

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

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**DATE:** NOVEMBER 26, 2018

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
MATT SCHNEIDER, COMMUNITY DEVELOPMENT DIRECTOR  
SEAN NICHOLAS, SENIOR PLANNER

**SUBJECT:** MINOR CONDITIONAL USE PERMIT CUP17-0015(M)/MINOR SITE DEVELOPMENT PERMIT SDP17-0044(M) TO ALLOW THE CONSTRUCTION OF A DUPLEX WITH TANDEM PARKING AND FOR WALLS GREATER THAN 30 INCHES VISIBLE FROM THE PUBLIC RIGHT OF WAY IN THE RESIDENTIAL DUPLEX (RD-14) ZONING DISTRICT AT 34411 VIA GOMEZ

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**RECOMMENDATION:** That the Planning Commission adopt the attached draft Resolution approving Minor Conditional Use Permit CUP17-0015(M)/Minor Site Development Permit SDP17-0044(M).

**APPLICANT:** Ricky Barnes

**OWNER:** Ricky Barnes

**REQUEST:** Approval of Minor Conditional Use Permit CUP17-0015(M)/Minor Site Development Permit 17-0044(M) to allow the construction of a duplex with tandem parking and walls greater than 30 inches visible from the public right-of-way in the Residential Duplex (RD-14) Zoning District.

**LOCATION:** 34411 Via Gomez (APN 691-391-46)

**NOTICE:** Notices of the Public Hearing were mailed to property owners within a 500-foot radius November 15, 2018, published within a newspaper of general circulation on November 15, 2018, and posted on November 15, 2018 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 15303 (b) (Class 3 – New Construction or Conversion of Small Structures) in that the application proposes the construction of less than six dwelling units.

**ISSUES:**

- Project consistency with the development standards of the Dana Point General Plan and Zoning Code (DPZC).
- Project satisfaction of all findings required pursuant to the DPZC for approval of a Site Development Permit (SDP).
- Project compatibility with and enhancement of the site, surrounding neighborhood.

**BACKGROUND:** The 5,204 square foot site is an interior vacant lot, located in the Capistrano Beach Community of Dana Point. The project site is zoned “Residential Duplex 14” (RD-14) and a General Plan designation of Residential 7-14 du/acre which allows one residential dwelling unit per 2,500 square feet of land area. The project site is located outside the City’s Coastal Overlay District therefore a Coastal Development Permit is not required. The project site is surrounded by a mix of single family and duplex residential developments constructed over the last 40 years.

**DISCUSSION:** The applicant proposes to construct a new attached duplex. Unit A is 2,765 square feet, two-stories, four bedrooms and three and a half bathrooms. Unit B is 1,483 square feet, two-stories, two bedrooms and two and a half bathrooms. The architecture is a modern design with white fiber cement siding, wood colored garage doors, and inset windows to provide relief on the elevations. Due to the topography of the lot, and the stepping design of the project, the duplex will appear to be one-story when viewed from Via Gomez. A color and material board will be provided at the public hearing.

Table 1 summarizes the applicable Residential Duplex 14 (RD-14) development standards and the project’s conformance with those requirements:

**Table 1: Compliance with RD-14 Development Standards**

Development Standard	Requirement	Proposed/Existing	Compliant with Standard
Front Setback	20 feet minimum	20 feet	Yes
Side Setbacks	4 feet minimum	4 feet	Yes
Rear Setback	15 feet 10 feet for patio cover	26’-7” (living space) 10 feet	Yes Yes
Height	24 feet maximum (Flat-3/12 roof pitch)	24 feet (Flat roof pitch)	Yes
Lot Coverage	50% maximum	50%	Yes
Parking Required	4 parking spaces	3 covered parking spaces, 1 uncovered reserved*	Yes

Development Standard	Requirement	Proposed/Existing	Compliant with Standard
Landscape	15 %	22%	Yes
Private Open Space	20%	26%	Yes

\*CUP(M) is requested for tandem parking to allow for three covered spaces and one reserved uncovered space.

MINOR CONDITIONAL USE PERMIT:

The Dana Point Zoning Code requires duplexes to provide two covered parking spaces per dwelling unit; however, per Section 9.35.080(E) of the DPZC, tandem parking can be permitted, with the approval of a Minor Conditional Use Permit (CUP(M)) for lots that are less than 50 feet wide. Tandem parking is being proposed for Unit B because the lot is 40 feet wide and too narrow to provide front entry garage access for four vehicles. The reduced curb cut dimension allows the two mature palm trees in the public right-of-way to not be impacted by the project. The parking configuration complies with the requirements identified in Exhibit 9.35.080-10 by providing adequate parking area in the driveway and vehicle circulation. The project would also comply with the requirements identified in Section 9.35.080(E) in that conditions of approval 32 and 45 are included in the draft Resolution to require a tandem parking agreement, management plan, and landscaping in the front yard setback. A condition has been added to protect and maintain the mature palm trees.

Section 9.71.050 of the DPZC stipulates a minimum of three findings for approval for the requested Minor Conditional Use Permits:

- 1. That the proposed conditional use is consistent with the General Plan.*
- 2. That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.*
- 3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity.*

Staff's recommended findings to approve Minor Condition Use Permit 17-0015(M) are set forth in the attached Draft Resolution.

Site Development Permit

Dana Point Zoning Code Section 9.71.034 requires a Minor Site Development Permit

(SDP(M)) for new residential projects of four or less units. The proposed duplex, as noted above, meets all applicable development standards and is consistent with both the intent of the RD-14 zoning designation and General Plan.

Pursuant to DPZC Section 9.05.120(d), retaining walls greater than 30 inches in height which are visible from the public-right-of-way can be approved with a SDP(M). The proposed walls are intended to retain the driveway and garage. The retaining walls range from at grade to approximately six feet in height to follow the topography and tie into the structure. The visibility of the walls would be minimal due to the stepping of the project with the typography of the property, but there will be visibility of the walls from Via Gomez. The applicant is calling out gravel at the base of the proposed walls, and staff has included a condition of approval that vines shall be planted and irrigated at the base of the walls to grow vertically on the walls to reduce the visibility and mass of the walls from the right-of-way.

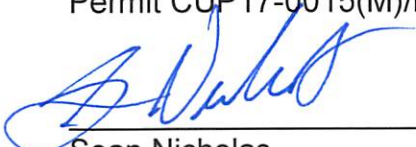
Section 9.71.050 of the DPZC stipulates a minimum of four findings for approval for the requested Site Development Permits:

1. *Compliance of the site design with development standards of this Code.*
2. *Suitability of the site for the proposed use and development.*
3. *Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines.*
4. *Site and structural design which is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture.*

The required findings are articulated in the attached draft Resolution identified as Action Document 1.

**CORRESPONDENCE:** Staff has not received any correspondence related to the proposed project to-date.

**CONCLUSION:** Staff finds the proposed project is consistent with the policies and provisions of the Dana Point General Plan and Zoning Code. Staff recommends the Planning Commission adopt the attached resolution, approving Minor Conditional Use Permit CUP17-0015(M)/Minor Site Development Permits SDP17-00454(M).

  
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Sean Nicholas  
Senior Planner

  
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Matt Schneider, Director  
Community Development Department



**ATTACHMENTS:**

**Action Documents**

1. Draft Planning Commission Resolution No. 18-11-26-xx

**Supporting Documents**

2. Vicinity Map
3. Notice of Exemption
4. Architectural Plans

**Action Document 1 Draft Planning Commission Resolution No. 18-11-26-xx**

**RESOLUTION NO. 18-11-26-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA APPROVING MINOR CONDITIONAL USE PERMIT CUP17-0015(M)/MINOR SITE DEVELOPMENT PERMIT SDP17-0044(M) TO ALLOW THE CONSTRUCTION OF A NEW DUPLEX WITH TANDEM PARKING AND RETAINING WALLS GREATER THAN 30 INCHES VISIBLE FROM THE PUBLIC RIGHT-OF-WAY AT 34411 VIA GOMEZ**

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

WHEREAS, Rickey Barnes (the "Applicant") is the owner of real property commonly referred to as 34411 Via Gomez (APN 691-391-46) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Minor Conditional Use Permit and Minor Site Development Permit to allow the construction of a duplex with tandem parking and retaining walls greater than 30 inches in height visible from the public right-of-way; 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 15303 (a) (Class 3 - New Construction or Conversion of Small Structures) in that the application proposes the construction of one, duplex with attached units; and

WHEREAS, the Planning Commission did, on the 26<sup>th</sup> day of November, 2018 hold a duly noticed public hearing as prescribed by law to consider said requests; and

WHEREAS, at said public hearing, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Minor Conditional Use Permit CUP17-0015(M)/Minor Site Development Permit SDP17-0044(M).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows;

- A. The above recitations are true and correct and incorporated herein by reference; and

Findings:

- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Minor Conditional Use Permit CUP17-0015(M), subject to conditions:

- 1. That the proposed conditional use is consistent with the General Plan in

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CUP17-0015(M)/SDP17-0044(M)  
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that, the tandem parking configuration would not change the use of the structure and would not exceed the density designated by the General Plan. Utilizing the tandem parking design will allow two mature palm trees located in the right-of-way to be protected and maintained. The project design complies with the requirements identified in Section 9.35.080(E) of the DPZC in that a tandem parking agreement and management plan to be recorded on the title of the property. Landscaping shall be placed in the front yard to break up the massing of the overall project. Adequate parking will be provided in the garages and driveway to not impact public parking.

