planned Residential Development 3 (PRD-3), and is located within the City's Coastal Overlay District (the California Coastal Zone) and within the Appeals Jurisdiction of the California Coastal Commission.

DISCUSSION: The project site currently contains a 1,285 square-foot single family residence and detached two-car garage. The proposed scope of work includes an interior remodel and ground level living area additions of 492 square feet, with an addition between the house and the garage that will connect the two structures.

The development standards for this property are set forth by Tract Map 6883, Zoning Code Chapter 9.09 (Residential Development Standards) and Appendix B (Planned Residential Development Standards). New development on this project site is required to observe a 20'-0" front setback, a 10'-0" rear setback, and zero and 5'-0" side setbacks, respectively. The immediate neighborhood is characterized by detached garages constructed to the front and side property lines. This is considered a conforming condition for this neighborhood, based on Zoning Code Section 9.05.060 which allows development to use setbacks established by previous regulations or by existing neighborhood development patterns on the same block and street. The existing detached garage is built with zero setback from the front property line, consistent with neighborhood conditions. No additions or alterations are proposed to the existing detached garage on the project site. Therefore, the existing house and all proposed additions conform to the development standards.

The proposed addition consists of a new master bedroom and bathroom between the main structure and the garage. Furthermore, expansion of the existing two bedrooms is proposed 4'-0" beyond the existing rear wall of the structure. Plans also include conversion of existing covered patio area into a living and dining room area addition, which is proposed under the existing roof.

The applicant proposes to demolish the existing wood fence and attached pergola in the front of the structure and adjacent to the driveway. The entry area will be redesigned with an enclosed courtyard area with a new 42" high wall. The existing concrete driveway will be replaced with concrete pads and black pebble borders.

The existing roof consists of both sloped and flat roof forms. No increase in height is proposed to the existing residential structure, and the proposed additions are in line with the flat roof elevation of the existing roof. Shake concrete tile roofing will replace the existing sloping roof areas, at the same height as the existing roof. The existing chimney and fireplace will be demolished.

The proposed exterior finishes include smooth stucco finish to replace the existing plywood shingles, exterior glass entry and garage doors, new tile roofing over pitched areas, and grey flat roofing. One small skylight is proposed over the existing hallway.

The project as designed complies with all applicable development standards, including setbacks, parking, lot coverage and height limits. No deviations are requested.

Coastal Development Permit CDP16-0015

Pursuant to Section 9.69.040 of the Dana Point Zoning Code, floor area additions of more than 10% to a single-family dwelling on land located in the City's Coastal Overlay District and the Appeals Jurisdiction of the California Coastal Commission require approval of a Coastal Development Permit (CDP).

Section 9.69.070 of the DPZC stipulates a minimum of seven (7) findings to approve a Coastal Development Permit, requiring that the project:

1. *Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).*
2. *If located between the nearest public roadway and the sea or shoreline of any body of water, be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).*
3. *Conform with Public Resources Code Section 21000 and following, and 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 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 approval findings are set forth in the attached draft Resolution (Attachment 1).

CORRESPONDENCE: To date, the only correspondence received for this project has been a letter of project approval by the Niguel Shores Community Association.

CONCLUSION: Staff finds that the proposed project is consistent with the policies and provisions of the City of Dana Point General Plan, Zoning Ordinance and Local Coastal Program. As the project has been found to comply with all standards of development, staff recommends the Planning Commission adopt the attached draft Resolution, approving Coastal Development Permit 16-0015 subject to the findings and conditions of approval contained therein.



Belinda Deines, Senior Planner



Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 16-12-12-xx

Supporting Documents

2. Vicinity Map
3. Homeowners Association Approval Letter
4. Site Photos
5. Architectural Plans

RESOLUTION NO. 16-12-12-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP16-0015 TO ALLOW ADDITIONS AND ALTERATIONS TO AN EXISTING SINGLE-FAMILY DWELLING LOCATED WITHIN THE RESIDENTIAL SINGLE-FAMILY 7 (RSF-7)/PLANNED RESIDENTIAL DEVELOPMENT 3 (PRD-3) ZONING DISTRICT AT 23591 VERRAZANNO BAY

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

WHEREAS, Ron Wikstrom (the “Representative”) has filed an application on behalf of Keith and Karin Bremer (collectively, the “Applicant”), the owners of real property commonly referred to as 23591 Verrazanno Bay (APN 672-081-04) (the “Property”); and

WHEREAS, the Representative filed a verified application for a Coastal Development Permit to allow additions and alterations to 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 the project proposes additions to an existing single-family dwelling that will result in an increase of less than 50% of the existing floor area; and

WHEREAS, the Planning Commission did, on the 12th day of December, 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 Coastal Development Permit CDP16-0015.

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 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 CDP16-0015 subject to conditions of approval:

Findings:

Coastal Development Permit CDP16-0015

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. Moreover, adequate public access to public tidelands or areas of recreation exist nearby at City, County and State beaches and accordingly, the project conforms to the public access and recreation policies of Chapter Three of the California Coastal Act.**
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 additions to an existing single-family dwelling that will result in an increase of less than 50% of the existing floor area.**
4. That the project has been sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that the subject property is an already developed parcel containing no environmentally sensitive habitat area (ESHA) and accordingly, proposed improvements would not result in adverse impacts.**
5. That the project minimizes the alteration of natural landforms and will not

result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that the subject site is an already developed property located within an established area of residential uses with little to no natural landforms present, the proposed development includes minimal grading, and the project will be constructed in conformance with applicable regulations for flood and fire, minimizing undue risks from these or other hazards.**

6. That the project is visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that the proposed project would construct additions and alterations to an existing single-family dwelling utilizing materials and methods that conform 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 in terms of size, mass and scale.**
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 staff 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:

General:

1. Approval of this application permits additions and alterations to an existing single-family dwelling at 23591 Verrazanno Bay in accordance with the plans on file with the Community Development Department. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan, Local Coastal Program and Zoning Code.
2. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.
3. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans.

Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location of, or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved site plan, he/she may approve the amendment without requiring a new public hearing.

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. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety Division for plan check.
6. The Applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Representative'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 the negligence of the Applicant or the Applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding. The representative 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 their successors in interest, shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

7. The project shall meet all water quality requirements including Low Impact

Development (LID) implementation.

8. The Applicant, or Applicant's agent(s), 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, cable television and telephone and services. The Applicant, or Applicant's agent(s), shall be responsible for coordinating any potential conflicts or existing easements.
9. The Applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The Applicant, or Applicant's agent(s), shall provide erosion and sediment control measures at all times. The Applicant, or Applicant's agent(s), shall maintain the erosion and sediment control devices until the final approval of all permits.
10. The Applicant, Applicant's agent(s), or successor-in-interest shall cause the preparation and submittal of a standard Waste Reduction and Recycling Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The standard Waste Reduction and Recycling Plan shall be reviewed and approved and deposit posted prior to issuance of any permits.

Prior to Issuance of a Building Permit:

11. The Applicant, or Applicant's agent(s), shall cause the preparation and submittal of a drainage plan in compliance with all City of Dana Point standards for review and approval. The drainage plan shall show all drainage from proposed improvements being directed to an approved outlet.
12. A separate erosion control plan shall be included in the project plans. The erosion control plan shall address the potential erosion and sediment loss for the proposed development.

Prior to Final Approval of All Permits:

13. Public Works final approval of the drainage system will be required for all permits.
14. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.
15. The Applicant, or Applicant's agent(s), shall cause the scheduling of a final onsite inspection with the Community Development Department that shall include a review of landscaping, finish architecture/materials and compliance with any outstanding project conditions of approval.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 12th day of December, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Nelson, Chairperson
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department





Niguel Shores Community Association
33654 Niguel Shores Drive
Dana Point, California 92629-4221
(949) 493-0122 • Fax (949) 388-7892

**EXTERIOR MODIFICATION APPLICATION
APPROVAL PENDING – NOTICE OF REQUIRED CONDITIONS**

Date:	10/04/2016	Tract	6883	/	Lot	004
Applicant Name:	Bremer, Keith and Karin					
NSCA Address:	23591 Verrazanno Bay					
Mailing Address:	23571 Verrazanno Bay					
	Dana Point, CA 92629					

Submittal Date:	05317/2016 – move to final review 10/03/2016
Project Description:	Remodel – 492 sq.ft. addition to living area, hardscape, softscape

Approval of your requested project is pending completion of the following conditions (in order of required action):

1. **This condition must be met prior to the AC granting final approval.**
Submit a copy of the City of Dana Point stamped approved plan set for AC review and comparison
City plan will be compared to the plan set dated 07/20/2016 and date stamped received 07/26/2016
2. **Payment will not be accepted until AC has issued final approval**
Once final approval is issued, submit payment of the following:
 - Construction deposit (\$2500.00)
 - Processing fee (\$1000.00)

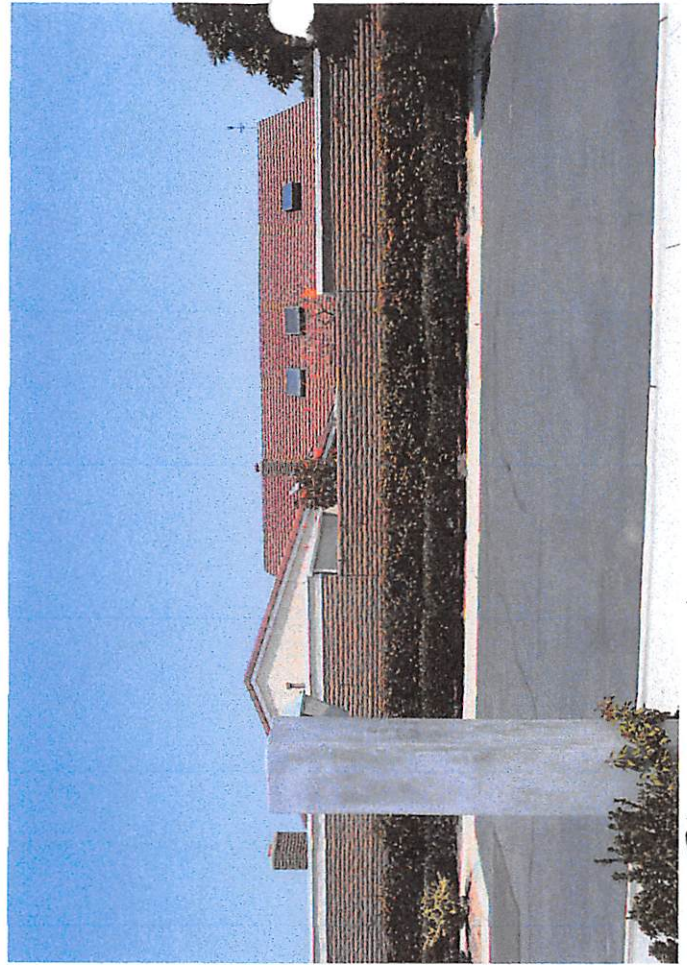
The conditions of approval listed above must be completed within 12 months of the date of this notice or the pending approval is void and the application deemed disapproved.

