

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

DATE: DECEMBER 9, 2019

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
KELLY REENDERS, INTERIM DIRECTOR OF COMMUNITY
DEVELOPMENT
JOHN CIAMPA, SENIOR PLANNER

SUBJECT: TENTATIVE PARCEL MAP TPM19-0003, CONDITIONAL USE PERMIT
CUP19-0005, SITE DEVELOPMENT PERMIT SDP19-0014, AND
ADMINISTRATIVE MODIFICATION OF STANDARDS AMS19-0005 TO
ALLOW A CONDOMINIUM CONVERSION FOR THREE DETACHED
UNITS AND THE ADDITION OF UNCOVERED PARKING WITH A
REDUCED SETBACK AND THE REDUCTION OF REQUIRED
SETBACKS FOR THE EXPANDED GARAGES IN THE RESIDENTIAL
MULTIPLE FAMILY 14 (RMF 14) ZONING DISTRICT AT 33950 AND 33952
COPPER LANTERN STREET AND 33961 MARIANA DRIVE

RECOMMENDATION: That the Planning Commission adopt the attached resolution approving Tentative Parcel Map, Conditional Use Permit, Site Development Permit, and Administrative Modifications of Standards.

APPLICANT: Robert Williams, Studio 6 Architects

PROPERTY OWNERS: 33952 Copper LLC

REQUEST: Preliminary review for a Tentative Parcel Map, Conditional Use Permit, Site Development Permit, and Administrative Modifications of the Standards to allow a condominium conversion, provide additional uncovered parking in the required setback for three residential units located at 33950 and 33952 Copper Lantern Street and 33961 Mariana Drive.

LOCATION: 33950 & 33952 Copper Lantern Street and 33961 Mariana Drive (APN: 682-123-18)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on November 15, 2019, published within a newspaper of general circulation on November 15, 2019, and posted on November 15, 2019, 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 15301(e)(1) (Class 1 – Existing Facilities) in that the project involves the conversion of existing structures into condominiums, façade enhancements to the existing units, the expansion of the existing garages, new uncovered parking, and new landscaping for the site.

ISSUES:

- Project consistency with the Dana Point General Plan and the Dana Point Zoning Code (DPZC).
- Project compatibility with and enhancement of the site and surrounding neighborhood; and
- Project satisfaction of all findings required pursuant to the Tentative Parcel Map (TPM), Conditional Use Permit (CUP), Site Development Permit (SDP), and Administrative Modification of Standards (AMS).

BACKGROUND:

On November 25, 2019, the Planning Commission reviewed the subject application and raised concern with the clarity of the Tentative Parcel Map. The Planning Commission requested the item be continued to the next regularly scheduled public hearing on December 9, 2019, to improve the clarity of the Tentative Parcel Map. Following the meeting, staff discussed with the applicant the necessary modifications that should be completed to address the Planning Commission's comments.

DISCUSSION:

The revised Tentative Parcel Map for the condominium conversion was reviewed by staff who confirmed the necessary modifications were made to improve the map's clarity.

The November 25, 2019, Planning Commission report for the application is provided as Supporting Document 2 for a complete description and analysis of the proposed project.

CORRESPONDENCE:

To date, no correspondence has been received concerning the subject project. The property is not located within a homeowner's association (HOA).

CONCLUSION:

Staff finds that the subject project is consistent with the policies and provisions of the City of Dana Point General Plan, Dana Point Zoning Code, and Local Coastal Program. Staff is recommending that the Planning Commission adopt the attached draft resolution, approving TPM19-0003, CDP19-0005, SPD19-0014, and AMS19-0005 subject to findings and conditions of approval.


John Ciampa
Senior Planner
Kelly Reenders, Interim Director of
Community Development

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 19-12-09-xx

Supporting Documents

2. November 25, 2019 Planning Commission Agenda Report
3. Vicinity Map
4. Photos
5. Project Plans

Action Document 1: Draft Planning Commission Resolution No. 19-12-09-XX

RESOLUTION NO. 19-12-09-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM19-0003, CONDITIONAL USE PERMIT CUP19-0005, SITE DEVELOPMENT PERMIT SDP19-0014, AND ADMINISTRATIVE MODIFICATION OF STANDARDS AMS19-0005 TO ALLOW A CONDOMINIUM CONVERSION FOR THREE DETACHED UNITS AND THE ADDITION OF UNCOVERED PARKING WITH A REDUCED SETBACK AND THE REDUCTION OF REQUIRED SETBACKS FOR THE EXPANDED GARAGES IN THE RESIDENTIAL MULTIPLE FAMILY 14 (RMF 14) ZONING DISTRICT AT 33950 AND 33952 COPPER LANTERN STREET AND 33961 MARIANA DRIVE

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

WHEREAS, 33952 Copper LLC ("Applicant") is the owner of real property commonly referred to as 33950 & 33952 Copper Lantern Street and 33961 Mariana Drive (APN: 682-123-18) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Tentative Parcel Map, Conditional Use Permit, Site Development Permit, and Administrative Modification of Standards for a condominium conversion and to provide additional uncovered parking in the required setback for three residential units at the Property; 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 15301 (Class 1 - Existing Structures) in that the Project proposes the conversion of existing structures into condominiums, façade enhancements to the existing units, the expansion of the existing garages, new uncovered parking, and new landscaping for the site; and

WHEREAS, the Planning Commission did, on the 25th day of November, 2019, reviewed the requested application and continued the project to the December 9, 2019 Planning Commission Public hearing to allow the applicant to improve the clarity of the Tentative Parcel Map; and

WHEREAS, the Planning Commission did, on the 9th day of December, 2019, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Tentative Parcel Map TPM19-0003, Conditional Use Permit CUP19-0005, Site Development Permit SDP19-0014, and Administrative Modification of Standards AMS19-0005.

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 2

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 this reference.
- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Tentative Parcel Map TPM19-0003, Conditional Use Permit CUP19-0005 Site Development Permit SDP19-0014, and Administrative Modification of Standards AMS19-0005, subject to conditions:

Findings:

Tentative Parcel Map TPM19-0003

1. That the proposed map is consistent with the City's General Plan **in that, it satisfies the intent of the Land Use Element Goal 1 pertaining to balanced development for the City, which states, "Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents" and the property complies with the density allowed for the RMF 14 Zoning District.**
2. That the design and improvement of the proposed subdivision is consistent with the City's General Plan **in that, the proposed density conforms to the applicable City standards and policies related to residential development for the General Plan Land Use Designation "Residential 7-14 DU/AC", and the proposed subdivision will provide individual and common interest and responsibility areas as further articulated in the Conditions, Covenants and Restrictions (CCR's), and final condominium map required as conditioned in this Resolution.**
3. That the site is physically suitable for the proposed type of development **in that, the site is currently improved with three units and the proposed modifications to the site and structures. The project makes the site conforming to parking and does not result in significant expansion or modifications to the existing conditions in that the lot is of reasonable shape, size, and topography to accommodate a residential**

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 3

condominium subdivision for the three (3) existing dwelling units.

4. That the requirements of the California Environmental Quality Act have been satisfied in that, **project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves a subdivision for a condominium conversion, minor additions, and site improvements to the existing structures and developed site.**
5. That the site is physically suitable for the proposed density of development in that, **the residential units comply with the density requirements for the RMF 14 Zoning District and are existing. The site is also large enough to accommodate the proposed density and land area requirements for the three (3) dwelling units, three (3) garage parking stalls, one (1) carport, and two (2) uncovered guest spaces to provide the necessary parking stalls for the residential units.**
6. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife habitat in that, **the subdivision is located within an urbanized area within the Lantern Village community of the City on an already developed lot that does not contain special status habitat. The Project will result in negligible expansion to the units to increase the size of the garage parking with limited modifications to the site.**
7. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems in that, **the proposal is for a condominium conversion of existing structures, minor additions, and site improvements. Propose modifications to the residential structures will comply with the Building Code requirements. Additionally, best management practices (BMP's) will be implemented before, during and after construction activities take place. Therefore, the design of the subdivision and proposed improvements are not likely to cause serious public health problems.**
8. That the design of the subdivision and the proposed improvements will not conflict with easements of record or

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 4

established by court judgment or acquired by the public at large for access through or use of property within the proposed subdivision **in that, the review of the application confirmed that the project is not located or in conflict with any easements of record.**

9. That the design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations **in that, the subdivision creates individual ownership opportunities for an existing three-unit residential development. The increased parking brings the project in conformance with the parking standards. The façade and landscape improvements enhance the design of the property and its compatibility with the neighborhood.**
10. That the subdivision is not located in a fee area, or if located in a fee area, the subdivider has met the requirements or payment of the applicable fees or the subdivision would not allow development of a project which would contribute to the need for the facility for which a fee is required **in that, all applicable fees will be collected prior to issuance of construction permits for the project, or will be collected prior to issuance of a certificate of occupancy for any of the units, and the creation of the condominium subdivision will not create the need for additional public facilities.**
11. That the subdivision is located in an area which has access to adequate utilities and public services to support the development proposed within the subdivision or that the subdivision includes the provisions and improvements necessary to ensure availability of such utilities and services **in that, public utilities and services are currently provided to the residential units and the applicant shall furnish a "Will Serve" letter from each of the requisite utility and public service companies prior to building permit issuance, if necessary given the existing service on the site.**

Conditional Use Permit CUP19-0005

1. That the proposed project is consistent with the Dana Point General Plan **in that, the project does not exceed the maximum intensity of development allowed within the RMF 14 Zoning District, all of the required parking is provided on-**

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 5

site, and the façade enhancements and landscaping enhances the character of the community.

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, surrounding development was considered during the review of the condominium conversion for the existing units, garage additions, and new parking and none of the project components will result in a negative impact to surrounding properties. The project will enhance the neighborhood through the individual ownership of the dwelling units and the individual responsibility of the maintenance and appearance of the three “air space” areas defined through the preliminary condominium plan.**
3. That the proposed site is adequate in size and shape to accommodate the yards, wall, fences, parking and loading facilities, landscaping, and other land use development features prescribed in the City's Zoning Code and required by the Director of Community Development in order to integrate the use with existing and planned uses in the vicinity **in that, the three residential structures are existing and all proposed improvements related to the site have been deemed adequate for the proposed site through previous entitlements and the proposed condominium subdivision will not change these improvements or result in the need for additional improvements to integrate the three units with surrounding development.**

Site Development Permit 19-0014

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code **in that, the project reduces the nonconformities associated with the development on the site for the RMF 14 Zoning District, with the exception of the AMS for the reduced setbacks for the garage additions for Units B and C and the SDP for the reduced setback for the new uncovered parking stalls. The development complies with the density requirement, height, lot coverage, open space (private/common), and parking.**
2. That the site is suitable for the proposed use and development in

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 6

that, the proposed condominium conversion for the existing triplex complies with the density requirements of one unit per 2,600 square feet of lot area given the property is 7,882 square feet. All of the required parking will be provided on-site. The development complies with the density requirement, height, lot coverage, open space (private/common), and parking for the RMF 14 Zoning District, with the exception of the AMS for the reduced setbacks for the garage additions for Units B and C and the SDP for the reduced setback for the new uncovered parking stalls. The size and scale of the project is consistent and compatible with the neighborhood.

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 project is in character and scale with the neighborhood. Section II.C Architectural Character of the City's Design Guidelines requires "Larger buildings should be designed to reduce their perceived height and bulk by segmenting their mass into smaller parts." The project achieves this design requirement of the Design Guidelines with the detached configuration of the residential units, which provides the perception that they are single-family residences.
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 project maintains the project's beach cottage design that is consistent with the mix of architectural styles in the neighborhood. The detached configuration of the residential units provides the perception that they are single-family residences which reduces the massing to the site and contributes to the character of the neighborhood. The proposed landscape improvements in the City right-of-way at the intersection of Copper Lantern and Mariana Drive also contributes to the enhancement of the area for the benefit of the community.
5. That the proposed modifications to the parking and loading standards result in a project which is of a superior design quality and functionality as compared to the project which could have been built under the existing regulations in that, the irregular shaped lot and the existing structures result in a need for the reduced parking setback. Allowing the reduced parking

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 7

setback to provide the required parking for the condominium conversion allows the existing structures to be maintained, which is a superior design and contributes to the character of the neighborhood more so than if the structures were demolished and a large attached three-unit condominium complex was constructed. The location of the proposed guest parking stalls were reviewed by Public Works and Planning and it was determined that the design complies with the intent of the parking provisions as there will be no conflicts with the line of sight for vehicles entering the street.

6. That the proposed parking and loading facilities, as conditioned, comply with the intent and purpose of the parking and loading regulations in that, the location of the proposed guest parking stalls were reviewed by Public Works and Planning and it was determined the Project design complies with the intent of the parking provisions as there will be no conflicts with line of sight for vehicles backing onto the street.

Administrative Modification of Standards 19-0001

1. That there are practical difficulties or unnecessary hardships created by strict application of the Zoning Code due to physical characteristics of the property in that, the irregular lot and the existing structures that were constructed under County of Orange jurisdiction during the 50s and 60s with different development standards result in legal nonconformities that are challenging to correct. The proposed AMS requests are a result of the project addressing the nonconforming parking conditions for the site and do not encroach further into the required setback areas. In the case of the structural separation between Units A and C, the garage reconstruction for Unit C improves the separation distance from three feet to eight feet.
2. The administrative modification does not constitute a grant of special privileges which are not otherwise available to surrounding properties in similar conditions and will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity in that the majority of the street is comprised of multi-family structures which do not comply with setback, parking, open space, and landscape requirements identified in Section 9.09 of the DPZC. The project improves nonconformities associated with the site

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 8

without creating negative impacts on the adjacent properties or resulting in a grant of special privileges.

3. The administrative modification places suitable conditions on the property to protect the public health, safety, and welfare and surrounding properties **in that the project is conditioned to ensure the proposed additions and decks are accurately located before construction to ensure they are placed in the exact location identified on the approved plans. The project is conditioned to ensure the plans comply with the Building Code and that all of the best management practices are conducted during the construction process.**

Conditions:

A. General:

1. Approval of this application permits to allow a condominium conversion, provide additional uncovered parking in the required setback for three residential units located at 33950 and 33952 Copper Lantern Street and 33961 Mariana Drive. 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 Dana Point General Plan and Zoning Code.
2. This conditionally approved tentative map shall expire two (2) years after its conditional approval unless the Applicant/subdivider requests an extension in writing prior to the expiration date, and the Subdivision Committee/Planning Commission grants the extension request in accordance with all provisions outlined in Subdivision Code Section 7.05.075.
3. 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.
4. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 9

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 plans, the Director may approve the amendment without requiring a new public hearing.

5. 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.
6. 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 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.
7. 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.
8. 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.
9. The applicant and applicant's 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.
10. The applicant and applicant's successors in interest shall be

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 10

responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.

11. The project shall meet all water quality requirements.
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 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.
14. All proposed utilities within the project shall be installed underground. An approved SDG&E work order and undergrounding plan is required prior to building permit issuance.
15. The applicant shall obtain all applicable permits for the proposed improvements, including any that may be required from outside agencies.
16. The applicant, property owner or successor in interest shall prepare a 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.
17. Prior to any submittal to the City of Dana Point, an address assignment may be submitted to the Public Works Department for the addresses of the proposed development units.
18. This resolution shall be copied in its entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Dana Point Building/Safety Division for plan check.
19. Any curb and gutter or other public improvements damaged during construction in the public right of way shall be repaired and replaced to the satisfaction of the City Engineer.

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 11

C. Prior to approval of the final parcel map the applicant shall meet the following conditions:

20. A Final Map shall be submitted for review and approval in accordance with requirements of the Public Works Department and Community Development Department. The final map must be in substantial compliance with Tentative Parcel Map No. TPM19-0003, as determined by the Director of Community Development and the Director of Public Works/City Engineer. Said map shall be prepared as required by the City of Dana Point Subdivision Code.
21. The Final Map shall be in accordance with the Subdivision Map Act including Article 2 and Article 3.
22. The applicant shall provide proof of all required notices per the Subdivision Map Act including Sections 66452.17 through 66452.20 and 66427.
23. The applicant shall provide adequate written notice to prospective and current tenants of the intent to convert per Subdivision Map Act Section 66452.17.
24. All permitted improvements shall be completed, inspected and approved by the City of Dana Point prior to issuance of the Final Map including: Wall Permits, Encroachment Permits, Landscape Permit and Building Permits.
25. All taxes and fees shall be paid to the County of Orange and the County Treasurer-Tax Collector's Certificate shall be signed.
26. All existing and proposed easements shall be shown and labeled on the Final Map clearly indicating the easement ownership, location, purpose and width. A copy of the recorded easements shall be included along with the plan submittal for review by the City Engineer. The Final Map shall also include a note to identify any easements proposed to be vacated with the Map.
27. Utility easements shall be provided to the specifications of the appropriate utility companies and subject to review and approval by the Director of Public Works.
28. The applicant shall submit the Final Map to the County of Orange for review and Approval. A copy of the approval shall be submitted to

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 12

the Public Works Department.

29. The Final Map shall clearly state the subdivision is for condominium purposes.
30. The applicant shall provide to the City a copy of a current title report not less than six months old and any other survey documentation in relation to the subject subdivision.
31. The applicant shall submit a copy of the proposed CC&Rs and Articles of Incorporation of the Owners' Association for review and approval by the Director's of Public Works and Community Development, the City Engineer, and the City Attorney. The CC&Rs shall include:
 - a. A statement that prohibits the amendment of the document without review and approval by the City Attorney, the Director of Public Works and Community Development at any time prior to or preceding recordation of the Final Parcel Map.
 - b. A method to ensure resolution of any disputes regarding maintenance of any commonly held portions of the lot, any common walls, or disputes regarding the maintenance of the proposed duplex shall be included in CC&R's.
 - c. Reflect common access easements, and maintenance responsibility of all recreation areas, common walls, access ways, parking areas, landscaping and grounds by the parties common to the CC&Rs.
 - d. An acceptable means for maintaining the easements within the subdivision and to distribute the cost of such maintenance in an equitable manner among the owners of the units within the subdivision.
 - e. Require a private drainage easement and maintenance agreement for all existing and proposed storm drain facilities and appurtenant structures. Said easement and agreements shall address existing drainage conditions and easement documents.
 - f. Provisions which prohibit any obstructions within any fire protection access and shall also require approval of the Fire Chief for any modifications; such as control gates, or changes in parking plans.

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 13

- g. Clearly assign maintenance responsibility of the Homeowners' Association for landscaping, irrigation and other improvements installed on City property for the benefit of the Project.
 - h. Implement and Maintain all structural and non-structural improvements and Best Management Practices (BMPs).
 - i. One of the surface parking stalls shall be reserved for 33961 Mariana Drive.
- 32. The applicant shall be responsible for the payment of any City fees related to the review and approval of CC&Rs for the condominiums.
 - 33. The applicant shall submit evidence of the availability of an adequate water supply for fire protection for review and approval by the Fire Chief. A copy of the documentation shall be submitted to the Public Works and Engineering Department.
 - 34. The applicant shall submit "will serve" letters from the applicable water and sewer districts.
 - 35. The approved Fire Master Plan shall be submitted to the City of Dana Point Public Works Department.
 - 36. Prior to the recordation of a subdivision map, a note shall be placed on the map stating that all residential structures shall be protected by an approved automatic fire sprinkler system, as required by the building official.
 - 37. All monuments shall be set, or a security provided, to ensure all monuments will be set in accordance with the County of Orange and City of Dana Point standards.
 - 38. The applicant/owner shall submit a preliminary Condominium Map to the Public Works Department and Community Development Department for review and approval prior to Parcel Map recordation.
 - 39. The applicant shall submit, to the Public Works and Engineering Department, a copy of the recorded Final Map as approved and recorded with the Office of the County Recorder.