2. That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures **in that, the project is conditioned to comply with all of the applicable development standards associated with tandem parking with the addition of landscape in the front yard, parking agreement and management plan, and adequate articulation and design for the garage setbacks. The project design complies with the requirements identified in Section 9.35.080(E) of the DPZC and adequate parking will be provided in the garages and driveway to not impact public parking.**
  3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity **in that, the proposed project would not exceed allowable building densities identified in the Zoning Code, and meets all applicable development standards. The tandem parking will allow for all required parking to be located on-site and not impact surrounding public parking.**
- C. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Minor Site Development Permit SDP17-0044(M), subject to conditions
1. That the site design is in compliance with the development standards of the Dana Point Zoning Code **in that the duplex complies with all of the setback, lot coverage, private open space, and landscape standards for the RD 14 zoning district. The duplex is designed as two attached units with separate access points and private decks. The retaining walls greater than 30 inches in height and visible from the right-of-way supports the proposed structure, and the walls step with the**

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topography of the site to reduce the visibility of the site. Vines shall be planted at the base of the retaining walls visible from the right of way and trained to grow vertical to reduce the visibility of the walls.

2. That the site is suitable for the proposed use and development in that, the proposed duplex complies with the minimum lot area requirements of one unit per 2,500 square feet of lot area in that the property is 5,204 square feet and is suitable to accommodate a duplex. The units comply with the allowed density, setbacks, lot coverage, private open space, and landscape standards for the RD 14 zoning district. The size and scale of the development is consistent and compatible with the neighborhood as the area is developed with a mix of duplex and single family residences. The proposed retaining walls greater than 30 inches will have limited visibility from the right-of-way, and additional landscaping has been required to further reduce the visibility of the walls.
3. That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines in that, the modern design of the residential units is in character and scale with the neighborhood as there is an eclectic mix of architectural styles on the street. The one-story appearance of the project from Via Gomez is also consistent with other developments on Via Gomez which similarly take advantage of the topography and step the residential structures down with the slope. By taking advantage of the topography and contributing to the eclectic nature of the neighborhood is consistent with General Plan Goal 2 that new development achieve compatibility with surrounding development.
4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style in that, the modern design of the residential units is in character and scale with the neighborhood as there is an eclectic mix of architectural styles on the street. The one-story appearance of the project from Via Gomez is also consistent with other developments on Via Gomez which similarly take advantage of the topography and step the residential structures down with the slope. The walls over 30 inches and height that have visibility from Via Gomez also step down with the topography and will have landscaping to further reduce visibility.

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Conditions:

**A. General:**

1. Approval of this application permits the construction of a new, two-story, 4,248 square foot attached duplex (2,765 square foot Unit A and 1,483 square foot Unit B) with attached garages (Unit B one car garage and Unit A two car garage) on a vacant lot with retaining walls greater than 30 inches visible from the public right-of-way at 34411 Via Gomez. 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 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 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 of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he 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. 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

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boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

6. 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's fees, costs and expenses incurred concerning the claim, action, or proceeding. The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.
7. The applicant and owner, 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.
8. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
9. The project shall meet all water quality requirements.
10. A grading permit shall be obtained prior to any work.
11. The applicant 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, telephone and cable television services.
12. The applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.
13. The applicant, property owner or successor in interest shall prepare a



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Waste Management 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.

14. Prior to the commencement of any work within the public right-of-way, the applicant shall apply and be approved for an encroachment permit.
15. All work in the right-of-way shall protect in place the existing plan trees. All right of way improvements shall provide the existing trees a standard tree well. Construction activities shall take into account the protection of the existing trees.
16. 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.

**B. Prior to Issuance of a Grading Permit**

16. The applicant shall submit an application for a grading permit. The application shall include a grading plan, in compliance with City standards, for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.
17. The grading plan shall be designed to demonstrate compliance with the criteria and requirements of Dana Point Municipal Code section 9.05.110 Measurement of Building Height.
18. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.
19. The applicant shall submit an application for shoring as needed, to the Building Department. In the event shoring is required a separate permit submittal shall be made to the Building Department for review and approval. All shoring permits shall be issued concurrently with the grading permit.
20. The applicant shall submit a separate application for site walls and/or retaining walls as needed, to the Building Department. The application shall include all plans and reports in compliance with Building Department standards.

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21. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
  22. A performance bond shall be required for all grading activities up to 100% of the proposed improvements. A separate performance bond may be required for shoring activities to ensure completion of grading activities and protection of adjoining improvements.
  23. The applicant shall submit a Landscape Plan, in compliance with City standards, as required by Community Development. The landscape plan shall include planting and beautification of the property parkways at the surrounding sidewalk. The landscape plan shall be in accordance with the approved Grading plan, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.
  24. A Boundary/Record of Survey shall be completed for the project site and recorded at the County of Orange prior to issuance of a Grading Permit, as required by the Surveyor's Act.
- C. Prior to Building Plan Check Submittal and/or prior to Issuance of a Building Permit or release on certain related inspections:**
26. Building plan check submittal shall include the following construction documents:
    - Building Plans (4 sets)
    - Energy Calculations (2 sets)
    - Acoustical Report (2 sets)
    - Structural Calculations (2 sets)
    - Soils/Geology Report (3 sets)
    - Drainage Plan

All documents prepared by a registered-design-professional shall be wet-stamped & signed.
  27. Provide building code analysis showing conformance to CBC Chapter 3 and 5. Specify occupancy group(s), type(s) of construction, including fire sprinklers, location on property, actual and allowable floor area, building height, number of stories, and conforming exiting.
  28. The applicant shall obtain a grading permit and complete rough

grading (establishment of building pads) in accordance with the approved grading plans and reports.

29. The applicant shall submit a rough grade certification from the Civil Engineer and/or Surveyor of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the project.
30. The applicant shall submit a rough grade certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (the City's standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.
31. The applicant shall submit a separate certification for all shoring and retaining walls required for rough grading from the Geotechnical Engineer of Record. The separate certification by the geotechnical engineer shall approve the shoring or retaining walls and/or temporary slopes as being substantially completed in conformance with the recommendation of the project geotechnical report and suitable from a geotechnical standpoint for continued construction.
32. An as graded geotechnical report may be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and re-compaction, as well as a map depicting the limits of grading. Locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading of the site, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report.

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33. Prior to issuance of building permits, the recordation of a tandem parking agreement and management plan with the title for the property shall be provided to the satisfaction of the Director of Community Development.
34. The setback and design of the garage and the driveway shall provide adequate articulation and structural details to the garages and front elevation. This design could incorporate dimensions specified in Exhibit 9.35.10.
35. If any property line walls are proposed to encroach into an adjacent property then a party wall agreement shall be executed with the adjacent property owner(s) impacted by the new wall.
36. Fire Department review is required. Submit plans directly to the Orange County Fire Authority for their review and approval.
37. Undergrounding of all onsite utilities is required. An Approved SDG&E Work Order and Undergrounding Plan is required prior to permit issuance.
38. A minimum roofing classification of Class "A" is required.
39. Fire-rated Construction: Plans should clearly identify the locations of the Fire Areas, Fire Walls, Fire Barriers, Fire Partitions, and all Occupancy separations. Provide complete legends and details on the plans.
40. Fire sprinkler system is required for the project.
41. Soils Report (1803): Submit a foundation and soils investigation report by a Registered Design Professional and conducted in conformance with CBC Section 1803.3 through 1803.5. The report shall comply with CBC Section 1803.6.
42. Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w/c ratio of 0.45, f<sub>c</sub> of 4500 psi.
43. Green Building: Plans shall show compliance & indicate method of verification of compliance with all CALGreen requirements. Third party or other methods shall demonstrate satisfactory conformance with mandatory measures.

44. In Group R occupancies (2 units or more) wall and floor-ceiling assemblies separating dwelling units or guest rooms from each other and from public space such as interior corridors and service areas shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies.
45. Provide construction details for penetrations or openings in construction assemblies for piping, electrical devices, recessed cabinets, bathtubs, soffits, or heating, ventilating or exhaust ducts to be sealed, lined, insulated or otherwise treated to maintain the required smoke, fire and sound/noise ratings.
46. Provide blow-up details of all fire-rated construction and sound & noise (acoustical) attenuation assemblies. Call out all construction, finish materials and their approval numbers from approved testing agencies.
47. All approvals from outside Departments and Agencies is/are required.
48. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.

**D. Prior to issuance of a Certificate of Occupancy**

49. Prior to commencement of framing, the applicant shall submit a foundation certification, by survey, that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines included as part of SDP17-0044(M) and CUP17-0015(M). The City's standard "Setback Certification" form shall be obtained from the Project Planner at time of building permit issuance, completed by a licensed civil engineer/surveyor and be delivered to the Building/Safety and Planning Divisions for review and approval.
50. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structure is in compliance with plans approved by the Planning Commission and the structure heights included as part of SDP17-0044(M) and CUP17-0015(M). The City's standard "Height Certification" form shall be obtained from the Project Planner at time of permit issuance, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for

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review and approval before release of final roof sheathing is granted.