MOCK UP MUST BE REMOVED BY: 10/18/2016

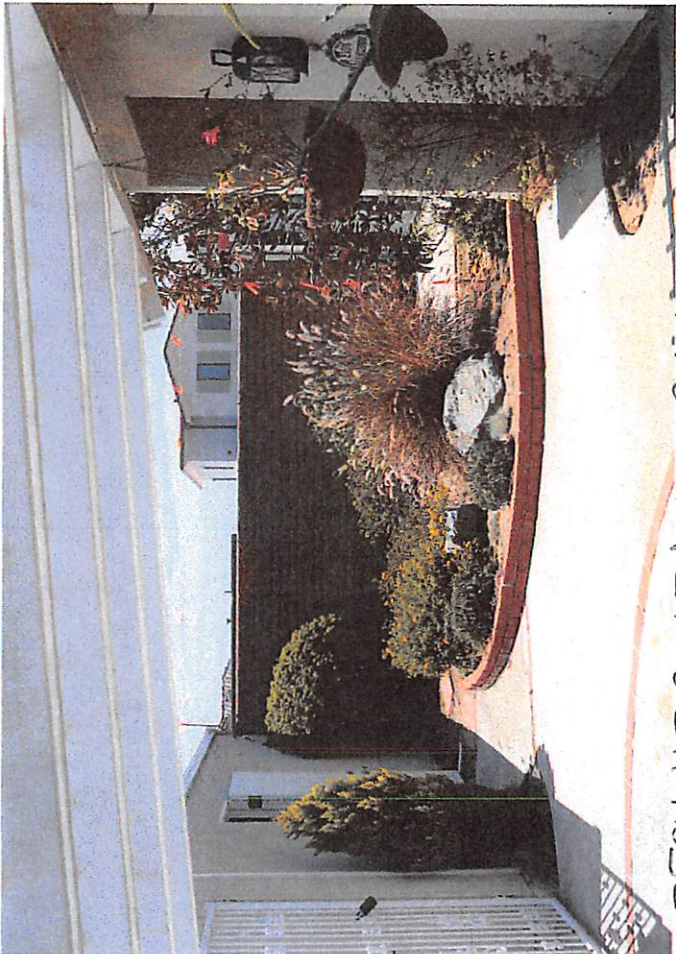
Projects commenced prior to completing the above required conditions of approval are in violation of Rule 3103 and therefore subject to a recorded 'Cease and Desist' order, a hearing before the NSCA Board of Directors and additional fines as outlined under Rule 2711.



