

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

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**DATE:** JUNE 26, 2017

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
URSULA LUNA-REYNOSA, DIRECTOR  
DANNY GIOMETTI, ASSOCIATE PLANNER

**SUBJECT:** PRELIMINARY REVIEW (PA16-0120) FOR THE DEVELOPMENT OF TWO LEGAL LOTS WITH FIVE DETACHED MULTIPLE FAMILY DWELLING UNITS THAT REQUIRE ENTITLEMENTS INCLUDING A TENTATIVE TRACT MAP, SITE DEVELOPMENT PERMIT, AND MULTIPLE VARIANCE REQUESTS LOCATED AT 25022 AND 25032 SELVA ROAD

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**RECOMMENDATION:** That the Planning Commission assesses the building site design and provide feedback to the applicant focusing on potential issues which may be raised during consideration of a formal submittal for the project.

**APPLICANT:** LG Selva

**PROPERTY OWNERS:** LG Selva & Yuri Mukai

**REQUEST:** Preliminary Review for the development of two legal lots with five detached multiple family dwelling units that require entitlements including a tentative tract map, site development permit, and multiple variance requests located at 25022 and 25032 Selva Road.

**LOCATION:** 25022 and 25032 Selva Road (APN 682-123-38 & 39)

**NOTICE:** No noticing is required.

**ENVIRONMENTAL:** Not applicable at this time.

**ISSUES:**

- Project consistency with the Dana Point General Plan and the Dana Point Zoning Code (DPZC).
- Project land use compatibility and community values.

- Findings for Variances.

### **BACKGROUND:**

The applicant submitted a preliminary review application on November 16, 2016, for the development of two vacant lots located at the southern corner of Selva Road and Calle La Primavera into five detached dwelling units. The two lots total 16,426 square feet, and for purposes of this preliminary review both lots will be considered as one lot. The lot is rectangular in shape and is bordered by existing multiple-family development to the south and west. The subject site is located in the Residential Multiple Family 14 (RMF-14) Zoning District on the City's Zoning Map, and is designated Residential 14 - 22 D.U./AC in the City's Land Use Policy Diagram included in the Land Use Element of the General Plan.

An application for a major Site Development Permit (SDP) is required pursuant to Sections 9.71.030(c) (Development of five or more dwelling units) and 9.05.120(d)(2) (Retaining Walls 30" or greater in height), of the DPZC. The applicant has indicated the desire to create for sale dwelling units, which requires the processing of a Tentative Tract Map (TTM) pursuant to Section 7.05.060 of the City's Subdivision Ordinance to create condominium units.

Pursuant to Section 9.09.030(e) (Minimum Land Area per Unit) of the DPZC, the proposed 16,426 square foot lot is large enough to support up to six residential units. Additionally, the proposed development complies with the required Residential Multiple Family (RMF-14) Development Standards identified in Section 9.09.030 of the Dana Point Zoning Code (DPZC) with the exception of meeting the minimum building separation, front and rear setbacks and maximum height requirements for the aforementioned zone.

### **Preliminary Review:**

Staff and the applicant have worked collaboratively on various design iterations for the subject site. However, due to the topographic constraints of this lot and the proposed project's deviations from the DPZC, Staff recommended a preliminary review by the Planning Commission. The applicant is requesting that the Planning Commission provide feedback on the proposed project including: maximum height measurement and story count, determination of the front property line and minimum building separation.

As described in Section 9.61.100(a) (2), a preliminary review by the Planning Commission is a more formal option made available to the applicant than an informal staff level assessment. This process includes a brief evaluation prepared by staff and provided to the Planning Commission under the "New Business" section at the meeting. Additionally, the applicant will have the opportunity to present the proposal directly to the Planning Commission. The objective of the review is to identify the issues and possible solutions

pertinent to the proposed project, however the Planning Commission is legally limited in the type and amount of input they can provide at this level. Commissioner comments and feedback should be focused on the identification of potential issues which may be raised during consideration of a formal submittal.

### **DISCUSSION:**

The subject application proposes to develop 25022 and 25032 Selva Road as a Multiple Family Dwelling use totaling five detached residential units, each with an attached two car garage. The proposed development consists of one, four bedroom, 3.5 bath unit, and four, three bedroom, 2.5 baths units with total living areas ranging from roughly 2,000 to 2,400 square feet. All units are designed with three stories utilizing a split-level design and include attached two car garages and private balconies and patios.

Pursuant to Section 9.3.5.080(e)(8), (Minimum Number of Required Parking Stalls), the multiple family units require a total of ten covered and four uncovered parking stalls. The Multiple Family Dwelling use is providing the required covered parking stalls inside of an individual, attached two car garage for each of the five units. Four uncovered parking stalls are located along the perimeter of the shared driveway and are available to accommodate visitor parking. Therefore, the proposed multiple family units comply with the DPZC minimum number of required parking stalls per unit.

### **Project Issues**

The existing lot has a 16% average slope and therefore does not qualify for relief from the Hillside Condition ordinance, which requires a minimum 20% average slope. Construction of homes on this site without deviations from the prescribed RMF-14 development standards could result in an unfavorable design as the homes would sit below street level and require steep driveway grades. Allowing for a deviation in height and story count could provide for improved vehicular access and an overall better design that is compatible to both south and west bordering properties consisting of three story, multiple-unit developments

Additionally, in order to create building pads for all proposed structures, pedestrian access and appropriate driveway grades to the garages, significant cut and fill of the existing slope are necessary. Due to the significant grading, several high retaining walls will be necessary to support proposed improvements on-site and existing improvements off site.

### **Variances**

Staff's review of the preliminary plans determined that the applicant is requesting DPZC code deviations which are outlined in the following section.