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 14

B. Prior to Issuance of a Building Permit:

40. The landscape irrigation system shall be designed to be recycled water ready. The applicant shall contact SCWD for recycled water system requirements and specific water conservation measures to be incorporated into the landscape irrigation plans.
41. The applicant shall submit a drainage plan prepared by a licensed professional in compliance with all City of Dana Point standards for review and approval. The drainage plan shall show all drainage being directed to an approved outlet.
42. The drainage plan shall include all existing and proposed drainage features serving the proposed site and the public right of way at the intersection of La Cresta Drive, Mariana Drive and Copper Lantern.
43. The applicant shall submit a Landscape Plan, in compliance with City standards, for review and approval by the Director of Public Works. The Landscape plan shall be in accordance with the City of Dana Point Municipal Code.
44. Prior to scheduling a final inspection, the Applicant shall submit to the Project Planner, a written, wet-stamped and signed certification from a California-licensed landscape architect that all plantings were installed in conformance with the project's approved Final Landscaping Plan.
45. The landscape plan and all proposed exterior improvements shall be shown and in accordance with the approved drainage plan.
46. The applicant shall submit a Landscape Plan including proposed improvements in the public right of way at the intersection of La Cresta Drive, Mariana Drive and Copper Lantern.
47. The applicant shall enter into an agreement for perpetual landscape maintenance within the public right of way at the intersection of La Cresta Drive, Mariana Drive and Copper Lantern.
48. The applicant shall submit a Wall Plan, in compliance with City standards, for review and approval by the Director of Public Works. The Wall plan shall be in accordance with the City of Dana Point Municipal Code.
49. The applicant shall submit an Encroachment Permit for any work

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 15

done in the public right of way, in compliance with City standards, for review and approval by the Director of Public Works. The Encroachment Permit shall be in accordance with the City of Dana Point Municipal Code.

50. The building permit applications may be shown on a single application and plan set to be processed for review and approval.

D. Prior to Issuance of a Certificate of Occupancy:

51. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction for all engineered drainage devices and retaining walls.
52. A written approval by the Civil Engineer of Record approving the drainage as being in conformance with the approved drainage plan and which specifically approves construction for all engineered drainage devices and retaining walls.
53. An As-Built drainage plan may be required. The As-Built Drainage Plan shall include all existing and proposed drainage features serving the proposed site and the public right of way at the intersection of La Cresta Drive, Mariana Drive and Copper Lantern.
54. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
55. A final inspection shall be conducted by Public Works.
56. The applicant shall be responsible for the payment of any City fees prior to final approval.
57. 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 TPM19-0003, CDP19-0005, SPD19-0014 and AMS19-0005. The City's standard "Setback Verification Certification" form shall be obtained at time of permit issuance, prepared by a licensed civil

PLANNING COMMISSION RESOLUTION NO. 19-12-09-xx
TPM19-0003, CUP 19-0005, SDP19-0014, AMS19-0005
PAGE 16

engineer/surveyor and delivered to the City of Dana Point Building and Planning Divisions for review and approval.

58. All Project landscaping within the subject property's front yard shall be installed (in accordance with the project's approved landscaping plan) prior to the scheduling of a final inspection by the Planning Division.
59. The Applicant shall schedule a final inspection with the Community Development Department (Planning, Building/Safety and Public Works/Engineering) at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding Project conditions of approval.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, CA, held on this 9th day of December, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Roy Dohner, Chair
Planning Commission

ATTEST:

Kelly Reenders, Interim Director of
Community Development

Supporting Document 2: November 25, 2019 Planning Commission Agenda Report

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

DATE: NOVEMBER 25, 2019

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
KELLY REENDERS, INTERIM DIRECTOR OF COMMUNITY
DEVELOPMENT
JOHN CIAMPA, SENIOR PLANNER

SUBJECT: TENTATIVE PARCEL MAP TPM19-0003, CONDITIONAL USE PERMIT
CUP19-0005, SITE DEVELOPMENT PERMIT SDP19-0014, AND
ADMINISTRATIVE MODIFICATION OF STANDARDS AMS19-0005 TO
ALLOW A CONDOMINIUM CONVERSION FOR THREE DETACHED
UNITS AND THE ADDITION OF UNCOVERED PARKING WITH A
REDUCED SETBACK AND THE REDUCTION OF REQUIRED
SETBACKS FOR THE EXPANDED GARAGES IN THE RESIDENTIAL
MULTIPLE FAMILY 14 (RMF 14) ZONING DISTRICT AT 33950 AND 33952
COPPER LANTERN STREET AND 33961 MARIANA DRIVE

RECOMMENDATION: That the Planning Commission adopt the attached resolution
approving Tentative Parcel Map, Conditional Use Permit, Site
Development Permit, and Administrative Modifications of
Standards.

APPLICANT: Robert Williams, Studio 6 Architects

PROPERTY OWNERS: 33952 Copper LLC

REQUEST: Preliminary review for a Tentative Parcel Map, Conditional
Use Permit, Site Development Permit, and Administrative
Modifications of the Standards to allow a condominium
conversion, provide additional uncovered parking in the
required setback for three residential units located at 33950
and 33952 Copper Lantern Street and 33961 Mariana Drive.

LOCATION: 33950 & 33952 Copper Lantern Street and 33961 Mariana
Drive (APN: 682-123-18)

NOTICE: Notices of the Public Hearing were mailed to property owners
within a 500-foot radius and occupants within a 100-foot radius
on November 15, 2019, published within a newspaper of
general circulation on November 15, 2019, and posted on
November 15, 2019, 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 15301(e)(1) (Class 1 – Existing Facilities) in that the project involves the conversion of existing structures into condominiums, façade enhancements to the existing units, the expansion of the existing garages, new uncovered parking, and new landscaping for the site.

ISSUES:

- Project consistency with the Dana Point General Plan and the Dana Point Zoning Code (DPZC).
- Project compatibility with and enhancement of the site and surrounding neighborhood; and
- Project satisfaction of all findings required pursuant to the Tentative Parcel Map (TPM), Conditional Use Permit (CUP), Site Development Permit (SDP), and Administrative Modification of Standards (AMS).

BACKGROUND:

The subject site is a 7,882 square foot triangular lot located on the corner of Copper Lantern and Mariana Drive, in the Lantern Village community of Dana Point. The subject site is located in the Residential Multiple Family 14 (RMF 14) Zoning District and is designated Residential 7 - 14 D.U./AC in the City's General Plan. The subject site is surrounded by a mix of residential land uses, including single-family, duplex, and multiple-family developments. The property is improved with three detached residential structures that were developed between the 1950s and 1960s (33961 Mariana Drive-1953, 33952 Copper Lantern-1957, and 33950 Copper Lantern-1964). All of the units include attached covered parking and separate driveways and entrances that resemble three single-family residences. The makeup of the units includes two, two-bedroom units (Units A & C) that are 1,140 and 725 square feet, respectively, and a one-bedroom unit (Unit B) that is 720 square feet. Units A and C are improved with decks to improve the outdoor living areas of the units.

Under County of Orange jurisdiction, the following entitlements and major permits were issued to the property:

1. In 1962, a Variance was issued for the development of Unit A (33950 Copper Lantern) for a reduction in the Copper Lantern setback to 7.3 feet and five feet from

PLANNING COMMISSION AGENDA REPORT
TPM19-0003, CUP19-0005, SDP19-0014, AMS19-0005
NOVEMBER 25, 2019
Page 3

the northerly property line.

2. In 1968, one of the garage spaces for Unit A was converted to a "Rumpus Room" for additional living area and a carport was added with a Variance for a reduced setback from the north property line to 4.5 feet.
3. In 1979, a Lot Line Adjustment (LLA) for Unit B (33952 Copper Lantern) because the structure was incorrectly located over the property line along Mariana Drive.
4. In 1968, a Variance issued to Unit B (33952 Copper Lantern) allowed a reduced setback of 7.5 feet along Copper Lantern.

On November 27, 2017, and November 27, 2018, the Planning Commission completed preliminary reviews for a condominium conversion at the subject property. The Planning Commission directed the applicant to address the nonconforming parking and reduce the number of nonconformities associated with the site. As a result of the direction provided, the applicant revised the project scope to address many of the nonconformities and has proceeded with a formal application.

DISCUSSION:

The applicant proposes to subdivide the parcel to create condominiums allowing the individual dwelling units to be sold separately. The project is also proposing to reduce the legal nonconforming parking conditions associated with the site by adding two uncovered guest parking stalls (accessed off of Mariana Drive) and expanding all three garages to comply with the required interior dimensions (10' x 20' per stall).

The specific improvements to the legal nonconforming structures include the following:

- 33950 Copper Lantern (Unit A) - 30 square foot garage expansion to comply with the minimum interior dimensions and reconstructs the existing carport.
- 33952 Copper Lantern (Unit B) - continues the legal nonconforming street side yard setback of 5.2 feet (requires an Administrative Modification of Standards) for a 115 square foot addition to the garage to comply with the minimum interior dimensions.
- 33961 Mariana Drive (Unit C) - reconstruct the 220 square foot, one car garage to comply with the minimum interior dimensions and improve the separation requirement from unit A.

The project is also proposing facade enhancements to the exterior of the three units that include new siding, deck railing, and new paint to enrich the architectural quality of the existing structures. New landscaping is also proposed for the site and in the large right-of-way at the intersection of Copper Lantern and Mariana Drive to enhance the aesthetics

of the property.

Table 1 summarizes applicable Residential Multiple Family (RMF 14) zoning designation development standards and the project's conformance with those requirements.

Table 1: Compliance with RMF 14 Development Standards

Development Standard	Requirement	Proposed/Existing	Compliant with Standard
Density	2,600 SF/Unit	2,627 SF/Unit	Yes
Front Setback	10 feet minimum	1.7 feet	No
Side Setback (Interior)	5 feet minimum	5 feet	Yes
Side Setback (Exterior)	10 feet	5.2 feet	No
Structure Separation	10 feet	8 feet	No
Height	24 feet	20 feet	Yes
Lot Coverage	60% maximum	45.6%	Yes
Private Open Space	200 SF/DU	200+SF/DU	Yes
Common Open Space	2,365 sq. ft. (30%)	2,425 sq. ft (30.76%)	Yes
Parking Required	3 covered, 3 uncovered	5 covered, 2 uncovered	Yes
Landscape	25 %	25%*	Yes

*Additional landscape improvements are provided in the public right-of-way to comply with the requirements for a condominium conversion.

Parking

The site is legal nonconforming because it provides five covered parking spaces when six are required (three covered and three uncovered) and all of the garage parking stalls are substandard in size. To address the parking nonconformities, the project adds two uncovered parking stalls (9'x18' per stall, required per 9.35.070(c)(2)(A)) in the open area adjacent to Mariana Drive. The addition of the parking stalls would result in the project having a surplus of one parking stall. The parking stalls have an insufficient area to provide the required 20-foot front yard setback (per Section 9.35.050(b)(5)(A)(2) of the DPZC). Therefore a Site Development Permit is proposed (per Section 9.35.110(a)(3)) to reduce the driveway length setback for the new parking stalls.

Table 2 identifies the project's compliance with the required parking for the three residential units.

Table 2: Parking Standards

Unit #	Required Parking	Provided Parking
Unit A (2- bedroom)	2.2 (1 Covered)	2 covered
Unit B (1- bedroom)	1.7(1 Covered)	2 covered
Unit C (2-bedroom)	2.2(1 Covered)	1 covered
Additional Parking		2 uncovered
Totals	6*	7

**The total 6.1 parking spaces is rounded down to six per Section 9.35.080(a) because the total was a fractional number less than 0.5.*

The garage parking spaces for all three units are also legal nonconforming because four of the five covered parking spaces do not comply with the garage interior dimension requirement of 10' x 20', per Section 9.35.070(c)(B)(2)(A). The project would enlarge the garages to provide the required internal dimensions and two additional uncovered parking spaces that would provide all of the required parking on-site with one surplus parking stall.

Setbacks

The irregular shape of the lot and the development of the property under the County of Orange standards during the 50s and 60s resulted in the existing structures not complying with the City's present development standards. The three structures are legal nonconforming because they do not comply with one or more of the setback requirements identified under Section 9.09 of the DPZC.

Due to the property's unique configuration, the front lot line is along Mariana, the exterior side property line is along Copper Lantern, and the property to the north is the interior side yard. Per Section 9.05.190(a) of the DPZC, the substandard depth of the lot reduces the required front yard setback from 20 feet to 10 feet.

The legal nonconforming setbacks for the three units (A, B, and C) are as follows:

- Unit A provides a 7.2-foot exterior side yard setback for the living area, garage, and carport when 10 feet is required for the living area and 20 feet for the garages per to Sections 9.09.030 and 9.35.050(b)(5)(2) of the DPZC. Additionally, a portion of the first-floor deck will be demolished and relocated out of the City Right-of-Way.
- Unit B was incorrectly located over the property line and in the City Right-of-Way along Mariana Drive. To address the nonconforming encroachment, the County approved a LLA to reposition the property line around the exterior of the structure.

However, the new property line did not provide adequate setbacks from the structure to comply with the City's setback requirements. The LLA resulted in the structure being setback 1.7 and 2 feet from Mariana Drive when 10 feet is required. The structure is also nonconforming because a Variance was issued in 1968 to allow a setback of 7.5 feet from Copper Lantern when 10 feet is required; however, the structure was constructed with a 5.2 setback.

- Unit C is located three feet from Unit A and does not comply with the minimum 10-foot separation requirement (Section 9.09.030.i). The project proposes to demolish the garage and relocate it eight feet from Unit A. The new placement of the garage complies with the 20-foot front yard setback; however, because of the irregular shape of the lot and the existing locations of the structures, an eight-foot separation from Unit A is the maximum distance that can be provided. The proposed eight-foot structure separation is an improvement over the existing three-foot condition.



Aerial Photo of Project Site and Property Lines

Tentative Parcel Map/Condominium Conversion

The proposed tentative parcel map is to permit the owner to sell individual dwelling units as condominiums. As with all parcel maps proposing condominiums, the owner/developer submits a condominium plan and documents establishing a homeowner's association when submitting the parcel map for review by the City prior to Final Map's recordation. The condominium plan and the documents (referred to as Covenants, Conditions & Restrictions - CC&R's), define the airspace controlled by each residential unit and outline the responsibility for common areas of the development. Conditions of approval are included in

PLANNING COMMISSION AGENDA REPORT
TPM19-0003, CUP19-0005, SDP19-0014, AMS19-0005
NOVEMBER 25, 2019
Page 7

the resolution requiring the review of the condominium plan and CC&R's to ensure the responsibilities for common areas are clearly defined.

The requirements to allow the conversion of apartments into condominiums are identified in Section 9.09.040(b)(2) of the DPZC and includes the following: 1) where possible the conversion shall be designed to comply with all applicable development standards, 2) provide high-quality design and construction, 3) provide privacy between units (urban design, insulation, and other means).

The code provision states that condominium conversions shall comply with the development standards "where possible." Given the irregular shape of the lot and structures existing conditions associated with the property, the project is proposing several improvements to make the structures more conforming with the applicable requirements of the Zoning Ordinance.

Condominium conversions are required to provide high-quality urban design through architectural enhancement, landscape improvements, and construction. The proposed façade enhancements and new landscape design improve the property's urban design to maintain the existing style and character of the three detached structures that contribute to the community character. The project maintains the detached configuration and private garages for each unit to ensure the units are private. Each unit will also have its separate utility metering and trash areas that are designated to ensure compliance with City regulations. The proposed landscape improvements in the City right-of-way at the intersection of Copper Lantern and Mariana Drive also contributes to the enhancement of the area for the benefit of the community.

Pursuant to Municipal Code Section 7.05.060 a Tentative Parcel Map shall be approved or conditionally approved if the Subdivision Committee/Planning Commission makes the following findings:

1. *That the proposed map is consistent with the City's General Plan;*
2. *That the design and improvement of the proposed subdivision is consistent with the City's General Plan;*
3. *That the site is physically suitable for the proposed type of development;*
4. *That the requirements of the California Environmental Quality Act have been satisfied;*
5. *That the site is physically suitable for the proposed density of development;*
6. *That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable*

injury to fish or wildlife or their habitat;

- 7. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems;*
- 8. That the design of the subdivision and the proposed improvements will not conflict with easements of record or established by court judgment or acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided and these will be substantially equivalent to ones previously acquired by the public;*
- 9. That the design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations pursuant to Section 7.05.055;*
- 10. That the subdivision is not located in a fee area or, if located in a fee area, the subdivider has met the requirements for payment of the applicable fees or the subdivision would not allow development of a project which would contribute to the need for the facility for which a fee is required;*
- 11. That the subdivision is located in an area which has access to adequate utilities and public services to support the development proposed within the subdivision or that the subdivision includes the provisions and improvements necessary to ensure availability of such utilities and services.*

The recommended findings for approval of the TPM are outlined in the draft Resolution No. 19-11-25-XX, attached to this report as Action Document 1.

Conditional Use Permit (CUP)

A Conditional Use Permit is required for a condominium conversion per Section 9.09.040(b)(2) to ensure consistency with the General Plan and to ensure there are no negative impacts to the adjacent properties. The Zoning Ordinance requires the project to comply with the applicable development standards of the zoning district in which they are located, where possible. As discussed, the project addresses parking nonconformities for the site; however, the legal nonconforming setbacks remain unchanged as a result of the existing conditions of the structures. The detached configuration of the residential units contributes to the community's character with one and two-story structures that reduce the massing for the area and the apparent density. The addition of off-street parking will improve the parking conditions for the area by removing additional parking from the impacted streets.

Section 9.65.060 of the DPZC stipulates the standard three (3) findings to approve a Conditional Use Permit:

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.*

The recommended findings for approval of the CUP are outlined in the draft Resolution No. 19-11-25-XX, attached to this report as Action Document 1.

Site Development Permit

Per Section 9.63.030 of the DPZC, the project requires a Site Development Permit for the reconstruction of the garage for Unit C because it is a legal nonconforming structure and would result in the reconstruction of the 220 square foot attached one car garage which exceeds 10 percent of the structure's existing gross floor area (30 percent). SDPs are not required for the expansion of the garages for Units A and B because the additions would result in expansions that are less than 10 percent.

The project would also require a Site Development Permit per 9.35.110(a)(3) of the DPZC, to reduce the setback for the two guest parking stalls that are proposed off of Mariana Drive. The irregular shaped lot and the existing structures result in the request of a reduced parking setback to provide the required parking on-site. The reduced parking setback allows the existing structures to be maintained and enhanced as part of the condominium conversion project, which is a superior design and allows the property to be compatible with and contribute to the character of the neighborhood more so than if the structures were demolished and a larger attached two-story, three-unit condominium complex was constructed. The request also allows the project to provide the required parking on-site and reduces the parking impacts on the street. The location of the proposed guest parking stalls were reviewed by Public Works and Planning and determined that the design complies with the intent of the parking provisions as there will be no conflicts with line of sight for vehicles backing onto the street.

Section 9.71.050 of the DPZC stipulates the standard four (4) findings to approve a Site Development Permit:

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.*

Section 9.35.110(b)(2) of the DPZC stipulates two (2) additional findings that must be made in addition to the four findings required by Section 9.71.050 to approve a reduction in the required parking setback.

1. *That the proposed modifications to the parking and loading standards result in a project which is of a superior design quality and functionality as compared to the project which could have been built under the existing regulations; and*
2. *That the proposed parking and loading facilities, as conditioned, comply with the intent and purpose of the parking and loading regulations.*

The recommended findings for approval of the SDP are outlined in the draft Resolution No. 19-11-25-XX, attached to this report as Action Document 1.

Administrative Modification of Standards (AMS)

Per Section 9.61.090 of the DPZC, an applicant may request an Administrative Modification of Standards (AMS) for minor deviation from setbacks, floor area, landscaping, or distance between buildings, if the property is constrained due to lot size, shape, location, or physical constraints. The requests to deviate from the required setbacks under the RMF-14 Zoning District are a result of the irregular shape of the lot and the legal nonconforming conditions of the existing residential units.

