

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

DATE: FEBRUARY 12, 2018

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
SEAN NICHOLAS, AICP, SENIOR PLANNER

SUBJECT: REVIEW AND DISCUSS DRAFT STORY POLE ORDINANCE

RECOMMENDATION: That the Planning Commission review and discuss the draft Ordinance and provide direction to staff.

LOCATION: Citywide, except Town Center

NOTICE: Notices were posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library on February 2, 2018.

BACKGROUND:

On October 17, 2017, Councilmember Debra Lewis presented the City Council a draft Story Pole Ordinance. Following discussion, the City Council directed staff to bring the issue to Planning Commission for review. Councilmember Lewis will be in attendance to provide further background and to be able to answer questions.

DISCUSSION:

Story poles are wood structures erected to show the height of a proposed project on-site. They are also sometimes used to show the proposed massing of a project. Dana Point has an existing Story Pole requirement that applies to residential development proposed on certain hillside conditions and new development projects in the Town Center/ Lantern District. The draft Ordinance would incorporate the use of story poles in the entitlement process throughout the entire community and for a larger variety of projects.

In order to consider the draft Story Pole Ordinance, or some version thereof, an Amendment to the Zoning Ordinance is required which necessitates an Amendment to the Local Coastal Plan (LCPA). Per Section 9.61.080(d)(1) of the Dana Point Zoning Code (DPZC), the proposed "story pole" ordinance would qualify as a Zone Text Amendment. Per Section 9.61.080(e)(2)(B)(2) the Story Pole Ordinance would qualify as a "minor" LCPA. The process is outlined below:

Step 1: Planning Commission (PC) Recommendation. The PC shall hold at least one public hearing and make a written recommendation on the adoption of the Story Pole Ordinance, per Section 9.61.080(d)(2) of the DPZC. (There are no specific noticing requirements for the PC hearing so the typical Brown Act notice would apply.)

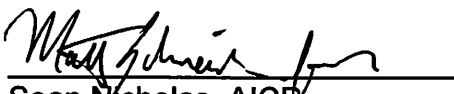
Step 2: Notice for City Council (CC) Consideration. The draft "story pole" ordinance, and any supporting documents, must be made available for public review at a minimum of six weeks prior to action by the CC. These documents must be available at the library, City Hall and the Long Beach Coastal Commission Office. Notice of the public hearing where the CC will consider the Story Pole Ordinance and Notice of Availability of the draft documents must be posted at 1) City Hall, 2) the Dana Point Library, 3) the Dana Point Post Office, and 4) the Capistrano Beach Post Office. The notice must be provided by placing a 1/8 page display advertisement in the Dana Point Times at a minimum of 6 weeks prior to the hearing. The notices of public hearings and of availability must be mailed to the cities of Laguna Beach, Laguna Niguel, San Juan Capistrano, San Clemente, the Beach Road special district, the Coastal Commission, Dana Point Library and media.

Step 3: CC Consideration. The CC shall hold at least one public hearing to consider the Story Pole Ordinance. The CC may approve, modify, or disapprove the recommendation of the PC; provided that any modifications to the proposed amendment are referred back to the PC for report. The PC is not required to hold a public hearing to review the modifications sent by the CC. No further CC action is required when the PC has recommended disapproval of a Zoning Code Amendment. The CC shall adopt amendments to the DPZC via an ordinance. The LCPA shall be submitted to the Coastal Commission pursuant to a Resolution adopted by the CC. The Resolution must contain certain provisions as outlined in Section 9.61.050(e)(6)(A) of the DPZC. The contents of the LCPA are specified in Section 9.61.050(e)(7).

Step 4: Coastal Commission Consideration (CCC). A formal LCPA submittal is made to the California Coastal Commission. The CCC may 1) certify the LCPA without changes at which point the changes become codified, 2) suggest modifications which will need to be brought back to the CC for consideration, or 3) reject the changes. If the CCC suggests modifications and the CC incorporates those changes then the Executive Director of the CCC needs to report his or her concurrence that the suggested modifications have been appropriately made at a regular meeting of the CCC before the LCPA is certified.