Height and Story Variance

Pursuant to Section 9.05.110(6) of the DPZC, residential structures with a roof pitch of 3:12 but less than 6:12, are limited to a maximum height of 26 feet. The proposed units stand at three stories and exceed the maximum allowable building height of 28 feet with the tallest unit standing at 40 feet. Although the applicant is defining the lowest floor as a basement because it is partially subterranean, it does not comply with the DPZC definition. Pursuant to Section 9.75.020 of the DPZC, a basement is: living or storage area which is constructed wholly underground, meaning below the exterior finished grade on all sides, with no more than 20% percent of the lineal footage of the exterior wall broken by light wells, no light well wider than four feet and no light well within six feet of another light well.

Due to the slope of the lot, the units will appear as two story structures from Selva Road and be less than 28 feet as measured from the street to top of ridge. The applicant suggests that to comply with the established maximum building height which requires that each structure be measured from lowest existing grade or finished pad (whichever is lower) would create a practical difficulty or unnecessary physical hardship as the proposed height increase is only required to offset the large elevation change of the lot.

A deviation from the 26 foot height limit, two-story maximum requirement, and roof pitch requirement would be necessary in order for the applicant to proceed with the project as proposed.

Determination of Front Lot Line or Reduction in Front & Rear Yard Setback Variance(s)

The current design proposes several elevated patios, some of which encroach into the required front and rear yard setbacks. Relocating the front lot line and/or reducing the required front and rear yard setbacks would allow the applicant to construct private outdoor living space along Calle La Primavera. Although the most recent design identifies the front lot line along Calle La Primavera, the applicant's initial design identified the front yard along Selva Road. As designed, the project would require a reduction in the front and rear yard setbacks to accommodate the elevated patios.

Pursuant to Section 9.05.040 (Identification of Front Lot Lines), when a lot is adjacent to more than one street, the DPZC provides a hierarchical system of identifying the front lot line. Where one street is of higher classification than the other, the lot line fronting the street with the lower classification shall be the front lot line. Selva Road is a collector roadway and Calle La Primavera is a local roadway as described in the Circulation Element of the General Plan, therefore, staff has determined that Calle La Primavera is the front lot line. Additionally, the City Public Works and Engineering Services department has reviewed the application and determined that with respect to access to the property, driveway entry off of a local roadway (Calle La Primavera)

promotes the safest access to residential units when compared with Selva Road.

Minimum Building Separation Variance

Pursuant to Section 9.09.030(I) of the DPZC, a minimum building separation between primary and accessory buildings on the same lot is required. The applicant is requesting relief from the prescribed 10-foot minimum building separation to six feet separation between Units One and Two, and between Units Two and Three.

A reduction from the prescribed 10-foot minimum building separation requirement would be necessary in order for the applicant to proceed with the project as proposed. The current project results in a six-foot structure to structure separation between three of the five units on site.

**CORRESPONDENCE:**

None.

**CONCLUSION:**

Staff requests that the Planning Commission review the subject proposal and provide the applicant with comments and feedback in moving forward with a formal discretionary application submittal.

  
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Danny Giometti  
Associate Planner  
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Ursula Luna-Reynosa, Director  
Community Development Department

**ATTACHMENTS:**

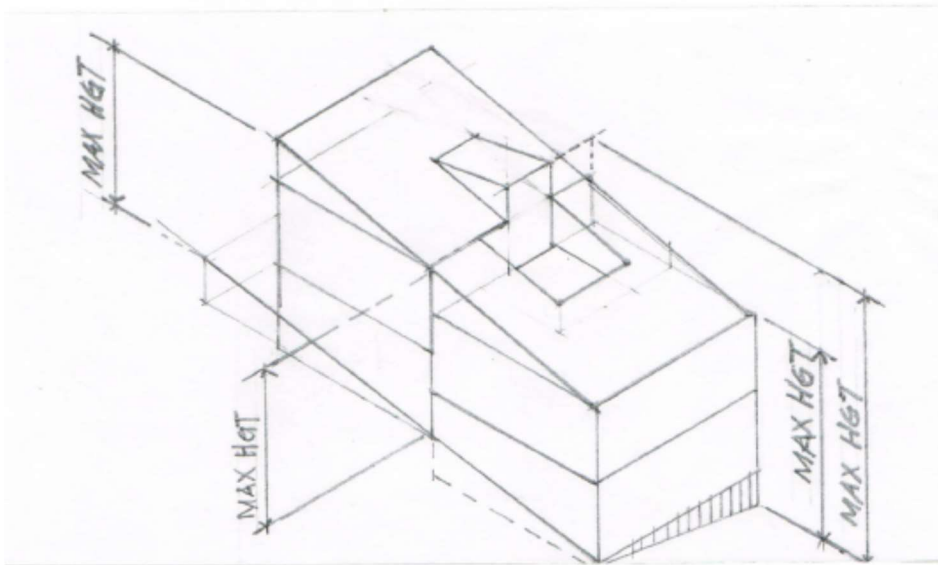
1. Applicant "Justification Statement for Variance Requests"
2. Vicinity Map
3. Site Photos
4. Project Plans and Rendering

## JUSTIFICATION STATEMENT FOR VARIANCE REQUESTS

25022-25032 Selva Rd

- I. The Planning Commission may grant a Variance, with such conditions as are found necessary to protect the necessary the public health, safety, and general welfare and assure compliance with the provisions and standards included in Title 9 of the Dana Point Municipal Code, provided the following findings can be made:
  1. The strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships with the objectives of Title 9.
    - a. *Maximum Height Measurement*

*The existing slope of the site in excess of almost 17%, as well as the prescriptive lowest starting point of the finished pad make it virtually impossible to stay below the prescriptive maximum height.*