The request for Unit B is to permit the continuation of a legal nonconforming 5.2-foot street side yard setback (along Copper Lantern) to allow the expansion of the garage to comply with the minimum interior dimensions for two vehicles. The proposed addition to the garage would not encroach further into the existing 5.2 setbacks along Copper Lantern. An AMS is also requested for Unit C to allow the setback between structures at 33961 Mariana Drive and 33950 Copper Lantern to be reduced from the required 10-foot separation to six feet for the reconstruction of the garage. The irregular lot and construction of the residential units under the County development standards from the 50s and 60s result in legal nonconforming setbacks that cannot be corrected with the preservation of the existing structures. The project improves nonconformities associated with the site

PLANNING COMMISSION AGENDA REPORT
TPM19-0003, CUP19-0005, SDP19-0014, AMS19-0005
NOVEMBER 25, 2019
Page 11

without resulting in negative impacts to the adjacent properties or resulting in a grant of special privileges.

Section 9.61.090 of the DPZC stipulates a minimum of four (4) findings to approve a Administrative Modifications of the Standards:

1. *That there are practical difficulties or unnecessary hardships created by strict application of the Zoning Code due to physical characteristics of the property; and*
2. *The administrative modification does not constitute a grant of special privileges which are not otherwise available to surrounding properties in similar conditions and will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity; and*
3. *The administrative modification places suitable conditions on the property to protect the public health, safety, and welfare and surrounding properties.*
4. *For development within the coastal zone, that the administrative modification would not result in significant adverse impacts either individually or cumulatively to coastal access/recreation opportunities or coastal resources, and the development would be consistent with the policies of the Local Coastal Program certified land use plan.*

The recommended findings for approval of the AMS are outlined in the draft Resolution No. 19-11-25-XX, attached to this report as Action Document 1.

CORRESPONDENCE:

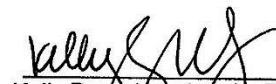
To date, no correspondence has been received concerning the subject project. The property is not located within a homeowner's association (HOA).

CONCLUSION:

Staff finds that the subject project is consistent with the policies and provisions of the City of Dana Point General Plan, Dana Point Zoning Code, and Local Coastal Program. Staff is therefore recommending that the Planning Commission adopt the attached draft resolution, approving TPM19-0003, CDP19-0005, SPD19-0014 and AMS19-0005 subject to findings and conditions of approval.

PLANNING COMMISSION AGENDA REPORT
TPM19-0003, CUP19-0005, SDP19-0014, AMS19-0005
NOVEMBER 25, 2019
Page 12


John Ciampa
Senior Planner


Kelly Reenders, Interim Director of
Community Development

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 19-11-25-xx

Supporting Documents

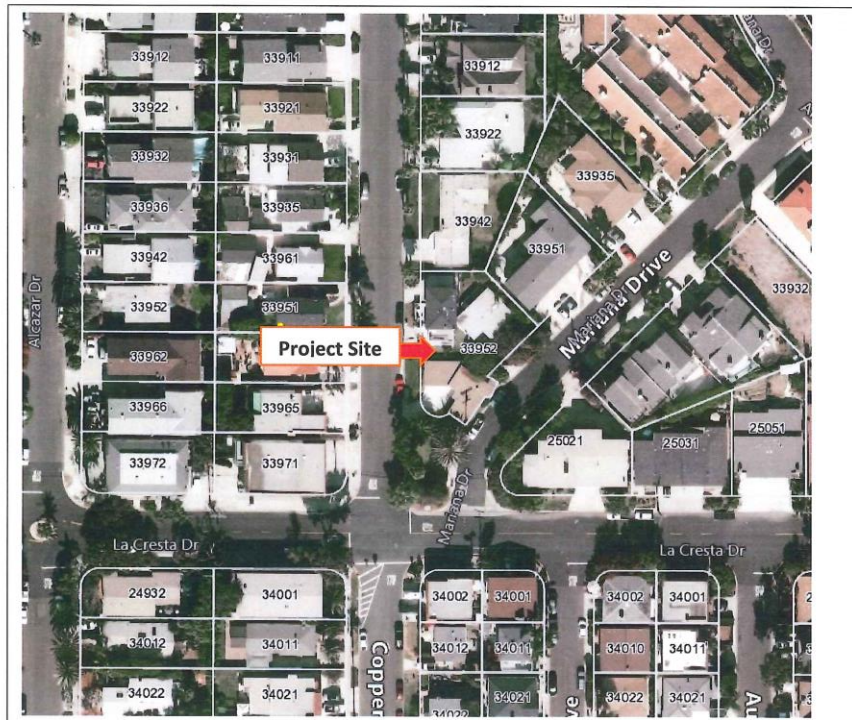
2. Vicinity Map
3. Site Photos
4. Project Plans

Supporting Document 3: Vicinity Map



Vicinity Map

33950 & 33952 Copper Lantern, 33961 Mariana Drive
TPM19-0003, CUP19-0005, SDP19-0014, AMS19-0005



Supporting Document 4: Photos

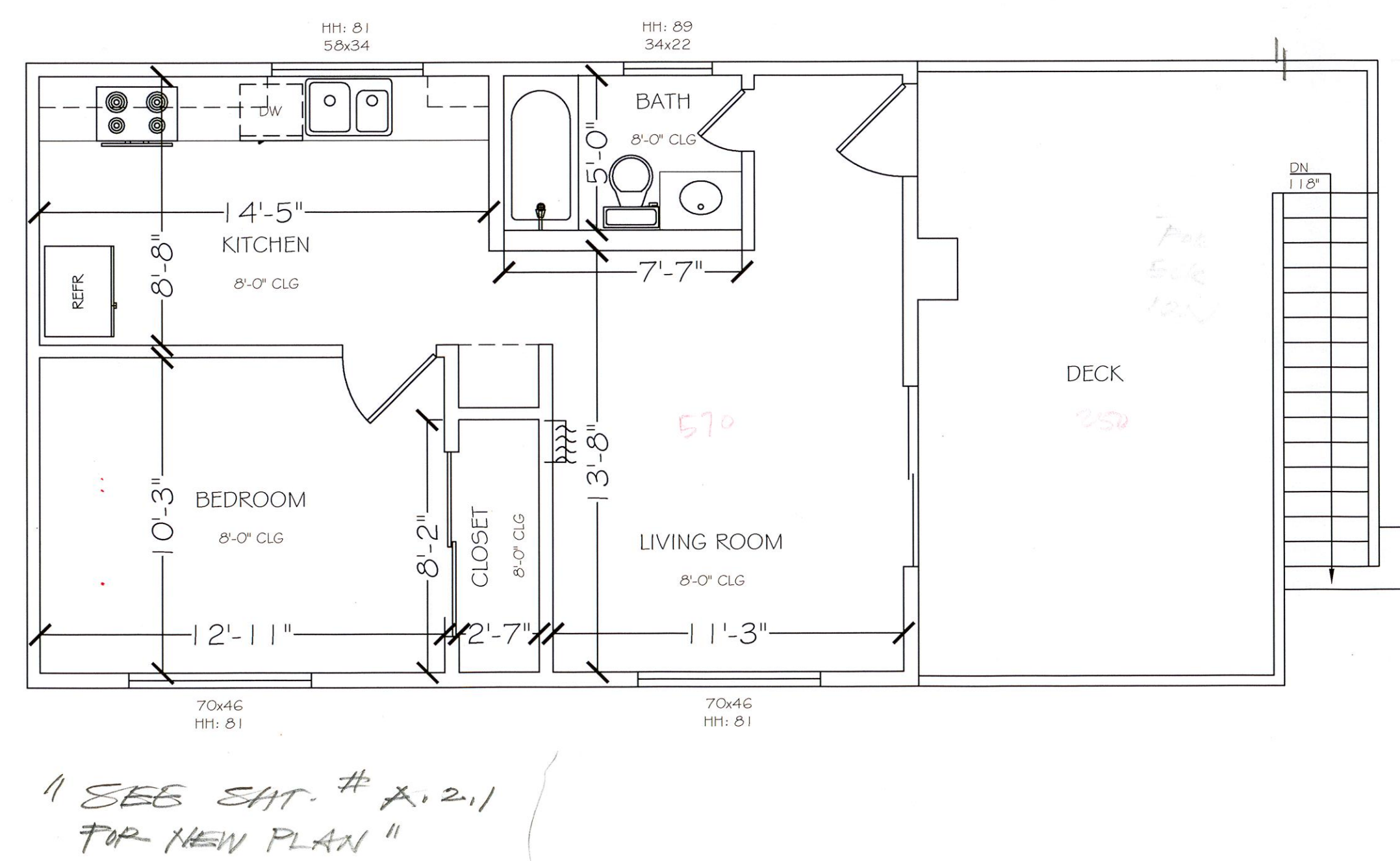
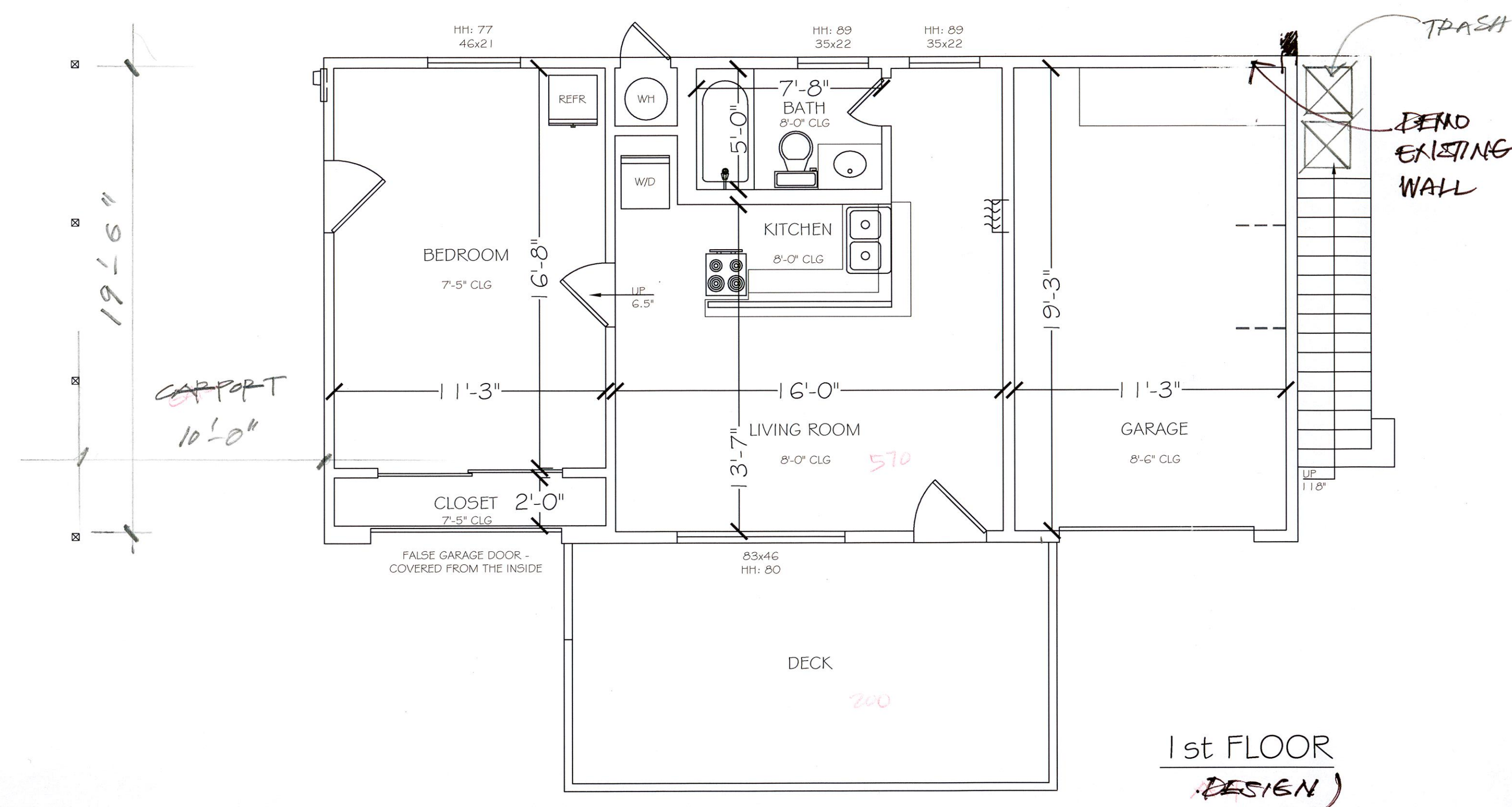




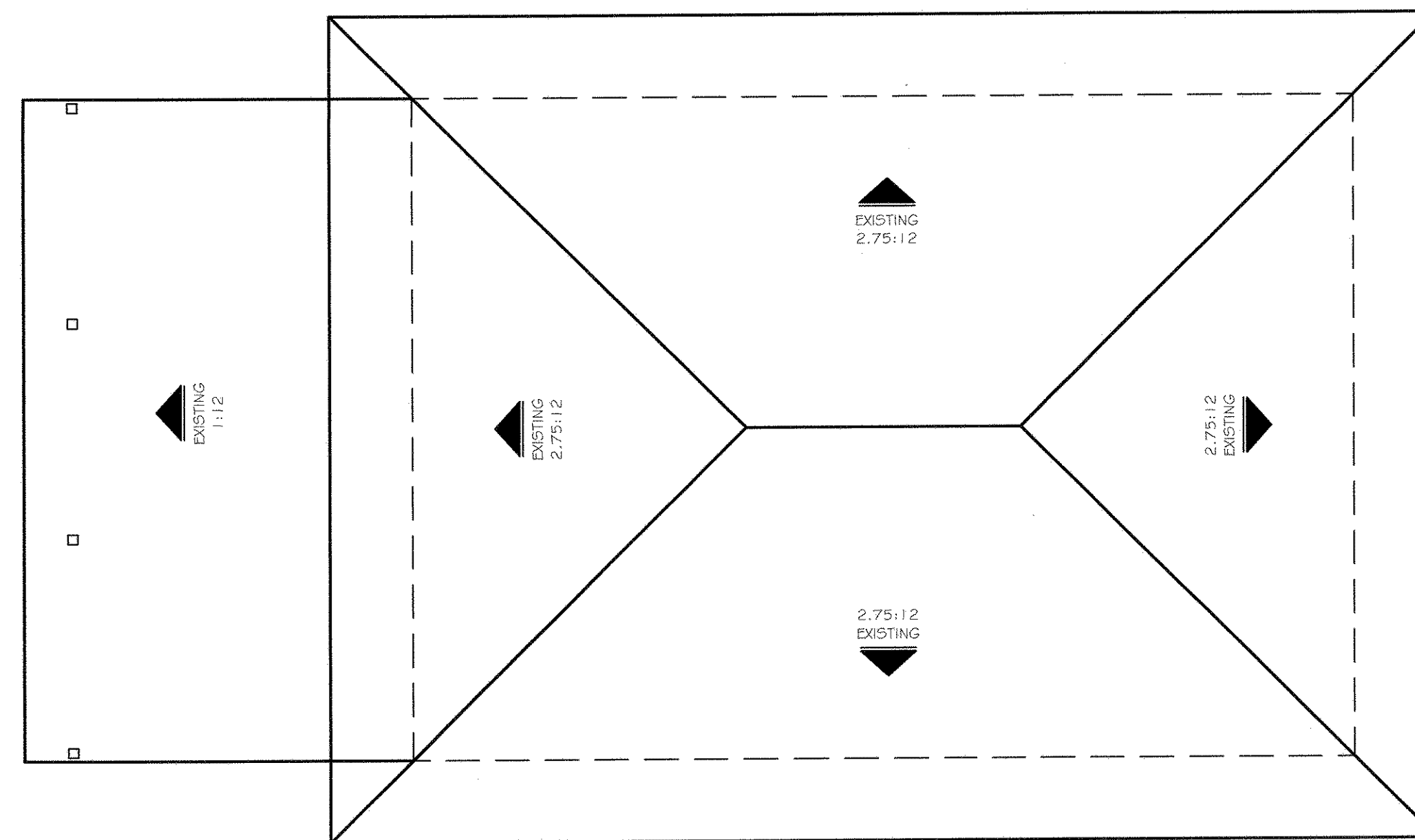


Supporting Document 5: Project Plans

ATTACHMENT



COPPER LANTERN DANA POINT, CALIFORNIA



UNIT A
ROOF PLAN
(EXISTING)

COPPER LANTERN
DANA POINT, CALIFORNIA

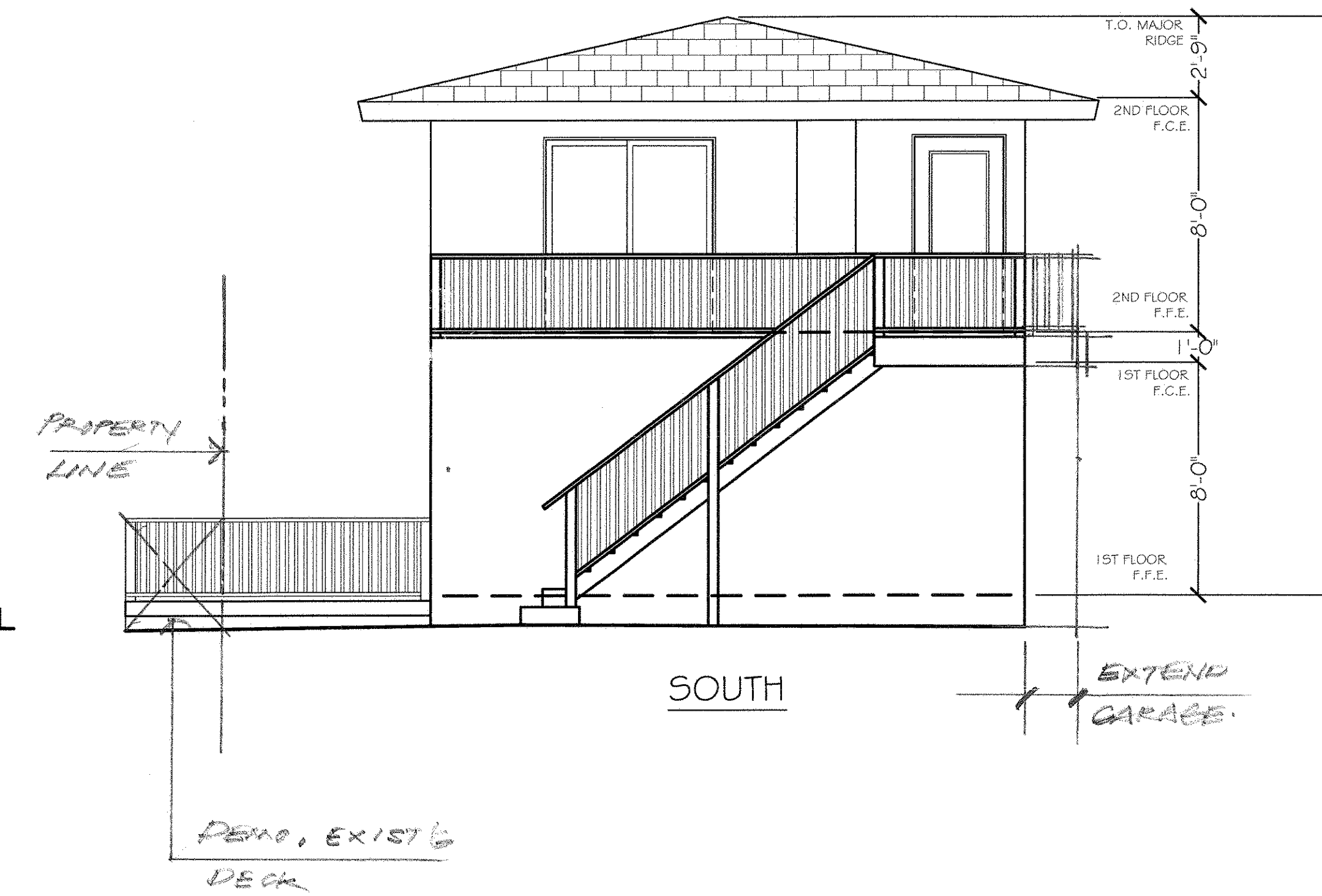
PROJECT NUMBER:
2017009



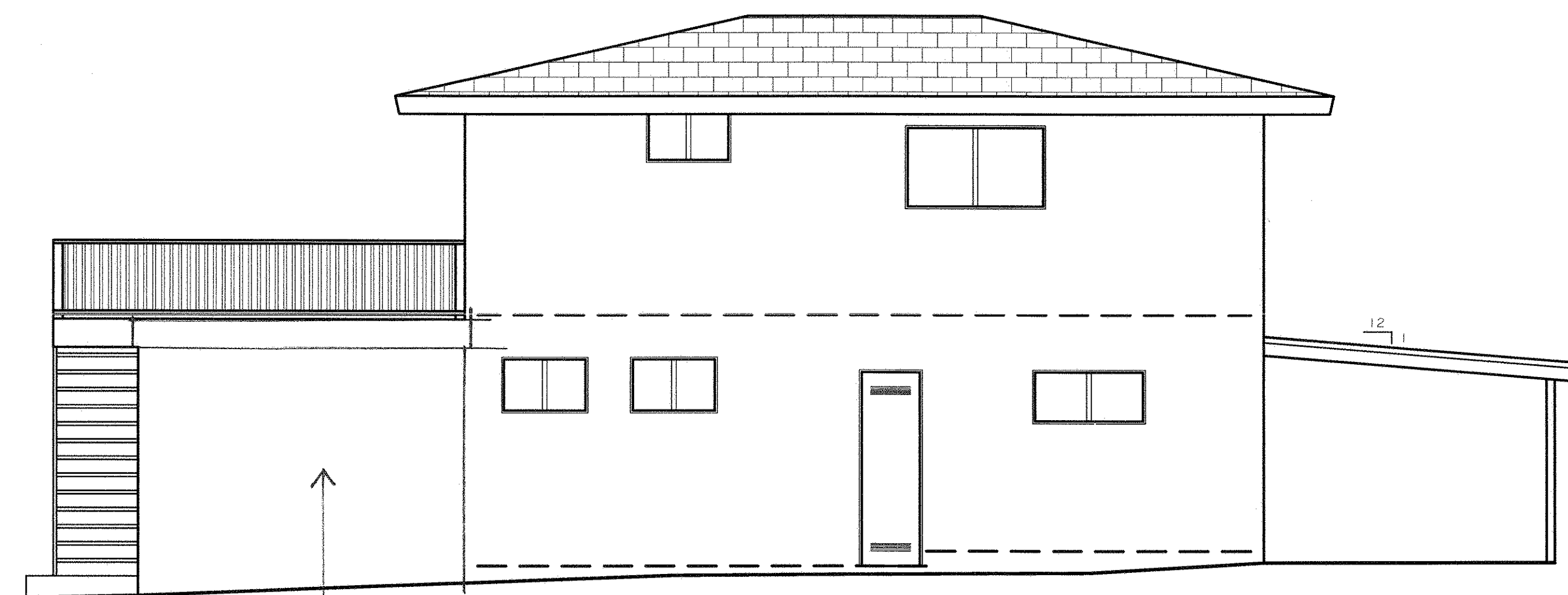
STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CAPISTRANO, SUITE A100
SAN CLEMENTE, CA 92672
(949) 388-5300 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM



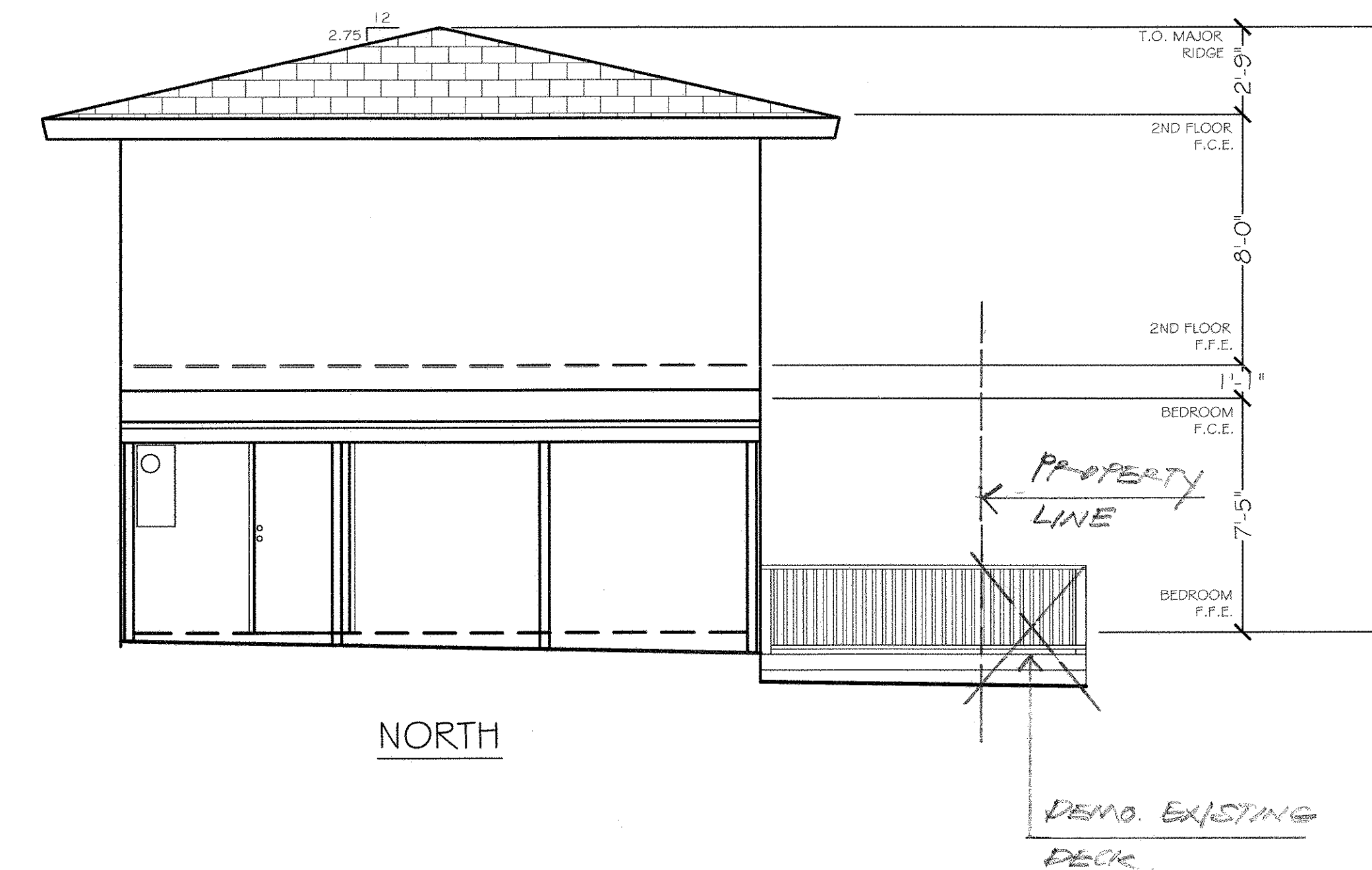
WEST
SEE SIT. A 2.11 FOR NEW ELEV.



SOUTH
EXTEND GARAGE



EAST
EXTEND GARAGE
& DECK ABOVE



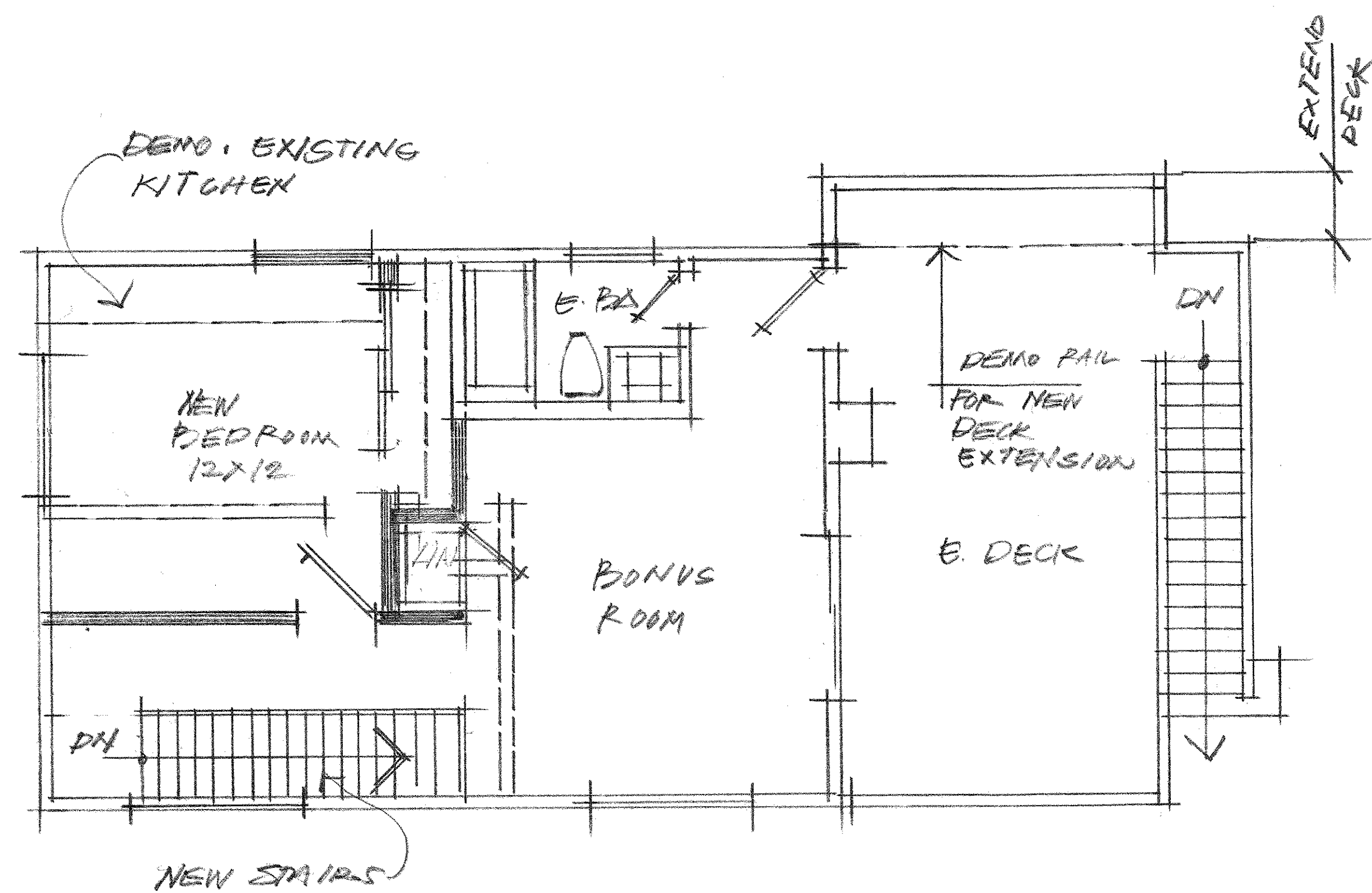
NORTH

UNIT A ELEVATIONS

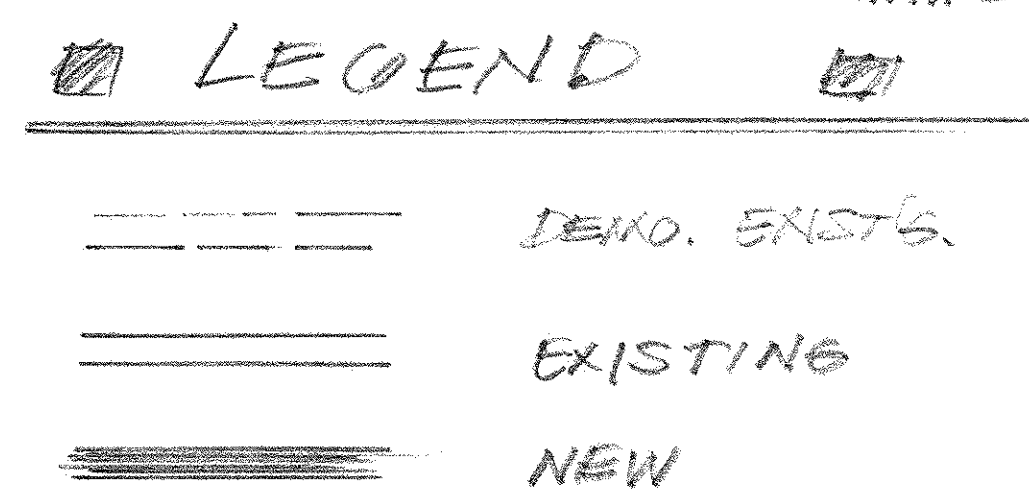
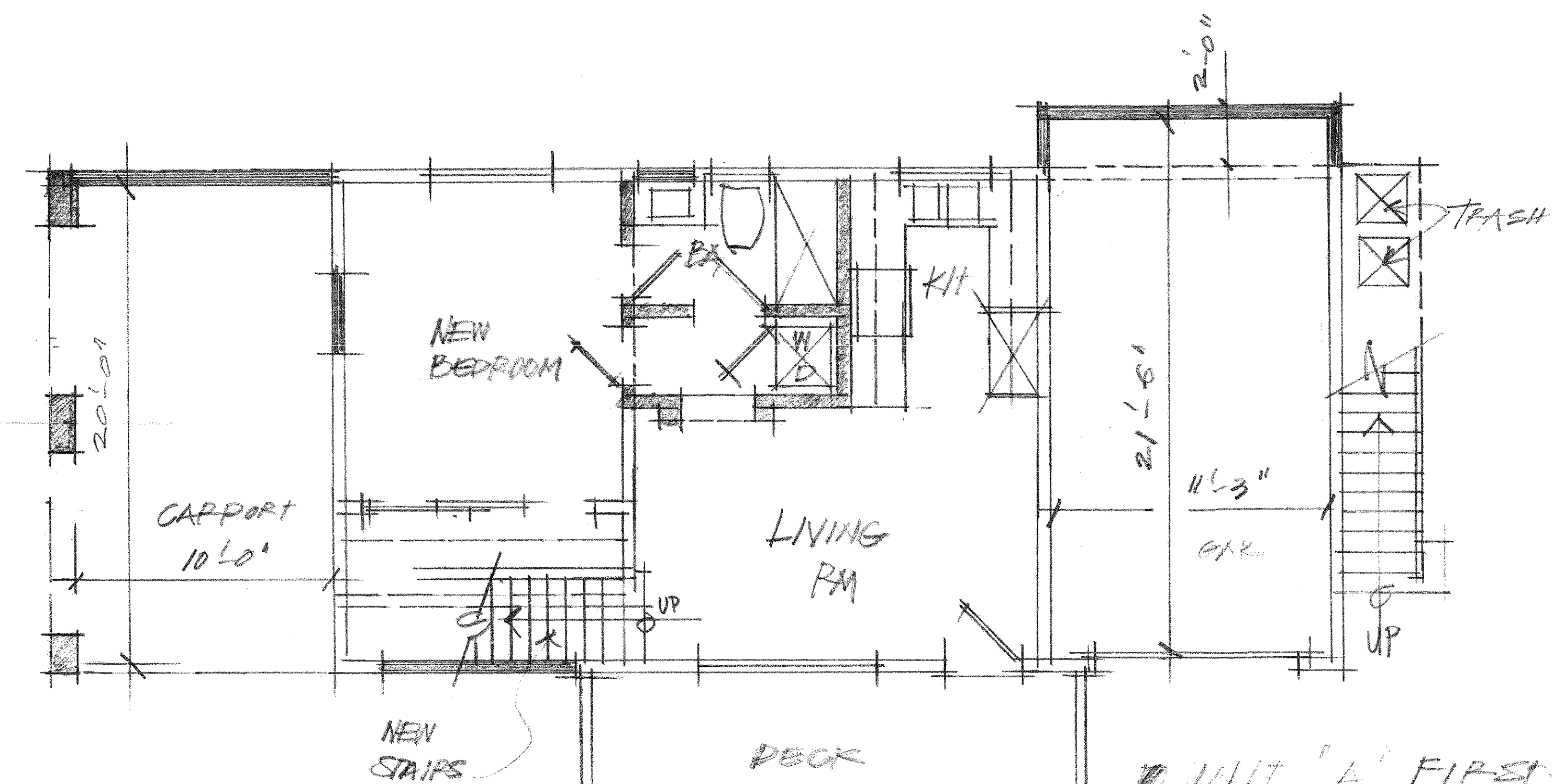
EXISTING & RENOVATION

COPPER LANTERN

DANA POINT, CALIFORNIA



UNIT "A" SECOND FLR
"NEW DESIGN" SCALE 1/4"



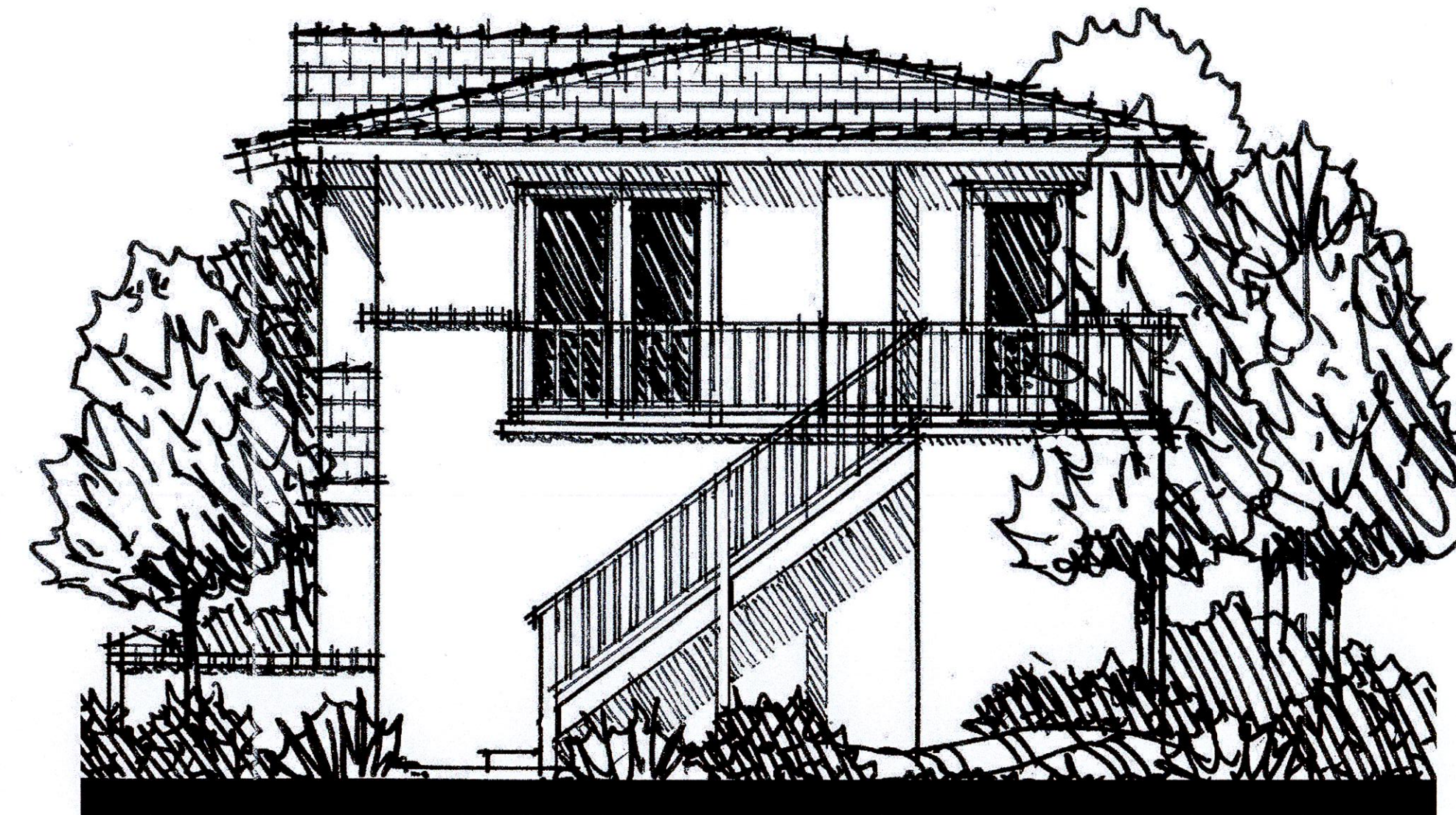
UNIT "A" FIRST FLR
"NEW DESIGN" SCALE 1/4"