23591 VERRAZZANNO BAY FRONT



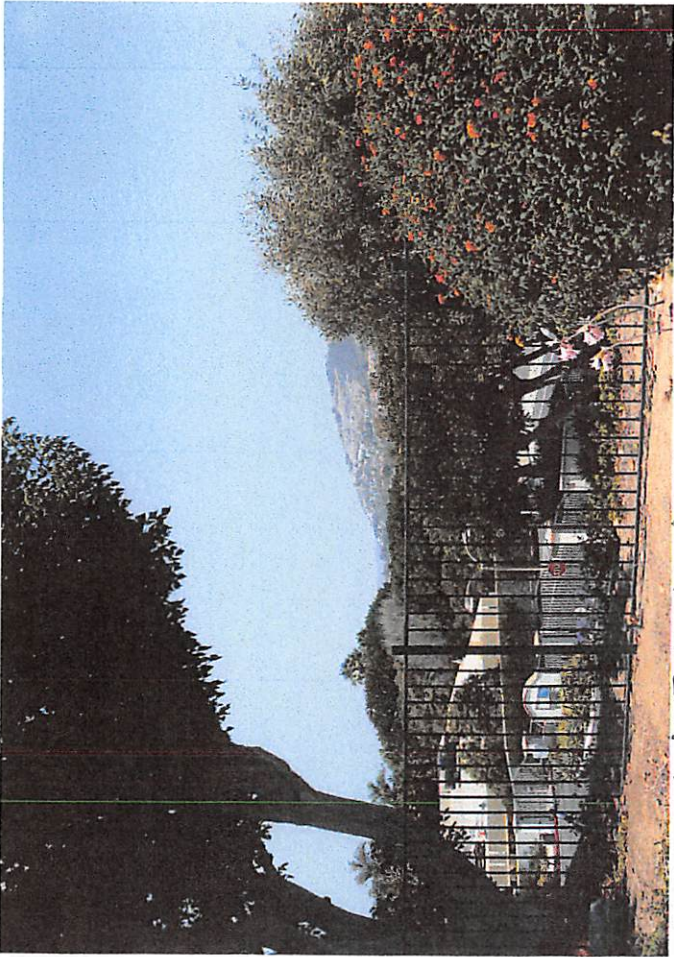
23591 VERRAZZANNO BAY. LEFT



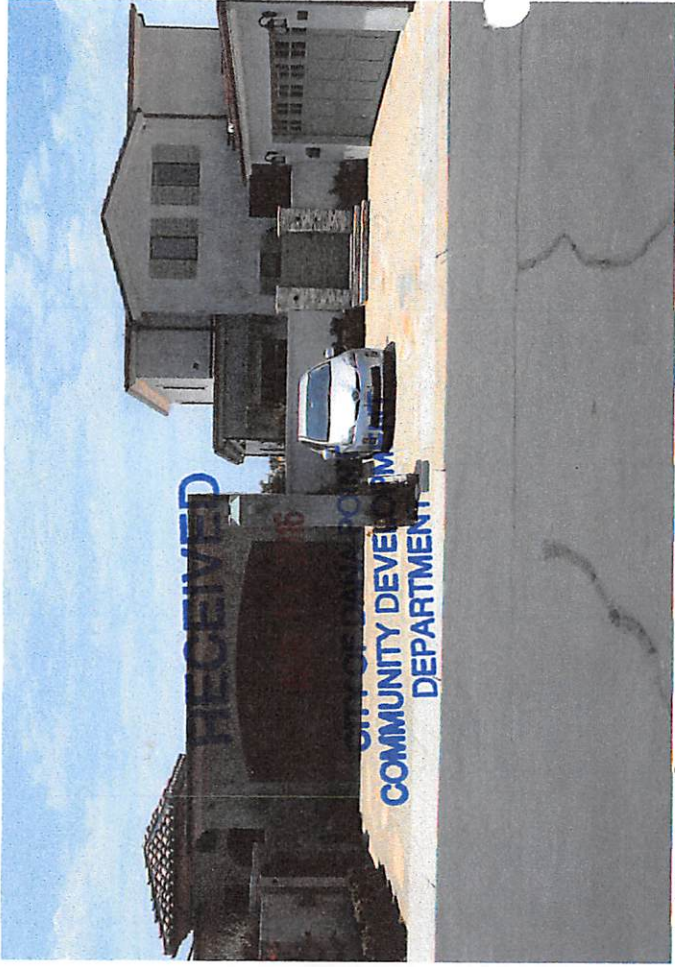
23591 VERRAZZANNO BAY RIGHT
ATTENTION ADDITION



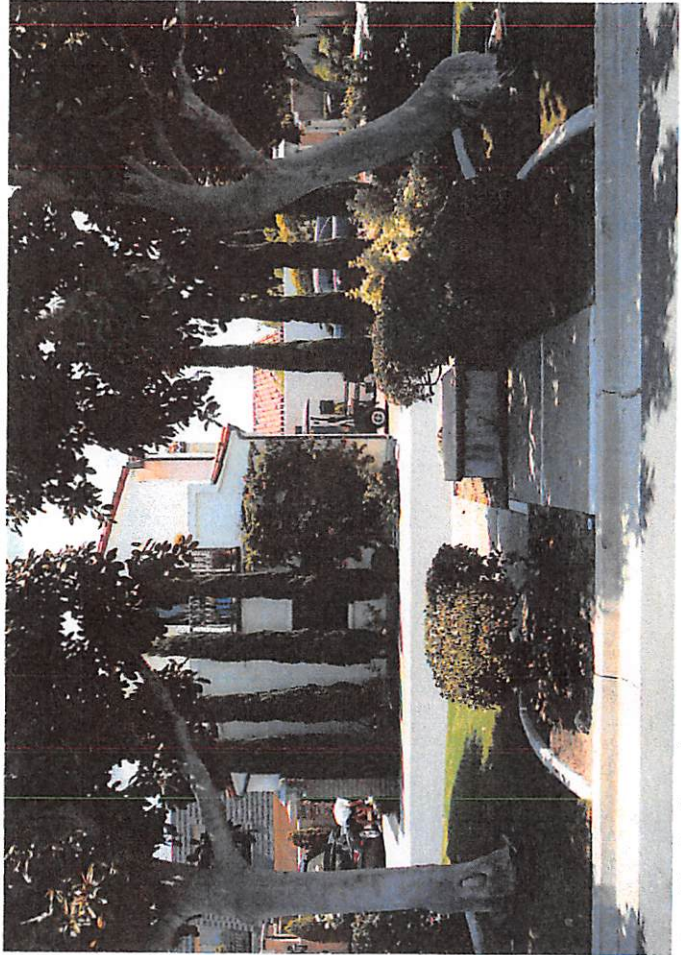
23591 VERRAZZANNO BAY REAR
ATTENTION ADDITION



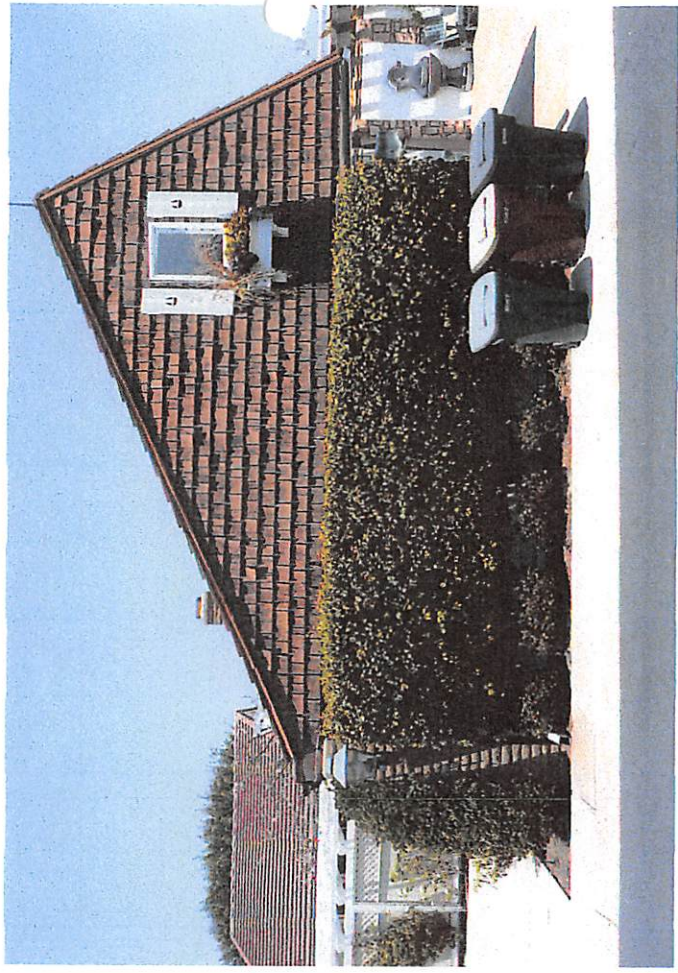
23591 VERRAZANO BAY BEAR
LOOKING OUT BACK YARD