51. All landscaping (as illustrated on the submitted Final Landscaping Plan) shall be installed prior to issuance of a certificate of occupancy as well as final sign-off of the project by the Planning Division.
52. The owner shall coordinate with the Planning Division to schedule a final site inspection to ensure the project was constructed per plan and all conditions of approval have been satisfied.
53. The applicant shall submit a Final Geotechnical Report prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual for review and approval.
54. The applicant shall submit a final grading certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The final grading certification by the Geotechnical Engineer of Record (the City's standard Geotechnical Engineer's Certification Form for Final Grading) shall approve the grading as being in conformance with the approved project recommendations from a geotechnical standpoint.
55. The applicant shall submit a final grading certification from the Civil Engineer of Record for review and approval by the City Engineer by separate submittal. The final grading certification by the Civil Engineer of Record (the City's standard Civil Engineer's Certification Form for Final Grading) shall approve the grading as being in conformance with grading plan and which specifically approves construction for all engineered drainage devices and retaining walls.
56. The applicant shall submit an As-Built Grading Plan prepared by the Civil Engineer of Record for review and approval.
57. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
58. Final review of the structure's articulation, finish materials, light fixtures, railings, and colors shall be reviewed and approved by the Director of Community Development to ensure a high quality architectural design.
59. Prior to issuance of Certification of Occupancy, at least one 24-inch box tree shall be planted in the front yard setback or other alternative decorative paving and landscaping to screen the street views.



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Additionally, vines or similar plants shall be planted and irrigated at the base of the retaining walls visible from Via Gomez and trained to grow vertically to screen the walls.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 26<sup>th</sup> day of November, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Danni Murphy, Chairman  
Planning Commission

ATTEST:

\_\_\_\_\_  
Matt Schneider, Director  
Community Development Department

## Supporting Document 2 Vicinity Map



### Vicinity Map

34411 Via Gomez, CUP17-0015(M)/SDP17-0044(M)



## Supporting Document 3 Notice of Exemption

### CITY OF DANA POINT NOTICE OF EXEMPTION

**Date:** November 26, 2018

**To:** County Clerk-Recorder  
County of Orange  
12 Civic Center Plaza, Room 106  
P.O. Box 238  
Santa Ana, CA 92702  
Attn: EIR Clerk

**From:** City of Dana Point  
Community Development Department  
33282 Golden Lantern, Suite No. 209  
Dana Point, California 92629

**Project Title:** Minor Conditional Use Permit CUP17-0015(M)/Minor Site Development Permit SDP17-0044(M)

**Project Location:**

The project is located at 34411 Via Gomez within the Residential Duplex (RD14) zoning designation. Legal description being Lot 9, of Block 13, of Tract 735, Assessor's Parcel Number 691-391-46.

**Description of Nature, Purpose, and Beneficiaries of Project:**

A request to allow the construction of a duplex with tandem parking and walls greater than 30 inches visible from the public right-of-way in the Residential Duplex (RD-14) Zoning District.

**Name of Public Agency Approving Project:** City of Dana Point

**Project Applicant:** Ricky Barnes, 29422 Ana Maria Lane, Laguna Niguel, CA, 92677 (949)351-6217

**Exempt Status:** (Check One)

Statutory Exemption

- ☐ Section:  
☐ Ministerial (Sec. 21080(b)(1); 15268):  
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))  
☒ \_X\_ Categorical Exemption: Class: 3 Section: 15303  
☐ Exempt: Sections:

**Reason Why Project is Exempt:**

The project includes a new duplex in an urbanized area for two new attached apartment units.

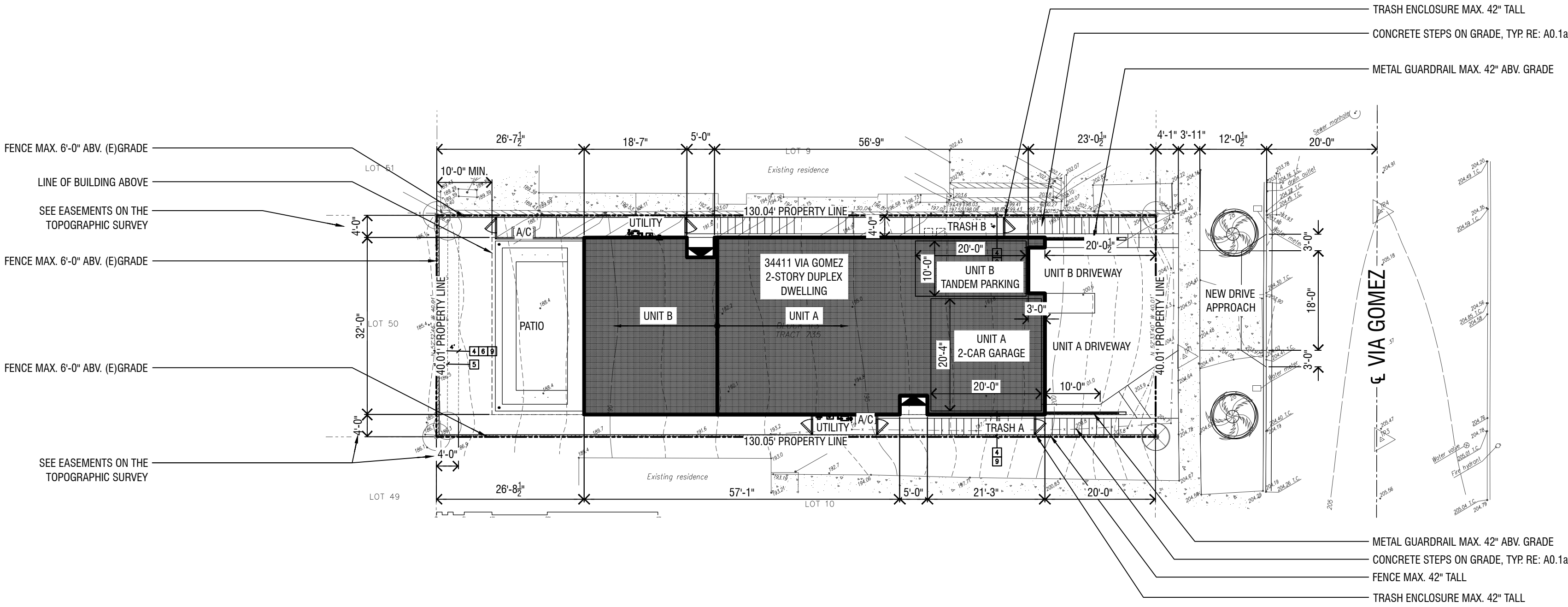
**Lead Agency Contact Person:**

Sean Nicholas, AICP, Senior Planner, (949) 248-3588  
City of Dana Point  
32282 Golden Lantern  
Dana Point, CA, 92629

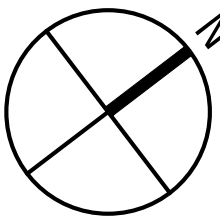
Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_  
☐ Signed by Lead Agency ☐ Signed by Applicant

**Supporting Document 4** Architectural Plans

ATTACHMENT



- GENERAL SITE NOTES:
1. EMPLOY DANA POINT STANDARD EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PROCESS.
  2. PROVIDE APPROVED BACKWATER DRAINAGE VALVE FOR FIXTURES LOCATED BELOW THE ELEVATION OF NEXT UPSTREAM MANHOLE COVER. FIXTURES ABOVE THIS ELEVATION SHALL NOT DISCHARGE THROUGH VALVE.
  3. PROVIDE 6" HOUSE STREET NUMBER VISIBLE AND LEGIBLE FROM STREET. NUMBERS SHALL BE OF NON-COMBUSTIBLE MATERIALS IN SPECIAL FIRE PROTECTION AREAS.
  4. ALL STRUCTURES LIMITED TO MAX. +42" WITHIN FRONT SETBACK AND +72" WITHIN SIDE AND REAR SETBACKS MEASURED FROM EXISTING GRADE.
  5. ALL REQUIRED SETBACK DIMENSIONS ARE FROM FACE OF FINISH



SITE LEGEND:

- ▲ FRONT DOOR ENTRY
- FOOTPRINT OF PROPOSED HOME
- - - PROPERTY LINE

DRAWING SYMBOLS

- NORTH ARROW
- CENTER LINE
- PROPERTY LINE
- HIDDEN/CONCEALED LINE
- ELEVATION CONTROL
- WORK POINT
- SPOT ELEVATION
- DIMENSIONS
- GRIDLINES
- ELEVATION
- BUILDING SECTION
- DETAIL/WALL SECTION
- DETAIL ENLARGEMENT
- INTERIOR ELEVATION
- DOOR NUMBER
- GLAZING NUMBER
- NEW CONSTRUCTION
- 1 HOUR CONSTRUCTION

