DATE: NOVEMBER 27, 2017

TO: DANA POINT PLANNING COMMISSION

- FROM: URSULA LUNA-REYNOSA, DIRECTOR JOHN CIAMPA, SENIOR PLANNER
- SUBJECT: APPROVAL OF A DE MINIMIS PROJECT WAIVER FROM A COASTAL DEVELOPMENT PERMIT (CDP17-0005-WAIVER) ALLOWING THE DEMOLITION OF THE EXISTING HOUSE AND POOL AND CONSTRUCTION OF A 6,620 SQUARE FOOT HOUSE AND NEW POOL LOCATED AT 21 GAVINA.

<u>RECOMMENDATION</u>: That the Planning Commission receive and file the De Minimis Project Waiver from a Coastal Development Permit.

- **APPLICANT:** Brion Jeannette Architecture, Architect
- OWNER: Ali and Salma Alireza
- **REQUEST:** Reporting of a De Minimis Project Waiver from a Coastal Development Permit issued by the Director of Community Development allowing demolition of an existing 3,900 square foot, one story single family residence and pool and construct a new two story 6,620 square foot single family residence and pool.
- **LOCATION:** 21 Gavina (APN: 672-401-16)

NOTICE: On November 16, 2017, notice of the Project Waiver was posted at the project site. Noticing was provided consistent with the provisions for De Minimis Project Waiver Issuance described in Section 9.69.160(b) of the Dana Point Zoning Code (DPZC).

ENVIRONMENTAL:

The project is Categorically Exempt from the provisions set forth in the California Environmental Quality Act (CEQA) per Section 15303 (Class 3 – New Construction or Conversion of Small Structures).



ISSUES:

1. Does the project satisfy all the findings required pursuant to the City's Zoning Code for approval of a De Minimis Project Waiver from a Coastal Development Permit?

BACKGROUND AND DISCUSSION:

The De Minimis Waiver application proposes to demolish an existing 3,900 square foot, one story single family residence and pool and construct a new two story 6,620 square foot single family residence, pool, and attached three car garage. The project complies with all of the applicable provisions of the Dana Point Zoning Code (DPZC) for the issuance of a De Minimis Waiver as the project site does not fall within an area in which the Coastal Commission retains direct permit review, or for any work that is appealable to the Coastal Commission; therefore the City has the authority to issue a De Minimis Waiver.

The Community Development Director is reporting to the Planning Commission approval of the attached De Minimis Project Waiver (Supporting Document 1) from a Coastal Development Permit. Staff has also included the project plans (Supporting Document 2) for reference. Pursuant to DPZC Section 9.69.160(a)(3) a De Minimis Waiver cannot be conditioned.

CONCLUSION:

The Community Development Director determined that the subject project conforms to the development standards of the DPZC and Local Coastal Program, and the required findings for issuance of a De Minimis Waiver could be made. The HOA reviewed and approved the project on September 14, 2017 (Supporting Document 2). The project was noticed in conformance with De Minimis Waiver noticing requirements per Section 9.69.160(b) of the DPZC, in which all property owners and residents within 100 feet of the project site were noticed. One letter was received which raised concerns related to the construction process of the project and is provided as Supporting Document 3. Staff recommends the Planning Commission receive and file the report. The De Minimis Project Waiver shall not become effective until it is reported to the Planning Commission and one-third or more of the full membership does not object to its issuance. If the required one-third or more of the Planning Commission request that the Waiver not be effective, the applicant will be advised that a Coastal Development Permit is required pursuant to Chapter 9.69 of the DPZC.

Planning Commission Report CDP17-0005(WAIVER) November 27, 2017 Page 3

John Ciampa Senior Planner

Ursula Luna-Reynosa, Director Community Development Department

Supporting Documents:

- 1. De Minimis Project Waiver from a Coastal Development Permit
- 2. Vicinity Map
- 3. HOA Approval
- 4. Neighbor Comment Letter
- 5. Proposed Plans

COASTAL DEVELOPMENT PERMIT DE MINIMIS WAIVER

Based on the submitted permit application for the development described below, the Director of Community Development hereby waives the requirements for a Coastal Development Permit pursuant to Dana Point Zoning Code Section 9.69.160(a), Limit of Applicability. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a Coastal Development Permit is obtained or any discrepancy is resolved.

APPLICANT:	Brion Jeannette Architecture,	Architect
------------	-------------------------------	-----------

OWNER: Ali and Salma Alireza

PROJECT LOCATION: 21 Gavina (APN 672-401-16)

REQUEST:

Reporting of a De Minimis Project Waiver from a Coastal Development Permit issued by the Director of Community Development allowing demolition of an existing 3,900 square foot, one story single family residence and pool and construct a new two story 6,620 square foot single family residence and pool.

RATIONALE:

Pursuant to Section 9.69.160(2) of the Dana Point Zoning Code (DPZC), a waiver for De Minimis Development shall be granted only for the development that:

A. Does not fall in a class of appealable development:

Pursuant to Sections 9.69.090(b) and 9.75.010 of the DPZC (Coastal Appealable Development), the subject lot is not located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea. Additionally, the site is not located on tidelands or within the 300 feet of the top of a coastal bluff, nor is it in a sensitive coastal resource area or a major public works project or energy facility. Consequently, the site and the proposed project does not fall in a class of appealable development.

B. Is not located adjacent to a public accessway, public recreation areas, or sensitive coastal resource areas:

The proposed development is located on a vacant lot within an existing housing tract zoned for single-family residential (RSF-7/PRD-3) development. The subject site is surrounded by existing single family development, includes a previously graded pad, and is located over 3,000 feet away from the nearest public coastal access point, and is not located adjacent to a sensitive coastal resource or recreation area.

De Minimis for a CDP November 20, 2017 Page 2

C. Does not fall within an area in which the Coastal Commission retains direct permit review or for any work that is appealable to the Coastal Commission.

The proposed development is located in a certified area in which the Coastal Commission has granted authority to the City of Dana Point to approve, conditionally approve, or deny Coastal Development Permits. Furthermore, the site is located outside of the Appeal Jurisdiction Map and is therefore not appealable by the Coastal Commission.

D. Involves a structure or similar integrated physical construction which lies partly in and partly outside of the appeal area.

The proposed development does not fall within an area in which the Coastal Commission retains direct permit review, or for any work that is appealable to the Coastal Commission.

This waiver will not become effective until reported to the Planning Commission at their November 27, 2017, meeting. Pursuant to Sections 9.69.160(b)(1) and (2) of the DPZC, the applicant has posted the site in compliance with Section 9.69.060(a) of the DPZC and the Director of Community Development has provided notice of the pending waiver to the Coastal Commission and all property owners and residents within one hundred (100) feet of the perimeters of the parcel. This notice was delivered via first class mail, seven (7) days prior to the decision on the application. If one-third or more of the Planning Commission object to this waiver of permit requirements, a Coastal Development Permit will be required.

Ursula Luna-Reynosa Director of Community Development



Vicinity Map 21 Gavina, CDP17-0005(Waiver)



ESTATES AT MONARCH BEACH HOMEOWNERS ASSOCIATION

September 14, 2017

Kilo Five, Inc P.O. Box 9305 Laguna Beach, CA 92652

Re:Architectural Application - 21 Gavina, Monarch Beach Estates

Dear Ali Alireza,

The Architectural Control Committee for the Estates at Monarch Beach Homeowners Association has completed their review of your Architectural Application, as revised.

Please be advised that your application has been <u>approved</u> as resubmitted.

