

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

DATE: MAY 14, 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 March 16, 2018.

BACKGROUND:

On October 17, 2017, Councilmember Debra Lewis presented the City Council a draft Story Pole Ordinance (Supporting Document 1). Following discussion, the City Council directed staff to bring the issue to Planning Commission for review. Planning Commission reviewed the draft Story Pole Ordinance on February 12, 2018 (excerpted staff report is Supporting Document 2), and continued the item to allow staff time to provide information on three questions:

- 1) If the Story Pole Ordinance, as proposed, had been in effect in 2017, how many projects would have been affected?
- 2) What staking requirements are in place by various HOAs throughout the community?
- 3) What are the new story pole requirements in Town Center?

DISCUSSION:

If the Story Pole Ordinance, as proposed, had been in effect in 2017, how many projects would have been affected?

Before evaluating how many 2017 projects the draft Story Pole Ordinance would have affected, staff reviewed the existing Story Pole requirements which are: 1) Residential development proposed on certain hillside conditions, and 2) new development projects in the Town Center/Lantern District (full Town Center Plan requirements provided below).

Staff have reviewed the seven reasons the proposed Story Pole Ordinance would be applicable and determined that most discretionary development projects and a considerable number of ministerial projects would have required "staking" under the proposed Ordinance. In some cases, based on how the City collect's permit/project data it is difficult to retroactively quantify the specific number of projects that would have required staking. In cases where staff was unable to quantify the number of projects that would have fallen under the Applicability of the proposed Story Pole Ordinance (Supporting Document 1), a narrative response is provided:

- 1) A new structure, additions greater than 50% of the original floor area:
City permit data is not sortable for this criterion. The term "structure" as defined in the City's Zoning Ordinance encompasses a wide range of projects ranging from accessory structures (garage, gazebo, etc.) to multi-unit commercial buildings. Staff estimates this criterion would have triggered the staking requirement for 75% of discretionary applications and 25% for administrative applications in 2017. Based on current staking requirements, no projects required staking in 2017. Infill development projects with additions greater than 50% are not common as homeowners often prefer to demolish the existing structure for projects of this size.
- 2) Second-story additions to an existing structure.
City permit data is not sortable for this criterion. Second story additions are common and frequently include balconies, minor living area additions, and roof decks.
- 3) Any addition, which in the estimation of staff or the design review authority, may cause concerns about bulk and mass or view blockage.
City permit data is not sortable for this criterion. The City does not protect private views or have a design review board.
- 4) All new projects.
The term "project" is not defined in the City's Zoning Ordinance, but is generally understood to include permit applications that involve discretionary actions. A total of 63 Administrative and Planning Commission discretionary permits were issued in 2017.
- 5) All new freestanding commercial and multi-family residential projects throughout the City.
There were a total of eight (8) commercial, duplex, and multi-family developments in 2017 that would have required discretionary approval and staking.
- 6) All projects seeking an exception (increase) in building height by way of variance or development plan.
There were no projects reviewed for approval in 2017 that requested a Variance

for building height.

- 7) All projects that are to be reviewed by the Planning Commission.

There were a total of 33 items reviewed by the Planning Commission in 2017.

What staking requirements are in place by various HOAs throughout the community?

As of December 2009, 76 HOAs exist in the City of Dana Point. To analyze requirements of the community's HOAs, staff selected a cross section of the HOAs which represented a variety of size and locations throughout Dana Point. In total, ten HOAs were contacted including:

- 1) Bal Harbour HOA
- 2) Castillo Del Mar HOA
- 3) Dana Woods Community Association
- 4) Emerald Ridge HOA
- 5) Lantern Bay Estates HOA
- 6) Monarch Bay Estates HOA
- 7) Monarch Bay Terrace HOA
- 8) Niguel Shores Community Association
- 9) Regatta Homes HOA
- 10) Ritz Cove HOA

Of those 10, staff was able to get feedback from seven of the Associations and Table 1 summarizes HOA review requirements:

Table 1: HOA Requirement Analysis

HOA	HOA # on Map*	Architectural Review Committee	Story Pole Requirement
Bal Harbour	5	Yes	No
Castillo Del Mar	10	Yes	No
Emerald Ridge	23	Yes	Yes
Monarch Bay	44	Yes	Yes
Monarch Bay Terrace	45	Yes	Yes
Niguel Shores Community Association	52	Yes	Yes
Regatta Homes	58	Yes	Yes

*HOA map is included for reference as Supporting Document 3.