ABBREVIATIONS

- |       |  |      |                           |
|-------|--|------|---------------------------|
| A     | at   | OD   | Outside Diameter          |
| @     | at   | ODU  | Out Door Unit             |
| abv.  | above  | OSB  | Oriented Strand Board     |
| AFF   | Above Finish Floor                             | P    | Painted                   |
| A.D.  | Area Drain                                     | Pld  | Plumbing Vent             |
| avg.  | Average  | PV   | Plywood                   |
| B     | Board  | PW   | Plywood                   |
| Bd.   | Below  | R    | Required                  |
| Blw.  | Building                                       | Req. | Required                  |
| Bldg. | Beam   | RJ   | Roof Joist                |
| Bm.   | British Thermal Unit                           | RR   | Roof Rafter               |
| BTU   | C  | Rm   | Room                      |
| C     | CFM  | S    | Storm Drain               |
| CFM   | Cubic Feet per Minute                          | S.D. | Square Feet               |
| CIP   | Cast in place                                  | SF   | Scupper                   |
| CMU   | Concrete masonry Unit                          | SC   | Steel                     |
| Conc. | Concrete                                       | SIL  | Stainless Steel           |
| Cont. | Continuous                                     | SS   | Stainless Steel           |
| D     | Dn   | T    | TO                        |
| Dn    | Down   | TO   | Top of                    |
| DWV   | Drain/Waste Vent                               | TOFF | Top of Finish Floor       |
| E     | Elasto.  | TOR  | Top of Roof               |
| (E)   | Existing                                       | Typ. | Typical                   |
| F     | FAU  | T.G. | Top of Grate              |
| FAU   | Forced Air Unit                                | TPS  | Top of Plywood Sheathing  |
| FF    | Finish Floor                                   | UL   | Underwriters Laboratories |
| FIN   | Finish   | UNO  | Unless Noted Otherwise    |
| FJ    | Floor Joist                                    | W    | Wood                      |
| FG    | Finish Grade                                   | Wd.  | With                      |
| FO    | Face of  | WH   | Water Heater              |
| FOP   | Face of Plywood                                | X    | X                         |
| FOS   | Face of Stud                                   | Y    | Y                         |
| FOP   | Face of Framing                                |      |                           |
| G     | Ga.  |      |                           |
| Ga.   | Galvanized                                     |      |                           |
| Galv. | Gypsum   |      |                           |
| gyp.  | Galv. Sheet Mtl.                               |      |                           |
| GSM   | Gypsum Wallboard                               |      |                           |
| GWB   | H  |      |                           |
| H     | HVAC   |      |                           |
| HVAC  | Heating, Ventilation and Air Conditioning Unit |      |                           |
| I     | Inv.   |      |                           |
| Inv.  | Invert   |      |                           |
| J     | K  |      |                           |
| K     | L  |      |                           |
| L     | LPG  |      |                           |
| LPG   | Liquidified Petroleum Gas                      |      |                           |
| M     | Mfg.   |      |                           |
| Mfg.  | Manufactur(er)                                 |      |                           |
| Mtl.  | Metal  |      |                           |
| Min.  | Minimum  |      |                           |
| N     | nic  |      |                           |
| nic   | Not In Contract                                |      |                           |
| (N)   | New  |      |                           |
| O     | O  |      |                           |
| o/    | Over   |      |                           |

PROJECT DATA

PROJECT ADDRESS: 34411 VIA GOMEZ, CAPO BEACH 92624  
LEGAL DESCRIPTION: LOT 9, BLOCK 13, TR 735 APN: 691-391-46  
PROJECT DESCRIPTION: NEW DUPLEX

OCCUPANCY: GROUP R-3/U  
ZONING DISTRICT: RD-14  
CONSTRUCTION: TYPE V-B SPRINKLERED  
NUMBER OF STORIES: 2  
MAX. ALLOWABLE HEIGHT: 24' FROM LOWEST PAD LEVEL  
PROPOSED HEIGHT: 24' SEE CALCS BELOW  
PARKING UNIT A: 2 ENCLOSED + 2 OFF STREET SPACES  
PARKING UNIT B: TANDEM: 1 ENCLOSED + 1 OFF STREET

MAX 50% LOT COVERAGE RATIO CALCULATIONS (SF):

LOT AREA: 5204  
FOOTPRINT: 2601 (50%)  
FLOOR AREA CALCS(SF):  
FLOOR 1A: 1849  
FLOOR 2A: 916  
TOTAL UNIT A AREA: 2765

FLOOR 1B: 731  
FLOOR 2B: 752  
TOTAL UNIT B AREA: 1483

GARAGE A: 441 (407 interior clear area)  
GARAGE B: 217 (200 interior clear area)  
TOTAL GARAGE AREA: 658

MIN. 20% PRIVATE OPEN SPACE CALCULATION (SF):

UNIT B FLOOR 1 PATIO : 565  
UNIT B FLOOR 2 PATIO: 565  
UNIT A FLOOR 2 PATIO: 253  
TOTAL: 1383 (26%)

MIN. 15% LANDSCAPE AREA CALCULATION (SF):

LANDSCAPE AREA: 1125 (22%)

ALLOWABLE HEIGHT CALCULATION FOR < 20% SLOPE:

PAD LEVEL B: 189.33'  
MAX. ALLOWABLE HEIGHT: +24' (FLAT ROOF)=213.33'  
PROPOSED HEIGHT: 213.33' (CERTIFICATION REQ'D)

DEFERRED SUBMITTALS

DEFERRED SUBMITTALS TO BE REVIEWED BY PROJECT ARCHITECT OR ENGINEER OF RECORD AND CERTIFIED PRIOR TO SUBMITTAL FOR PLAN CHECK OR APPROVAL BY THE CITY

CONTACTS

OWNER: RICKY BARNES, 29422 ANA MARIA LANE, LAGUNA NIGUEL, CA 92677, 949.351.6217

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE: JR WALZ, 23 CORPORATE PLAZA, STE. 150, CA 92660, 949.836.5977, JR@WALZARCHITECTURE.COM

SURVEYOR: VIKTOR MEUM - TOAL ENGINEERING, 139 AVENIDA NAVARRO, SAN CLEMENTE, CA 92672, (949) 492-8586

GOVERNING BUILDING CODES

DANA POINT MUNICIPAL CODE  
2016 CALIFORNIA RESIDENTIAL CODE  
2016 CALIFORNIA BUILDING CODE  
2016 CALIFORNIA ELECTRICAL CODE  
2016 CALIFORNIA MECHANICAL CODE  
2016 CALIFORNIA PLUMBING CODE  
2016 CALGREEN WITH 2017 AMENDMENTS  
2016 CALIFORNIA ENERGY CODE

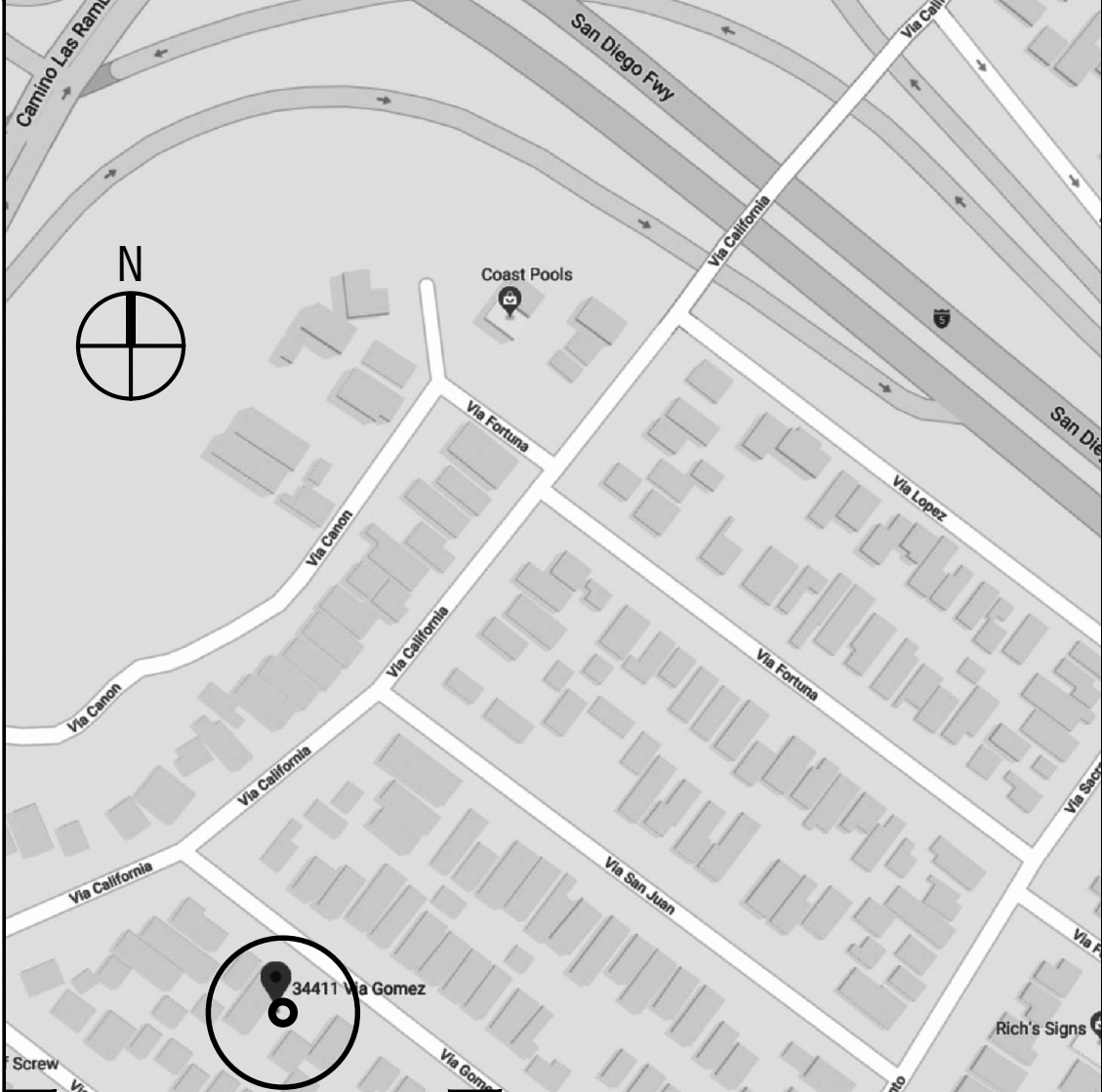
LIST OF DRAWINGS

ARCHITECTURAL  
A\_0.1 PROJECT INFO, PLOT PLAN  
A\_0.1a PRELIMINARY SITE, GRADING, AND DRAINAGE PLAN  
A\_1.0-1 FLOOR PLANS  
A\_1.2 ROOF PLAN  
A\_2.0-1 EXT. ELEVATIONS  
A\_3.0 SECTIONS