- b. *Prescriptive location of the “front” of the site.*

*The prescriptive method of determining the “front” of the project based on definition of the primary and secondary streets results in larger front and rear setbacks further reducing the narrowest portion of the site even more. This results in making an already difficult site even more challenging.*

*The prescriptive “front” of the project along Calle La Primavera has large existing setback between the curb and property line. The reduction of the 20-ft prescriptive front setback to 10-ft would result in a 20-ft setback between the curb and face of building.*

c. *Roof Slope*

*The proposed project design uses sloping shed roofs to mitigate the varying height of the homes as they step down the sloping site. This requires a less than 6:12 slope which by prescription, reduces the maximum height from 28-ft to 24-ft. The steeply sloped existing site and re-graded proposed site plan makes the 28-ft maximum height necessary for practical and aesthetic reasons.*

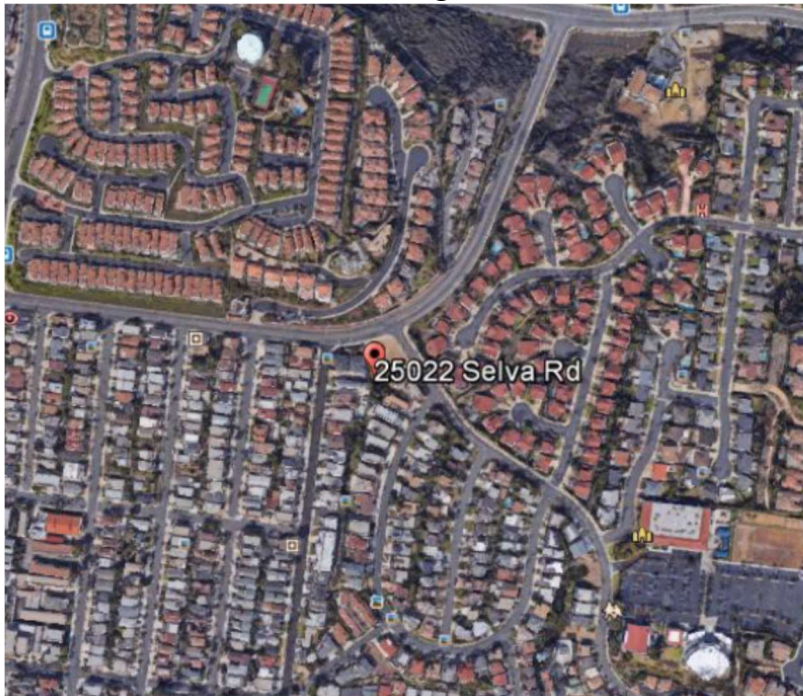
d. *Separation between main structures*

*Zoning requirements state that a minimum dimension of 10-ft between the “main structure” and “accessory structure” be maintained. The variance (clarification) request is that a minimum of 6-ft between main structures be permitted in only two locations because of site constraints (see above items). The zoning requirement is between the “main and accessory” structures, not between main structure to main structure. This separation between buildings meets the site design principals for Hillside Residential Development*

2. That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district.

a. *Infill Vacant Lots*

*The proposed project site is the combination of two adjacent vacant “infill” lots creating a “corner” lot bounded by Selva Road and Calle La Primavera. These are the last vacant lots in the area as all of the adjacent neighborhoods are already “built-up” with no buildable vacant parcels. Variances requested will apply only to this proposed project as there are no buildable lots in the related zoning area.*





3. That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning districts with similar constraints.

*See response to items 1 and 2 above.*

4. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints.

*See response to items 1 and 2 above.*

5. That the Variance Request is made on the basis of a hardship and not as a matter of convenience.

*See response to items 1 and 2 above.*

6. That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

*The improvement of these two vacant parcels by the granting of this Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.*

7. That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone.

*The improvement of these two vacant parcels by the granting of this Variance will help protect adjacent properties and promotes uses allowed in this zone.*

8. No parking variance is requested.

9. Not applicable.

II. Conditions imposed by the Planning Commission for a Variance may involve pertinent factors affecting the establishment, operation or maintenance of the requested use, including, but not limited to:

- . Open spaces and buffer zones
  - . Fences and walls.
  - . Parking facilities, including vehicular ingress and egress, and the surfacing of parking areas and driveways.
  - . Public facilities, dedications, and improvements.
  - . A specified time period within which the variance must be utilized or implemented.
1. What exceptional circumstances apply to the property, including size, shape, topography, location or surroundings.



- a. *Property: The project proposes the combination of two adjacent undeveloped vacant parcels that have been “left over” after the development of all of the available parcels in the immediate area.*
- b. *Size: The size of the combined parcels allow a maximum of 6-homes which can only be achieved through the combination of the two parcels. The applicant has prepared two development concepts: one proposing 6-homes and the other proposing 5-homes.*
- c. *Shape: The two parcels individually and combined are irregular in shape. Property lines are not parallel to each other, and there are only two right angle corners. The intersection of the two streets creates a corner which is an obtuse angle. The geometry of the various property lines makes it very difficult to place homes in an efficient manner.*
- d. *Topography: Both parcels are situated on very steep cross slopes. The site has a general slope of almost 19% (1% below the threshold for a 3-story allowable height), with an area along the north property line having a slope of approximately 40%. Though the parcel falls below the threshold for an increased height limit and 3-story construction, the steepness of the site makes meeting the detailed design guidelines for this zone extremely difficult.*
- e. *Location and Surroundings: The project is proposed on 2 adjacent vacant parcels. All of the surrounding parcels are developed and have existing residential homes and units. The development of this parcel represents the “infill” of the last vacant property in the area.*