Based on staff's analysis, a majority of the HOAs have some kind of Architectural Review/Committee. As a component of the HOA review story poles are often times required. The HOA architectural review process generally takes 45-60 days to

complete and includes some form of neighbor consent/notification. HOA approval is required by all the associations prior to submitting any projects (discretionary or administrative) to the City. Currently, the average Discretionary Project approval submitted to the City takes 3-6 months to process, in part, due to legal notice requirements. Under the proposed Ordinance, in areas where an HOA requires staking, story poles would likely need to be erected for extended periods of time, or multiple times, due to the separate HOA and City staking requirements.

Cost

Staff also reviewed potential costs associated with story poles, in particular for single family residential projects which represent the majority of projects in the City. Staff contacted the City of Laguna Beach, as the proposed draft Ordinance is based on their requirements, to get a recommendation of a firm to contact that does story pole work locally. Staking Laguna, indicated that the average single family residential staking project costs between \$3,100 and \$4,500, and commercial developments are estimated on a case by case basis.

Town Center Plan Story Pole Requirement

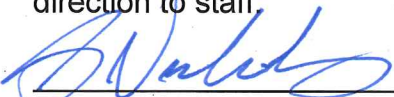
As part of the Measure H approval, story pole requirements are now incorporated into the Town Center Plan. On page 31 of the Town Center Plan it states:

To inform the public, story pole staking is required for 20 days. The story pole staking shall, at minimum, delineate the 40 foot height limit for all sides of the building and a vertical drop to the ground at each corner of the proposed structure plus any proposed elements needing a Variance. Story pole staking is not required for mechanical elements or chimneys.

The draft Story Pole Ordinance would not modify this requirement as any modification to the Town Center Plan requires a vote of the people.

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. February 12, 2018 Staff Report (excerpted)
3. HOA Map

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
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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 the draft Ordinance, receive public comments, 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:

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. The goal of this agenda item is to review the draft Ordinance, take public comments, and gather feedback from the Planning Commission on the draft language. Councilmember Lewis will be in attendance to provide further background and 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 a hillside condition and new development projects in the Town Center. The draft Ordinance would expand the use of story poles in the decision making process throughout the community and for a larger variety of projects.

In order to update the existing Story Pole requirements, it requires an Amendment to the Zoning Ordinance and the Local Coastal Plan. The following is the required process that any Amendment would have to follow:

- 1) Notification needs to be sent and published notifying the public of the Amendment and there is a minimum of six (6) week review period of the draft

language prior to a final decision by the City Council.

