

**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: VARIANCE V19-0002 AND SITE DEVELOPMENT PERMIT SDP19-0022
TO ALLOW THE DEVELOPMENT OF A THREE STORY, SINGLE FAMILY
DWELLING AND ATTACHED GARAGE THAT EXCEEDS THE MAXIMUM
ALLOWABLE BUILDING HEIGHT IN THE RESIDENTIAL SINGLE
FAMILY 7 (RSF 7) ZONING DISTRICT AT 33911 CALLE LA PRIMAVERA.

RECOMMENDATION: That the Planning Commission adopt the attached Resolution approving Variance V19-0002 and Site Development Permit SDP19-0022

PROPERTY OWNER: 33911 Calle La Primavera LLC

APPLICANT: James F. Carlson

REQUEST: A request for a Variance and Site Development Permit to allow the development of a three-story, single-family dwelling and attached garage to exceed the maximum allowable building height in Residential Single Family 7 (RSF 7) Zoning District.

LOCATION: 33911 Calle La Primavera (APN 682-141-07)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius on November 29, 2019, published within a newspaper of general circulation on November 29, 2019, and posted on November 29, 2019, at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, Dana Point Library, as well as on the City of Dana Point website.

ENVIRONMENTAL: The proposed project qualifies as a Class 3 (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the construction of a single-family residence.

ISSUES:

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

BACKGROUND:

The subject site is a 7,009 square foot vacant hillside lot in the Lantern District community of Dana Point. The property is surrounded by single-family residences and is across the street from the Saint Edwards Catholic Church. The properties along Calle La Primavera and the adjacent street to the north, Pequito Drive, are located in a historic inland canyon that has been developed and follows the path of Crystal Lantern. Houses constructed along Calle La Primavera and Pequito Drive are one and two stories fronting the street and then step down the canyon with additional floor(s) below. Many of the houses constructed along Calle La Primavera and across the canyon on Pequito Drive were issued Variances to address challenging topographical conditions of the area.

DISCUSSION:

The applicant is requesting to construct a 3,700 square foot, three-story single-family residence with a 420 square foot attached garage. The project's design for the entry-level includes the garage, kitchen, dining room, and a bedroom. The second floor includes the master suite and three bedrooms with all on-suite bathrooms. The project proposes a deck along the full width of the first-floor and on the second-floor there would be decks at the front and rear of the structure for each of the bedrooms. The bottom level of the house would be below the grade of the street and includes mechanical and storage rooms that are non-habitable.

The neighborhood consists of one and two-story homes that were originally constructed as early as the 1960s. Some of the houses were renovated or reconstructed over the years, resulting in varied architectural styles throughout the area. The project is proposing a contemporary design with a façade surfaced in stucco, wood siding, and low pitched roofs.

Table 1 summarizes applicable Residential Single Family (RSF-7) zoning designation development standards and the project's conformance with those requirements:

Table 1: Compliance with RSF-7 Development Standards

| Development Standard | Requirement | Proposed | Compliant with Standard |
|-----------------------------|--|-----------------|--------------------------------|
| Front Setback | 20 feet minimum | 20 feet | Yes |
| Side Setbacks | 5 feet minimum | 5 feet | Yes |
| Rear Setback | 25 feet | 25 feet | Yes |
| Height | 29 feet maximum | 44.17 feet* | No |
| | (Flat-3/12 roof pitch) 14 feet curb elevation | 22.24 feet* | No |
| Lot Coverage | 60% maximum | 38% | Yes |
| Floor Area Ratio | 75% Maximum | 57% | Yes |
| Parking Required | 2 garage spaces | 2 garage spaces | Yes |
| Landscape | 25 % | 58% | Yes |

Site Development Permit

Pursuant to Section 9.05.110(a)(4) of the Dana Point Zoning Code (DPZC), the property qualifies as a “Hillside Condition” lot, possessing an average slope of 20 percent or more (the subject property has a slope of 49.7 percent). The Hillside Condition provision of the DPZC allows for a three-story design and a 29 foot height limit from the low point of the structure and 14 feet from the upper street curb (for roofs with less than a 3/12 pitch); however, the project is requesting a Variance to increase the 29 foot maximum height of the structure and the required 14 foot height requirement from the street due to the lot’s topographical conditions.

Specific hillside condition design requirements of the DPZC and the project’s compliance are as follows:

1. A hillside condition shall mean a lot with a topographic slope percentage, as defined in Section 9.75.190 of this Title, either front to rear or side to side, of twenty (20) percent or greater.