LANDSCAPE  
L1.0 PLANTING PLAN

CIVIL  
TOPOGRAPHIC SURVEY

LOCATION MAP



SCALE: 1/16"= 1'-0"

PLOT PLAN 1

WALZ : ARCHITECTURE

JR WALZ  
23 CORPORATE PLAZA, SUITE 150  
NEWPORT BEACH, CA 92660  
949.836.5977  
JR@WALZARCHITECTURE.COM

Consultants:

BARNES.GOMEZ

34411 VIA GOMEZ, CAPO BEACH

RICKY BARNES

Legal Description:

ASSESSORS PARCEL #: 691-391-46

Corrections/Changes:

#	DATE	REVISIONS	BY

Note:

Issued For:

PLANNING APPLICATION

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Seal/Signature:

John Robert Walz - Licensed Professional Engineer  
No. 50889 - State of California  
Exp. 12/31/2020

Drawing No:

TITLE AND SITE

2018.08.20

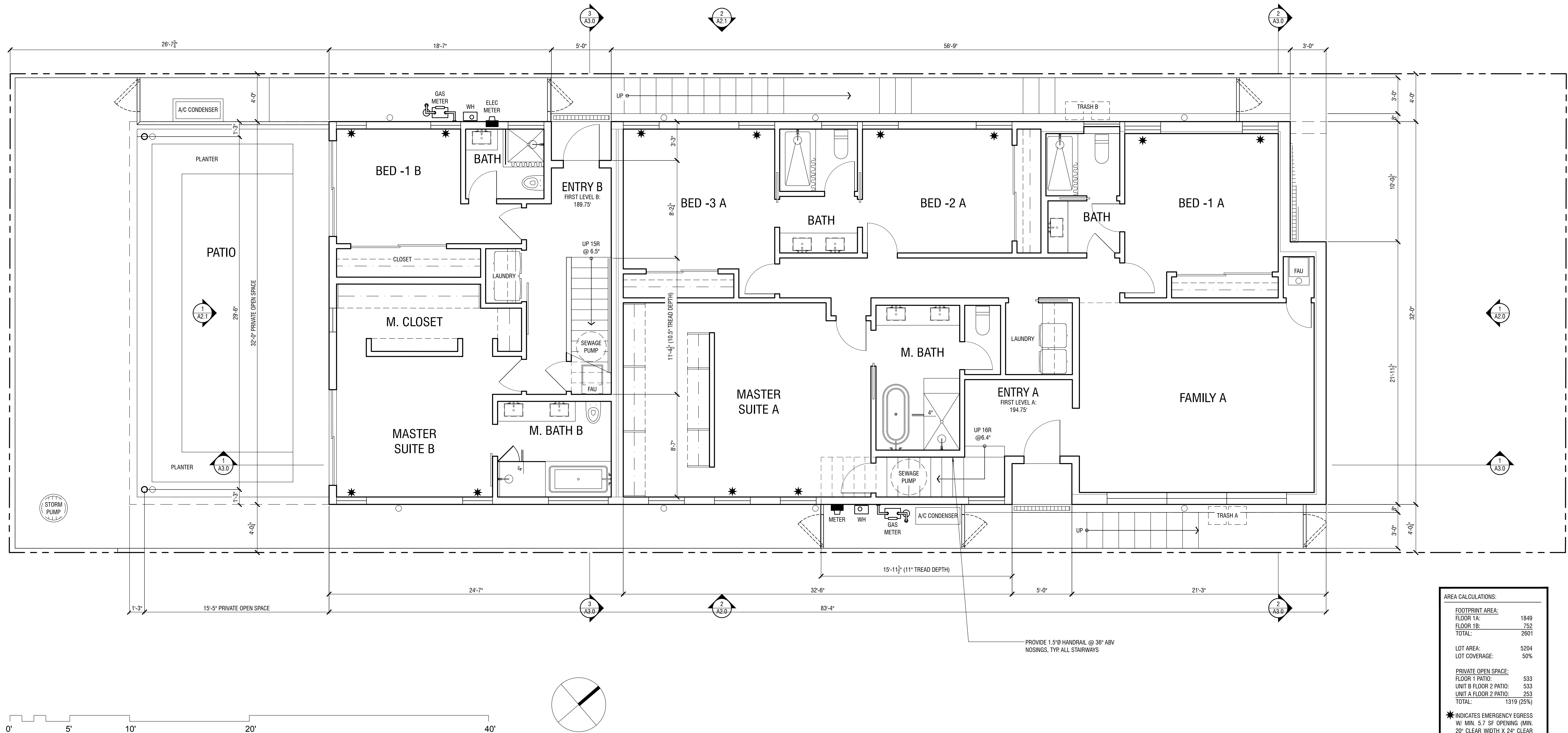
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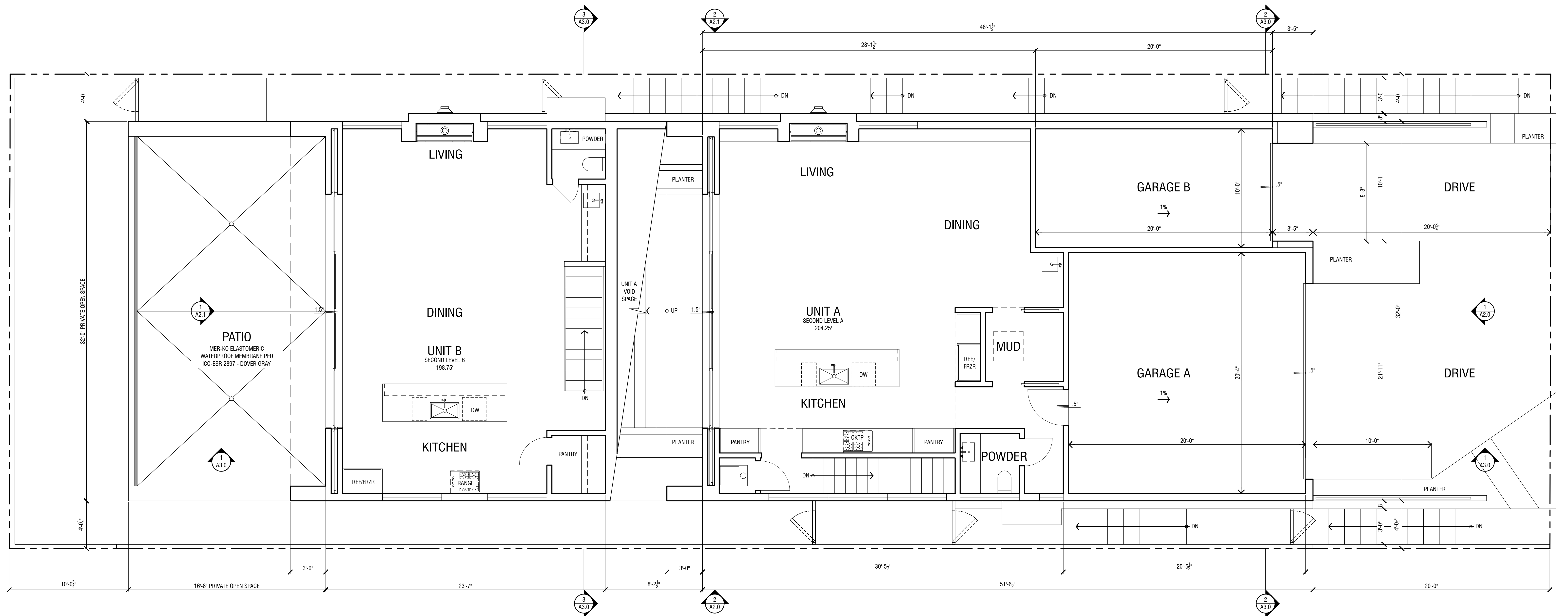








AREA CALCULATIONS:	
FOOTPRINT AREA:	
FLOOR 1A:	1849
FLOOR 1B:	752
TOTAL:	2601
LOT AREA:	5204
LOT COVERAGE:	50%
PRIVATE OPEN SPACE:	
FLOOR 1 PATIO:	533
UNIT B FLOOR 2 PATIO:	533
UNIT A FLOOR 2 PATIO:	253
TOTAL:	1319 (25%)
* INDICATES EMERGENCY EGRESS W/ MIN. 5.7 SF OPENING (MIN. 20" CLEAR WIDTH X 24" CLEAR HEIGHT). CRANK MECHANISM FOR OPERABLE WINDOWS SHALL NOT PROJECT INTO REQD. NET OPENING REQMTS.	