Enclosed you will find the "Notice of Completion" (NOC) form which must be signed and returned to AMMCOR within twelve months (12) from the date of this notice. Should you need an extension, please contact our office prior to the NOC due date.

Also attached are the CONSTRUCTION MANAGEMENT PROVISIONS. Please complete "Item C", sign and return a copy to our office prior to the beginning of construction and receiving permits from the City.

Please note that the Association's approval does not constitute approval by the City of Dana Point or any governmental agency. The homeowner is responsible for obtaining any required City Building Department building permits.

Thank you for your application and good luck with your project.

Sincerely,

The Board of Directors ESTATES AT MONARCH BEACH HOMEOWNERS ASSOCIATION

cc: Board of Directors ARC file

> % AMMCOR 910 Calle Negocio, Suite 200 San Clemente CA 92673 Office (949) 661-7767 Fax (949) 661-5696

CONSTRUCTION MANAGEMENT PROVISIONS

The following shall be conditions of any Architectural and Landscape Approval and shall be deemed incorporated by reference in all plans or Architectural Committee letters of approval. It shall be the responsibility of the Applicant to ensure that these conditions are enforced upon all persons or firms used, engaged or employed in carrying out any operation or trade in conjunction with the Improvement. The Architectural Committee may condition its approval of plans and specifications with such changes it deems appropriate and may require submission of additional plans and specifications or other information or materials prior to approving or disapproving plans and specifications.

- A. <u>Pre-Construction Conference</u>: Prior to commencing construction, the Architectural Committee <u>may</u> require a meeting with the Owner and/or Builder or the designated representatives to review the Community's expectations for conduct and management of construction related activities and to photo document the condition of the community sidewalk and Common Area. The Owner and Builder shall provide a detailed plan as to the areas to which all construction material storage, limits of excavation, parking, chemical toilet location, temporary structures, if any (subject to Architectural Committee approval), dumpsters and utility trenching, and methods for protection, such as fencing, barricades, or other means, to be set up prior to commencement of construction.
- B. <u>Occupational Safety and Health Act ("OSHA") Compliance</u>: All applicable OSHA regulations and guidelines must be strictly observed at all times.
- C. <u>Signs</u>: No commercial signs shall be displayed on any Lot other than a sign advertising the property for sale as permitted by the Declaration, "Beware of Dogs" signs and "No Soliciting" signs which satisfy the requirements set forth below. This limitation applies to tradesmen's, contractors' and installers' signs of any type, including the signs identifying the Lot as the site of their activities or operations. In general, The Architectural Committee will approve a single sign no greater than 24" x 36" mounted on the construction fencing. The sign must provide the name and contact information of the responsible party to contact in the event of an off-hour emergency or compliance related issue. The sign must have the have the following information:

"For Concerns Regarding this Construction Site, Contact ______ at ()

In no event shall banners or multiple signs be permitted.

- D. <u>Hours of Operations</u>: All exterior construction operations producing dust or noise are limited Monday through Friday and Saturdays. No construction shall be permitted on Sundays and the following holidays: Christmas Eve Day, Christmas Day, New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day. In the event City Ordinances are more restrictive, the City Ordinances shall prevail. Please confirm these hours with the guard gates as they may vary.
- E. <u>Temporary Structure</u>: No structure of a temporary character will be permitted to remain on any Lot without the written approval of the Architectural Committee.

- **F.** <u>Sanitary Facilities and Fencing</u>: Each Owner and Builder shall be responsible for providing adequate sanitary facilities for their construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the Lot itself in a location screened from the street and approved by the Architectural Committee. Chain link fencing with vinyl screening will be required for all Major and Moderate project types visible from the street (construction activity, stored materials, toilets, etc.).
- G. <u>Water Run-off and Debris Removal</u>: Appropriate Best Management Practices (BMP's) are to be implemented to control water run-off and construction debris onto adjacent properties, Common Areas and streets. No refuse or construction materials of any type shall be washed down the gutter/street drains.

The Property, streets and Common Area is to be cleaned, at least, at the end of each day during construction.

Debris collected on the construction site must be stored in a dumpster / trash bin. Debris piled / stored for eventual removal, and not in a dumpster / trash bin, is not permitted.

- **H.** <u>Unsightly Items</u>: All rubbish, debris and unsightly material or objects of any kind shall be regularly removed from the Lot and will not be allowed to accumulate thereon. Removal shall be made weekly, preferably on Friday and rubbish will not be allowed to accumulate on Lots, streets or Common Areas. The Owner will be responsible for the cost of any trash cleanup work performed by the Association. Owners are prohibited from dumping, burying or burning trash anywhere within the community. Concrete trucks washing out spill pans before leaving the construction site shall do so only on the Owner's Lot.
- I. <u>Streets and Common Areas</u>: No construction debris or materials such as sand or bricks may be permitted to remain on streets, sidewalks, adjacent Lots or Common Areas. All items of such nature must be stored on the Owner's Lot. In the event that any materials are delivered and deposited on the streets, sidewalks or Common Areas, the Owner will be held responsible for the costs involved in cleaning and/or restoring the streets, sidewalks and Common Areas.
- J. <u>Dust and Noise</u>: The Owner shall be responsible for controlling dust and noise from any construction on his lot. No loud radio noise or conversation volume which can be heard from streets or adjacent homes is permitted. Common courtesy must be observed at all times. Any construction work which risks damaging or impacting adjacent property and Common Areas such as spray painting, sand blasting, etc., must provide adequate protection to contain the work and protect adjacent property.
- L. <u>Excavation</u>: Excess excavation materials must be hauled away during the excavation process and may not be stored on the Lot or Common Areas.
- M. <u>Restoration or Repair of Other Property Damaged</u>: Damage to other property, including without limitation, other Lots, Common Areas, or other Improvements shall be repaired or restored promptly at the expense of the person causing the damage or the Owner of the Lot where the construction activity is taking place. Upon completion of construction, each Owner and contractor shall clean the construction site and repair or restore all damaged property, including without limitation, restoring grades, and repairing streets, driveways, drains, irrigation systems, culverts, ditches, signs, lighting and fencing.

- N. <u>Maintenance of Improvements</u>: The repair and maintenance of any work or Improvements will be the responsibility of the installing Owner and subsequent Owner.
- **O.** <u>**Drainage:**</u> There shall be no modification or interference with the established drainage pattern over any of the property, unless an adequate alternative provision, previously approved in writing by the Architectural Committee, is made for proper drainage. All downspouts are required to be tied into underground drain systems with dedicated hubs and discharged to an engineered system. Emphasis must be placed on the importance of good drainage due to the expansive soil in the community.
- P. <u>Workmanship</u>: All Improvements shall be performed in a manner consistent with existing structures. Any work deemed by the Architectural Committee to be of inferior quality shall be reworked or removed and the building restored to its condition prior to commencement of the work by the Owner.
- Q. <u>Enforcement</u>: Failure to obtain the necessary prior approval from the Architectural Committee constitutes a violation of the CC&R's and may require modifications or removal of work at the expense of the owner.
- R. Time Period: Work shall continue diligently in a scheduled manner. If delays are encountered, the Applicant must make a written request for an extension of the approval, citing the reasons for delay and the approximate time for continuing and completing the Improvement. Unless extensions are granted in writing or Improvements are required to be accelerated as part of a compliance action, substantial construction shall commence within six (6) months for Major Architectural Improvements and four (4) months for Moderate Architectural and Major and Moderate Landscape Improvements and Minor Improvement of Architectural Committee Approval and or City Approval (not before) and shall be completed, with Notice of Completion filed with the Association, within twelve (12) months for Major Architectural Improvements and six (6) months for Moderate Architectural and Major and Moderate Landscape Improvements and Minor Improvements. If the work is not completed and a Notice of Completion is not filed within the stipulated time, the Architectural Committee may issue a thirty-day notice to remedy. If the work is not completed within thirty days, the Architectural Committee may forward the issue for enforcement by the Board.