COPPER LANTERN

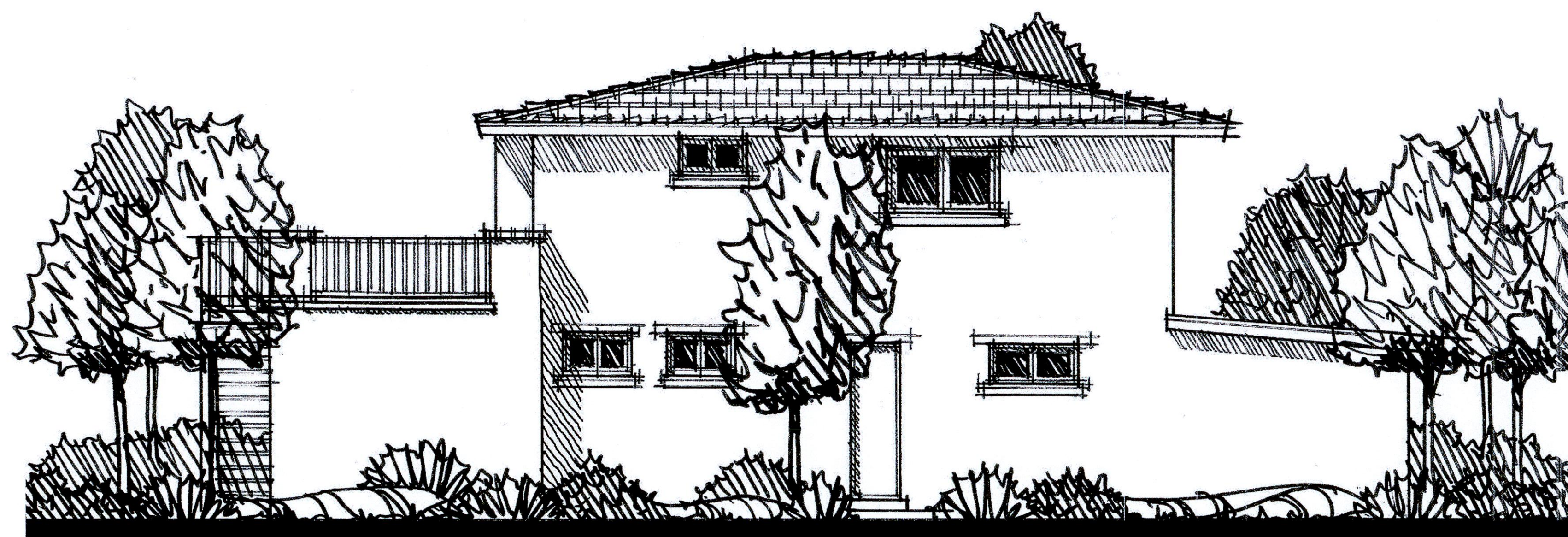
DANA POINT, CALIFORNIA



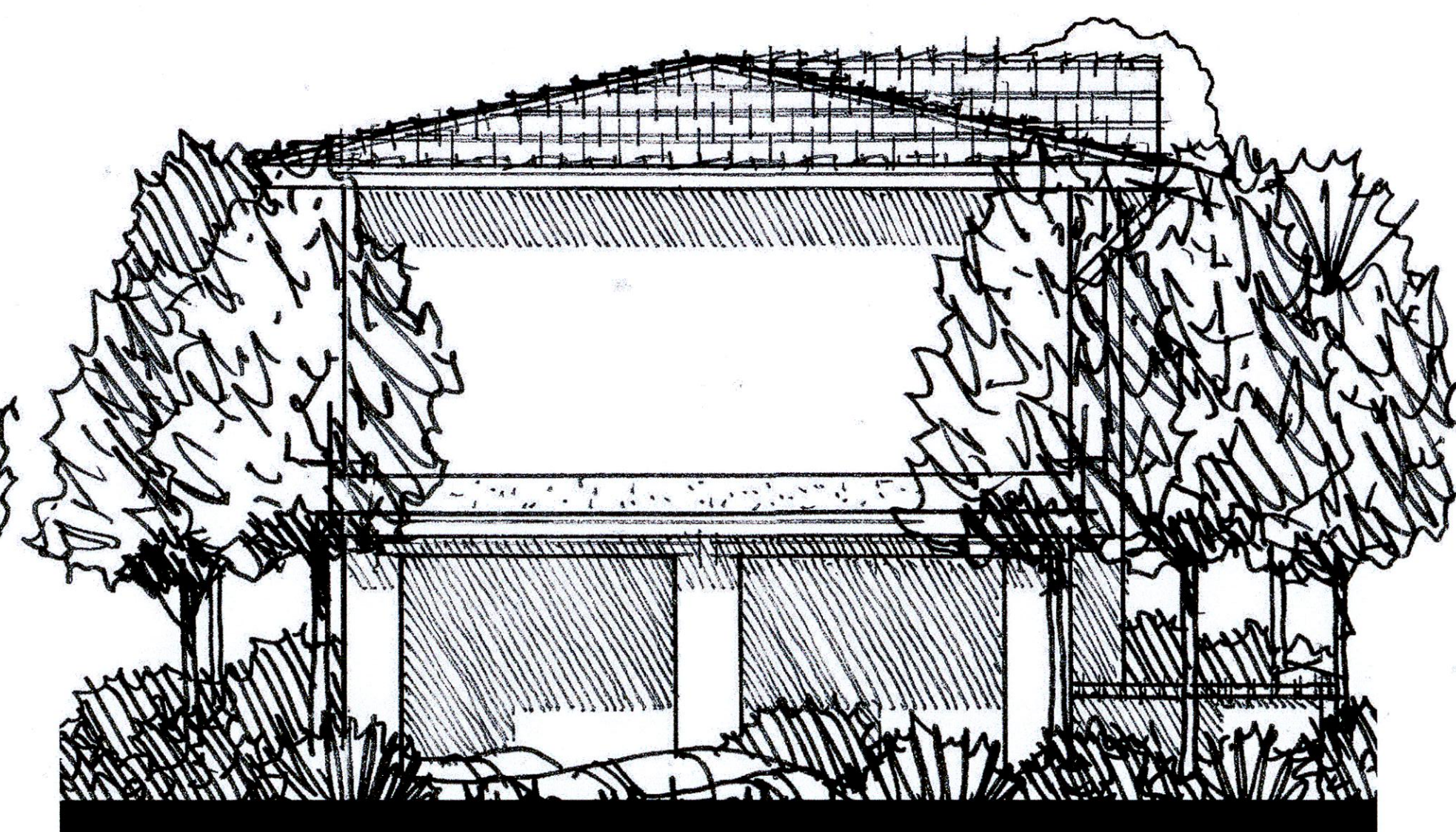
west



south



east



north

NEW EXTERIOR

unit A elevations
1/4"=1'

COPPER LANTERN

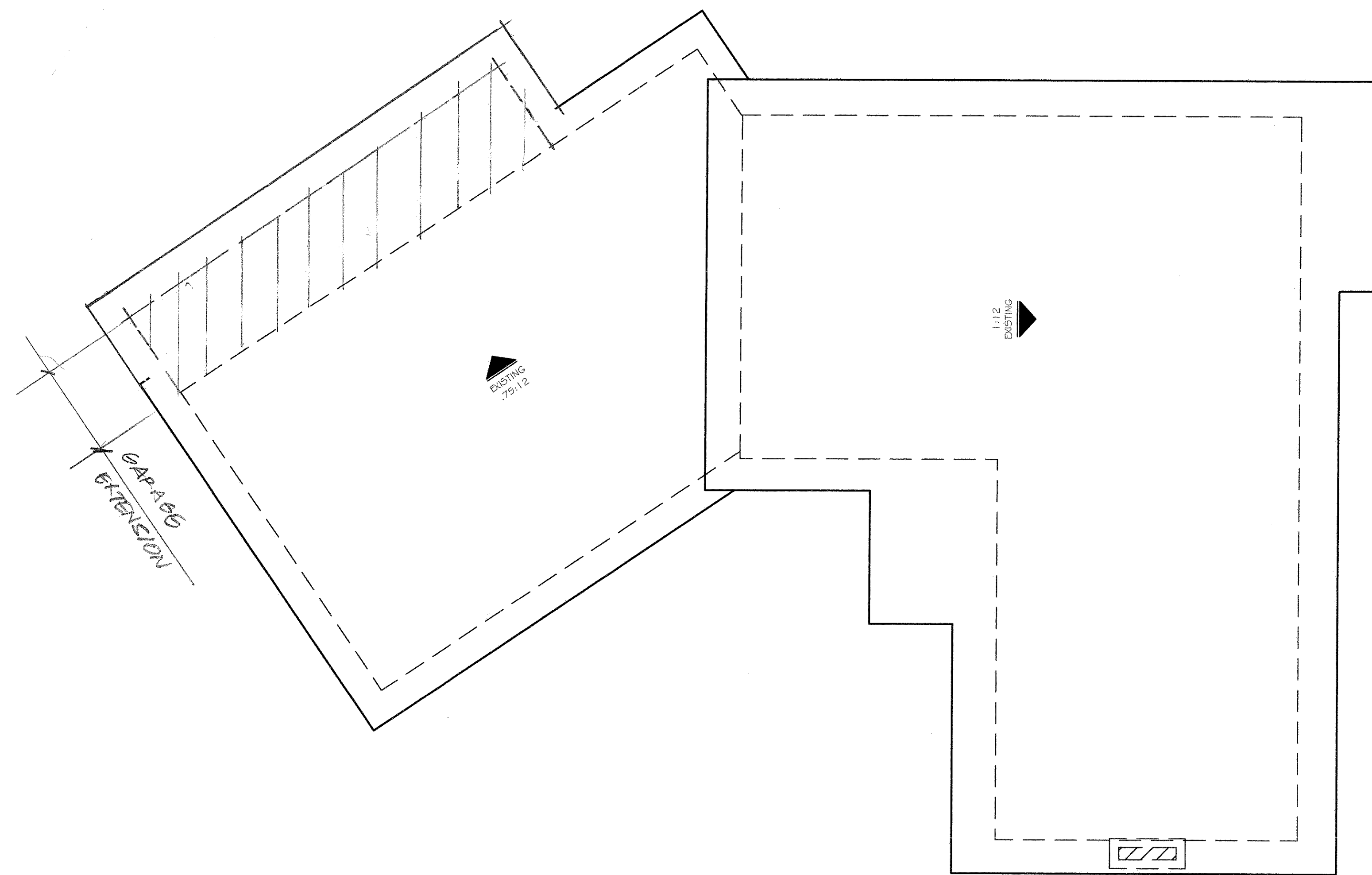
DANA POINT, CALIFORNIA

PROJECT NUMBER:
2017009

Studio 6
ARCHITECTS

STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CAPISTRANO, SUITE A100
SAN CLEMENTE, CA 95062
(949) 388-5300 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM

A-7



UNIT B ROOF PLAN

COPPER LANTERN

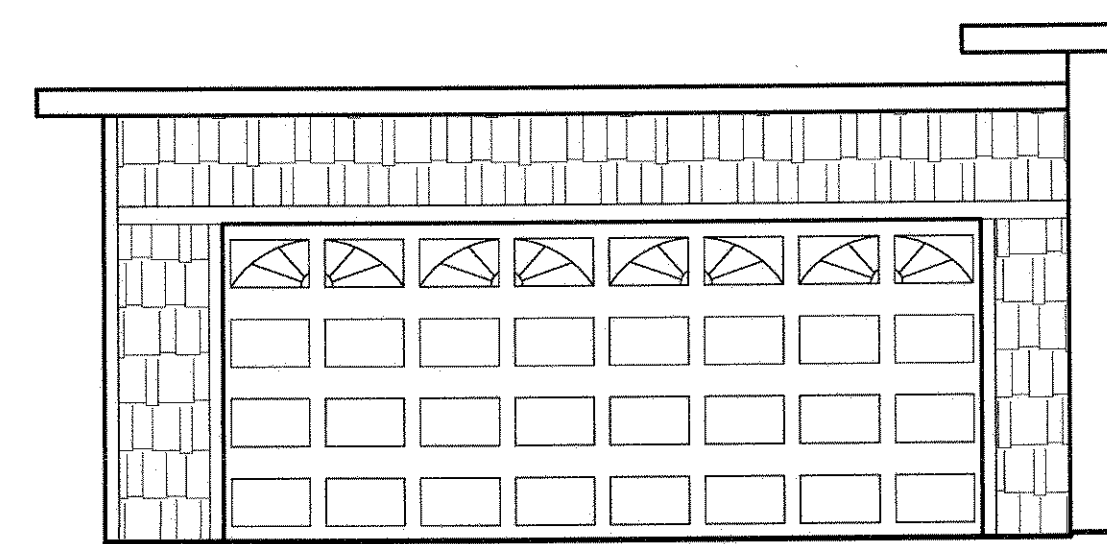
DANA POINT, CALIFORNIA

PROJECT NUMBER:
2017009



STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CAPISTRANO, SUITE A100
SAN CLEMENTE, CA 92572
(949) 388-5300 PHONE
(949) 388-5330 FAX
STUDIO6ARCHITECTS.COM

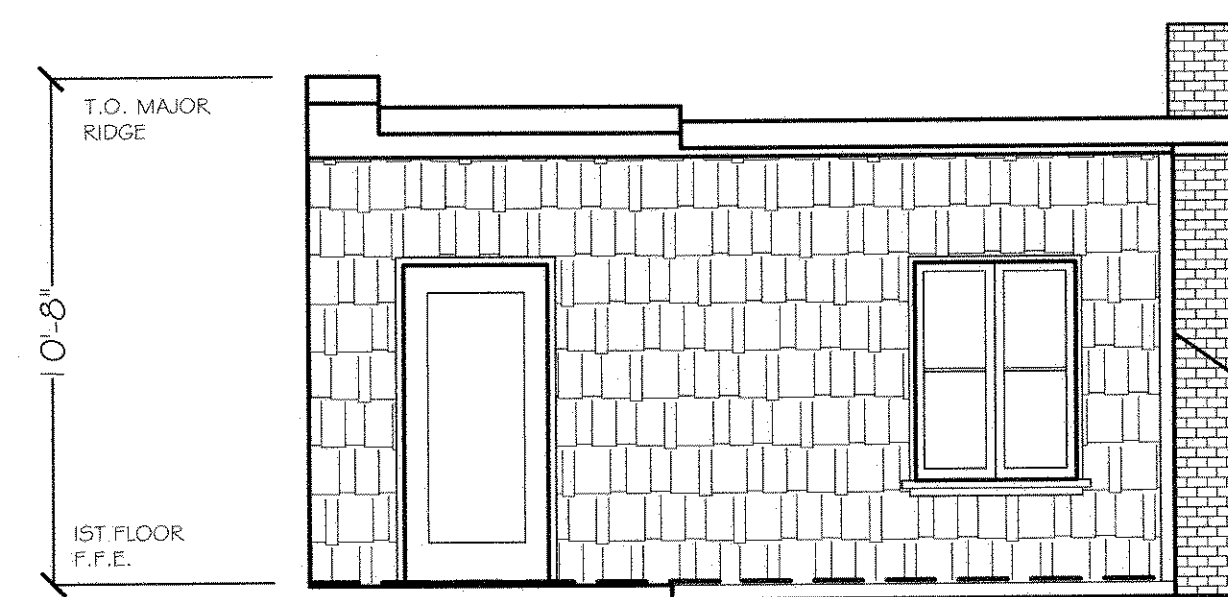
A-9



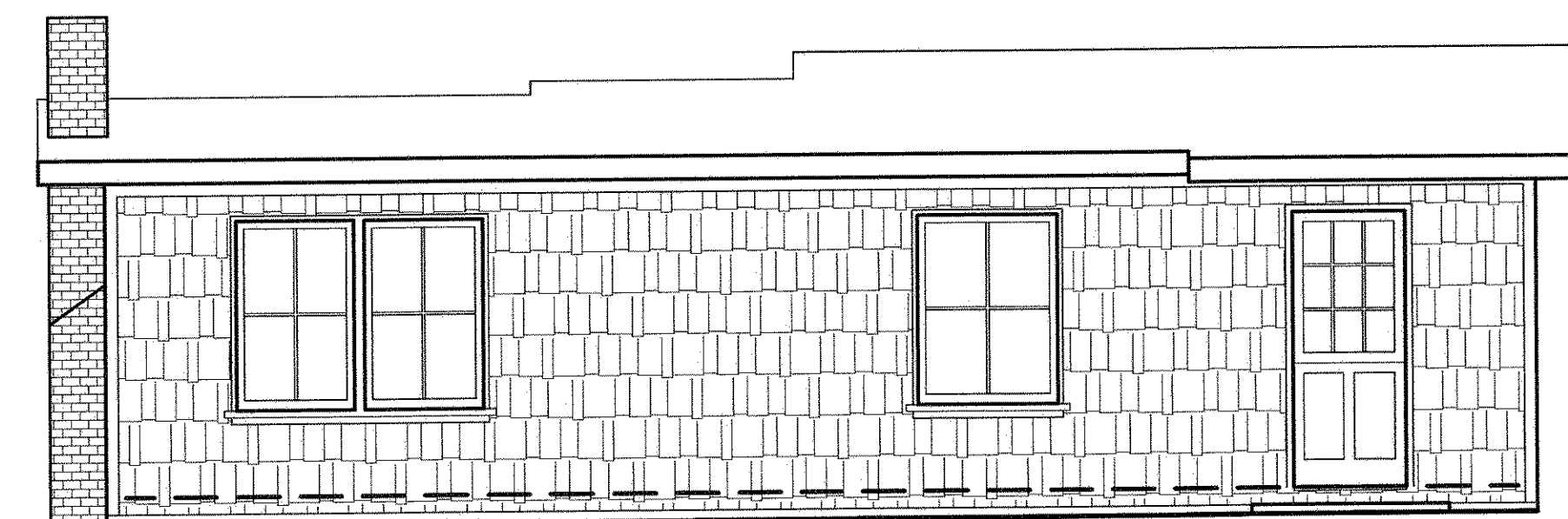
SOUTH



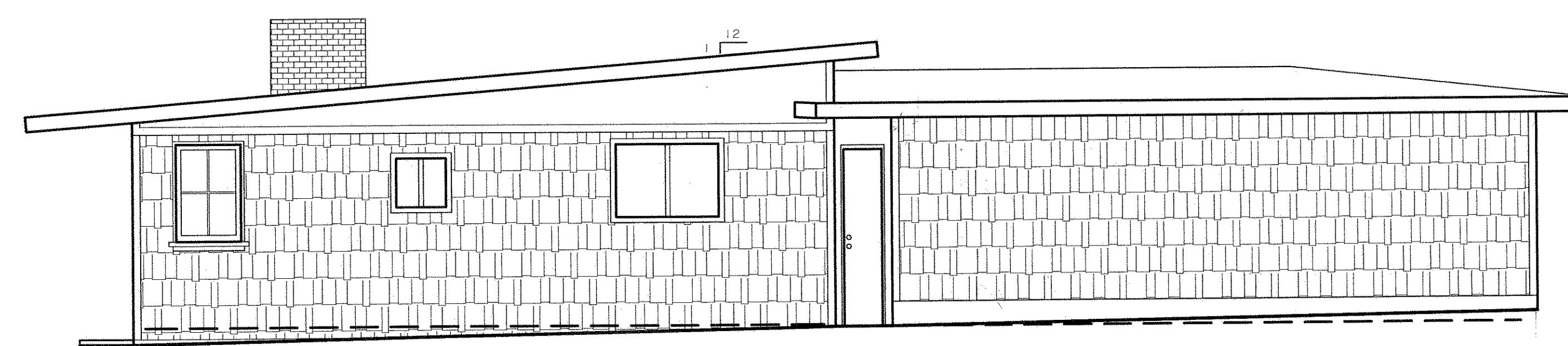
SOUTHWEST



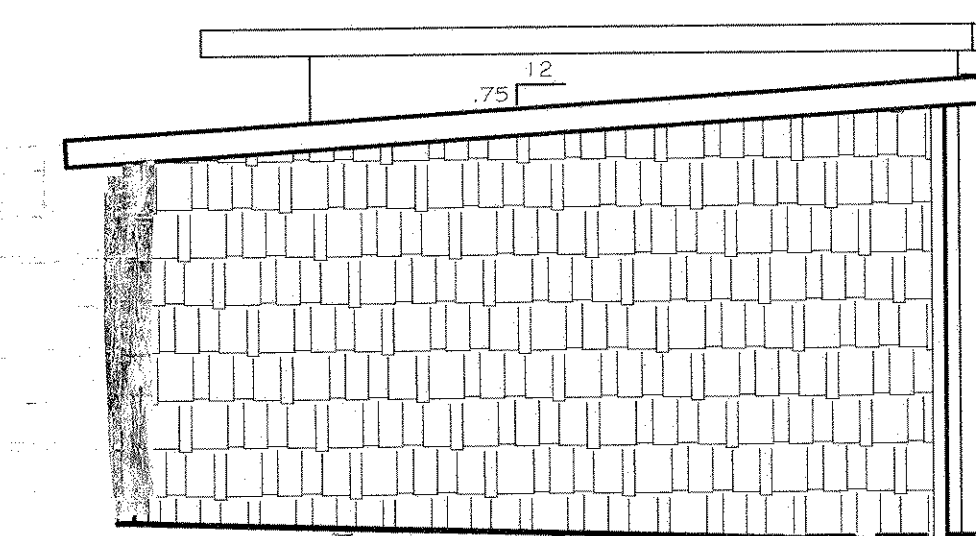
NORTHWEST



SOUTHEAST



NORTH



WEST

UNIT B ELEVATIONS
(EXISTING)