GROSS AREA CALCULATIONS:	
FLOOR AREA:	
FLOOR 2A:	916
FLOOR 2B:	731
	1647
GARAGE AREA:	
UNIT A:	441(407 CLR. INT.)
UNIT B:	217(200 CLR. INT.)
PRIVATE OPEN SPACE:	
FLOOR 1 PATIO:	533
UNIT B FLOOR 2 PATIO:	533
UNIT A FLOOR 2 PATIO:	253
TOTAL:	1319 (25%)

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23 CORPORATE PLAZA, SUITE 150  
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949.836.5977  
JR@WALZARCHITECTURE.COM

Consultants:

**BARNES.GOMEZ**  
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Legal Description:

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Seal/Signature:

John Robert Walz - Licensed  
Architect  
No. 53889  
State of California

Drawing:

PLANS

Date:

1/4" = 1'-0"

2018.08.20

Drawing No:

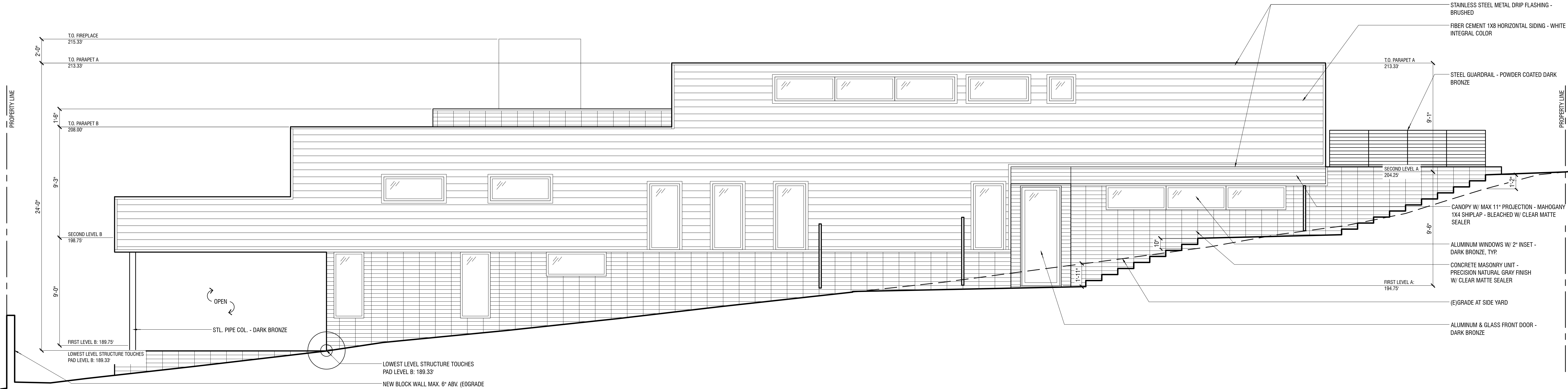
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FLOOR 2

1







EAST ELEVATION

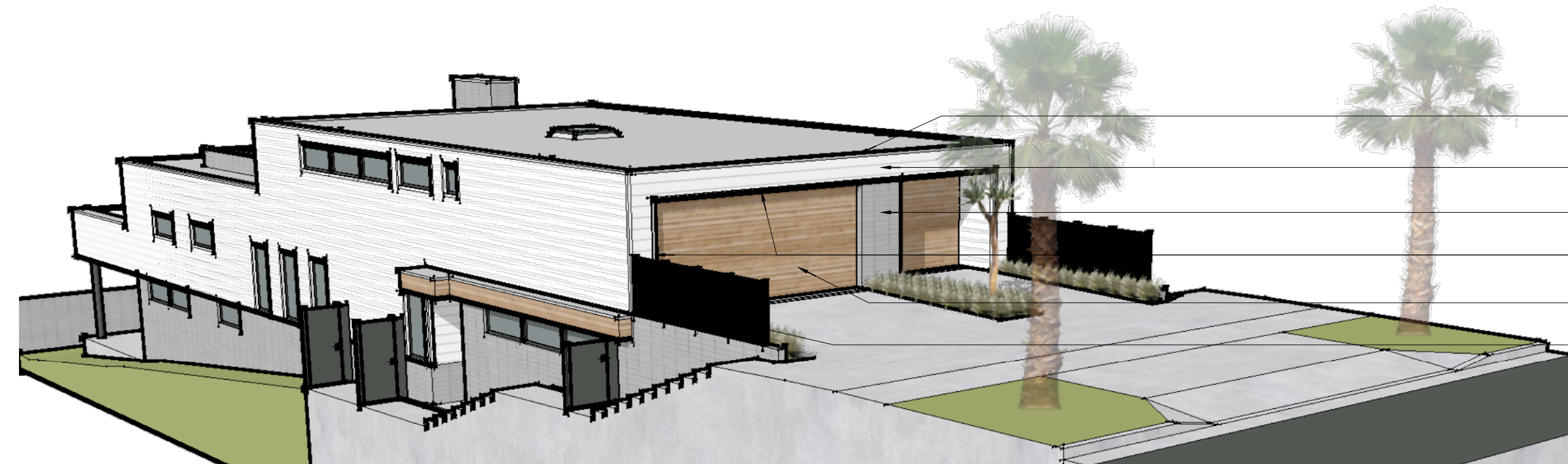
2



NTS

STREET PERSPECTIVE

4



NTS

EAST STREET PERSPECTIVE

3

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Corrections/Changes:

#

DATE

REVISIONS

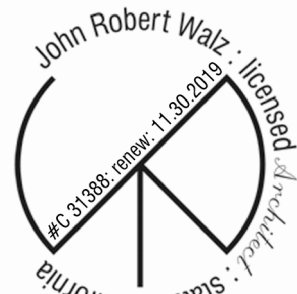
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Seal/Signature:



Drawing:

Scale:

1/4" = 1'-0"

Date:

2018.09.28

Drawing No:

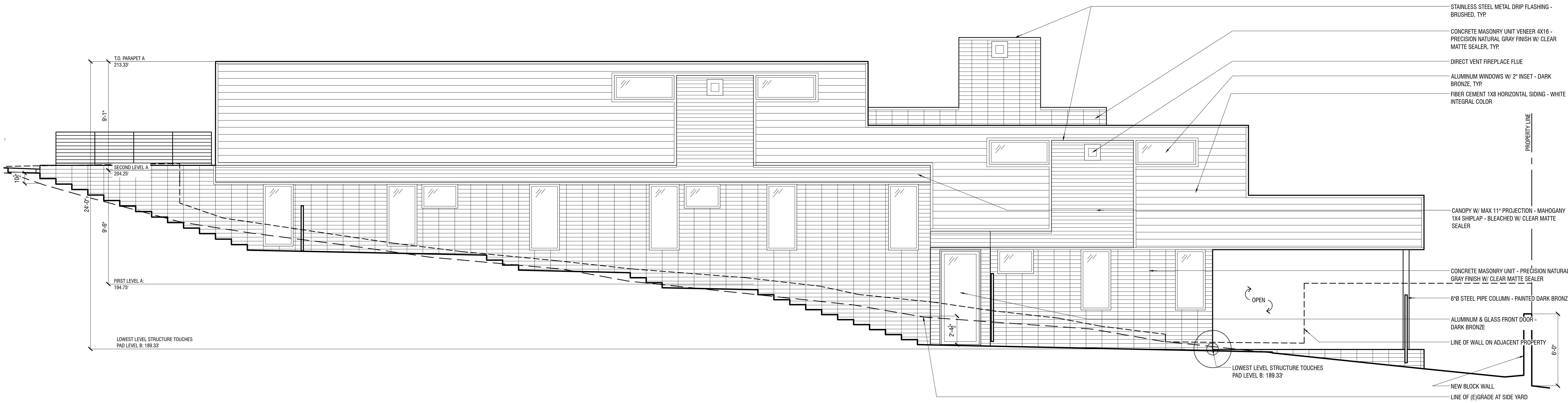
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NORTH (STREET) ELEVATION