NEIGHBORS TO LEFT SIDE



NEIGHBOR ACROSS STREET



NEIGHBOR TO RIGHT SIDE

LOT COVERAGE	
LOT 45X95	4410 SFT
HOUSE	1777 - 40.3%
GARAGE	440 - 10.0%
DRIVEWAY	353 - 8.0%
PATIO	565 - 12.8%
LANDSCAPE	1275 - 28.9%
TOTAL	4410 - 100.0%

<u>BIRDS AREA</u>	
EXIST'G HOUSE	1285
ADDED HOUSE	492
TOTAL	1777
EXIST'G GARAGE	440
INTERIOR REMODEL	320

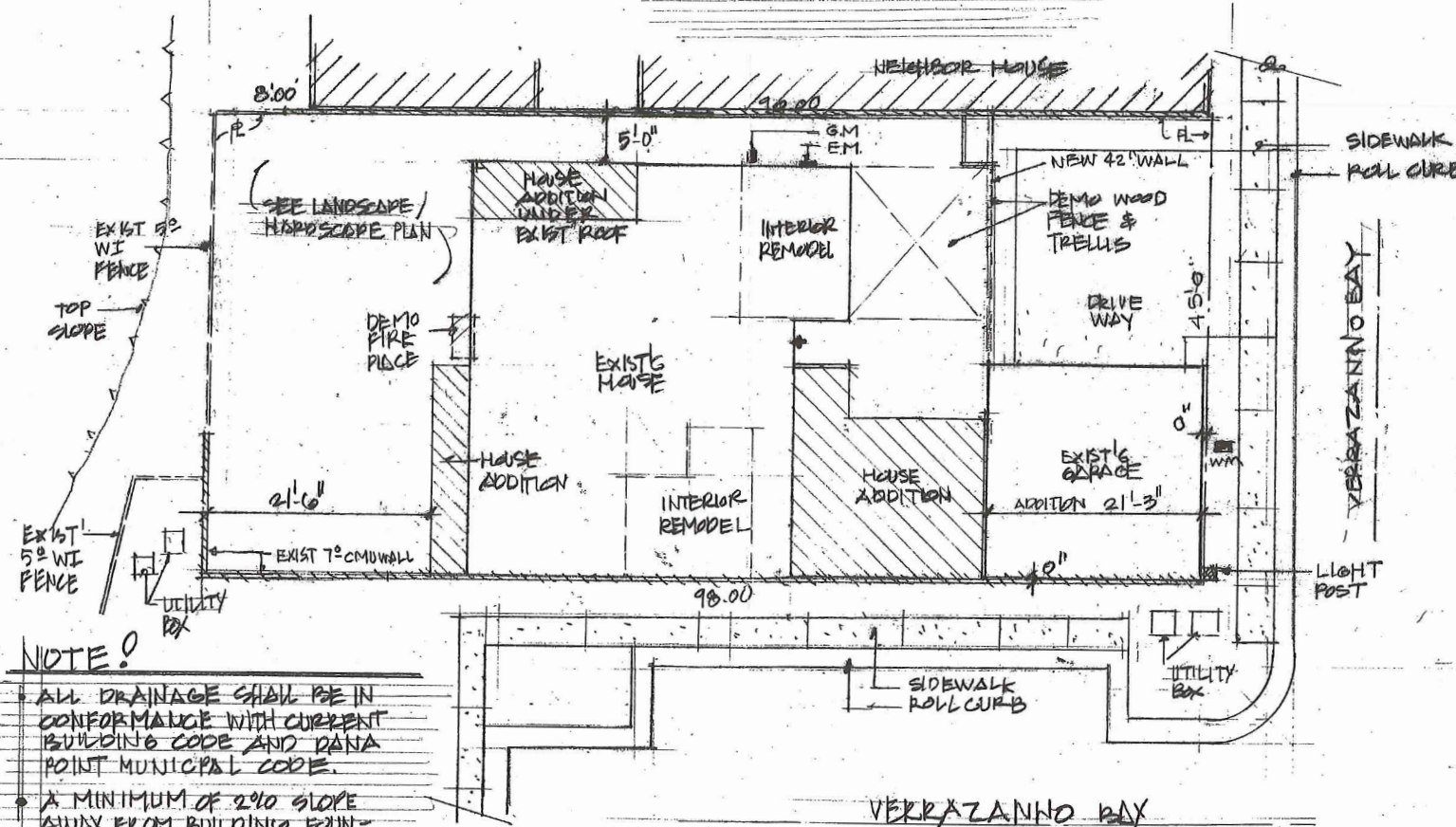
- # SCOPE OF WORK
- CONSTRUCT AN 492 SQ FT ADDITION TO AN EXIST'G ONE STORY 1285 SQ FT HOUSE.
 - WORK TO INCLUDE AN 320 SQ FT INTERIOR REMODEL
 - WORK TO REPLACE PITCHED ROOF AREA MATERIAL
 - FRONT YARD TRELLIS AND WOOD FENCE TO BE RE-MOVED.
 - NEW DRIVEWAY AND PTO TO BE INSTALLED WITH LOW GROUND WALL IN ENTRY PORCH AREA.