2. Why is the variance necessary to preserve property rights.  
*See items a through e in Item 1 above.*



City of Dana Point

**Preliminary Review PA16-0120**

**Danny Giometti, Associate Planner**

Community Development Department

33282 Golden Lantern (Danny Giometti, Associate Planner)

Dana Point, CA 92629-1805

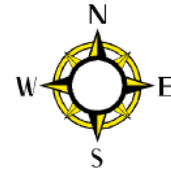
## VICINITY MAP



**Project :** PA16-0120

**Applicant:** LG. Selva

**Location:** 25022 and 25032 Selva Road



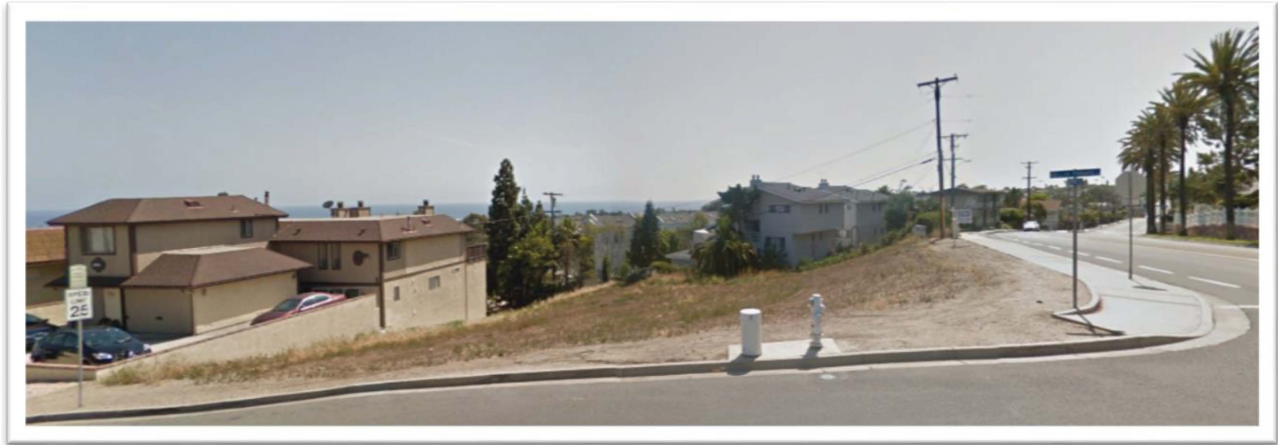
Supporting Document #2



# EXISTING CONDITION SITE PHOTOS

## 25022 AND 25032 SELVA ROAD (PA16-0120)

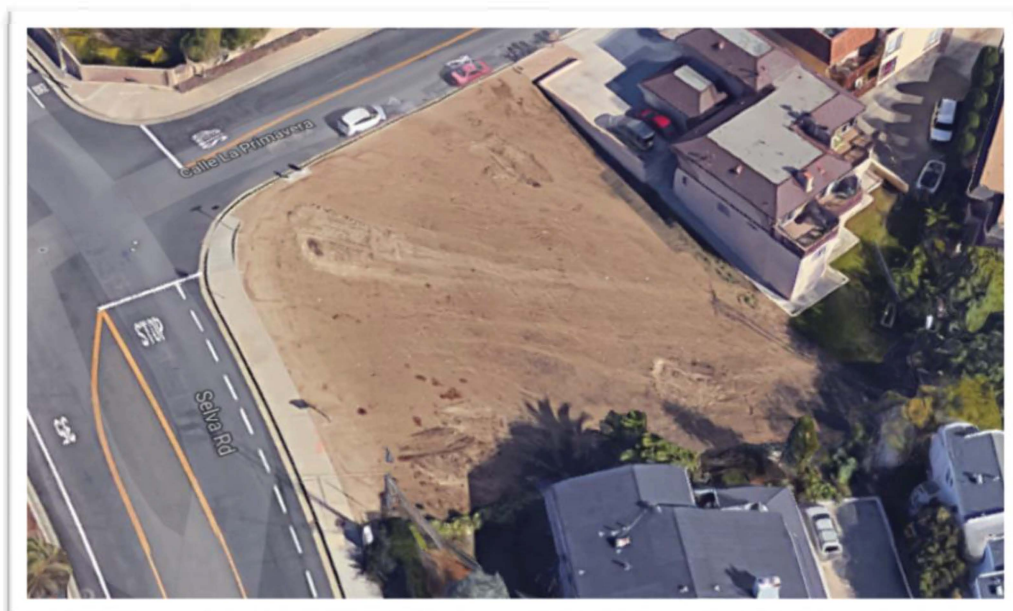
*LOOKING WEST FROM CALLE LA PRIMAVERA*



*LOOKING SOUTH FROM SELVA ROAD*



*AERIAL VIEW OF SITE*



PROJECT INFORMATION

1 PROJECT CONTACT LIST

CLIENT	ARCHITECT
LG SELVA, LLC	TSH INTERNATIONAL
2483 N AVALON	ARCHITECTURE+DESIGN
ORANGE, CA 92667	274 REDWOOD SHORES PARKWAY
TEL: (949) 285-8377	# 432
CONTACT: JESSE MULLEN	REDWOOD CITY, CA 94063
	TEL: (850) 384-8379
	CONTACT: NILES TANAKATSUBO
	ARCHITECT
	niles@tshinternational.com

2 SITE DATA

LOT 1	LOT 2
ADDRESS: 25022 SELVA RD	25022 SELVA RD
DANA PT, CA 92629	DANA PT, CA 92629
APN: 682-123-38	682-123-39
LOT AREA 8,151 SF	8,275 SF