Starting and stopping work for extended periods of time is not acceptable. A project which is partially completed and stopped for any reason is potentially subject to fines unless the Applicant contacts the Association and submits plans for "Standing Still." The Owner/Applicant must prepare the property in order to protect the Lot and surrounding properties from erosion or damage or unsightly conditions. Such work shall begin immediately upon approval of plans for Standing Still by the Association. This approval will be good for (90) days; with extensions granted at the discretion of the Association.

- S. <u>Use of Neighbor's Property</u>. The use of a neighbor's property for construction access is not permitted unless the neighbor has given written consent that includes a description of the access area. Access or storage of equipment used during the course of construction must be through the Owner's property only.
- T. <u>Use of Common Area</u>: The use of the Common Area for construction material storage or construction access is prohibited.

U. <u>Governing Agency Approval</u>: Architectural Committee review and approval is for aesthetic purposes and compliance with the governing documents of the Association alone. All necessary building permits and other approvals must be obtained and all City regulations must be adhered to at all times. After the Architectural Committee has approved the Owner's plans for aesthetic purposes, the Owner must contact local regulatory agencies and be sure that he or she is in compliance with all building and zoning regulations currently in force. In the event of a conflict between the provisions of these Standards and any other ordinance or regulation, the more restrictive requirements shall prevail. Changes to the Association approved plans must be submitted for review and approval by the Architectural Committee.

V. <u>Miscellaneous</u>.

Parking - construction and construction-related vehicles shall not park curbside in front of other property owner's homes. Parking is only permitted curbside on the northeast side of Gavina (opposite side from homes). Vehicles (including delivery vehicles) shall always maintain ingress and egress for homeowner and emergency vehicles.

Road hazard debris – Owner or builder shall insure the street and sideway proximate to construction site is policed daily and maintained free of nails and other debris which might result in automobile damage (including tire puncture) or trip hazard to pedestrians.

Elevation certifications - it is recommended that Owner employ a licensed surveyor to determine and chronicle the finish slab elevations <u>and</u> the maximum elevation of the roof ridgeline of the existing structure located at 21 Gavina. Procuring postconstruction elevations of same areas is also advised.

APPLICANT'S SIGNATURE

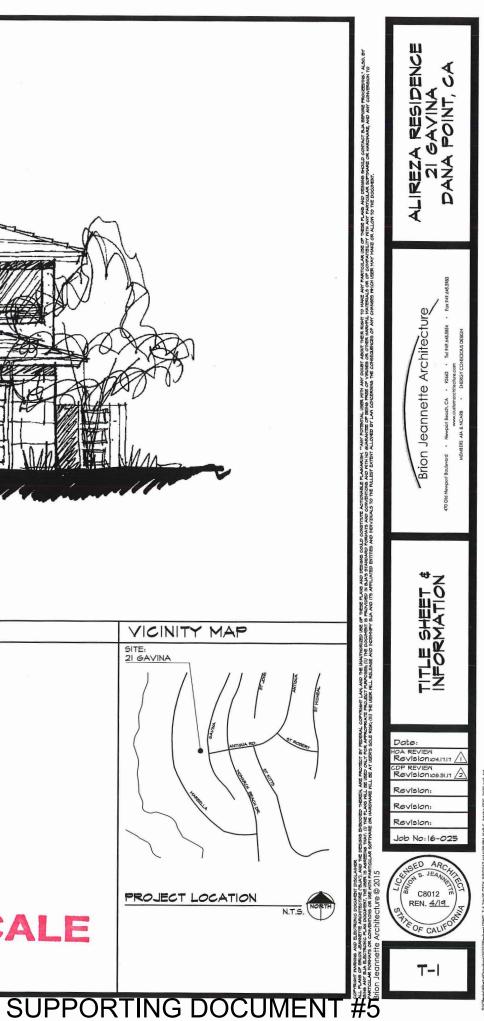
DATE

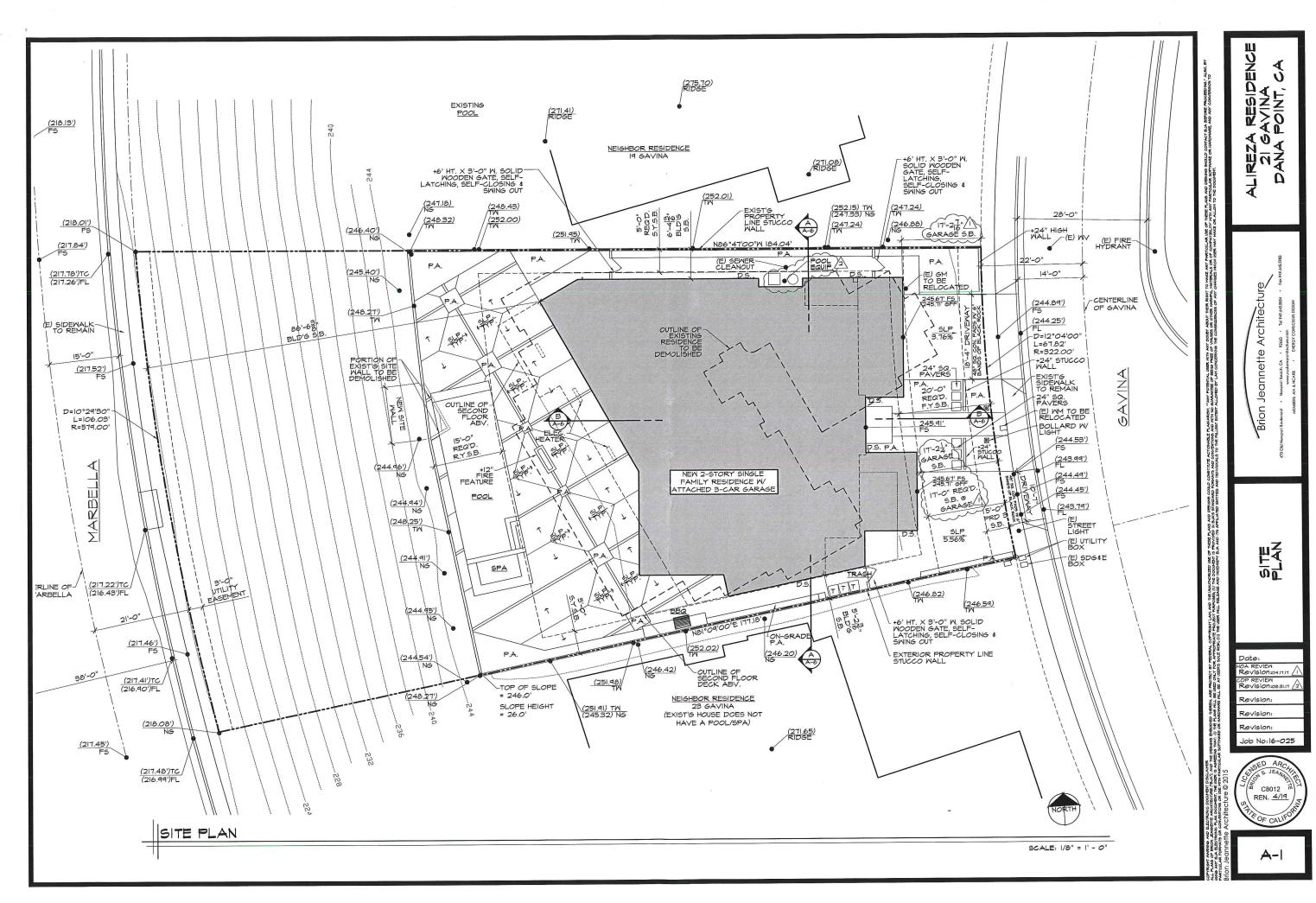
Johnathan Ciampa

From: Sent: To: Subject: John Licini <licini17@gmail.com> Friday, November 17, 2017 2:53 PM Johnathan Ciampa 21 Gavina