The topography of the lot is 49.7 percent, which exceeds the minimum 20 percent grate, thus qualifying as a Hillside Condition lot.

2. Three (3) story structures shall be designed so that the second story has an average, additional yard setback area of five (5) feet times the total width of the structure at the street elevation and the third story, an average additional yard setback area of ten (10) feet times the total width of the structure at the street elevation.

The design and orientation of the project is two stories along Calle La Primavera and on the canyon side of the lot, the structure would step down the canyon for a lower third story that would not be visible from the street, therefore this provision is not applicable.

3. Residential structures having three (3) stories shall be limited to a maximum Floor Area Ratio (FAR) of .75 the area of the lot, excluding garage area. The amount of garage area in excess of that required for minimum compliance with parking standards, as specified in Section 9.35.070 of this Title, shall be considered part of the floor area when calculating the FAR.

The project is designed with a FAR of .57 which is 18 percent less than the maximum allowed and complies with the provisions of this section.

4. The height of the third story shall not exceed a height of fourteen (14) feet above the upper property line or upper street curb elevation, as measured perpendicular to any point along said line or curb.

The project is requesting a Variance to increase the height of the structure from the upper street curb elevation from 14 feet to 22 feet and is discussed in the Variance section of the report below.

5. The applicant shall demonstrate that the proposed design will result in a reduction in grading and the disruption to existing topography that would be incurred with a standard two (2) story design on the subject site.

The sloped topography of the lot down the canyon and the design of the proposed structure does not require any grading. The project design follows the existing grade of the slope while complying with the minimum driveway grade to reduce the profile of the structure.

6. Three (3) story developments on hillside properties shall include story pole staking as described in the City's application requirements for a Site Development Permit.

A staking plan was approved by the Planning Division, and the proposed project was staked in accordance with the approved plan. A certification of compliance was completed on November 26, 2019.

Section 9.71.050 of the DPZC stipulates 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.*

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

Variance

The hillside condition of the property results with a 49.7 percent slope creating a challenging topographical condition for the construction and design of a single-family residence that complies with the DPZC. The site conditions result in the applicant requesting a Variance per Section 9.67 of the DPZC, to increase the maximum allowed height of the structure from 29 feet to 44.17 feet from the low point of the structure and from 14 feet to 22.24 from the upper street curb elevation of the lot. The project is proposing a structure that is 18 percent less than the maximum FAR, complies with the required setbacks for the RSF-7 zoning district, and is an appropriate size and scale in comparison to other structures developed in the neighborhood.

The analysis of the Variance request included design alternatives prepared by the applicant and evaluated by staff to consider the hardship conditions of the property (Supporting Document 6). Staff's analysis of the design alternatives concluded that the proposed project was the most feasible and would be in character with the neighborhood.

An additional hardship to the property is the slope of Calle La Primavera in front of the property, which is at 10 percent and results in a cross-slope that creates a hardship condition for the property because the driveway grade for the house cannot exceed 10 percent. The cross-slope and driveway grade prevents the house from being cut into the slope and limits the finish floor elevation for the house. The topography of the lot and the maximum driveway grade are the major hardships to the site that prevent the structure from complying with the height requirements of the Hillside Condition Ordinance (Section 9.05.110(a)(4)) resulting in the Variance request.

In 2008, the City established a Hillside Development Ordinance to allow an increase in height for structures on hillside lots with a slope of 20 percent or greater; however, in the case of the subject property, the slope of the lot is 49.7 percent which is an extraordinary condition in comparison to other hillside conditions in the City. The enforcement of the height provisions of the DPZC would deprive the applicant of privileges enjoyed by the owners of other properties in the same area with similar constraints. Many of the houses constructed along Calle La Primavera were approved during the County of Orange

jurisdiction and were issued Variances to reduce front yard setbacks and/or increase the height of the structures.

The Variance would not grant a special privilege as there are several houses in the area with similar topographical conditions that received Variances. The design of many of the properties in the area were constructed under the County of Orange jurisdiction and would not comply with the City's height requirements as measured per the DPZC. To address the topographical conditions, Variances were issued by the County of Orange for reduced front yard setbacks. Supporting Document 3 depicts the adjacent properties and the developments in the canyon that would not comply with the City's height requirements. The structures adjacent to the subject property (33901 and 33921 Calle La Primavera) are subject to the same topographical conditions and were issued Variances from the County of Orange and the City of Dana Point to deviate from the development standards. The structure to the south of the subject property, 33921 Calle La Primavera, was constructed in 1975 and was issued a Variance to allow the structure to be nine feet from the front property line, which allowed the structure to be located on the flatter portion of the lot. In measuring the structure with the method required by the City (lowest point to highest point), it is 33.63 feet tall. The property to the north was constructed in 1986 and was issued a Variance in 1998 to allow a new lower level in the crawl space. The structure's is 53.24 feet tall as measured with the City's method.