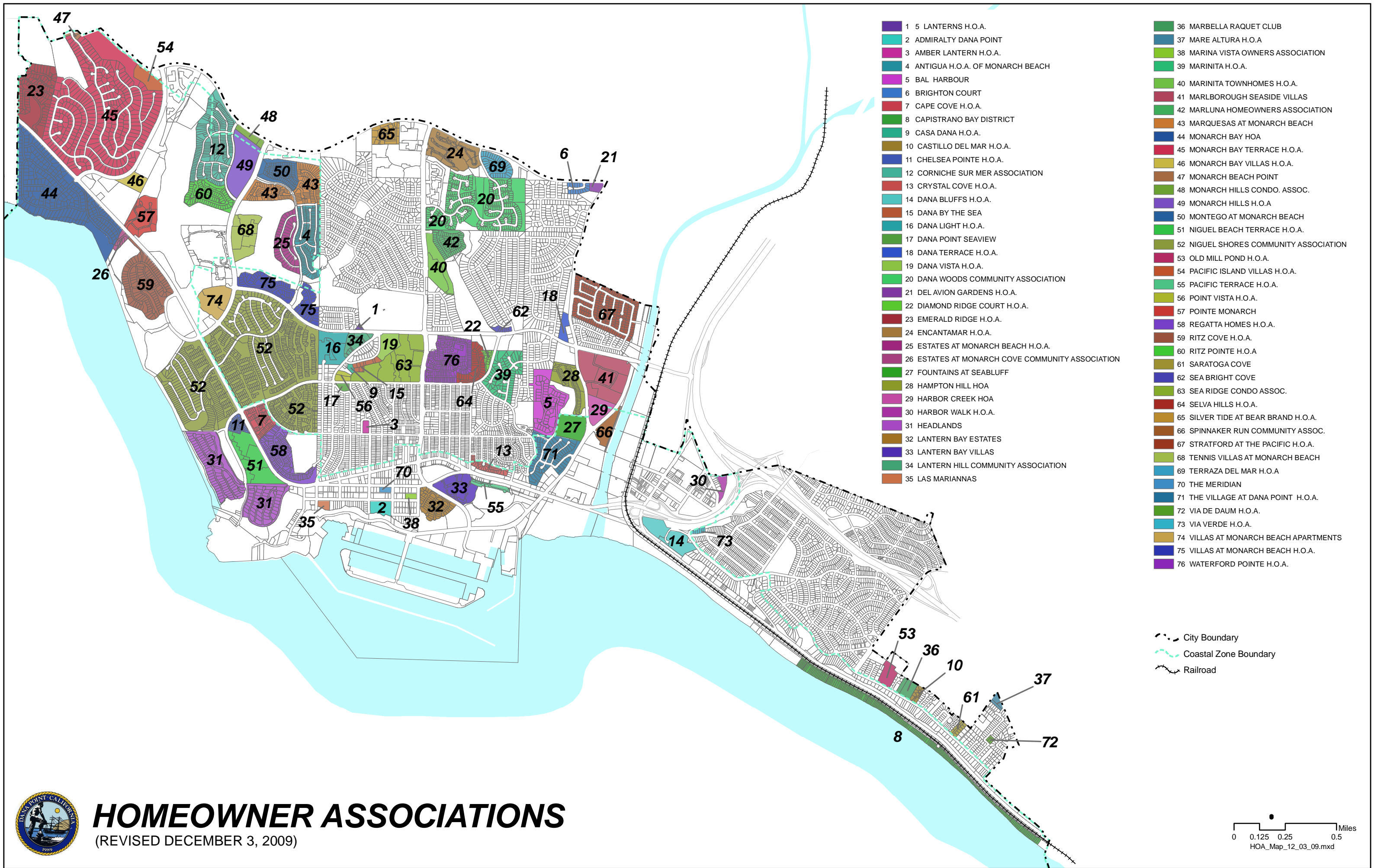
- 2) A minimum of one Public Hearing, including public notification, must be conducted on the Amendment and the Planning Commission must adopt a formal recommendation in a Resolution to City Council.
- 3) A minimum of one Public Hearing, including public notification, must be conducted by the City Council where the proposed Amendment is discussed. At the hearing a Resolution must be adopted by the City Council authorizing the LCPA and submittal to Coastal Commission, and conduct a first reading of the proposed Ordinance.
- 4) A second reading of the proposed Ordinance is conducted, typically on Consent Calendar, at the next scheduled City Council meeting.
- 5) A formal LCPA submittal is made to Coastal Commission.
- 6) Following certification by the Coastal Commission, staff presents the findings to City Council, and City Council will either accept proposed language modifications by the Coastal Commission, or receive and file the approved certification.

CONCLUSION:

That the Planning Commission review the draft Ordinance, receive public comments, and provide direction to staff.