[illegible][illegible]

RECEIVED

OCT 10 2016

**CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT**

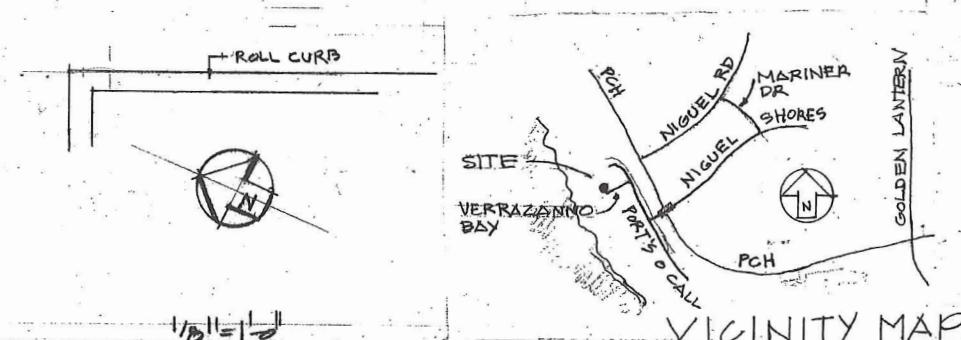


NOTE!

- ALL DRAINAGE SHALL BE IN CONFORMANCE WITH CURRENT BUILDING CODE AND DANA POINT MUNICIPAL CODE.
- A MINIMUM OF 2% SLOPE AWAY FROM BUILDING FOUNDATION IS REQUIRED FOR HARDCAPE (IMPERVIOUS) AND A MINIMUM OF 5% SLOPE IS REQUIRED FOR LANDSCAPED (NATURAL GROUND)

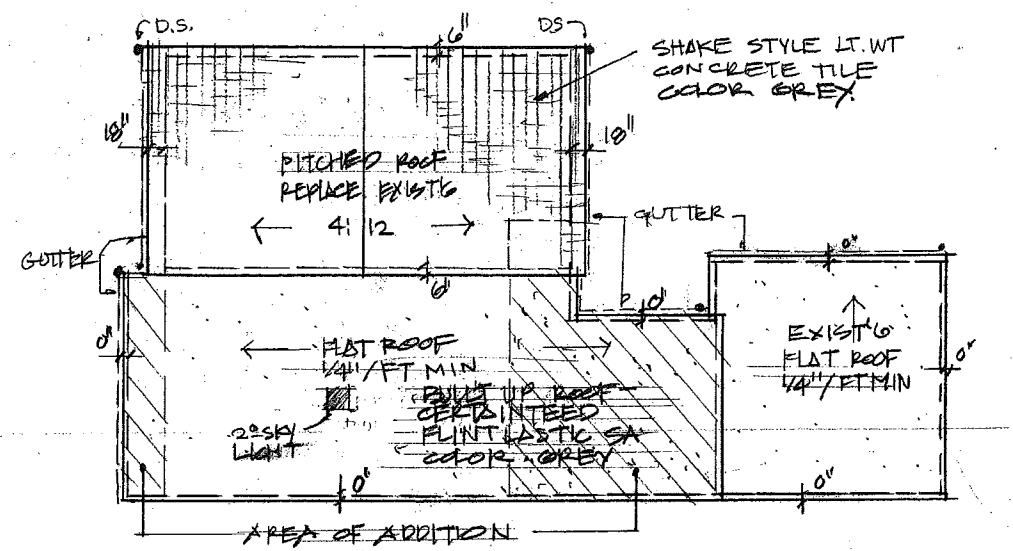
LOT 4
TRACT 6883
APN: 672-001-04
25501 VERRAZANO WAY
DANA POINT, CA, 92629