1

ELEVATIONS

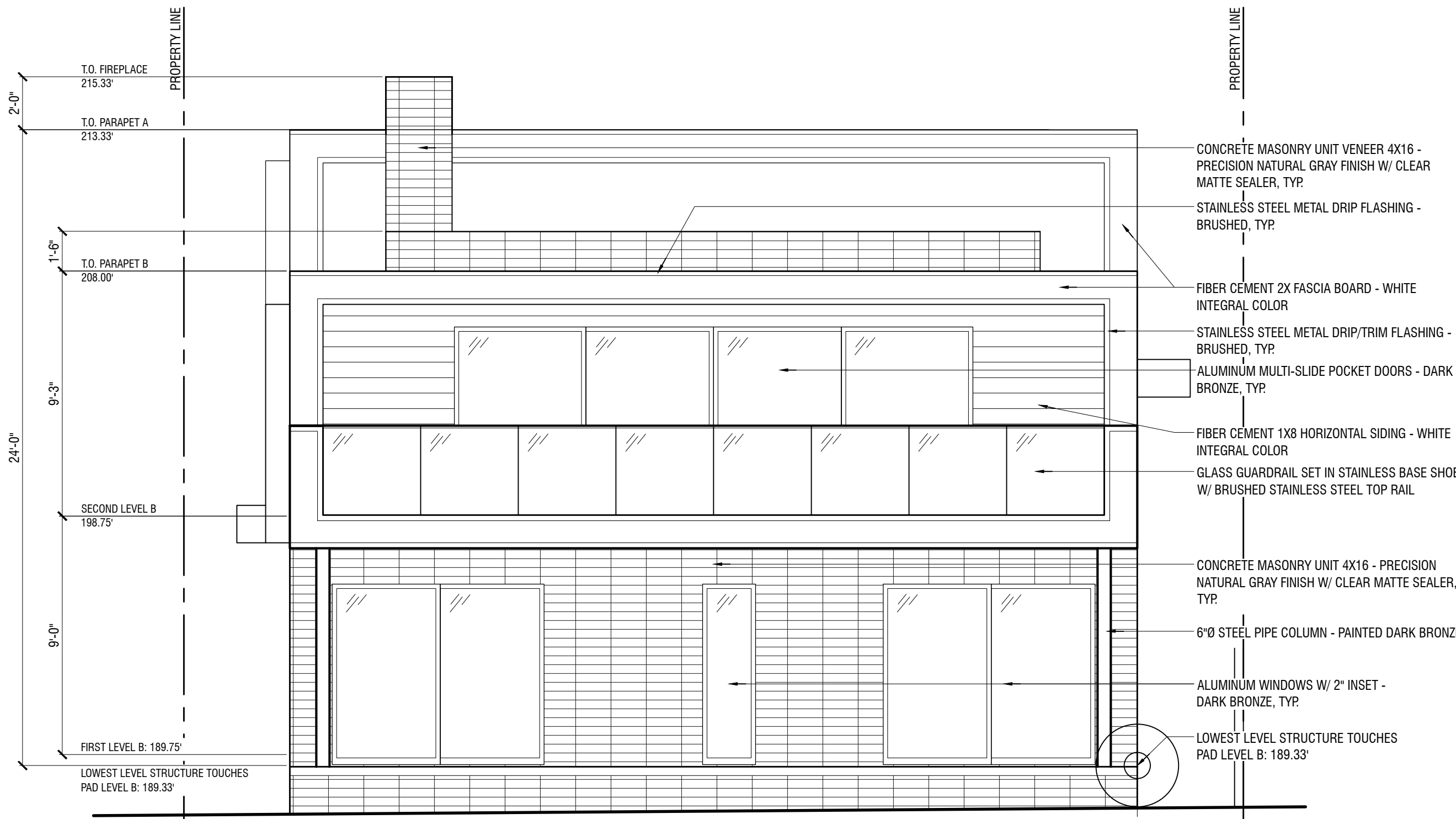




WEST ELEVATION 2

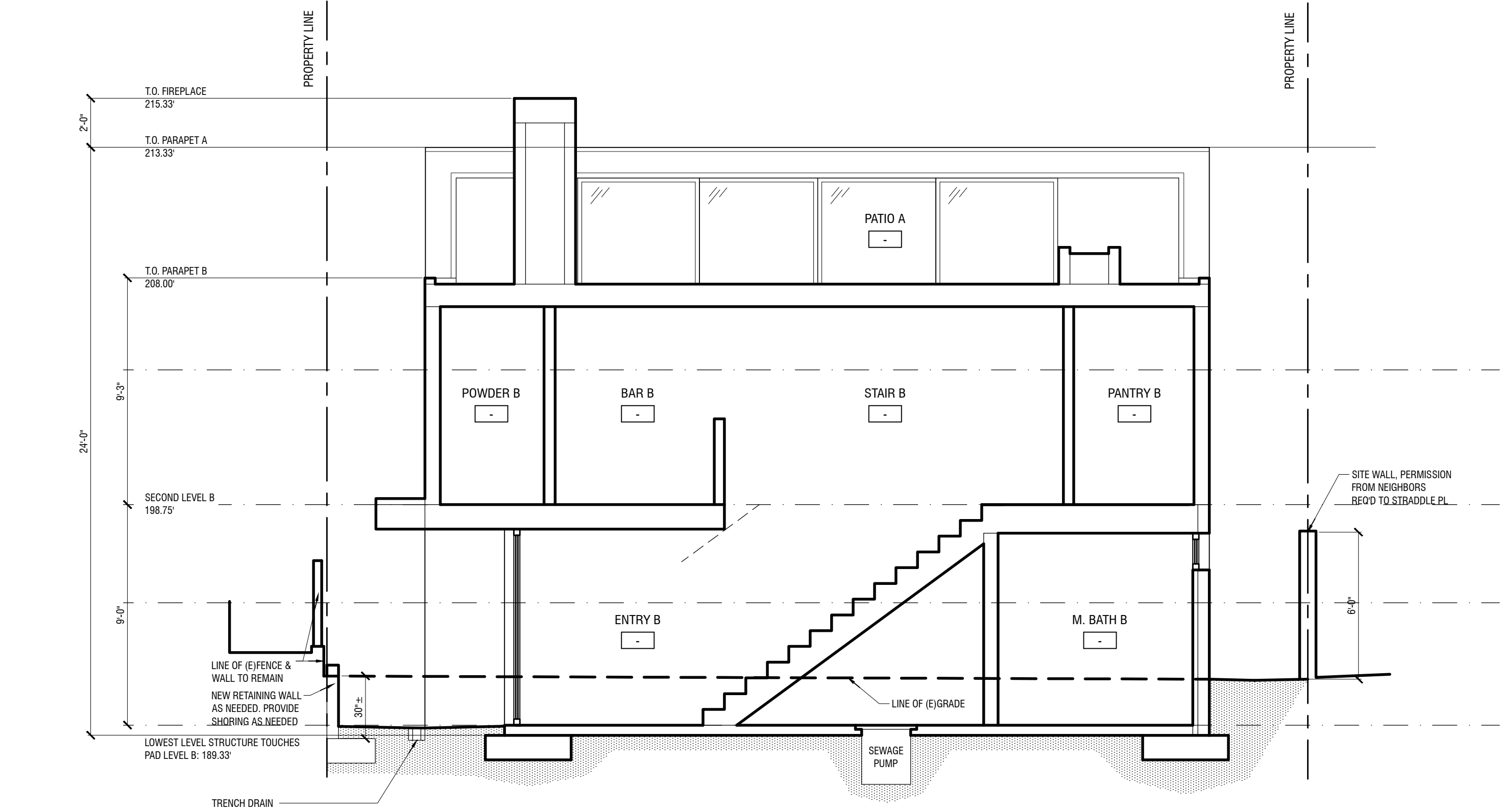


WEST REAR PERSPECTIVE 3



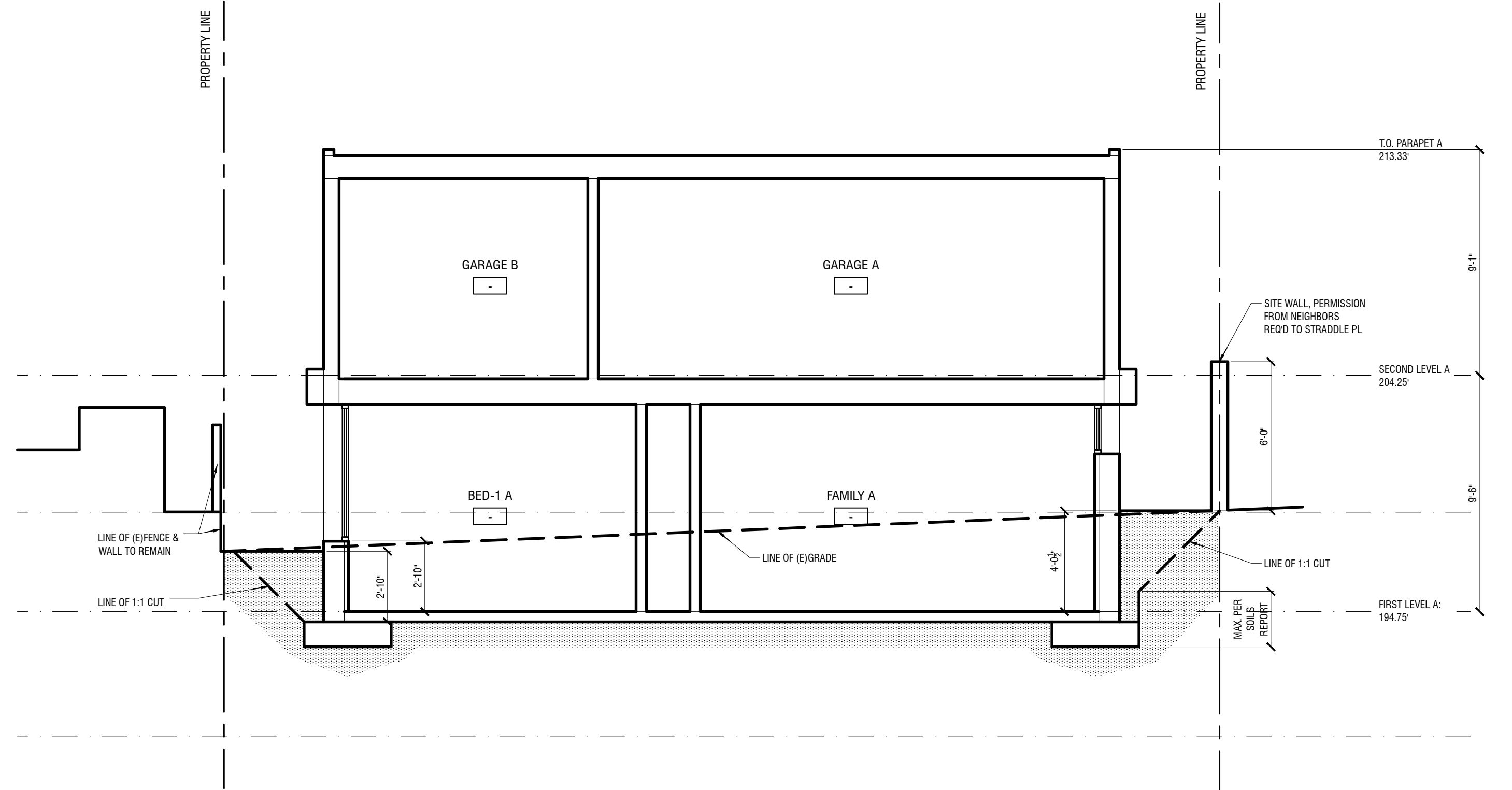
SOUTH (REAR) ELEVATION 1

<b>WALZ : ARCHITECTURE</b> JR WALZ 23 CORPORATE PLAZA, SUITE 150 NEWPORT BEACH, CA 92660 949.836.5977 JR@WALZARCHITECTURE.COM	<b>Project:</b> BARNES.GOMEZ <b>Client:</b> RICKY BARNES	<b>Legal Description:</b> ASSESSORS PARCEL #: 691-391-46	<b>Corrections/Changes:</b>	<table><thead><tr><th>#</th><th>DATE</th><th>REVISIONS</th><th>BY</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table>	#	DATE	REVISIONS	BY																	<b>Issued For:</b> PLANNING APPLICATION <b>Note:</b> THIS DRAWING IS THE PROPERTY OF JR WALZ, AND IS NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT PERMISSION. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED ON REQUEST.	<b>Seal/Signature:</b> John Robert Walz - Licensed Architect No. 53888 - Expires 12/30/2019 State of California	<b>Drawing:</b> ELEVATIONS <b>Scale:</b> 1/4" = 1'-0" <b>Date:</b> 2018.09.28 <b>Drawing No.:</b> A_2.1
#	DATE	REVISIONS	BY																								



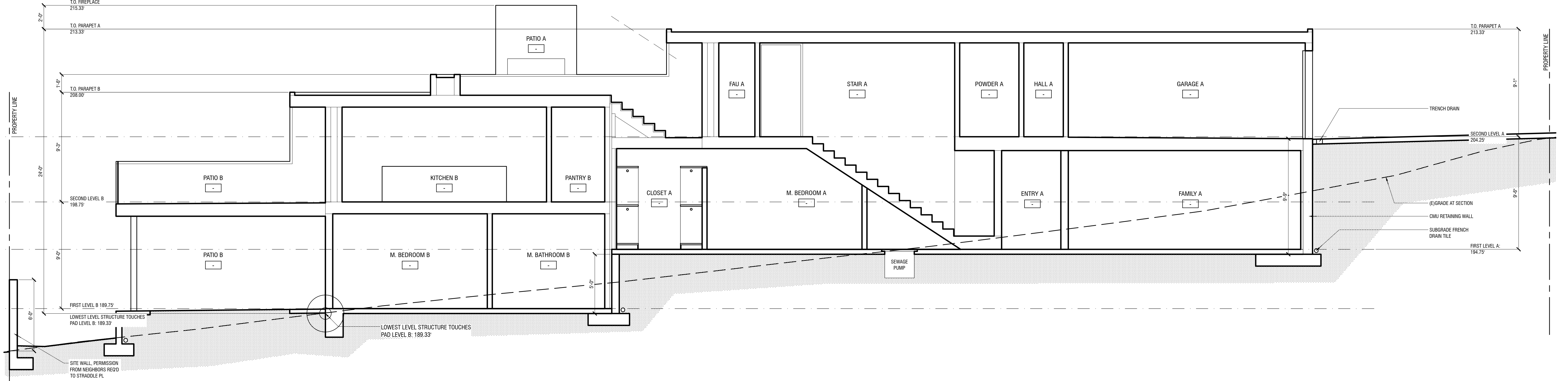
LATERAL SECTION

3



LATERAL SECTION

2



LONGITUDINAL SECTION

1

**WALZ : ARCHITECTURE**  
JR WALZ  
23 CORPORATE PLAZA, SUITE 150  
NEWPORT BEACH, CA 92660  
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Consultants:

**BARNES.GOMEZ**  
34411 VIA GOMEZ, CAPO BEACH  
RICKY BARNES

Legal Description:

ASSESSORS PARCEL # 691-391-46

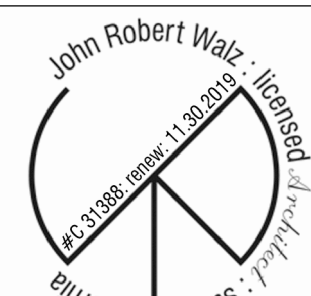
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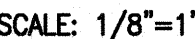
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Drawing No:

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139 Avenida Navarra  
San Clemente, CA 92672  
949.492.8586  
[www.toalengineering.com](http://www.toalengineering.com)



VIKTOR P. MEUM  
P.L.S. 8682  
DATE: 8-20-2018

PREPARED FOR:  
**RICK BARNES**

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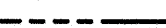
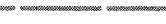



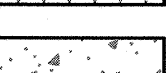
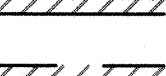





# TOPOGRAPHIC AND BOUNDARY SURVEY

LOT 9, BLOCK 13, TRACT 735

34411 VIA GOMEZ DANA POINT CALIFORNIA

DATE: 7-21-17		H. SCALE: 1/8"=1'	
SURVEY DATE: 7-19-17		V. SCALE: -	
DRN.: MSF	DWG. NO.  <b>TP-01</b>		
CHD.: -			
APPD.: VM			