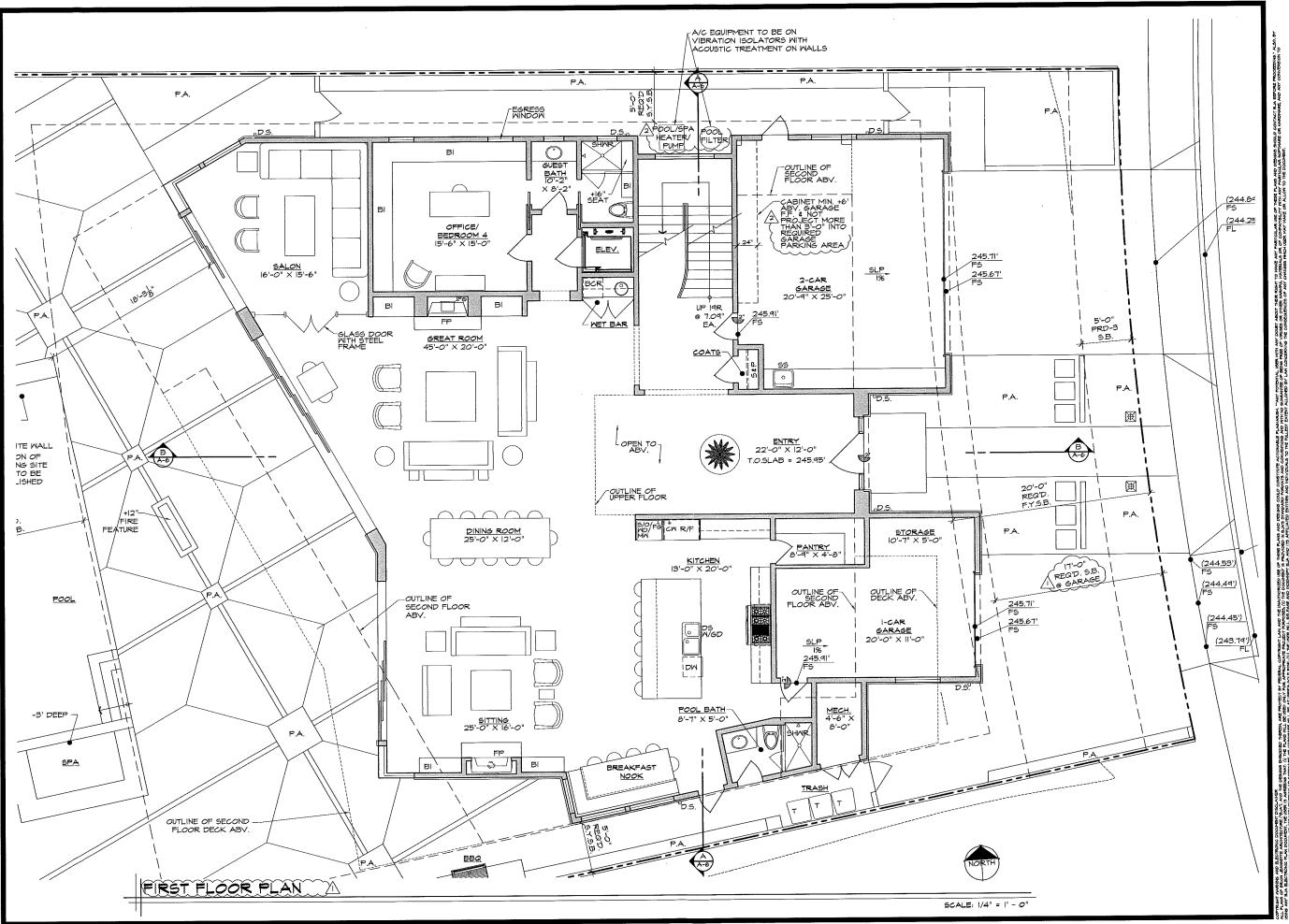
I informed some neighbors of your notice.Because Gavina is a double dead end it would seem prudent to notify everyone as all residents will be impacted by demo and construction.If you look at a map there is only one way in and out.The ingress and egress are small and the turn in is tight for all commercial and emergency vehicles. If further notices are deemed prudent an extension of reasonable time to respond would be necessary. Please contact me if you have any questions @ my email or 949 370 4740. Thank You John Licini

1			
LEGAL OWNER	CONSULTANTS	DESIGN DATA	SHEET INDEX
ALI & SALMA ALIREZA 21 GAVINA DANA POINT, CA 92629 CONTACT: BRION JEANNETTE ARCHITECTURE (949) 645-5554 LEGAL DESCRIPTION PROJECT ID: TRACT II549, LOT 97 A.P. NUMBER 672-401-16 AREA: ESTATES © MONARCH BEACH CITY: DANA POINT COUNTY: ORANGE SCOPE OF MORK DEMO AN EXISTING I-STORY SINGLE FAMILY RESIDENCE AND CONSTRUCT A NEW 2-STORY SINGLE FAMILY RESIDENCE W AN ATTACHED (2) CAR GARAGE AND (1) CAR GARAGE.		CITY: DANA POINT ZONE: RGF-7 & FRD-3 CODE: 2016 CRC, 2016 CBC, 2016 CPC 2016 CC, 2016 CMC, 2016 BUILDING ENERGY EFFICIENCY STANDARDS (BEES), 2016 CAL GREEN BUILDING STANDARDS USE: SFD CONSTRUCTION TYPE: VB (SPRINKLERED) OCCUPANCY: R-3/J SETBACKS: CITY: HOA:: FRONT: 20'- 0"/OR UP TO I0'-0"/IT/@GARAGE SIDE: I0'- 0" AGGREGATE SIDE: I0'- 0" AGGREGATE SIDE: I0'- 0" AGGREGATE LANDSCAPE COVERAGE (MIN. 25%) 3,914.25 S.F. (ROPOSED LANDSCAPE COVERAGE (45,84%))/IBS66 S.P. SQUARE FOOTAGE CALCS. LOT SIZE: I5/51 S.F. SITE COVERAGE (MAX. 60%) 9,344.2 S.F. PROPOSED SITE COVERAGE (26,16%) 4,011 S.F. FIRST FLOOR: 3,206 S.F. SECOND FLOOR: 3,414 S.F. TOTAL LIVABLE: 6,620 S.F. I-CAR GARAGE: 536 S.F. MECHANICAL: 43 S.F. TOTAL STRUCTURE: 1,441 S.F. TOTAL STRUCTURE: <td< td=""><td>T-I TITLE SHEET & INFORMATION A-I SITE PLAN A-2 FIRST FLOOR PLAN A-3 SECOND FLOOR PLAN A-4 EXTERIOR ELEVATIONS A-5 EXTERIOR ELEVATIONS A-6 BUILDING SECTIONS A-7 ROOF PLAN L-I LANDSCAPE & DRAINAGE PLAN EXH-I LOCATION OF PROPOSED STRUCTURE ON TOPOGRAPHIC SURVEY TS-I TOPOGRAPHIC SURVEY NOTTOOSRAPHIC SURVEY</td></td<>	T-I TITLE SHEET & INFORMATION A-I SITE PLAN A-2 FIRST FLOOR PLAN A-3 SECOND FLOOR PLAN A-4 EXTERIOR ELEVATIONS A-5 EXTERIOR ELEVATIONS A-6 BUILDING SECTIONS A-7 ROOF PLAN L-I LANDSCAPE & DRAINAGE PLAN EXH-I LOCATION OF PROPOSED STRUCTURE ON TOPOGRAPHIC SURVEY TS-I TOPOGRAPHIC SURVEY NOTTOOSRAPHIC SURVEY