SITE PLAN

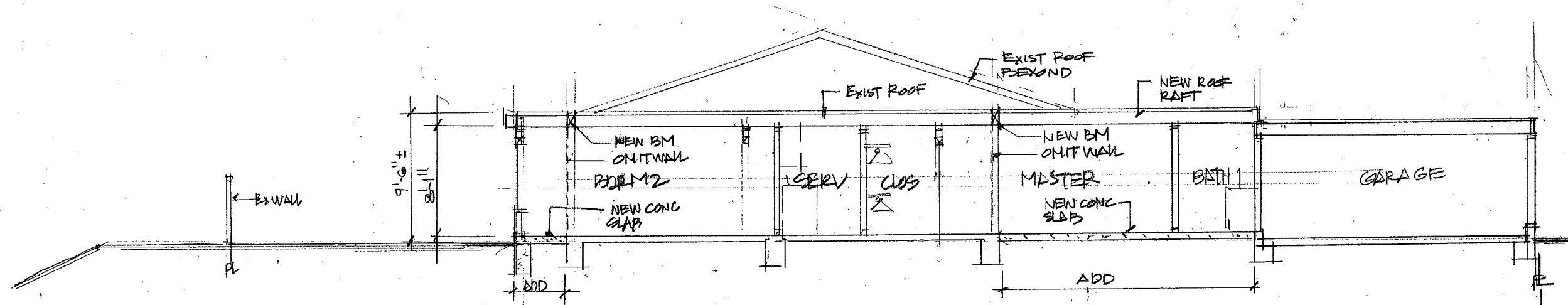


RESIDENCE REMODEL FOR :
KARIN & KEITH BREMER
23591 VERRAZANNO BAY
DANA POINT, CALIF 92629
949-713-3123

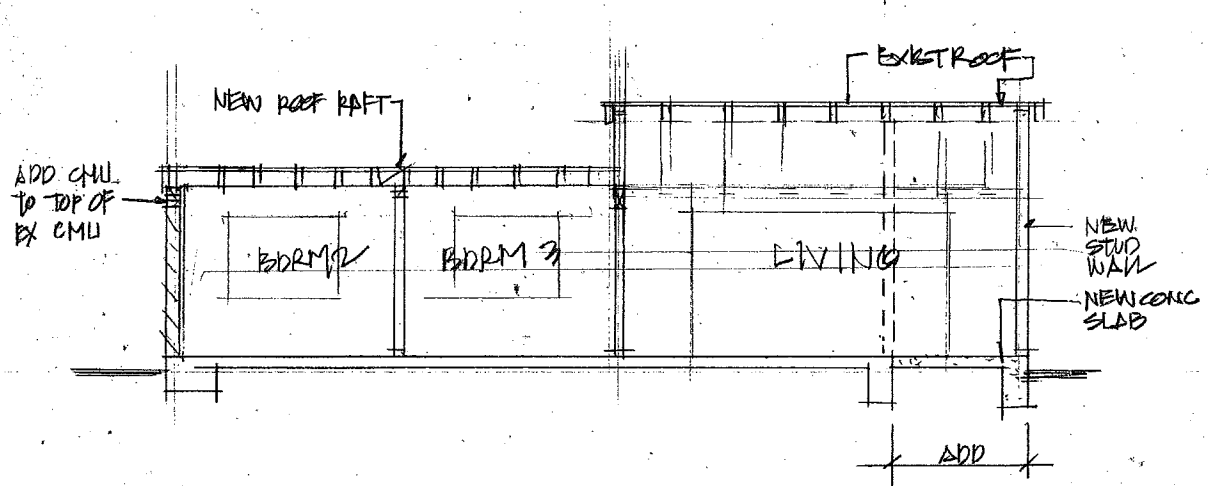
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Job	
Sheet	1