3 ZONING INFORMATION

ZONING INFORMATION	REQUIRED	PROPOSED
LOT AREA	7,500 SF	16,426 SF
ZONING	RMF-14	RMF-14
MIN LOT AREA	7,500 SF	16,426 SF
MIN LOT WIDTH	45'	99' +/-
MIN LOT DEPTH	100'	134.50' +/-
MAX LOT COVERAGE	60%	36% 3,823 SF
MIN LOT AREA - 2,000 SFA/UNIT	2,500	2,737
MAX HEIGHT	28'	28'
MAX STORIES	2	2
MIN FRONT YARD	20'	20'
MIN INTERIOR SIDE YARD	5'	5'
MIN EXTERIOR SIDE YARD	10'	10'
MIN REAR YARD	15'	15'
MIN PRIVATE OPEN SPACE/UNIT	200 SF	301-592 SF
MIN COMMON OPEN SPACE	30%	24%
MIN LANDSCAPE AREA	25%	24%
MIN BLDG SEPARATION	10'	6'

4 BUILDING AREAS

HOME #	COVERAGE AREA	USABLE AREA				TOTAL SF
		1ST FLR	2ND FLR	RF DECK	BASEMT	
HOME 1	1,218	1,268	855	108	777	3,028
HOME 2	987	1,012	780	105	567	2,470
HOME 3	977	1,060	601	168	525	2,354
HOME 4	967	948	1,077	110	546	2,279
HOME 5	900	820	1,061	120	460	2,261
		4,526	4,360			
TOTAL	5,069	8908		611	2,875	12,392

5 HOME TYPES

HOME #	NO. BEDROOMS	NO. BATHRMS	NO. STORIES
HOME 1	4	3.5	2
HOME 2	3	2.5	2
HOME 3	3	2.5	2
HOME 4	3	2.5	2
HOME 5	3	2.5	2

6 PRIVATE OPEN SPACE (POS)

HOME #	REQ'D SF AREA	PROVIDED				TOTAL POS
		PATIO/DECK	AREA BELOW RF DECK	ROOF DECK 25% FLR AREA	PROP RF DECK	
HOME 1	200	473	556	139	106	561
HOME 2	200	165	441	110	105	300
HOME 3	200	240	441	110	166	406
HOME 4	200	175	556	139	110	285
HOME 5	200	200	600	150	120	320

7 COMMON OPEN SPACE

SITE AREA	REQ'D 30%	LANDSCAPE AREA		PROVIDED 25.44%
		PROVIDED 30.30%	REQ'D 4.107	
16,426	4,928	4,944	4,107	4,180

8 PARKING

HOME #	REQUIRED		VISITOR	PROVIDED		
	COVERED	UNCOVERD		COVERED	UNCOVERD	VISITOR
HOME 1	2	0.5	0.2	2	0.5	0.2
HOME 2	2	0.5	0.2	2	0.5	0.2
HOME 3	2	0.5	0.2	2	0.5	0.2
HOME 4	2	0.5	0.2	2	0.5	0.2
HOME 5	2	0.5	0.2	2	0.5	0.2
TOTALS	10	2.5	1	10	3	1



CLIENT

LG SELVA  
2483 N AVALON  
ORANGE, CA  
92867

PROJECT

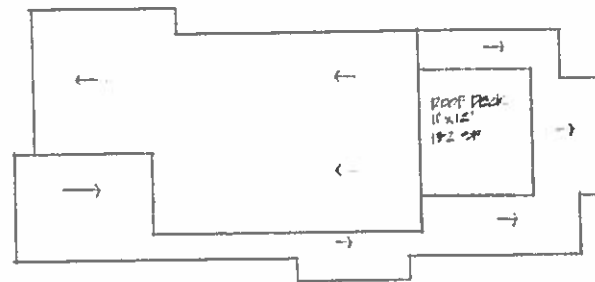
SELVA HEIGHTS  
25022 SELVA ROAD  
DANA POINT, CA  
92629

SHEET

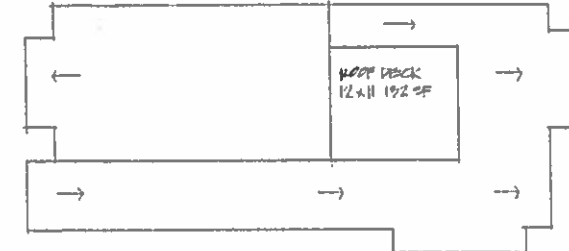
FLOOR PLANS  
HOMES 4-5

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CHECKED BY:  
DATE: APRIL 26, 2017  
SCALE: 1/8" = 1'-0"  
JOB NO: 215109  
REVISIONS

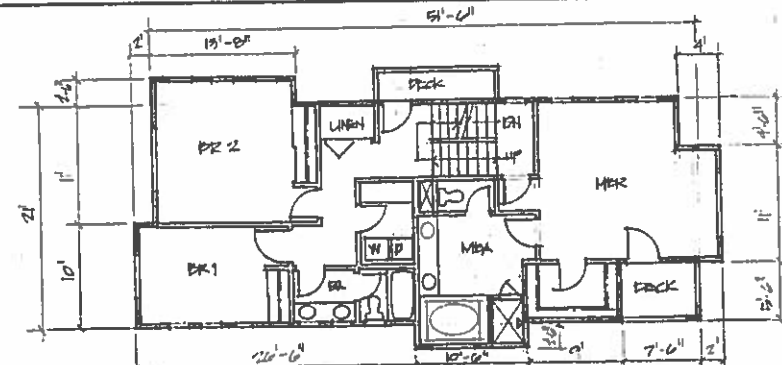
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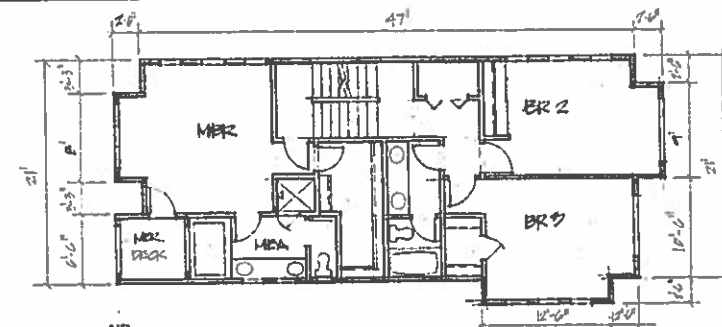
6 HOME 5 - ROOF PLAN