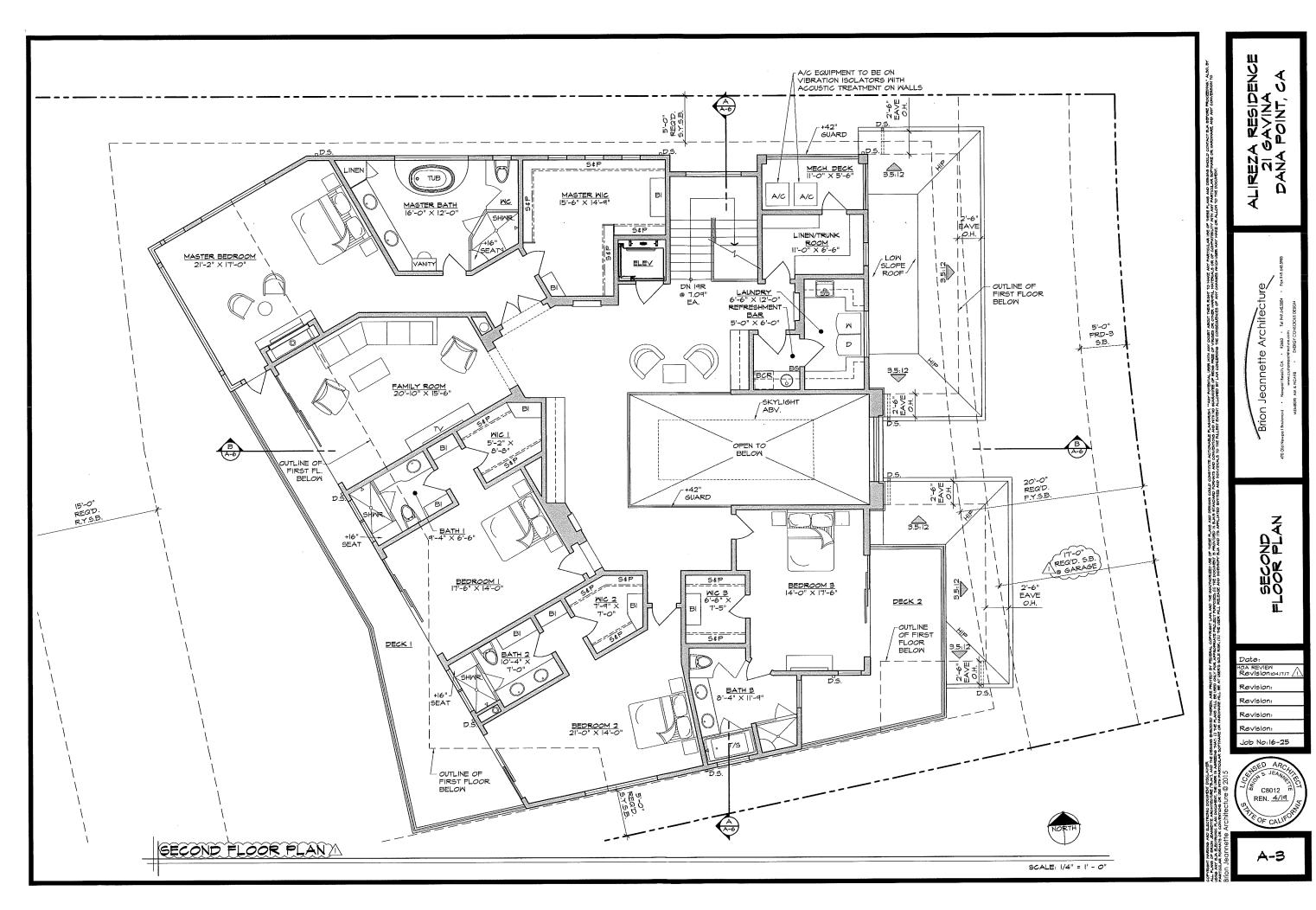




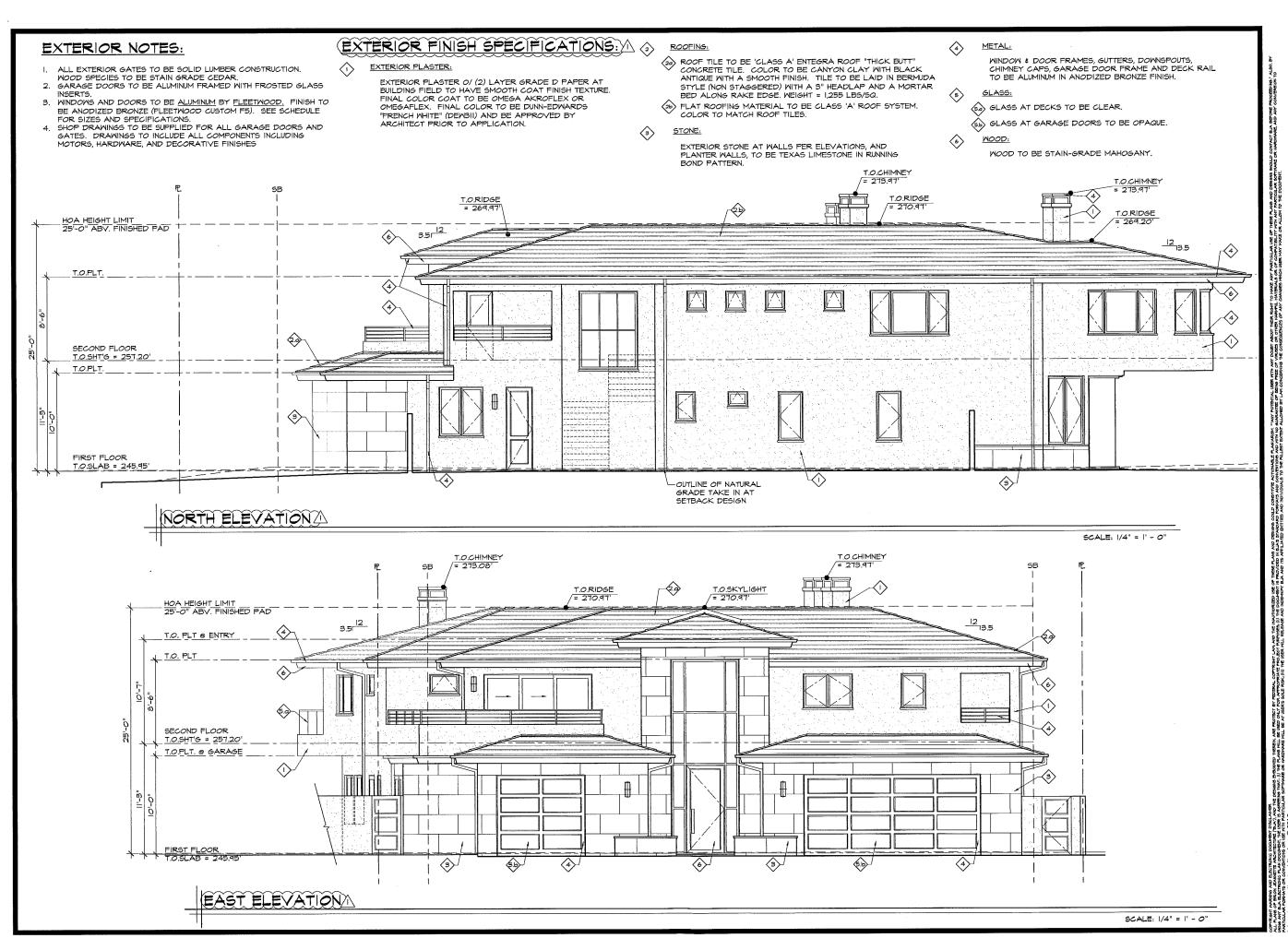


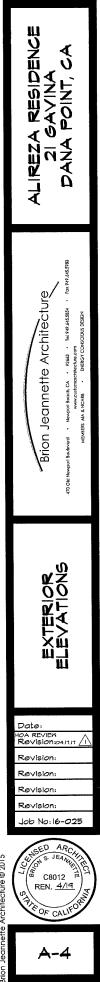