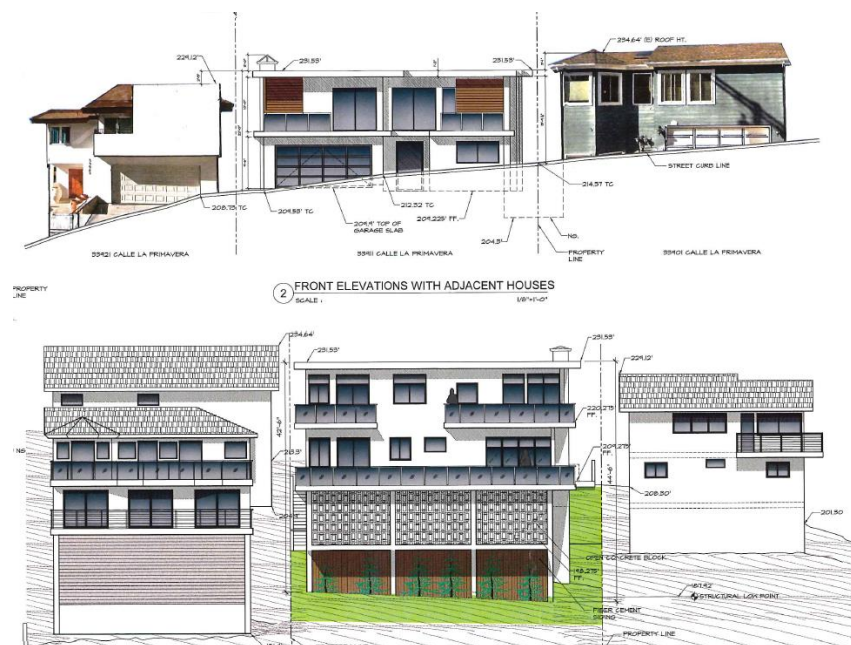


Exhibit 1: Elevations of the Project and Adjacent Structures

The requirements for variances for the subject site are governed by the City's Zoning Ordinance - Chapter 9.67 which states that a Variance request can only be granted if the

following findings can be made:

1. That the strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of this Chapter; and
2. That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district; and
3. That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints; and
4. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints; and
5. That the Variance request is made on the basis of a hardship condition and not as a matter of convenience; and
6. That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
7. That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone;
8. That granting of the Variance would not result in adverse impacts, either individually or cumulatively, to coastal access, public recreation opportunities, or coastal resources, and the development would be consistent with the policies of the Local Coastal Program certified land use plan.

The required findings are articulated in the attached draft Resolution identified 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:

Based on the above analysis, Staff has determined that the required findings can be made, as outlined in the attached draft resolution, and recommends that the Planning Commission approve Variance V19-0002 and Site Development Permit SDP19-0022.



John Ciampa
Senior Planner



Kelly Reenders, Interim Director of
Community Development

ACTION DOCUMENTS:

1. Draft Planning Commission Resolution

SUPPORTING DOCUMENTS:

2. Vicinity Map
3. Photos
4. Adjacent Properties' Records
5. Submitted Plans
6. Design Alternatives

Action Document 1: Draft Planning Commission Resolution

RESOLUTION NO. 19-12-09-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING VARIANCE V19-0002 AND SITE DEVELOPMENT PERMIT SDP19-0022 TO ALLOW THE DEVELOPMENT OF A THREE STORY, SINGLE FAMILY RESIDENCE AND ATTACHED GARAGE THAT EXCEEDS THE MAXIMUM ALLOWABLE BUILDING HEIGHT IN RESIDENTIAL SINGLE FAMILY 7 (RSF 7) ZONING DISTRICT AT 33911 CALLE LA PRIMAVERA.