CONCLUSION:

That the Planning Commission review and discuss the draft Ordinance and provide direction to staff.


Sean Nicholas, AICP
Senior Planner


Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:
Supporting Documents

1. Councilmember Lewis's Draft Story Pole Ordinance
2. October 17, 2017 City Council Staff Report (excerpted)

City of Dana Point Story Pole Procedures Effective

Purpose

The City requires stakes to be constructed which depict the elevations and silhouette of a proposed structure or an addition to an existing building. These stakes are commonly called “story poles.” Story poles are intended to help decision makers, staff, neighbors and other interested parties visualize the location, mass, bulk, scale and/or height of a proposed building(s), as part of the review of the project’s relationship to its surroundings. In addition to story poles, the City may also require other visual aids, such as photo simulations, models or renderings, to assist in illustrating the proposed final project.

Applicability

Staking is required for all the following projects:

- 1) A new structure, additions greater than 50% of the original floor area; and
- 2) Second-story additions to an existing structure; and
- 3) Any addition, which in the estimation of staff or the design review authority, may cause concerns about bulk and mass or view blockage; and
- 4) All new projects
- 5) All new freestanding commercial and multi-family residential projects throughout the City; and
- 6) All projects seeking an exception (increase) in building height by way of variance or development plan; and
- 7) All projects that are to be reviewed by the Planning Commission.

In the event that required story poles are not erected or incorrectly installed, an application may be continued from its scheduled hearing date to a subsequent meeting so that the story pole requirements can fully be met.

Duration

Story poles shall be erected at 28 days prior to the Planning Commission’s first noticed public hearing date or administrative design review hearing if no Planning Commission hearing is required. The story poles shall remain in place until a final decision by the reviewing authority has been rendered on the project. Story poles shall remain in place during all appeal periods and through the appeal process. Following the final decision, the story poles shall be removed as soon as possible and no later than 20 days following the decision date and appeal period(s) expire. A \$1,200.00 deposit for removal of staking poles is required at the time the project is scheduled for hearing. Upon the timely removal of the story poles, the deposit shall be returned to the applicant. The applicant’s failure to remove the story poles within 20 days shall result in the automatic forfeiture of the deposit, and the City will remove the poles from the site. Story poles associated with a development application which has been inactive for three months, shall be removed until the application review returns to an “active” status. Once the project returns to “active” status, the 28 day period shall be required again.

If at any time the story poles become unsafe, they shall be repaired or removed immediately. If any poles fall down prior to the hearing date, they shall be promptly replaced. The 28 day period shall start over again and begin to run again as of the date the poles are replaced and fully in

compliance with the story pole plan.

Plan Components

A story pole plan must be submitted to staff for approval prior to installation. The story pole location must be plotted on the roof plan and each location should indicate the maximum height of the pole. Applicants shall confer with City staff for precise pole locations for unusually shaped structures. The plan should also include the contact information and license number for the licensed contractor, license surveyor, and licensed architect or licensed civil engineer installing the story poles.

This story pole plan must be shown as notes and diagrams directly on a copy of the required full-size roof plan. The notes and diagrams must depict both the horizontal relation of the story pole locations to property lot lines, as well as the elevation height of each pole. The story pole plan must be developed so that after construction of the story poles there will be an accurate reflection of the proposed building envelope for all proposed structures and/or additions. The story pole plan must identify at least two existing or established survey monuments that were used in the survey for the basis of the staking plan. In addition, the staking plan must identify, either in a table or by notations, 1) the pole identification number, 2) the story pole base grade elevation and 3) the story pole height. Story pole elevations must be tied to a datum benchmark location. The datum benchmark location shown on the staking plan must be the same as the datum benchmark location shown on the site plan and preferably on the initial topographic survey. All measurements must utilize this established datum benchmark that will not change over the course of the construction of the project. The story pole plan must represent the most distant corners of proposed construction, the maximum roof ridges or parapet heights, chimneys, decks, deck railings, skylights and site walls exceeding five feet in height.