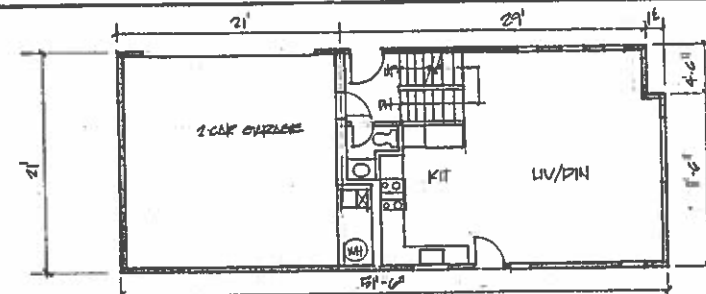
1 HOME 4 - ROOF PLAN



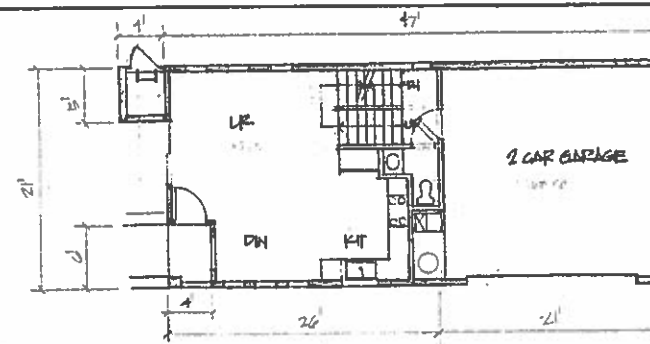
7 HOME 5 - 2<sup>ND</sup> FLR PLAN



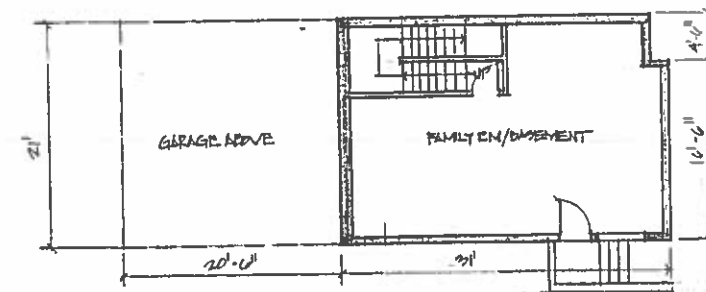
2 HOME 4 - 2<sup>ND</sup> FLR PLAN



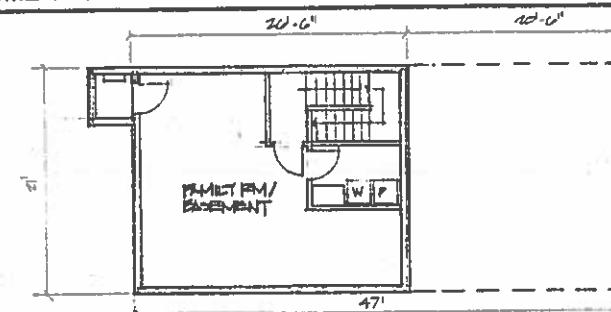
8 HOME 5 - 1<sup>ST</sup> FLR PLAN



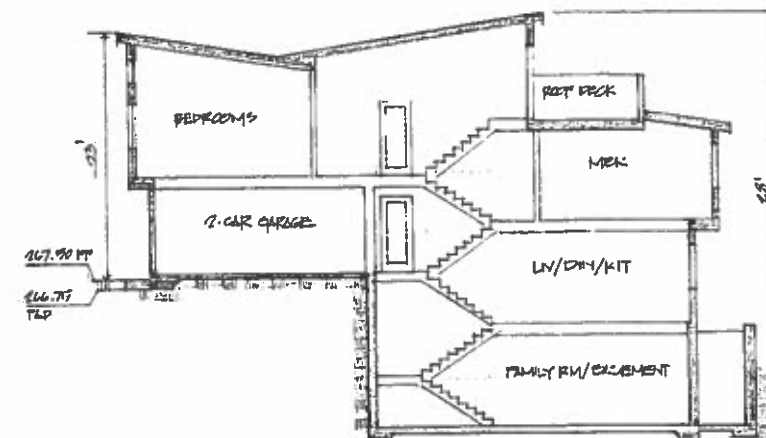
3 HOME 4 - 1<sup>ST</sup> FLR PLAN



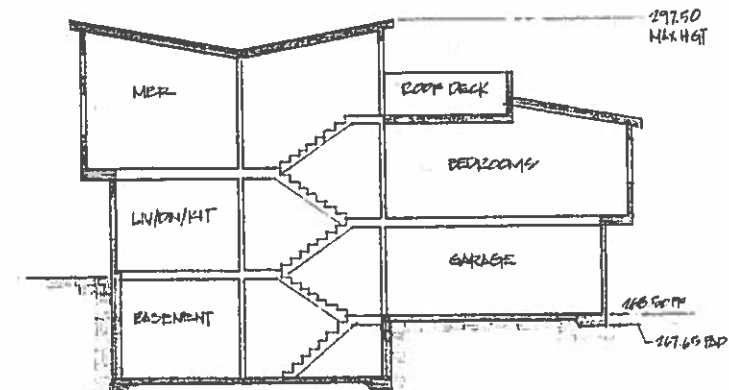
9 HOME 5 - BASEMENT



4 HOME 4 - BASEMENT PLAN

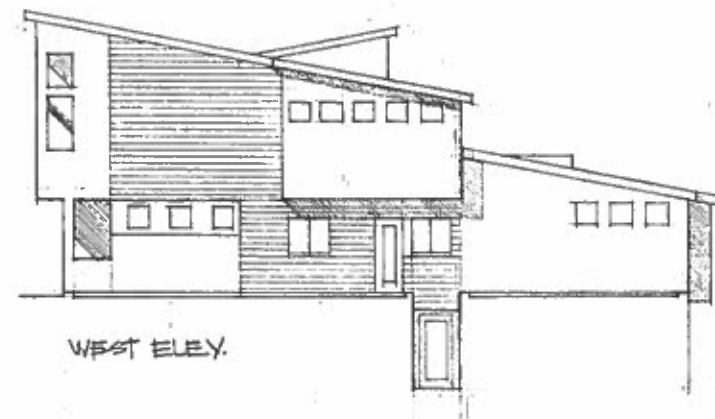


10 HOME 5 - SECTION



5 HOME 4 - SECTION





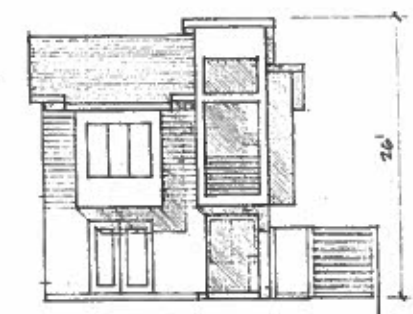
WEST ELEV.



SOUTH ELEV.