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

WHEREAS, 33911 Primavera LLC (the "Applicant") is the owner of real property commonly referred to as 33911 Calle La Primavera (APN 682-141-07) (the "Property"); and

WHEREAS, the Applicant has made an application to process a Variance and Site Development permit located at 33911 Calle La Primavera; 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 of the CEQA Guidelines (Class 3 – New Construction or Conversion of Small Structures) in that the project consists of the construction of a single-family residence; 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 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 Variance V19-0002 and Site Development Permit SDP19-0022.

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.
- B) Based on the evidence presented, the Planning Commission adopts the following findings and approves Variance V19-0002 and Site Development Permit SDP19-0022, subject to conditions:

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Findings:

Variance V19-0002

- 1) That strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of this Chapter in that, the property maintains an existing 49.7 percent lot slope, which creates a challenging topographical condition for the construction and design of a single-family residence in compliance with the hillside condition height limitation of 29 feet from the low point of the structure and 14 feet from the upper street curb elevation of the lot. Compliance with the established maximum building height would create a practical difficulty as it would reduce the allowed buildable area of the lot and would likely limit the house to one story above the street level due to the 49 percent lot slope. The design would be in contrast to the surrounding houses in terms of size and scape and would result in practical difficulty or unnecessary physical hardships that are inconsistent with the objectives of the DPZC.
- 2) That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district in that, the slope of the subject property is 49.7 percent which results in an extraordinary condition in comparison to other hillside houses in Dana Point. An additional hardship to the property is the slope of Calle La Primavera in front of the property, which is at 12 percent and results in a cross-slope condition that creates a hardship condition for the property because the driveway grade for the house cannot exceed 10 percent. The cross-slope and driveway grade prevents the house from being cut into the slope and limits the finish floor elevation for the house. The topography of the lot and the maximum driveway grade are the major hardships to the site that prevent the structure from complying with the height requirements of the DPZC.
- 3) That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints in that, the enforcement of the regulation requiring a maximum height of 29-feet and 14 feet from the upper street curb and not allowing the increase would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints. The hillside condition of the

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property results in the lot having a 49.7 percent grade which has resulted in challenging topographical conditions of the property to construct a structure that complies with the hillside condition height limitation of 29 feet from the low point of the structure and 14 feet from the upper street curb elevation of the lot. The enforcement of the height provisions of the DPZC would deprive the applicant of privileges enjoyed by the owners of other properties in the same area with similar constraints. Many of the houses constructed along Calle La Primavera were approved during the County of Orange jurisdiction and were issued Variances to address the topographical conditions of the area. The adjacent properties and the developments in the canyon that would not comply with the City's height requirements. The structures adjacent to the subject property (33901 and 33921 Calle La Primavera) are subject to the same topographical conditions and were issued Variances from the County of Orange and the City of Dana Point to deviate from the development standards. The structure to the south of the subject property, 33921 Calle La Primavera, was constructed in 1975 and was issued a Variance to allow the structure to be nine feet from the front property line, which allowed the structure to be located on the flatter portion of the lot. In measuring the structure with the method required by the City (lowest point to highest point), it is 33.63 feet tall. The property to the north was constructed in 1986 and was issued a Variance in 1998 to allow a new lower level in the crawl space. The structure's is 53.24 feet tall as measured with the City's method.

- 4) That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints **in that, there are a number of houses that received Variances or were constructed under different code provisions that allowed the increase in the height of the structures to allow increases in height for structures as a result of the challenging topographical conditions for the area. The project is in character with the neighborhood as there are a number of houses that received Variances that are two stories fronting Calle La Primavera and have lower levels added below the street elevation.**
- 5) That the Variance request is made on the basis of a hardship condition and not as a matter of convenience **in that, the subject property has significant topographical conditions that result in challenging conditions to effectively construct a single family residence without the approval of a Variance given the 49 percent slope of the lot and the 10 percent cross-slope of Calle La Primavera. To comply with the established maximum building height would create a practical**

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difficulty given designing the building in compliance with the height limitations identified in the DPZC would result in a more challenging site.