JOB NO. <b>17116</b>	SHEET <b>1</b>	OF <b>1</b>	



- |  |                           |
|--|---------------------------|
|     | GRADE BREAK LINE          |
| 5  | INDEX CONTOUR LINE        |
|   | INTERMEDIATE CONTOUR LINE |
|   | PROPERTY LINE             |
|   | FENCE                     |
|   | MSE WALL                  |
|   | CONCRETE SURFACE          |
|   | MASONRY WALL              |
|   | WOOD WALL                 |
|   | ROCK WALL                 |
| F.F.   | FINISHED FLOOR            |
| F.S.   | FINISHED SURFACE          |
| T.G.   | TOP OF GRATE              |
| INV  | INVERT OF PIPE            |
| T.C.   | TOP OF CURB               |
| E.P.   | EDGE OF PAVEMENT          |
| T.W.   | TOP OF WALL               |
|   | FOUND MONUMENT            |
|   | SURVEY CONTROL POINT      |

EASEMENT NOTES:

NUMBERING SEQUENCE PER ORANGE COAST TITLE COMPANY PRELIMINARY REPORT NO. 350-1756154-11, DATED MAY 6, 2016

Any easements or servitudes appearing in the public records. (NO EASEMENTS FOUND)  
(Easements per Tract map No 735, MM 22/21-28)

- 4 - Covenants, conditions, and restrictions in the document recorded June 11, 1925 in Book 578, Page 357 of Deeds, An easement reservation for all lots in Tract being 4.00' in width for the sidelines and rear of each lot for the purpose of ingress, egress, Gas, water and Electrical services (PLOTTED HEREON)
- 5 - An easement being 2.00' in width at the rear of all Lots within Tract 735, granted to San Diego Consolidated Gas and Electric Company, a Corporation, for Public Utilities, ingress, egress and incidental purposes in the document dated October 1, 1928 and recorded in Book 203, Page 272 of Official Records. (PLOTTED HEREON)
- 6 - An easement being 4.00' in width at the rear (SW line) of Lots 4, 7 through 23 and Lot 26 of Block 13, Tract 735, granted to The Pacific Telephone and Telegraph Company, a Corporation, for underground telephone, telegraph, communication structures and incidental purposes in the document dated June 14, 1951 and recorded in Book 2201, Page 170 of Official Records. (PLOTTED HEREON)
- 9 - Covenants, conditions, and restrictions in the document recorded March 15, 1931 in Book 602, Page 270 of Deeds, An easement reservation for all lots in Tract being 4.00' in width for the sidelines and rear of each lot for the purpose of ingress, egress, Gas, water and Electrical services (PLOTTED HEREON)

BENCHMARK NOTE:  
OCSBM 3B-50-68  
ELEV=16.995  
NAVD88 DATUM, 1989 ADJ.