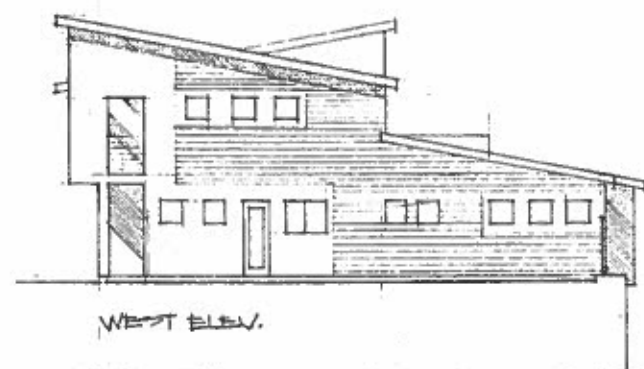


EAST ELEV.



NORTH ELEV (SELVA RD)

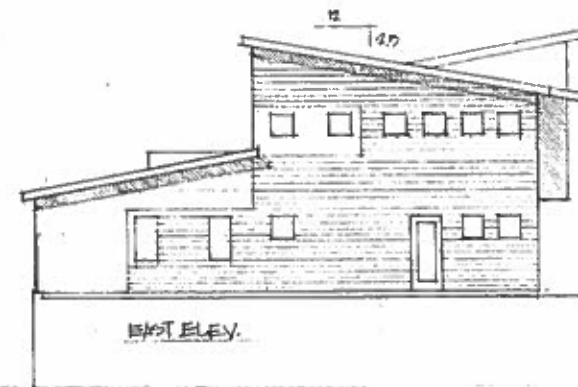
HOME 1 ELEVATIONS



WEST ELEV.



SOUTH ELEV.

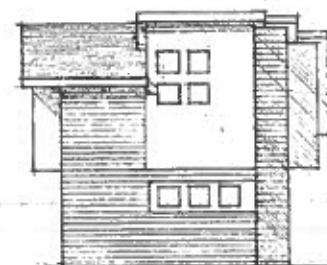


EAST ELEV.



NORTH ELEV (SELVA RD)

HOME 2 ELEVATIONS



NORTH ELEV.



WEST ELEV.



SOUTH ELEV.



EAST ELEV (PINEVERA)

HOME 3 ELEVATIONS

CLIENT

LG SELVA  
2483 N AVALON  
ORANGE, CA  
92867

PROJECT

SELVA HEIGHTS  
25022 SELVA ROAD  
DANA POINT, CA  
92629

SHEET

ELEVATIONS  
HOMES 1-3

DRAWN BY: NST  
CHECKED BY:  
DATE: APRIL 26, 2017  
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JOB NO: 215109  
REVISIONS