- 6) That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity **in that the roof height will be a similar elevation to the adjacent structures and the building plans shall be reviewed by the City prior to permit issuance and construction for compliance with the Dana Point Zoning Code, the California Building Code and the Engineering Code. A geotechnical report will also be required prior to issuance of a grading and building permit that will ensure the foundations of the structure are suitable for the conditions of the property.**
- 7) That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone **in that standard conditions have been included within this Resolution as applicable and related to development standards for single-family residential development. The new residence will be required to comply with all applicable building and grading codes.**

Site Development Permit SDP19-0022

- 1) That the design satisfies the intent of the development standards of the Dana Point Zoning Code **in that, the subject project complies with the setback, lot coverage, and landscape standards for the RSF-7 zoning district. The development complies with the provisions of the hillside ordinance identified in Section 9.05.110(a)(4) of the DPZC with the exception for the increase height requested by the Variance.**
- 2) That the site is suitable for the proposed use and development **in that the residence complies with the allowed setbacks, lot coverage, floor area ratio, and landscape standards for the RSF-7 zoning district. The size and scale of the development is consistent and compatible with the neighborhood.**
- 3) That the project is in compliance with all elements of the General Plan and all applicable provisions 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**

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Design Guidelines with the additional setback for the entry and front elevation to reduce the massing of the structure. The decks on the front and rear elevations improves the design of the project and reduces the massing.

- 4) That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture, **in that, the project is a contemporary design that is consistent with the mix of architectural styles in the neighborhood. The design of the project complies with the density and setback requirements of the Zoning Ordinance and General Plan. The additional setbacks for the entry and decks reduces the massing to improve the design of the project without impacting the privacy of the adjacent properties.**

Conditions:

A. General:

1. Approval of this application permits a Variance and Site Development Permit to allow the development of a three story, single family dwelling and attached garage which exceeds the maximum allowable building height in Residential Single Family 7 (RSF 7) Zoning District. Subsequent submittals for this project shall be in substantial compliance with the sign plans approved by the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, and the Dana Point Zoning Code.
2. Approval of this application shall be valid for a period of 24 months from the date of determination. If the scope-of-work approved by this action is not established, or the Lot Line Adjustment for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.
3. 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.
4. 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

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include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action or proceeding.

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 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 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.

5. 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.
6. 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.
7. The construction site shall be posted with signage indicating that construction not commence before 7:00 A.M. and must cease by 8:00 P.M., Monday through Saturday. No construction activities shall be permitted on Sundays or Federal holidays.
8. The project shall meet all water quality requirements.
9. A grading permit shall be obtained prior to any work including demolition activities.
10. 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.
11. 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

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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.

12. 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.

B. Prior to the issuance of a grading permit the applicant shall meet the following conditions:

13. Pursuant to Chapter 9.55 of the Dana Point Zoning Code and the State Model Water Efficiency Ordinance, the applicant shall be responsible for submitting a landscaping plan wet-stamped by a California Licensed Landscape Architect for review and approval prior to the issuance of any building permits.
14. The applicant shall submit an application for site retaining walls as needed, to the Building Department. A separate permit submittal shall be made to the Building Department for review and approval. All site retaining wall permits shall be issued concurrently with the grading permit.
15. 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 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.
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 applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval. A thorough investigation of the subsurface hillside conditions is required as part of a complete geotechnical investigation.

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18. 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.
19. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
20. All drainage shall be directed to Calle La Primevera. A hydrology and hydraulic study will be required for sump pump or alternative drainage design. The hydrology and hydraulic study shall be submitted for review and approval as part of the grading application.
21. 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.

C. Prior to Issuance of a Building Permit

22. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
23. The applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (along with 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.
24. 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

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recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.

25. An as graded geotechnical report shall 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 recompaction, 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.
26. Fire Department review is required. Submit three (3) separate sets of building plans directly to the Orange County Fire Authority for review and approval.
27. Building plan check submittal shall include 2 sets of the following construction documents:
 - *Building Plans (4 Sets)*
 - *Landscaping Plan*
 - *Structural Calculations (2 Sets)*
 - *Energy calculations*
 - *Soils/Geology Report*
 - *Drainage Plan*

All documents prepared by a professional shall wet-stamped and signed.
28. Verification of all conditions of approval is required by all City Departments.
29. All approvals from outside Departments and Agencies are required.
30. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
31. Separate review, approval and permits are required for separate structures, retaining walls, and fire sprinklers.

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D. Prior to Issuance of a Certificate of Use and Occupancy

32. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
33. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
34. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
35. 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.
36. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
37. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
38. Prior to commencement of framing, the applicant shall submit a Foundation Certification, by survey that each structure will be constructed in compliance with the dimensions shown on plans approved by the City, including finish floor elevations and setbacks to property-lines included as part of V19-0002 and SDP19-0022. The City's standard "Line and Grade Certification" Form shall be obtained from the Project Planner, prepared by a licensed civil engineer/surveyor and shall be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval.
39. Prior to a release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of each structure complies with plans approved by the City. The City's standard "Height Certification" Form shall be obtained from the Project Planner, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval before release of final roof sheathing is granted.