COPPER LANTERN

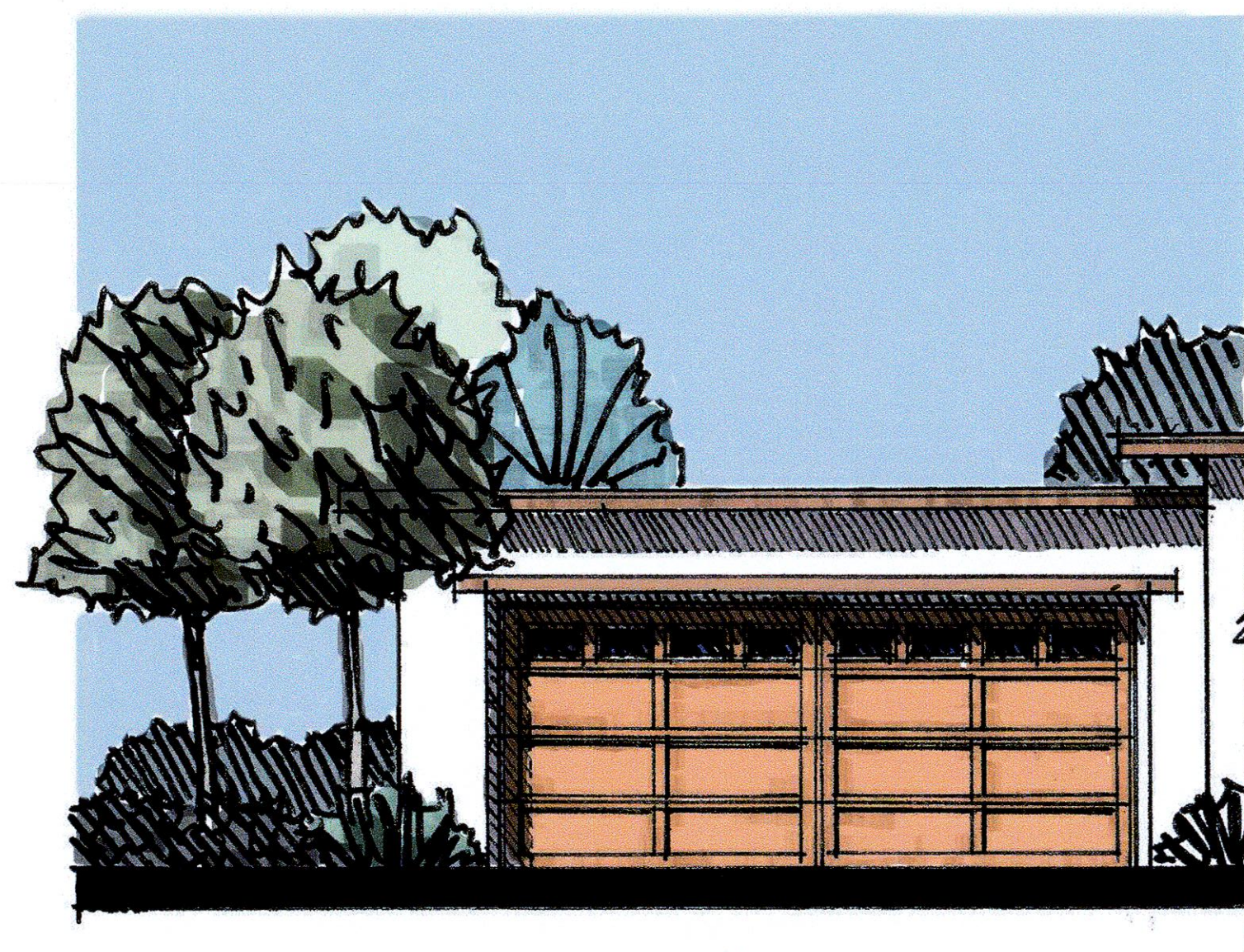
DANA POINT, CALIFORNIA

PROJECT NUMBER:
2017009

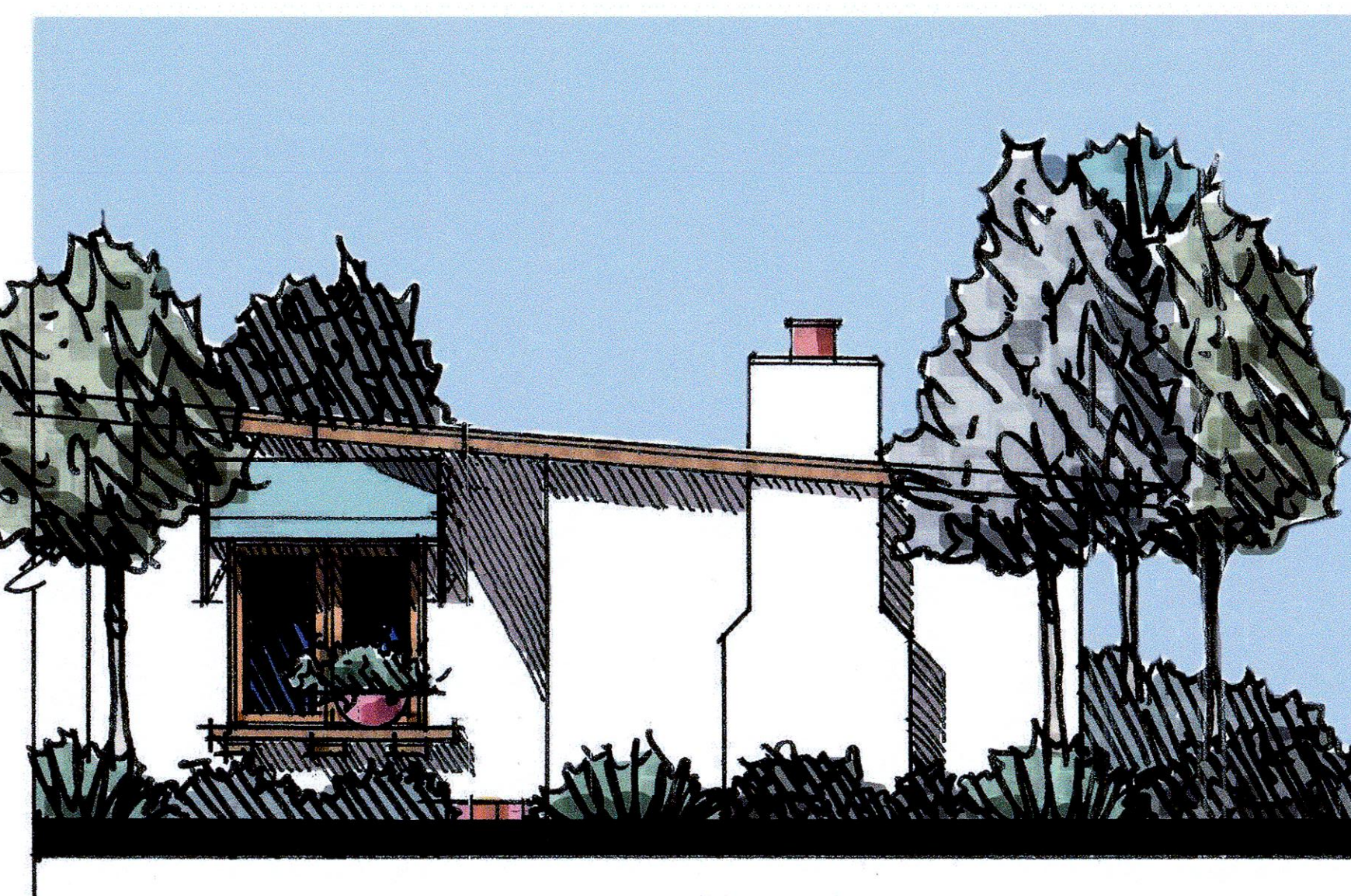
Studio **6**
ARCHITECTS

STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CAPISTRANO, SUITE A100
SAN CLEMENTE, CA 92672
(949) 388-5300 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM

A-10



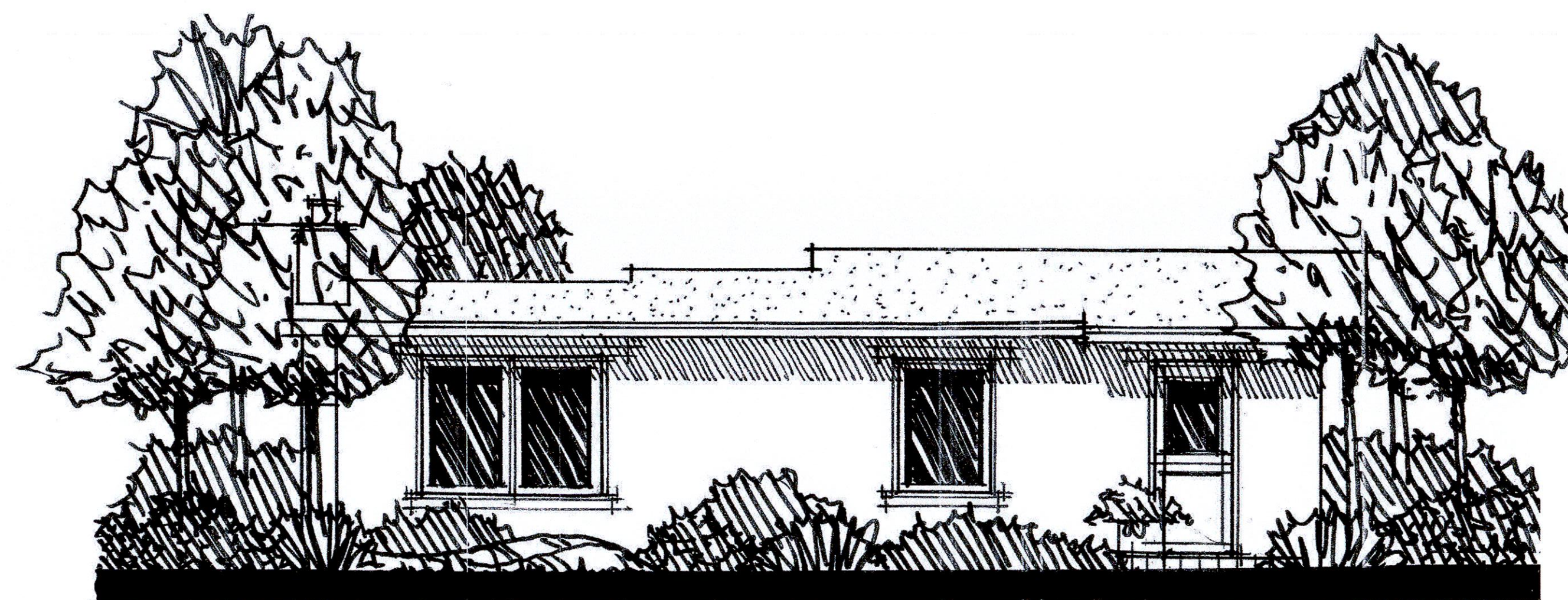
south



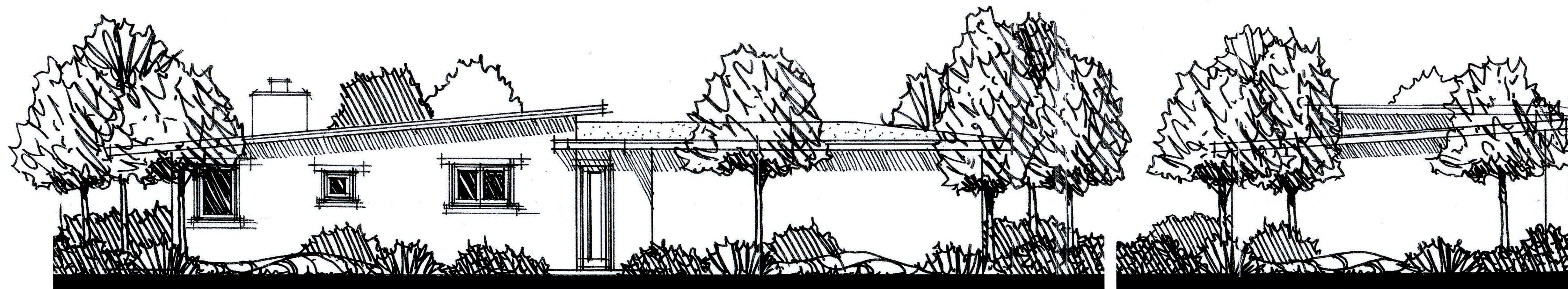
southwest



northwest



southeast



north

west

NEW EXTERIOR

unit B elevations

1/4"=1'

COPPER LANTERN

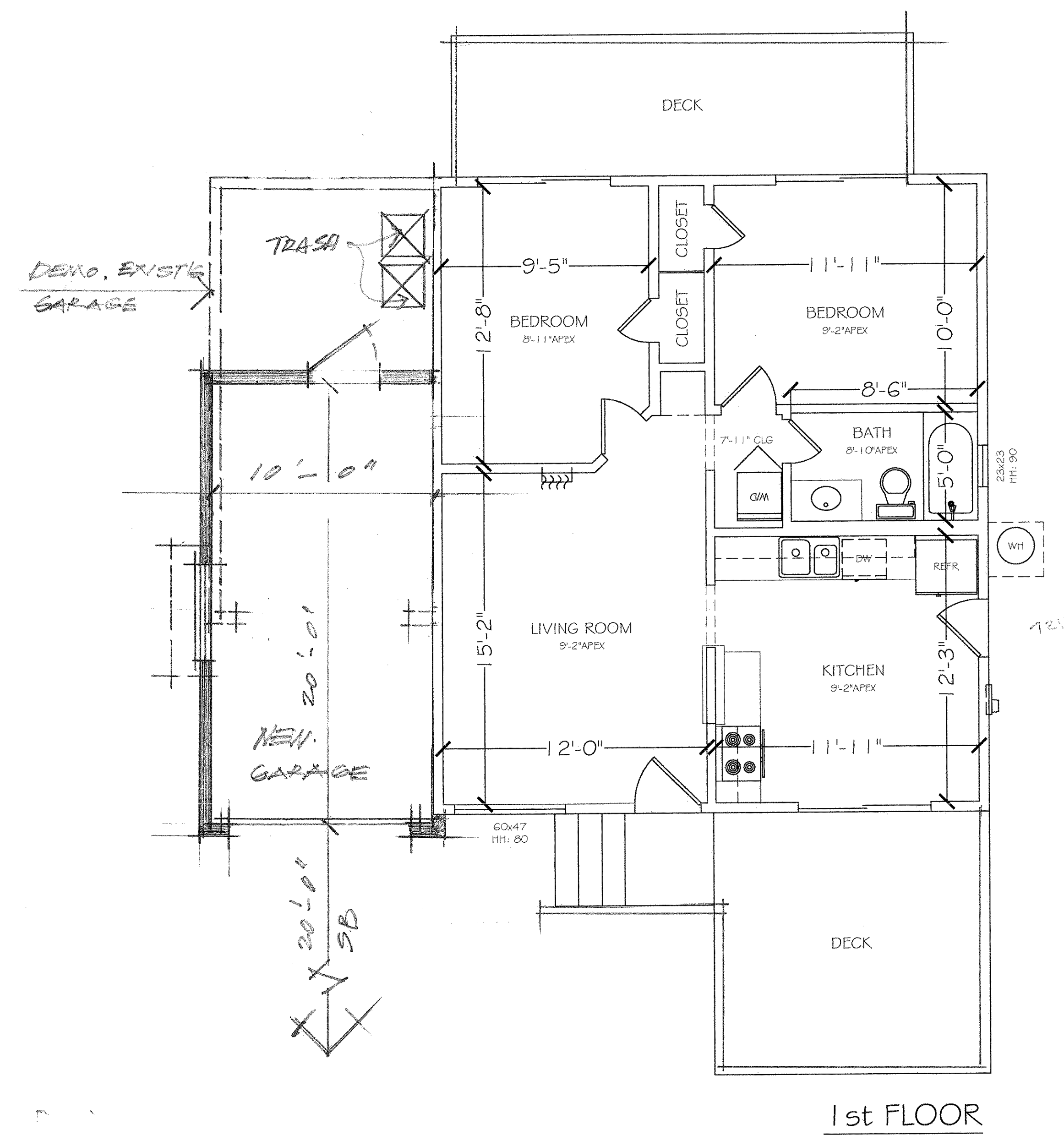
DANA POINT, CALIFORNIA

PROJECT NUMBER:
2017009

Studio **6**
ARCHITECTS

STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CARISTRANO, SUITE A100
SAN CLEMENTE, CA 95072
(949) 388-5300 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM

A-11



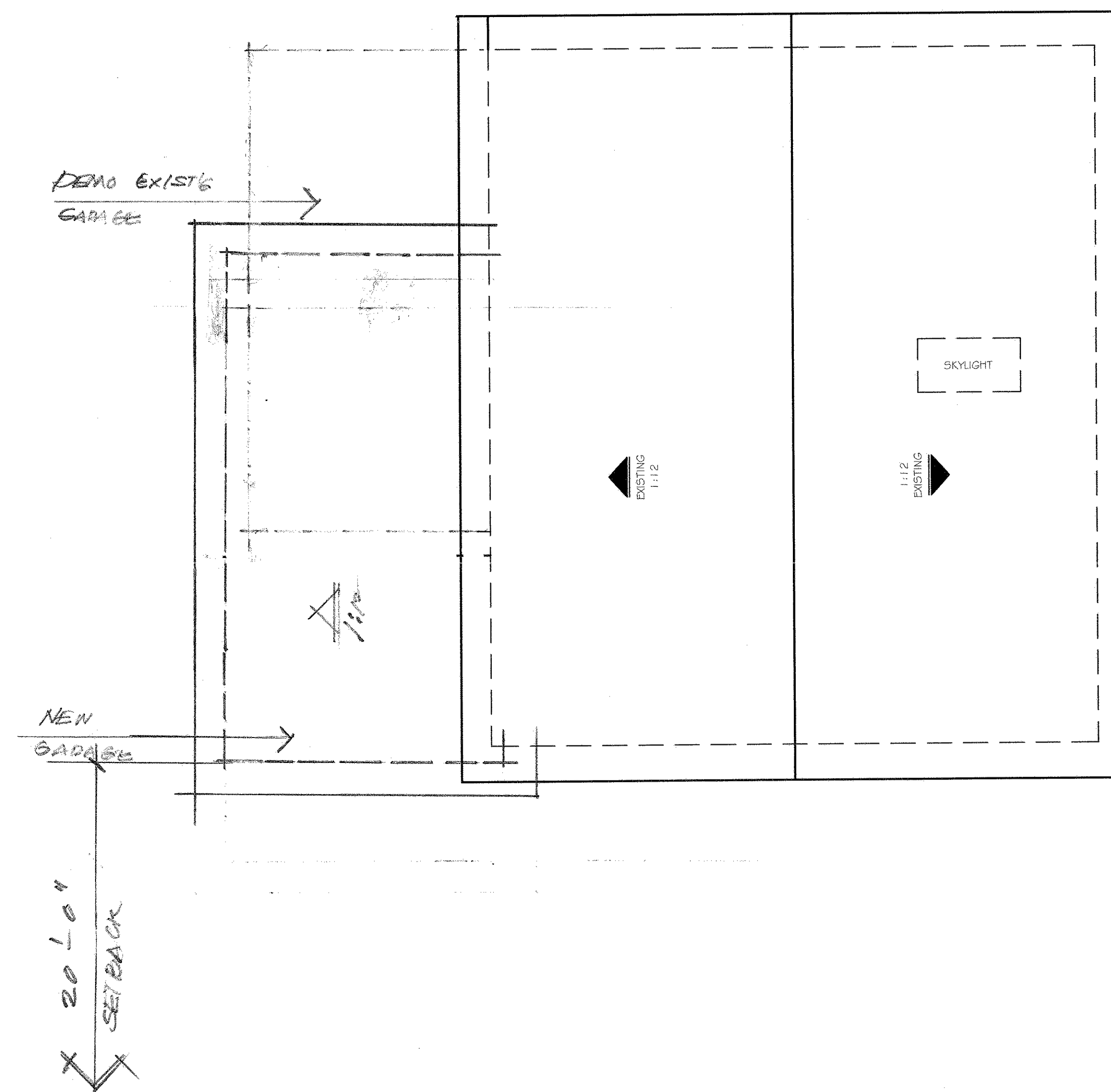
COPPER LANTERN DANA POINT, CALIFORNIA

PROJECT NUMBER:
2017009



STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CAPISTRANO, SUITE A100
SAN CLEMENTE, CA 92072
(949) 388-5300 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM

A-12



UNIT C ROOF PLAN

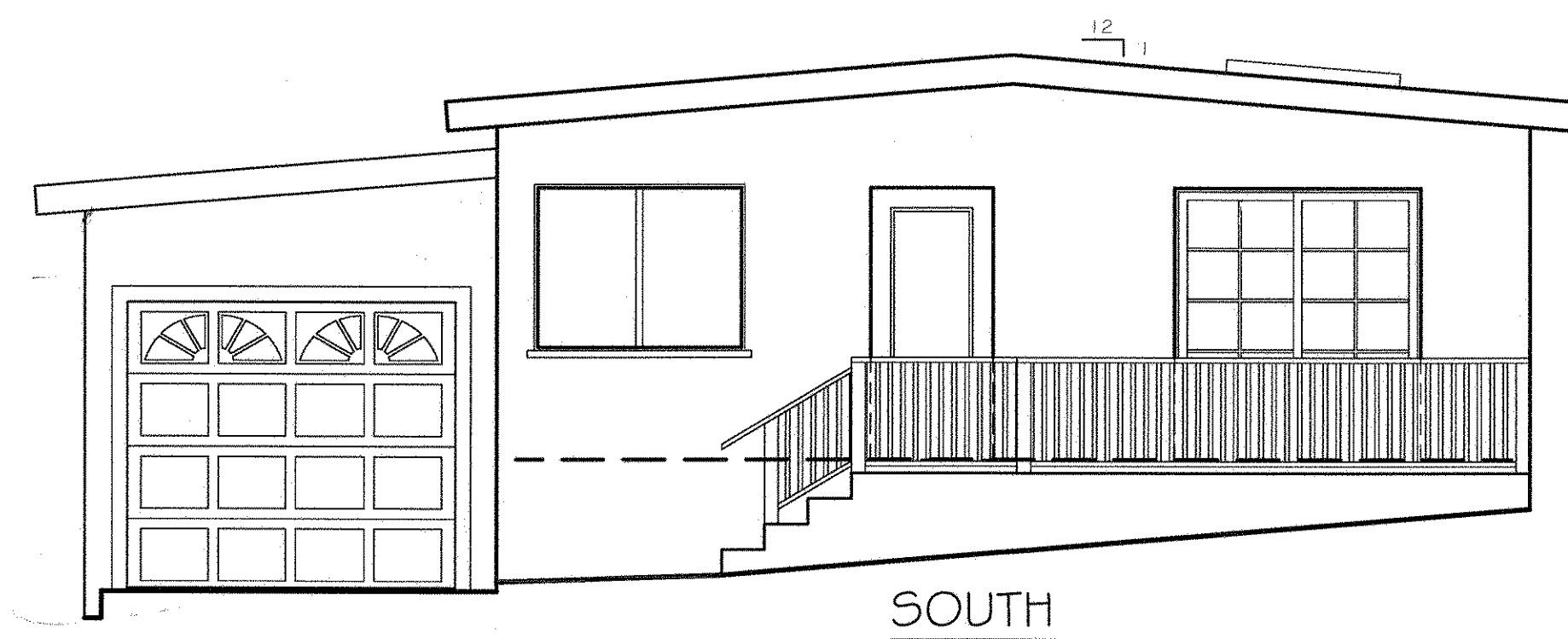
COPPER LANTERN

DANA POINT, CALIFORNIA

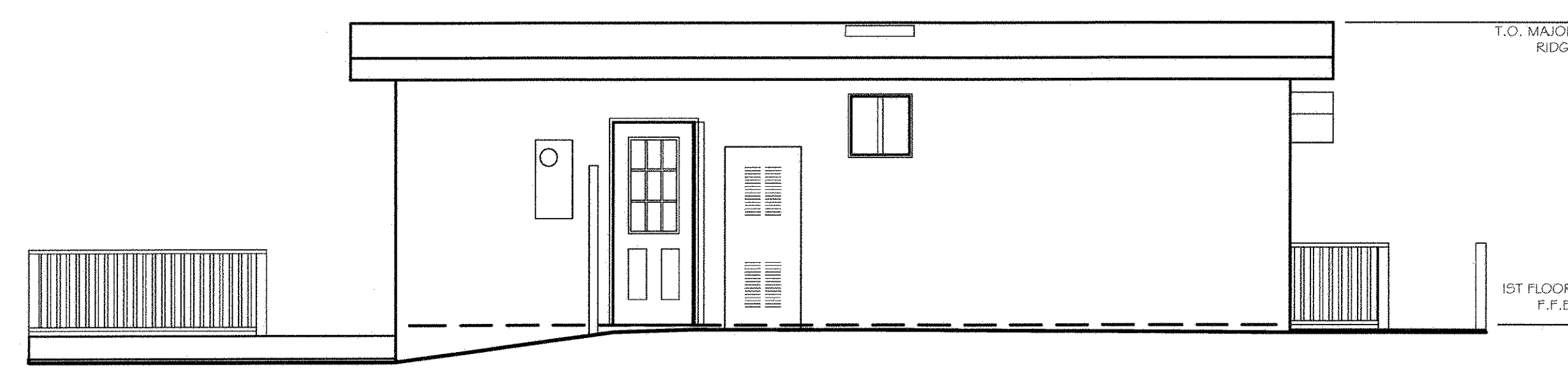
PROJECT NUMBER:
2017009



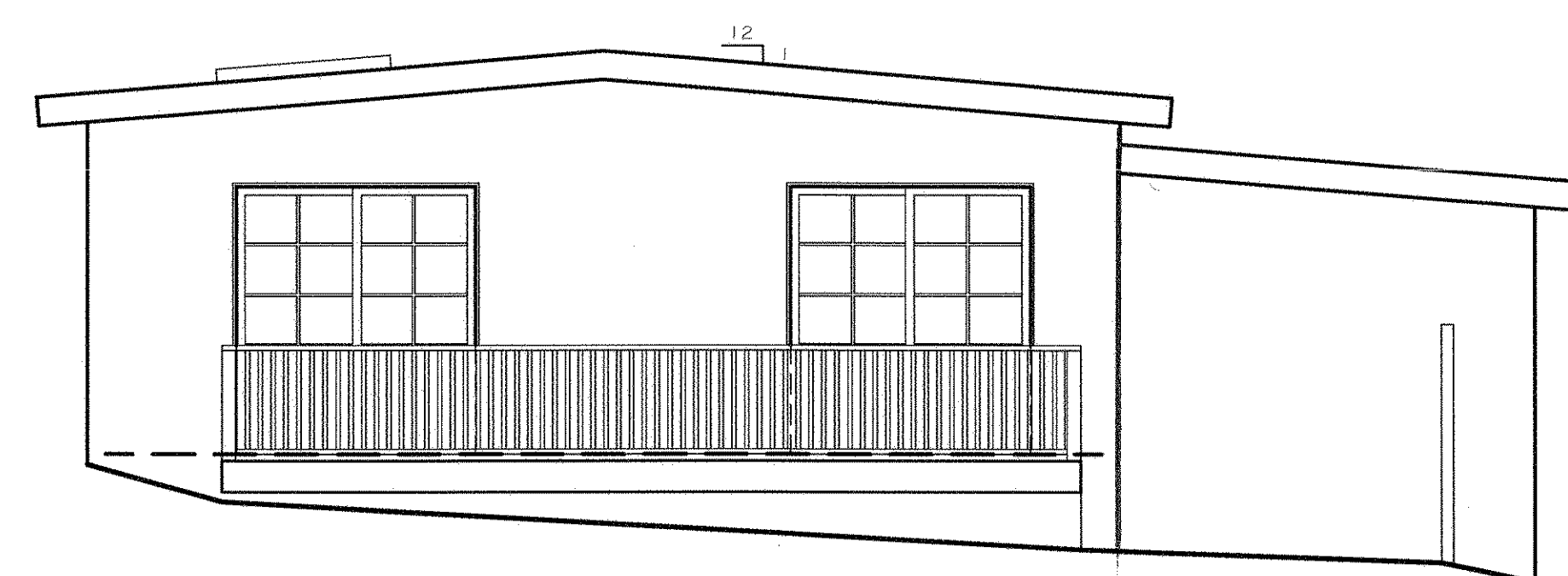
STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CAPISTRANO, SUITE A100
SAN CLEMENTE, CA 92672
(949) 388-5300 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM



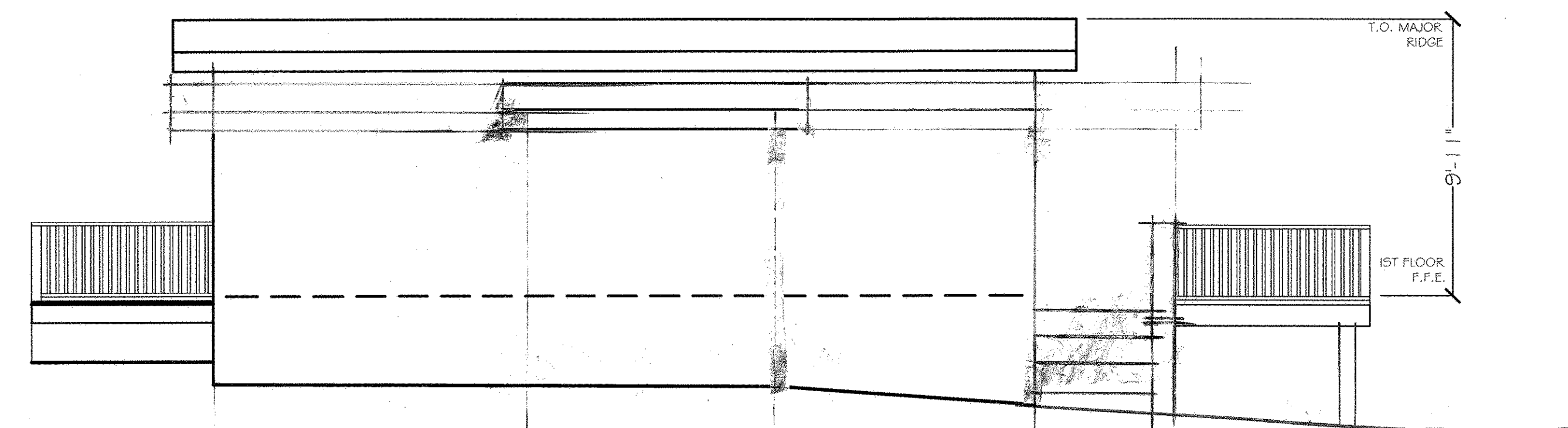
SOUTH



EAST



NORTH



WEST

UNIT C ELEVATIONS
(EXISTING)

COPPER LANTERN

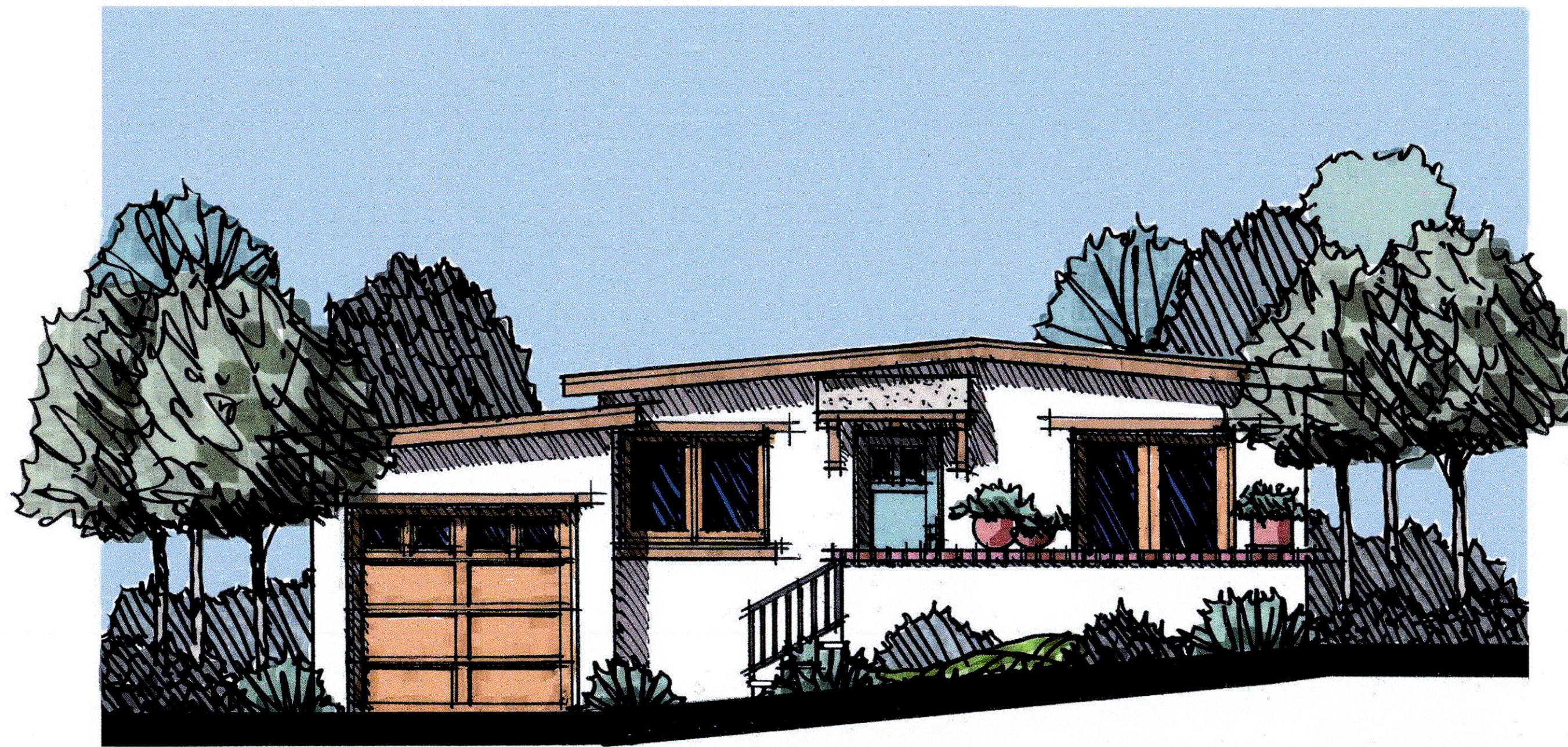
DANA POINT, CALIFORNIA

PROJECT NUMBER:
2017009

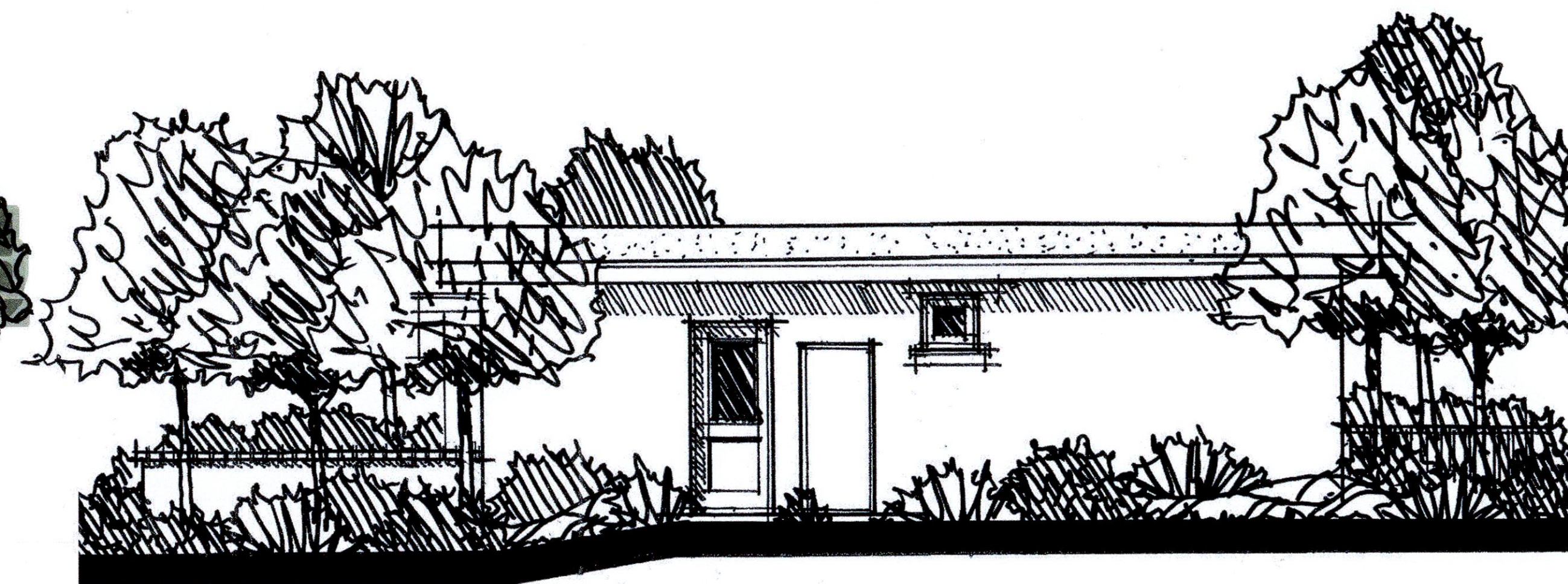


STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2763 CAMINO CAPISTRANO, SUITE A100
SAN CLEMENTE, CA 92872
(949) 388-5500 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM

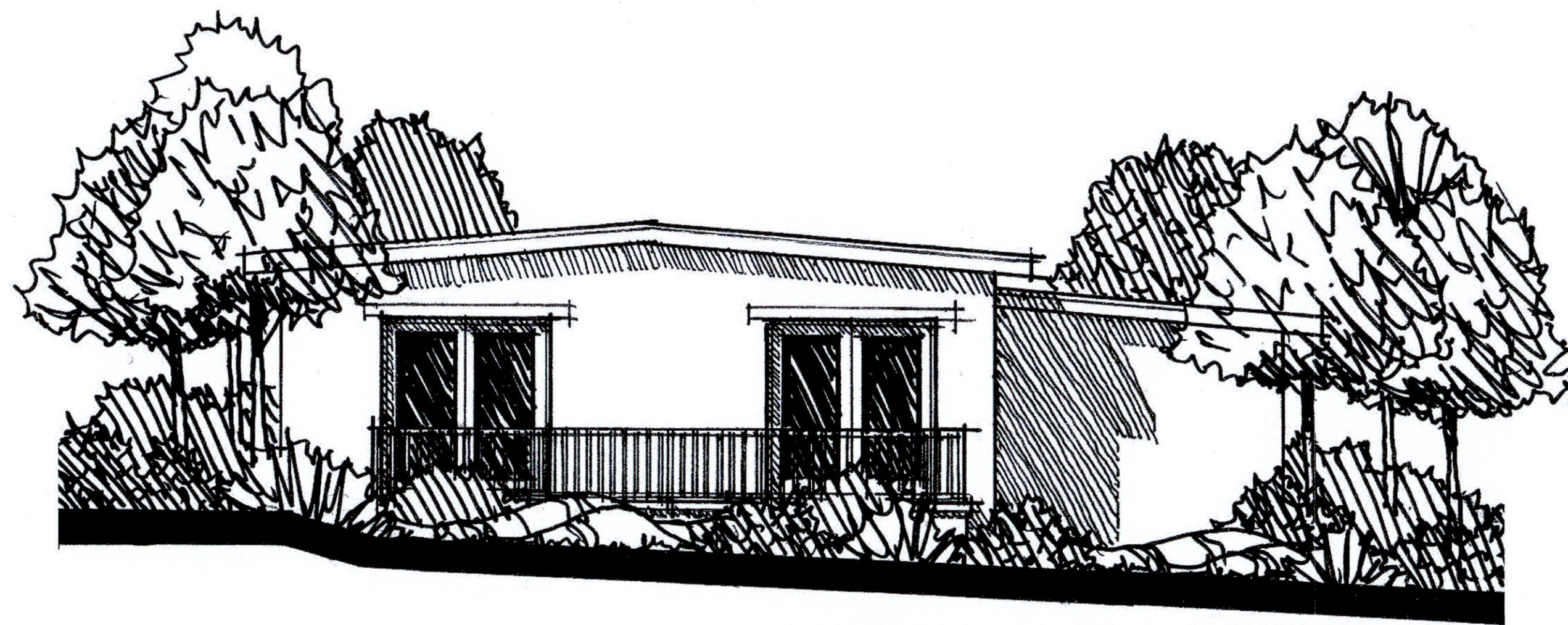
A-14



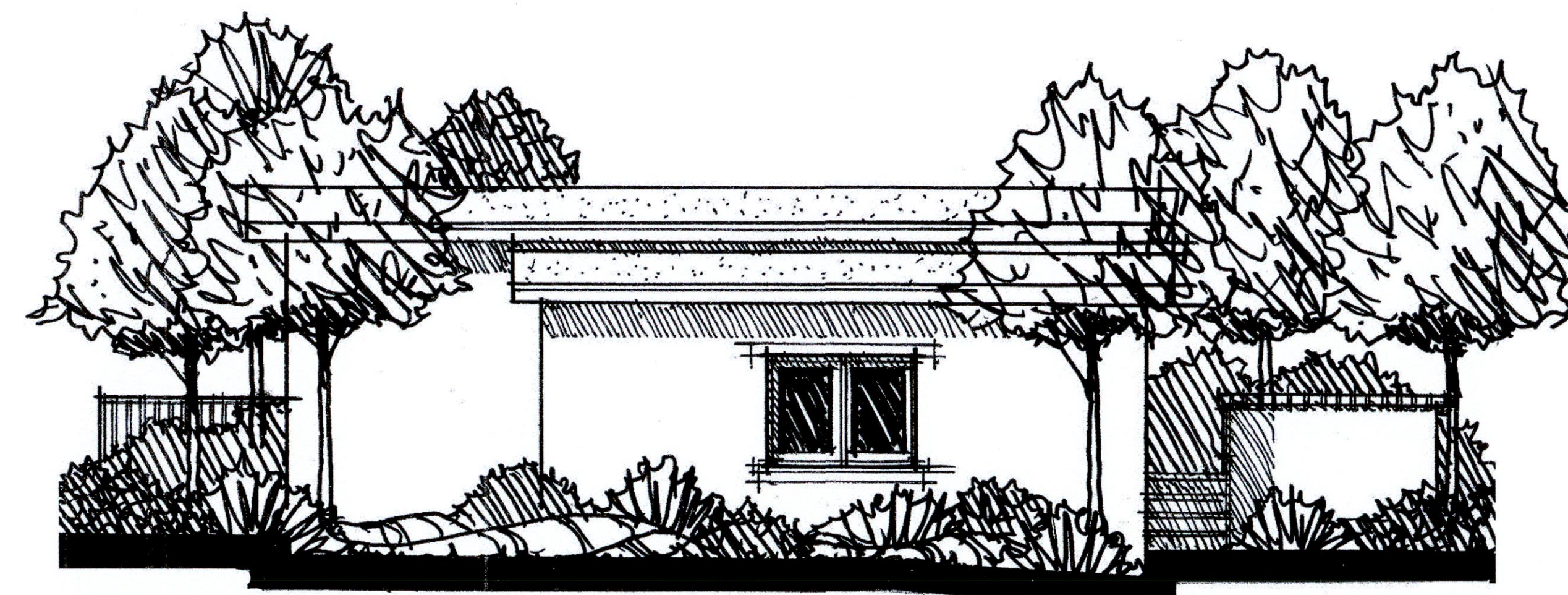
south



east



north



west

NEW EXTERIOR

unit C elevations
1/4"=1'

COPPER LANTERN

DANA POINT, CALIFORNIA

PROJECT NUMBER:
2017009

Studio **6**
ARCHITECTS

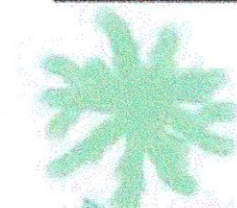
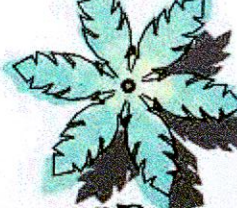
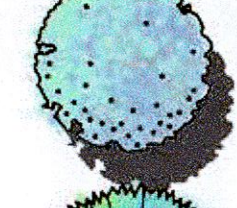
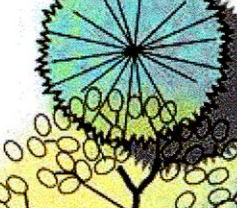
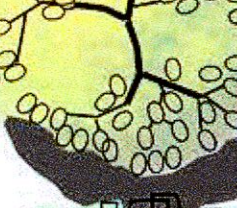
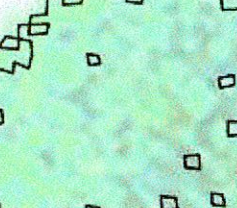

STUDIO 6 ARCHITECTS, INC.
ARCHITECTURE + PLANNING
2753 CAMINO CARISTRANO, SUITE A100
SAN CLEMENTE, CA 92672
(949) 388-5300 PHONE
(949) 388-3330 FAX
STUDIO6ARCHITECTS.COM

A-15











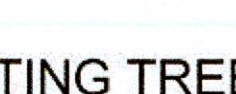
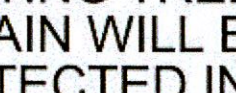
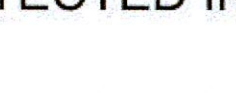







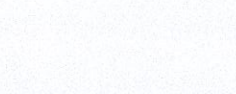



Planting Legend

Existing Palms/Trees

SYMBOL	BOTANICAL NAME:	COMMON NAME:
	RAVENEA RIVULARIS	MAJESTY PALM
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM
	CALLISTEMON VIMINALIS	RED BOTTLEBRUSH
	PINUS ELDARICA	AFGHAN PINE
	SCHINUS MOLLE	CALIFORNIA PEPPER
	ULMUS PARVIFOLIA	CHINESE ELM
	EXISTING TREE TO BE REMOVED (BRAZILIAN PEPPER)	

Proposed Shrubs/ Groundcover

SYMBOL	BOTANICAL NAME:	COMMON NAME:	WUCOLS
	ANIGOZANTHOS FLAVIDUS	KANGAROO PAW	L
	CALANDRINIA GRANDIFLORA	ROCK PURSLANE	L
	CARISSA 'GREEN CARPET'	NATAL PLUM	L
	CEANOTHUS SP.	CALIFORNIA LILAC	L
	DIANELLA REVOLUTA	FLAX LILY	L
	GAURA LINDHEIMERI	GUARA	L
	JUNIPERUS C. 'SPARTAN'	SPARTAN JUNIPER	M
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	M
	LAURUS NOBILIS	BAY LAUREL	L
	LAVENDULA SP.	LAVENDER	L
	LIGUSTRUM JAPONICUM	WAX LEAF PRIVET	M
	PHORMIUM HYBRID	NEW ZEALAND FLAX	L
	PITTOSPORUM TENUIFOLIUM	SILVER SHEEN	L
	PODOCARPUS 'MAKI'	YEW PINE	M
	PRUNUS C. 'BRIGHT N TIGHT'	CAROLINA CHERRY	M
	RHAPHIOLEPIS SP.	INDIAN HAWTHORN	L
	STRELITZIA NICOLAI	BIRD OF PARADISE	M
	SALVIA GREGGII	AUTUMN SAGE	L
	SENECIO MANDRALISCAE	BLUE CHALK STICKS	L
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	L
	XYLOSMA COMPACTA	SHINY XYLOSMA	L
	WESTRINGIA FRUTICOSA	COAST ROSEMARY	L
	LIPPIA NODIFLORA	KURAPIA	L

Copper Lantern Triplex | Conceptual Landscape Plan

Dana Point, CA | Studio 6 Architects | 08-05-19

SMP

ENVIRONMENTAL DESIGN
SUMMERSMURPHY & PARTNERS, INC.
LANDSCAPE ARCHITECTS
34197 COAST HWY SUITE 200
DANA POINT CA 92629 (949) 443-1446

TENTATIVE PARCEL MAP NO. 2018-202
FOR CONDOMINIUM PURPOSES, 1 PARCEL

SITE DATA:

ADDRESS OF PROJECT:
33950 AND 33952 COPPER LANTERN, 33961 MARINA DRIVE
DANA POINT, CA

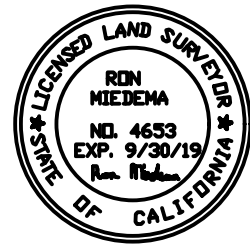
OWNER:
REAL ESTATE ADVISORS
806 AVENIDA PICO
SAN CLEMENTE, CA 92673

STATEMENT OF OWNERSHIP:
I IAN DYER FOR REAL ESTATE ADVISORS DO HEREBY STATE THAT I
HAVE CONSENTED TO THE TENTATIVE PARCEL MAP SUBDIVISION..

IAN DYER

LAND SURVEYOR:
RDM SURVEYING INC.
RON MIEDEMA L.S. 4653
23016 LAKE FOREST DR. #409
LAGUNA HILLS, CA 92653
(949) 858-2924 OFFICE
(949) 858-3438 FAX
RDMSURVEYING@COX.NET

Ron Miedema 7-12-19
RON MIEDEMA L.S. 4653



GENERAL PLAN USE:

3 EXISTING APARTMENTS

LOT AREA: 7.878 SQUARE FEET

EXISTING ZONING: 1

CONTOUR INTERVAL: 2 FEET

PROPOSAED GRADING: NA

NUMBER OF PARCELS: 1 , 3 UNITS

UTILITIES:

GAS SERVICE: SOUTHERN CALIF. GAS.
ELECTRIC SERVICE: SAN DIEGO GAS AND
ELECTRIC
SEWER: CITY OF DANA POINT
WATER: SOUTH COAST WATER
TELEPHONE SERVICE: PACIFIC BELL
TELEVISION SERVICE: COX COMMUNICATIONS

CAPSTRAND UNIFIED SCHOOL DISTRICT.

LEGAL DESCRIPTION:

LOT 10 OF TRACT MAP NO. 862 AND A
AND A PORTION OF MARIANA DR. VACATED

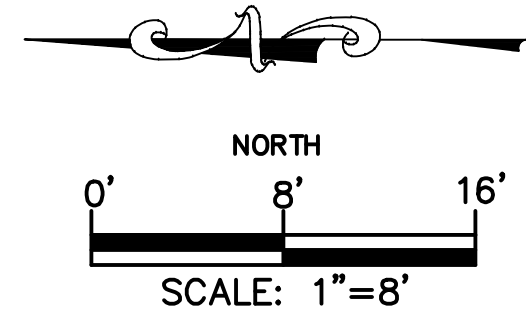
NOTE: SEPARATE UTILITIES WILL BE
REQUIRED AS A CONDITION OF APPROVAL.

NOTE: PER SECTION 7.08.095 OF THE
DANA POINT MUNICIPAL CODE ALL OF
THE UTILITY LINES MUST BE
UNDERGROUND AS PART OF THE
CONDOMINIUM CONVERSION.

LEGEND	
	DESCRIPTION
(123.45)	MEAS. ELEVATIONS
()	REC. BRG. & DIST.
#	DECK
—	BRICK
—	WALL
—	BUILDING
—	PROPERTY LINE
—	FENCE
⊕	BENCH MARK
⊙	N.G.
⊙	P.P.
⊙	WM
⊙	F.F.
⊙	G.F.
⊙	CONC.
⊙	F.S.
⊙	M.H.
⊙	P
⊙	A.C.
⊙	T.G.
⊙	PROPERTY LINE DIM.
⊙	GAS METER
⊙	SEWER
⊙	ELEC. LINE TO BLDG.
⊙	CABLE TV
⊙	WATER
⊙	TELEPHONE

EASEMENTS PER TITLE REPORT:

- [6] AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED IN BOOK 1744, PAGE 307 D.R.
[7] AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS,
RECORDED IN BOOK 2775, PAGE 76 D.R.
[8] AN EASEMENT FOR GUY POLES AND ANCHORS OVER A 4 FOOT STRIP OF LAND BEING 2 FEET ON
EACH SIDE OF A DESCRIBED CENTERLINE. NOT ON SUBJECT PROPERTY
[9] AND EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS, RECORDED
IN BOOK 6578, PAGE 57 D.R.
[10] AN EASEMENT TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE AND RENEW
SANITARY SEWERS AND STORM DRAINS AND APPURTENANT STRUCTURES RECORDED
IN BOOK 13031, PAGE 479 D.R.



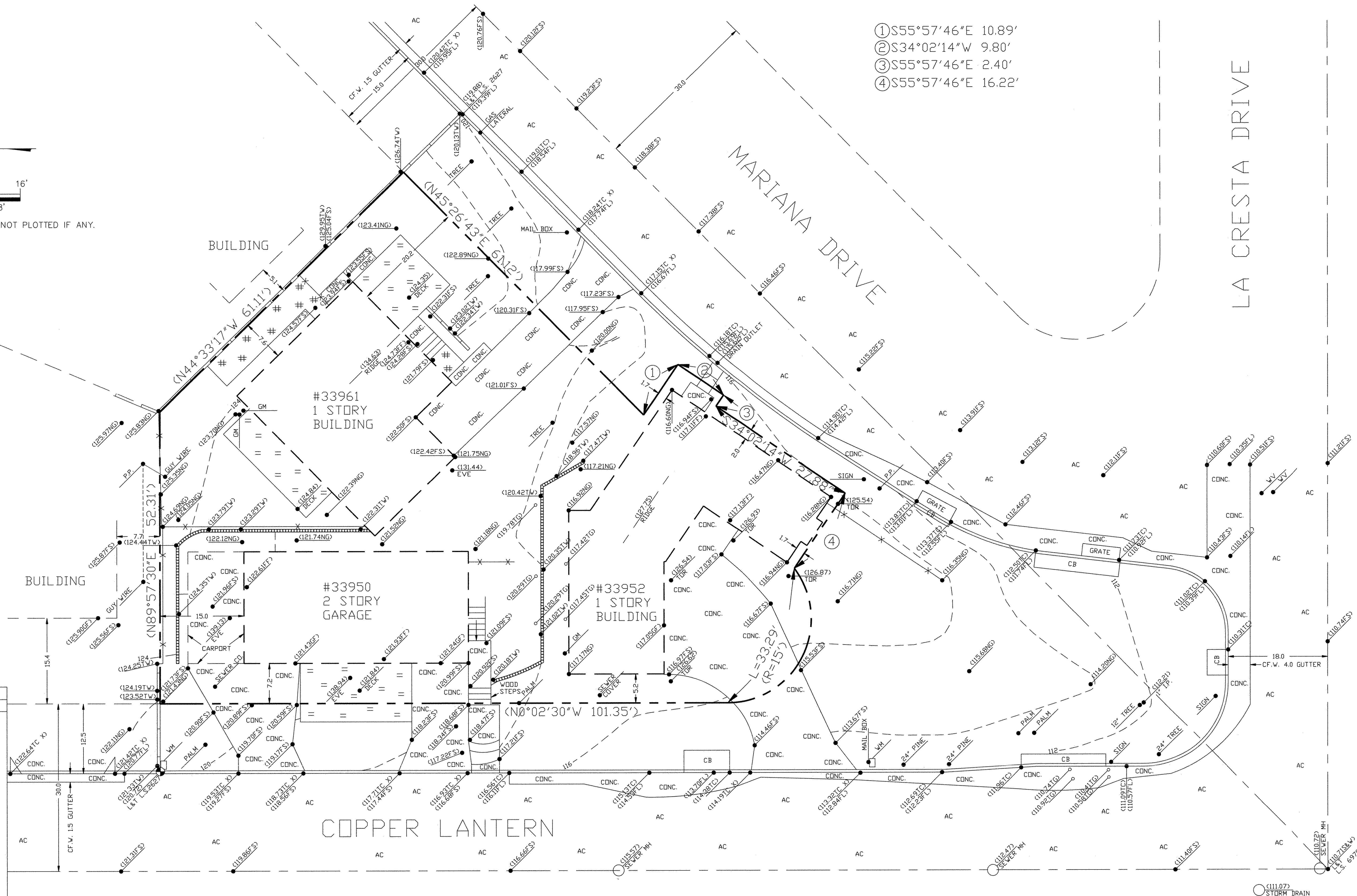
- ① S55°57'46"E 10.89'
② S34°02'14"W 9.80'
③ S55°57'46"E 2.40'
④ S55°57'46"E 16.22'

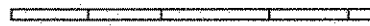




LA CRESTA DRIVE

MARIANA DRIVE

COPPER LANTERN

BENCH MARK:
COUNTY OF ORANGE S-783
ELEVATION = 125.32 NAVD 88 DATUM



LEGEND	
	DESCRIPTION
(123.45)	MEAS. ELEVATIONS
()	REC. BRG. & DIST.
=	DECK
#	BRICK
	WALL
	BUILDING
	PROPERTY LINE
	FENCE
	BENCH MARK
N.G.	NATURAL GRADE
P.P.	POWER POLE
WM	WATER METER
F.F.	FINISH FLOOR
G.F.	GARAGE FLOOR
CONC.	CONCRETE
F.S.	FINISH SURFACE
M.H.	MAN-HOLE
P	PLANTER
A.C.	ASPHALT
T.G.	TOP-GRADE

RON MIEDEMA L.S. 4653
23016 LAKE FOREST DR. #409
LAGUNA HILLS, CA 92653
(949) 858-2924 OFFICE
(949) 858-3438 FAX
RDMSURVEYING@COX.NET

JOB: (65-27)

DATE: 6/12/17

OWNER:
IAN DYER

LEGAL DESCRIPTION:
10 OF TRACT MAP NO. 862

BENCH MARK:
LEAD AND TAG ELEVATION= 120.72

ADDRESS OF PROJECT:
33952 COPPER LANTERN
DANA POINT, CA

Topo