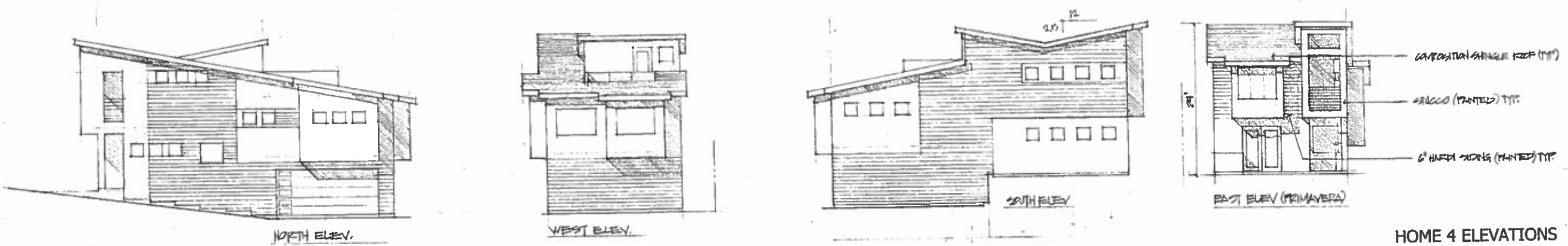


CLIENT

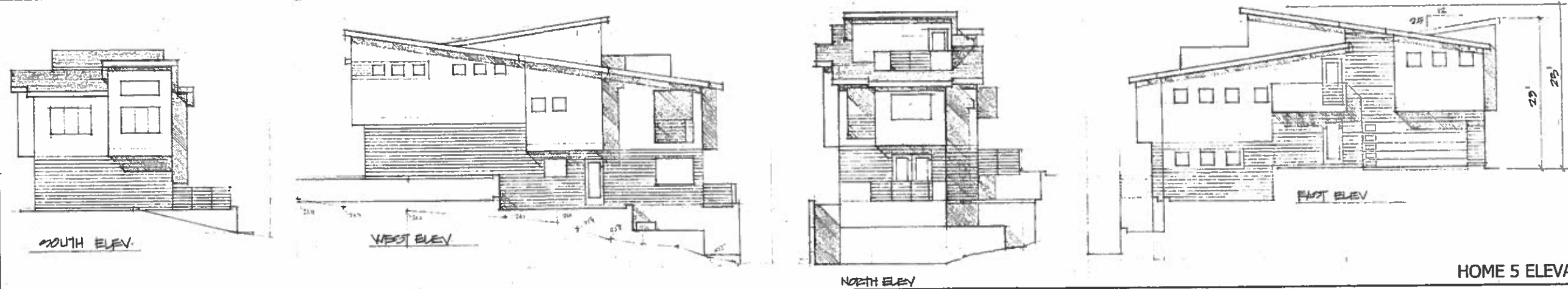
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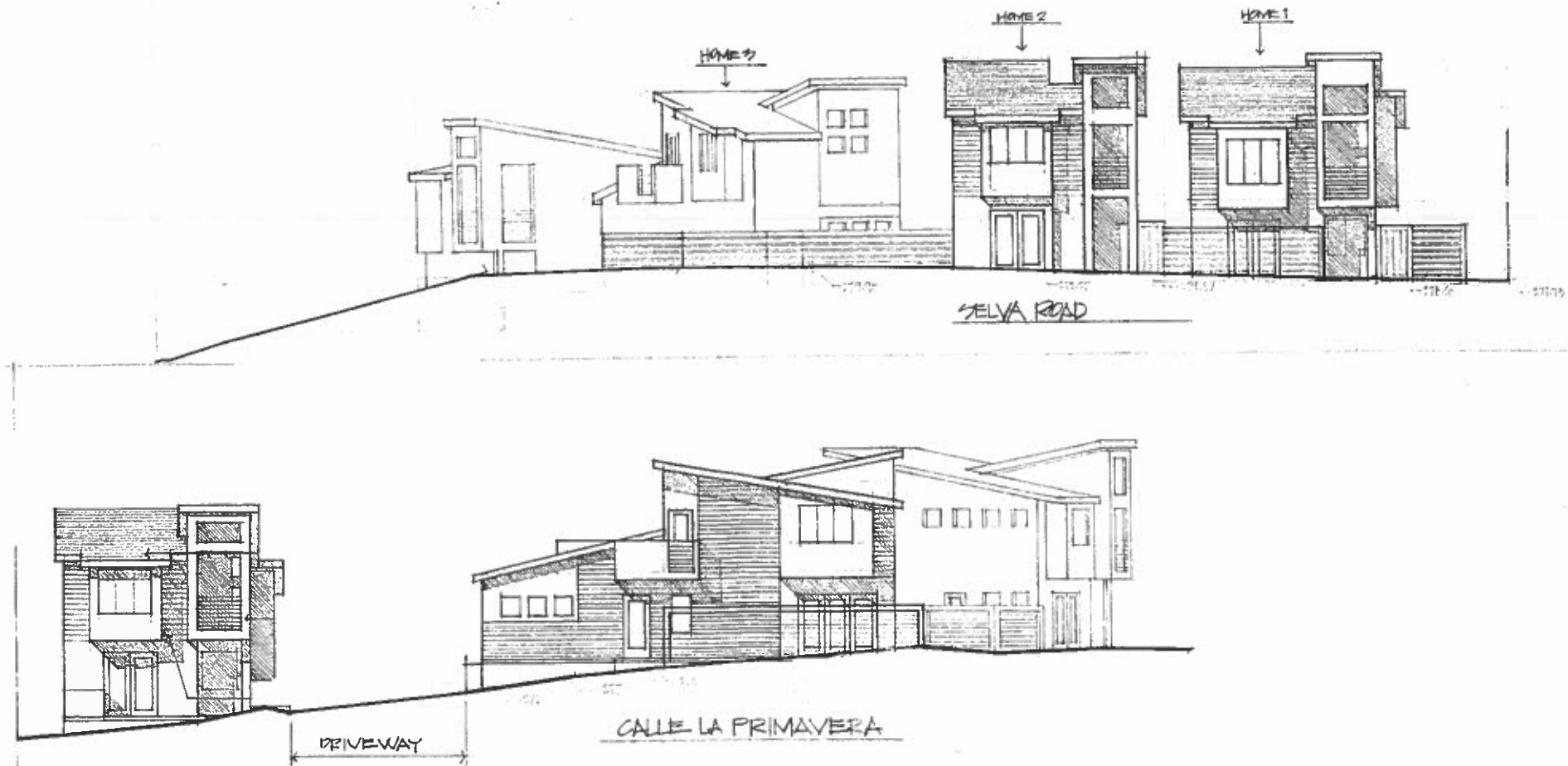
SELVA HEIGHTS  
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HOME 4 ELEVATIONS



HOME 5 ELEVATIONS



SHEET

ELEVATIONS  
HOMES 4-5

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6/19/17 STREET ELEV.  
6/19/17 CORRECTIONS