Construction Method and Materials

Staff recommends that the poles be made of standard 2"x 4" lumber or similar material that is sturdy and avoids bending with wire, twine or rope line strung between them to show the various structural elements. "Drooping" plastic poles will not be accepted as an accurate reflection of the building envelope. Small pieces of brightly colored cloth or tape shall be tied around the lines to facilitate accurate viewing of the proposed structure. Roof eaves must also be shown as extensions from the main building story poles. The story poles must have, either by direct marking on the pole or by a tagging system, the pole identification number, base grade elevation and pole height. Note that the story poles must show, and the total height must include, all roofing materials. At roof sheathing inspection, a Building Height and Location Certification will be required which must be in conformance with the story pole locations and heights shown on the approved staking plan.

All story poles need to be erected safely and without putting the public at risk, without bending or leaning, so as to withstand weather. This can be accomplished by installing guy wires or other similar temporary support system.

Pole Locations

Story poles shall be erected at the most distant corners of the proposed structure or addition and at the maximum height of the roof ridge. The idea is to achieve a silhouette of the structure or addition, clearly defining the maximum roof heights. The tallest story pole shall be painted with a clearly visible black paint at every one (1) foot increment.

Certification

Story pole heights and locations must be certified in writing by a licensed surveyor, licensed contractor, licensed architect or licensed civil engineer and such certification shall be provided, along with the story pole plan, to the project planner at least 21 days in advance of the hearing date. The height of each pole should be clearly marked on the base of each pole.

Notification

For commercial projects, the applicant shall erect a sign on-site displaying a rendering or photo simulation of the proposed project at the time that the story poles are installed. The sign shall include contact information for the City's case planner, and if applicable, any web site information prepared by the City and/or applicant.

Any required City notices of a public hearing on a project shall also identify that story poles have been installed. For commercial projects, the notice should also include a project rendering or photo simulation. The Planning Commission and the City Council shall be notified at the time that story poles are erected on the site.

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	<u> X </u>
CM	<u> X </u>
CA	<u> </u>

DATE: OCTOBER 3, 2017
TO: CITY MANAGER/CITY COUNCIL
FROM: MAYOR DEBRA LEWIS
SUBJECT: STORY POLE ORDINANCE

RECOMMENDED ACTION:

That the City Council:

1. Consider a proposed amendment to Dana Point Municipal Code requiring the use of staking ("story poles") for development projects
2. Discuss the proposed ordinance and provide direction to staff to prepare a final version for first reading at the next Regular Council meeting.

BACKGROUND:

Design review is a process by which additional community review and dialogue is achieved by cities when considering development projects. One tool of the design review process is the establishment of staking requirements (via story poles) that illustrate the size and scale of proposed developments.

In Dana Point there is no citywide design review or staking requirements for development. Some homeowners associations require staking/story poles and the recent voter approval of Measure H requires story poles when certain development is considered within the confines of the Town Center Plan.

DISCUSSION:

In order to create consistency throughout the City and enhance dialogue within the development review process, I am requesting City Council consideration of an ordinance which outlines staking requirements for the City of Dana Point.

The Cities of Laguna Beach and Calabasas have successfully utilized this process for a number of years. Provided as Supporting Document B is a copy of the City's Information

Guide for Staking a Design Review Project. Attached as Supporting Document C is the Laguna Beach Municipal Code regarding Design Review.

The Brown Act requires that the City Council conduct its legislative deliberations in public at a noticed public meeting. The recommended actions for this item include Council's consideration of the draft, proposed amendment to the City of Dana Point Municipal Code (attached as Action Document A) and deliberations on what, if any, suggested changes should be made to the draft ordinance. Should the Council reach consensus, it is further recommended that the Council direct staff to make any Council-directed changes to the draft and agendize a first reading of the ordinance at the next regular meeting.

NOTIFICATION AND FOLLOW-UP:

TBD

FISCAL IMPACT:

There is no fiscal impact of a City Council discussion of a potential legislative item. Should the Council direct development of a new ordinance or other policy, staff can evaluate such an ordinance or any fiscal impact.

ALTERNATIVE ACTIONS:

Other Council-directed action.