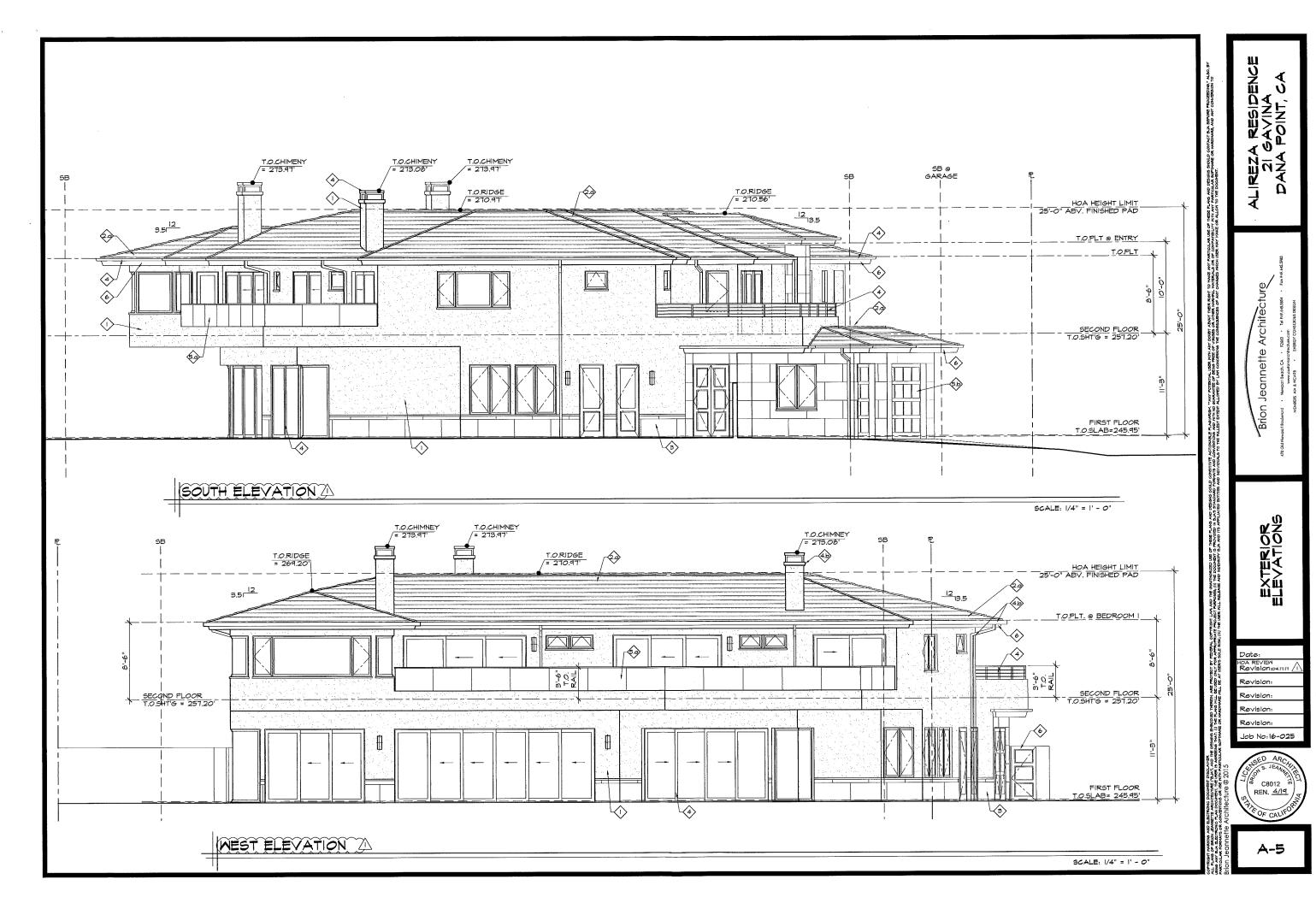




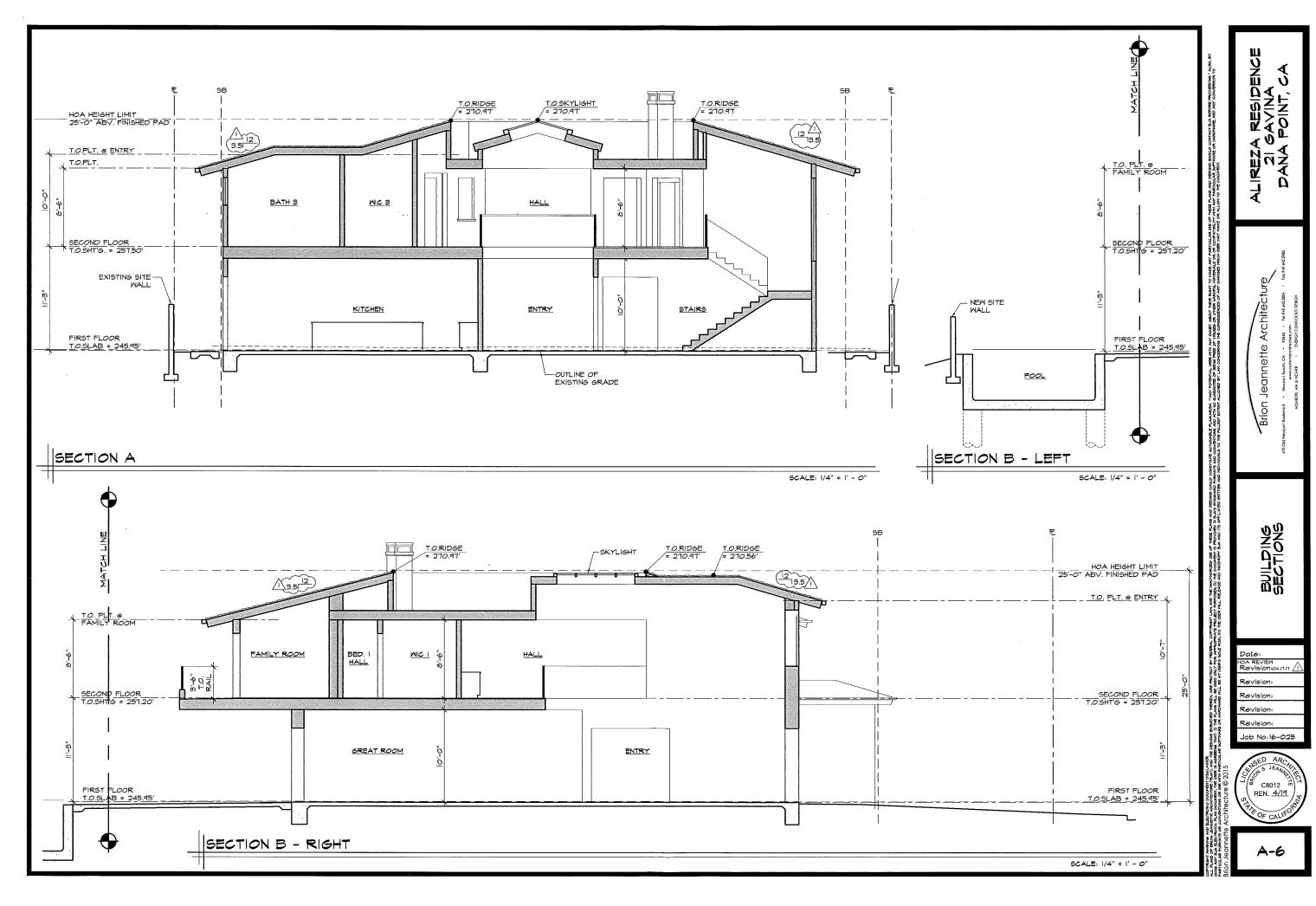




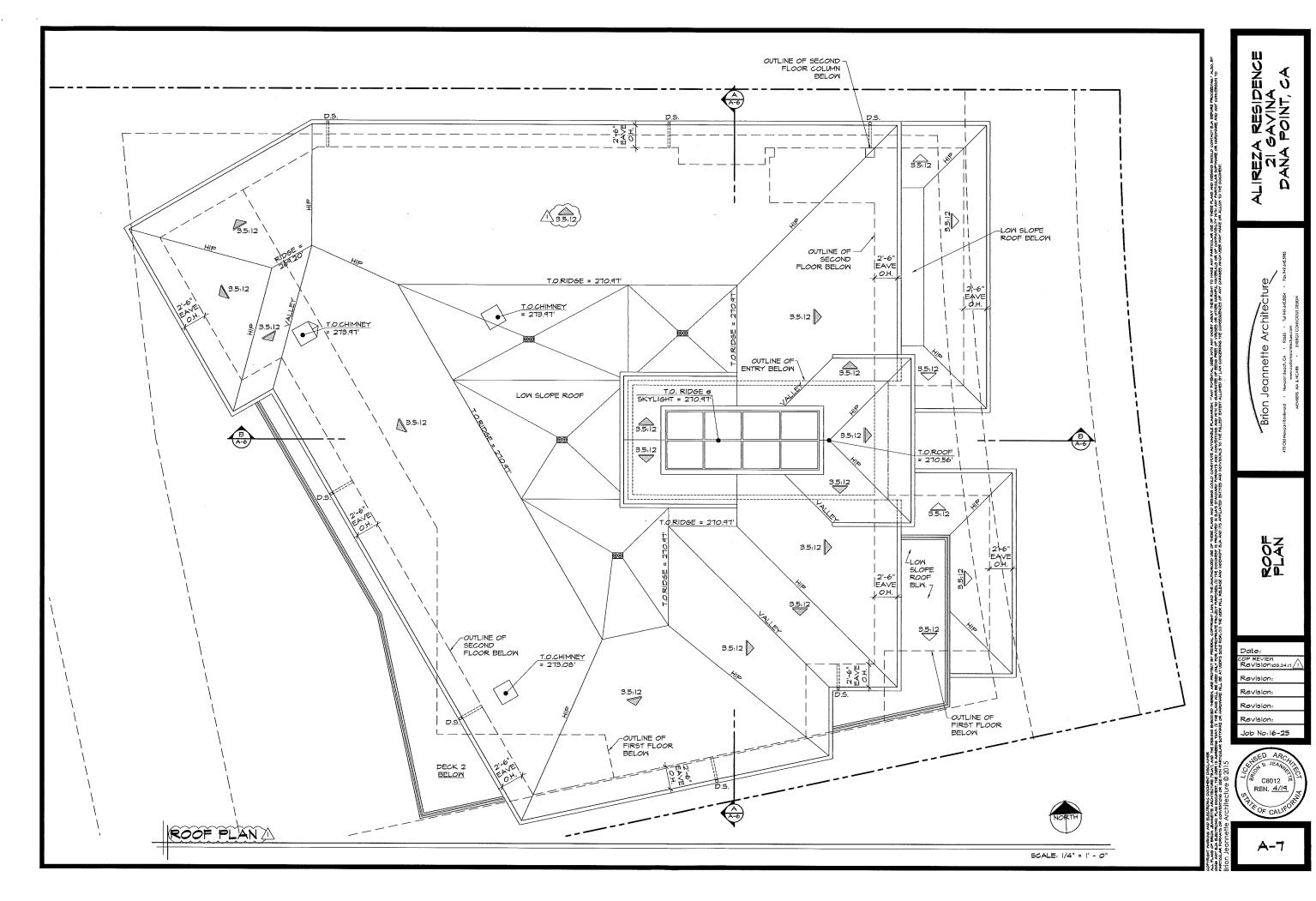
onstyllirezatDrzwingst1626566/d/vg.A-4 ELEV-NE 24x36 (2), 915(2017 4:03:25 PM, KellyF, Adobe PDF_2436,pc3, 1:1