Sean Nicholas, AICP
Senior Planner

Ursula Luna-Reynosa, Director
Community Development Department



- 1 5 LANTERNS H.O.A.
- 2 ADMIRALTY DANA POINT
- 3 AMBER LANTERN H.O.A.
- 4 ANTIGUA H.O.A. OF MONARCH BEACH
- 5 BAL HARBOUR
- 6 BRIGHTON COURT
- 7 CAPE COVE H.O.A.
- 8 CAPISTRANO BAY DISTRICT
- 9 CASA DANA H.O.A.
- 10 CASTILLO DEL MAR H.O.A.
- 11 CHELSEA POINTE H.O.A.
- 12 CORNICHE SUR MER ASSOCIATION
- 13 CRYSTAL COVE H.O.A.
- 14 DANA BLUFFS H.O.A.
- 15 DANA BY THE SEA
- 16 DANA LIGHT H.O.A.
- 17 DANA POINT SEAVIEW
- 18 DANA TERRACE H.O.A.
- 19 DANA VISTA H.O.A.
- 20 DANA WOODS COMMUNITY ASSOCIATION
- 21 DEL AVION GARDENS H.O.A.
- 22 DIAMOND RIDGE COURT H.O.A.
- 23 EMERALD RIDGE H.O.A.
- 24 ENCANTAMAR H.O.A.
- 25 ESTATES AT MONARCH BEACH H.O.A.
- 26 ESTATES AT MONARCH COVE COMMUNITY ASSOCIATION
- 27 FOUNTAINS AT SEABLUFF
- 28 HAMPTON HILL HOA
- 29 HARBOR CREEK HOA
- 30 HARBOR WALK H.O.A.
- 31 HEADLANDS
- 32 LANTERN BAY ESTATES
- 33 LANTERN BAY VILLAS
- 34 LANTERN HILL COMMUNITY ASSOCIATION
- 35 LAS MARIANNAS

- 36 MARBELLA RAQUET CLUB
- 37 MARE ALTURA H.O.A.
- 38 MARINA VISTA OWNERS ASSOCIATION
- 39 MARINITA H.O.A.
- 40 MARINITA TOWNHOMES H.O.A.
- 41 MARLBOROUGH SEASIDE VILLAS
- 42 MARLUNA HOMEOWNERS ASSOCIATION
- 43 MARQUESAS AT MONARCH BEACH
- 44 MONARCH BAY HOA
- 45 MONARCH BAY TERRACE H.O.A.
- 46 MONARCH BAY VILLAS H.O.A.
- 47 MONARCH BEACH POINT
- 48 MONARCH HILLS CONDO. ASSOC.
- 49 MONARCH HILLS H.O.A.
- 50 MONTEGO AT MONARCH BEACH
- 51 NIGUEL BEACH TERRACE H.O.A.
- 52 NIGUEL SHORES COMMUNITY ASSOCIATION
- 53 OLD MILL POND H.O.A.
- 54 PACIFIC ISLAND VILLAS H.O.A.
- 55 PACIFIC TERRACE H.O.A.
- 56 POINT VISTA H.O.A.
- 57 POINTE MONARCH
- 58 REGATTA HOMES H.O.A.
- 59 RITZ COVE H.O.A.
- 60 RITZ POINTE H.O.A.
- 61 SARATOGA COVE
- 62 SEA BRIGHT COVE
- 63 SEA RIDGE CONDO ASSOC.
- 64 SELVA HILLS H.O.A.
- 65 SILVER TIDE AT BEAR BRAND H.O.A.
- 66 SPINNAKER RUN COMMUNITY ASSOC.
- 67 STRATFORD AT THE PACIFIC H.O.A.
- 68 TENNIS VILLAS AT MONARCH BEACH
- 69 TERRAZA DEL MAR H.O.A.
- 70 THE MERIDIAN
- 71 THE VILLAGE AT DANA POINT H.O.A.
- 72 VIA DE DAUM H.O.A.
- 73 VIA VERDE H.O.A.
- 74 VILLAS AT MONARCH BEACH APARTMENTS
- 75 VILLAS AT MONARCH BEACH H.O.A.
- 76 WATERFORD POINTE H.O.A.

- City Boundary
- Coastal Zone Boundary
- Railroad



HOMEOWNER ASSOCIATIONS

(REVISED DECEMBER 3, 2009)