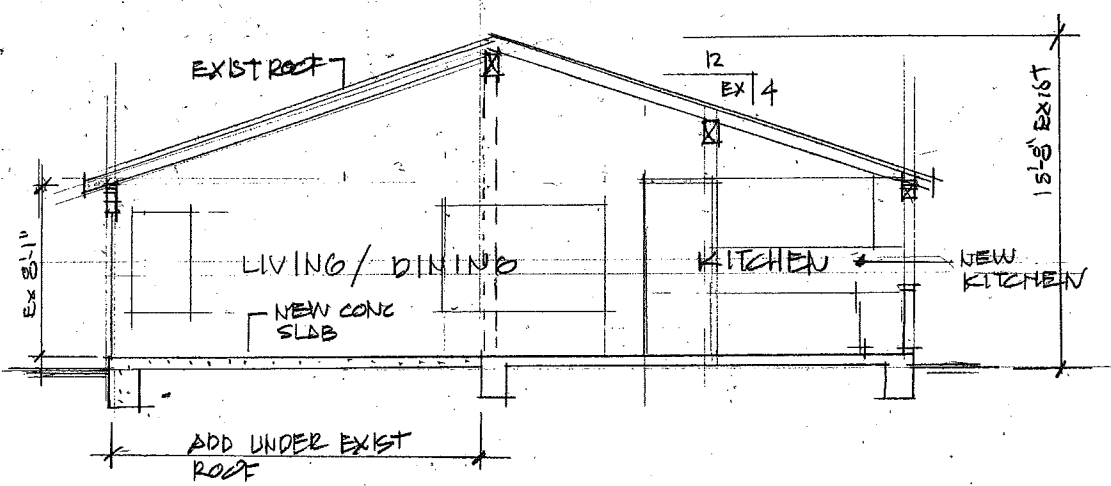
ROOF PLAN 118'5\"/>



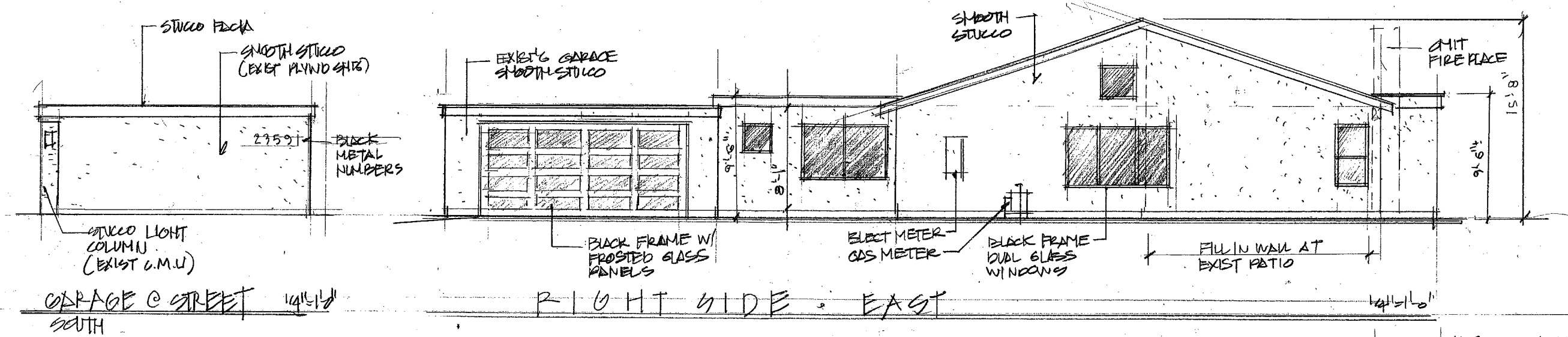
SECTION "C" 124'5\"/>



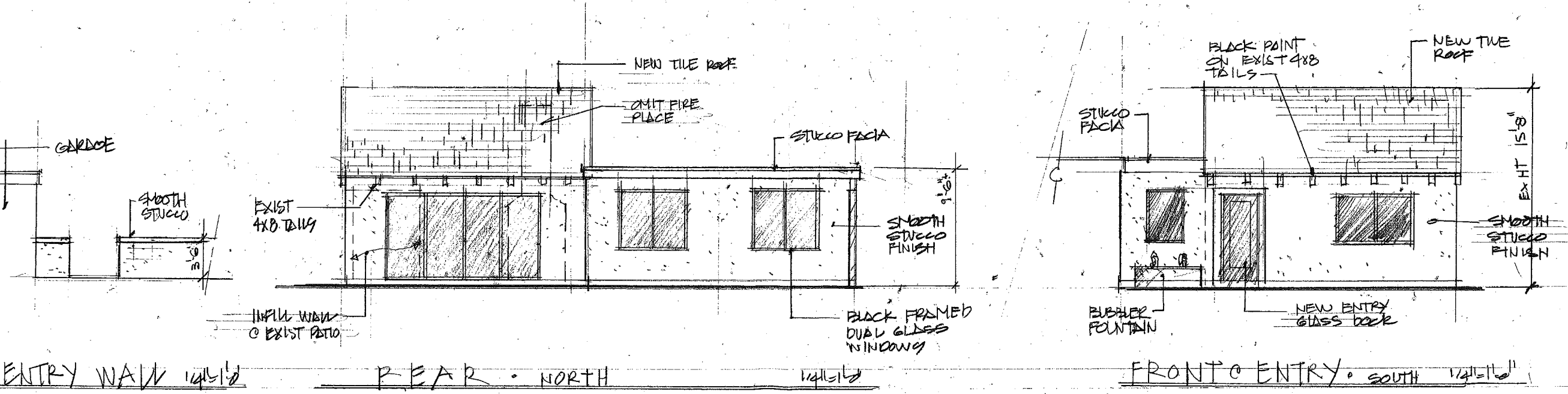
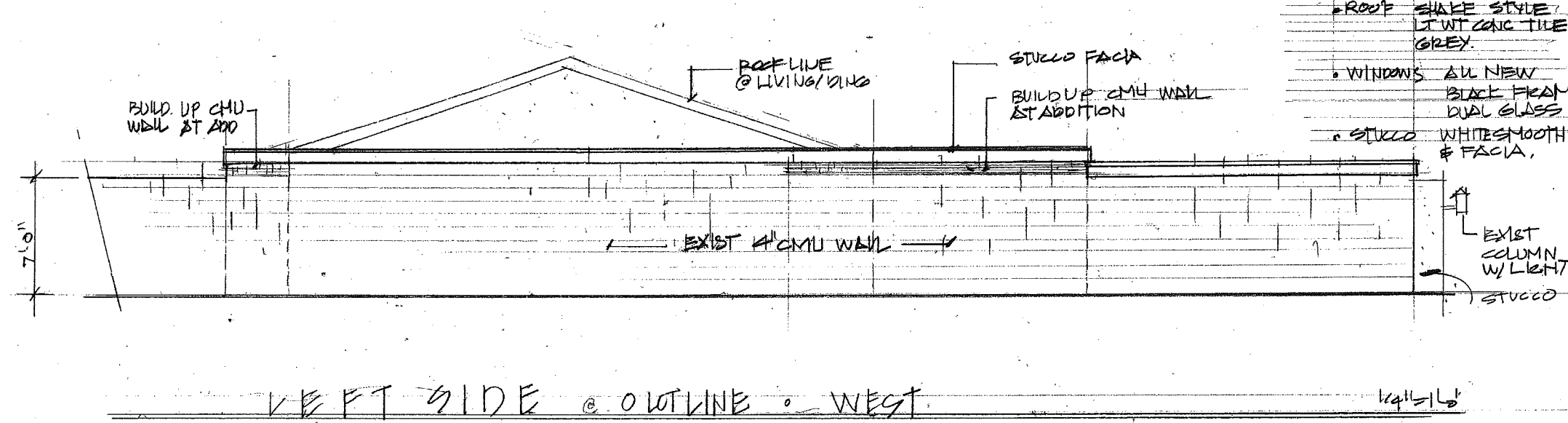
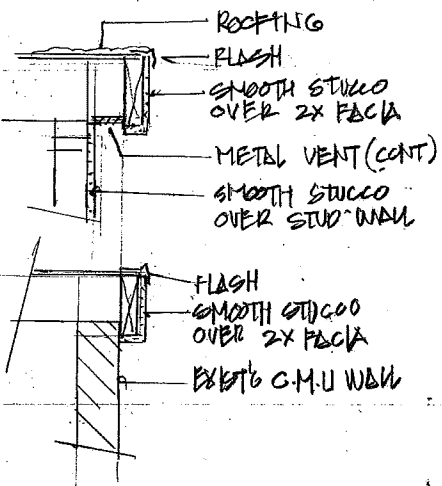
SECTION "B" 144'5\"/>

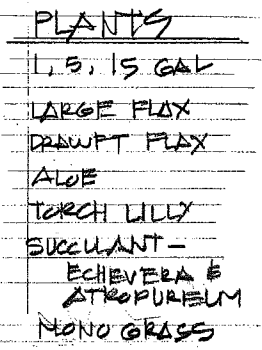


SECTION "A" 144'5\"/>



- BDDG MATERIALS**
- ROOF SHAKE STYLE LT WT CONC TILE GREY
 - WINDOWS ALL NEW BLACK FRAME DUAL GLASS
 - STUCCO WHITESMOOTH WALL & FACIA




$$\|1/4\| = 1/4$$