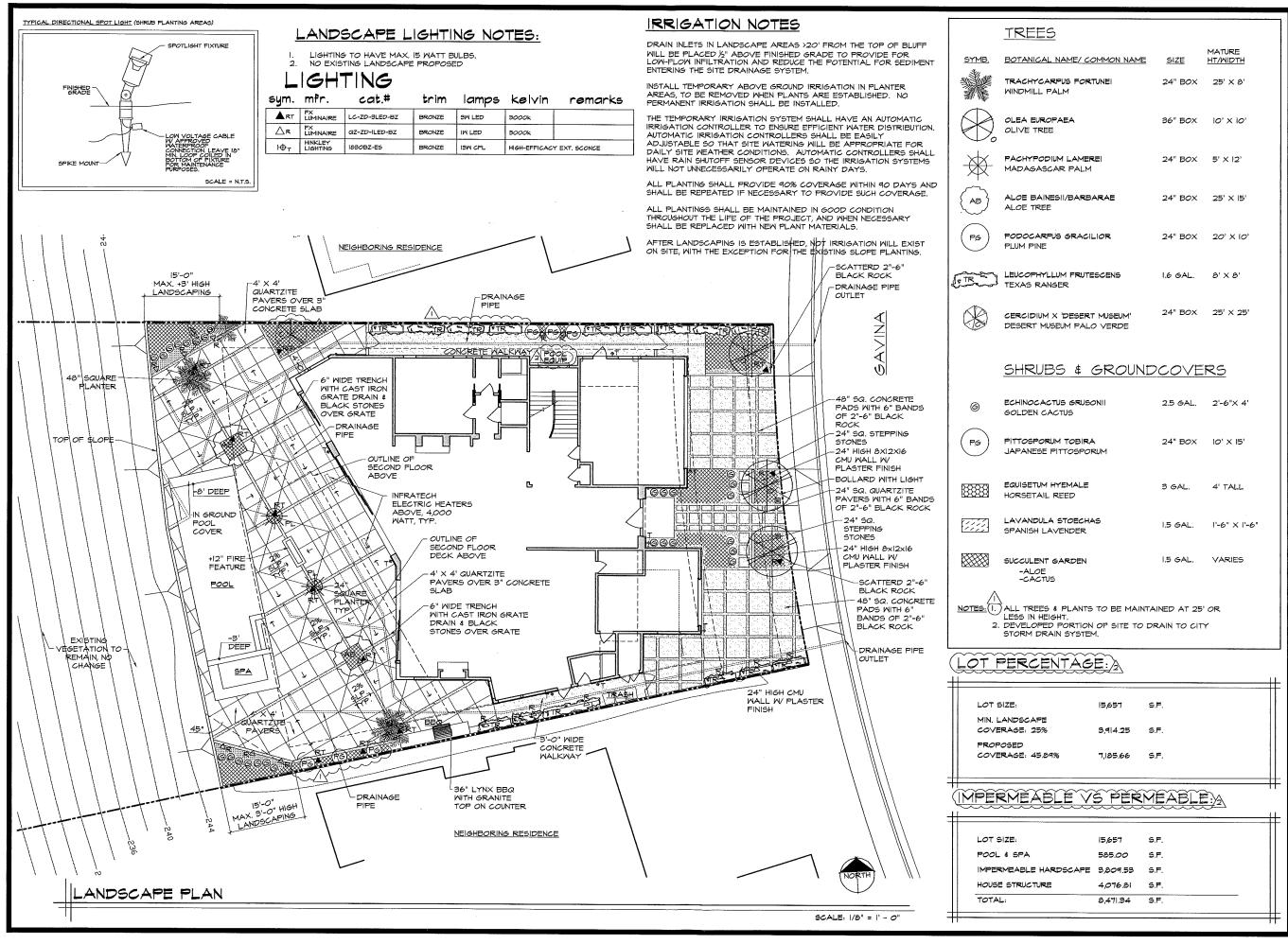




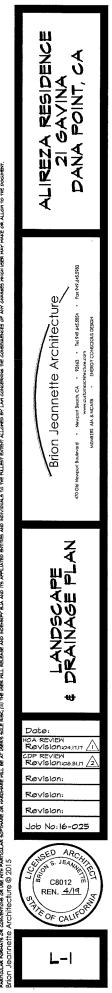


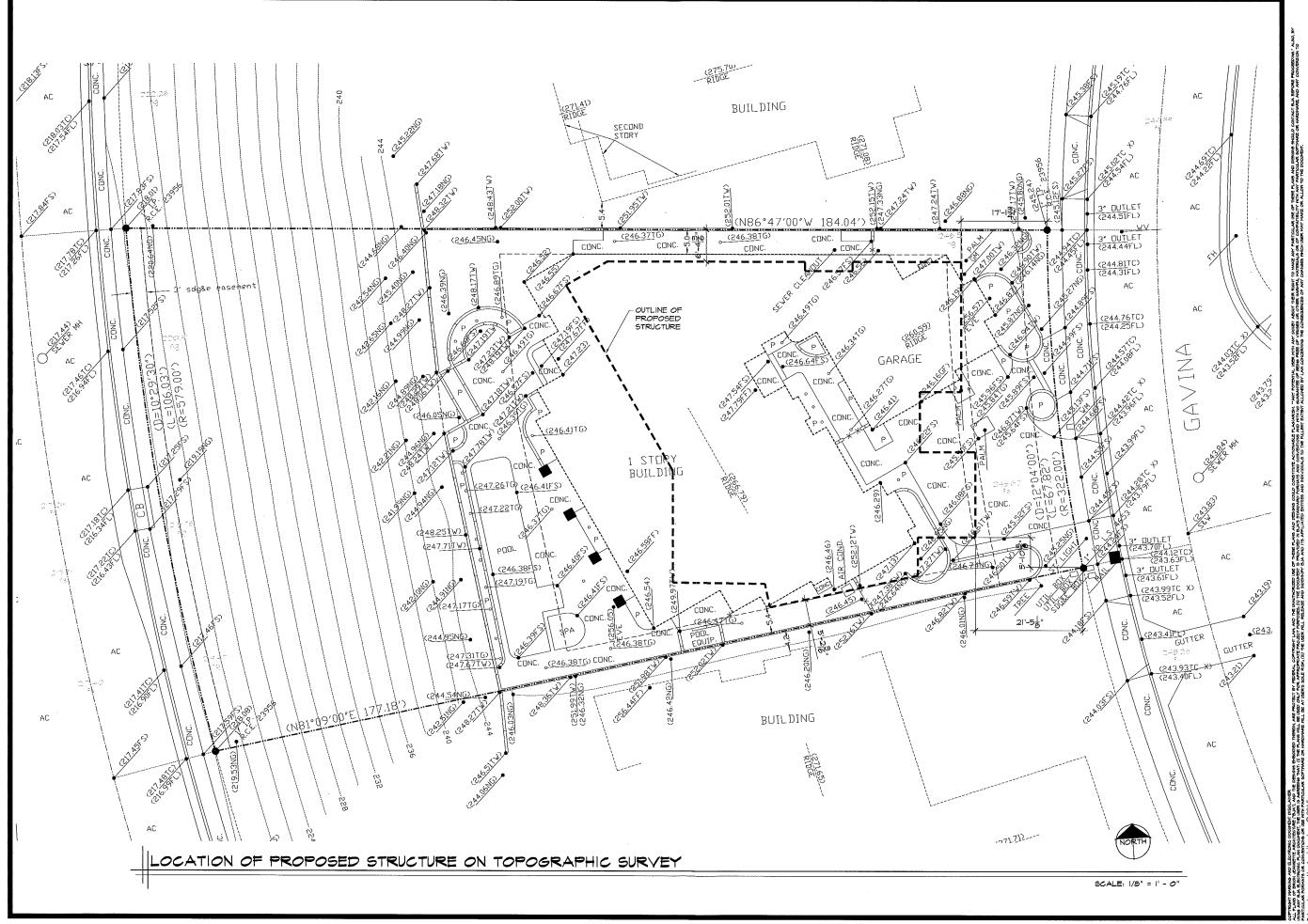


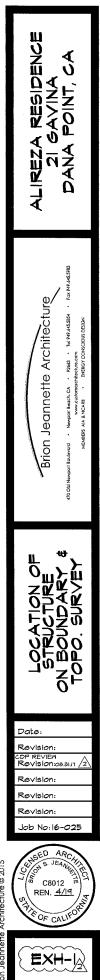




ME/ COMMON NAME	SIZE	MATURE <u>HT/WIDTH</u>			
US FORTUNEI M	24" BOX	25' X 8'			
EA	36" BOX	10' X 10'			
LAMEREI 2 PALM	24" BOX	5' X I2'			
/BARBARAE	24" BOX	25' X 15'			
GRACILIOR	24" BOX	20' X 10'			
1 FRUTESCENS R	1.6 GAL.	8' X 8'			
DESERT MUSEUM' IM PALO VERDE	24" BOX	25' × 25'			
& GROUNDCOVERS					
S GRUSONII US	2.5 GAL.	2'-6"× 4'			
TOBIRA TOSPORUM	24" BOX	10' X 15'			
EMALE IED	3 GAL.	4' TALL			
TOECHAS INDER	1.5 GAL.	!'-6" × '-6"			
RDEN	1.5 GAL.	VARIES			
PLANTS TO BE MAINTAINED AT 25' OR					







istallezatDrawings(16255Re.dvg, EXH SITE 24x36, 9/5/2017 3:17:31 PM, KellyF, Adobe PDF_2436.pc3, 1:1