PLANNING COMMISSION RESOLUTION NO. 19-12-09-XX
V19-0002 SDP19-0022
PAGE 11

40. The applicant shall contact the Planning Division to conduct an inspection of the completed project prior to contacting the Building/Safety Division for final project sign-off. In addition to completion of the approved project scope-of-work, at a minimum, all new landscaping proposed in the front one-half of the subject property shall be installed prior to calling for this inspection.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, 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:

Vicinity Map



Vicinity Map

33911 Calle La Primavera
V19-0002 and SDP19-0022



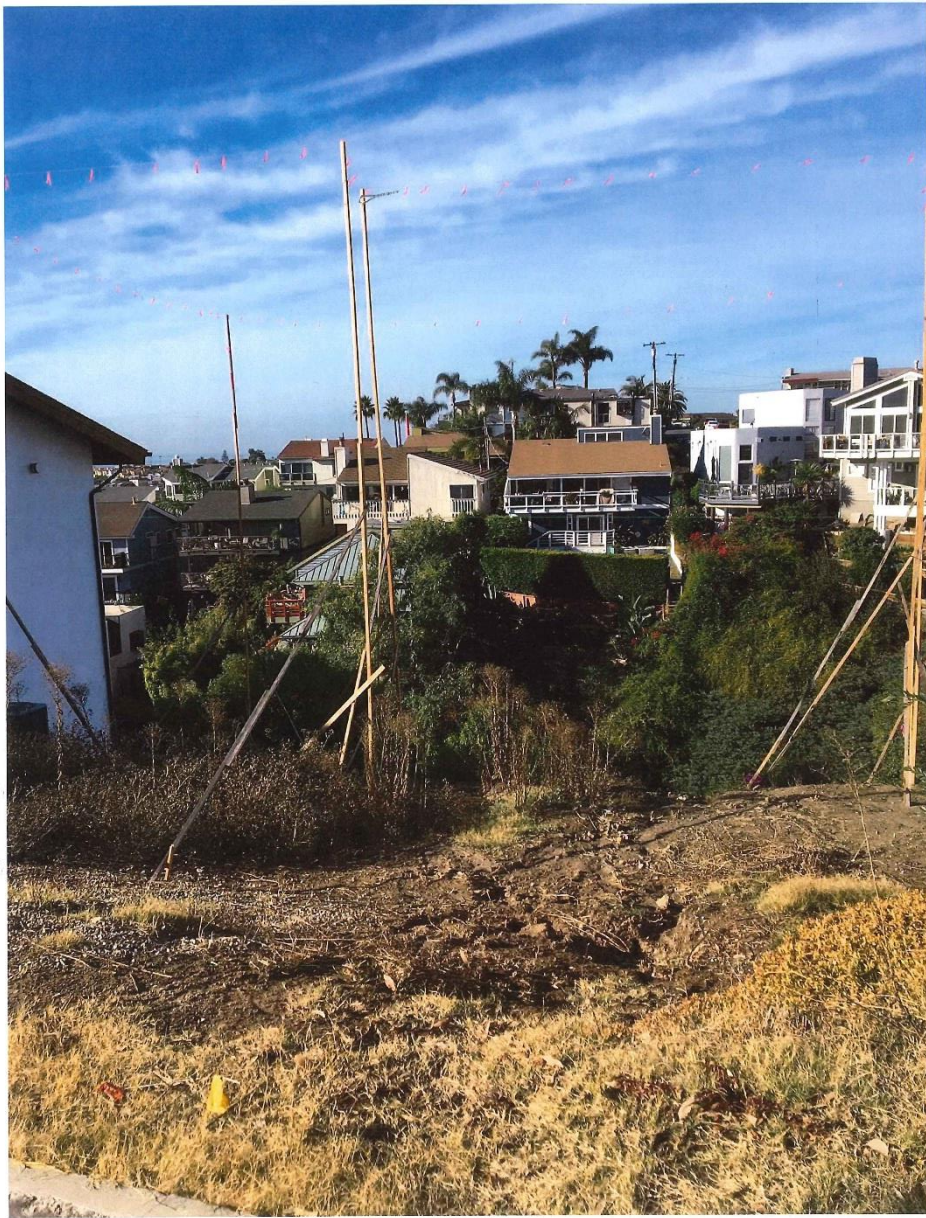
Supporting Document 3: Photos







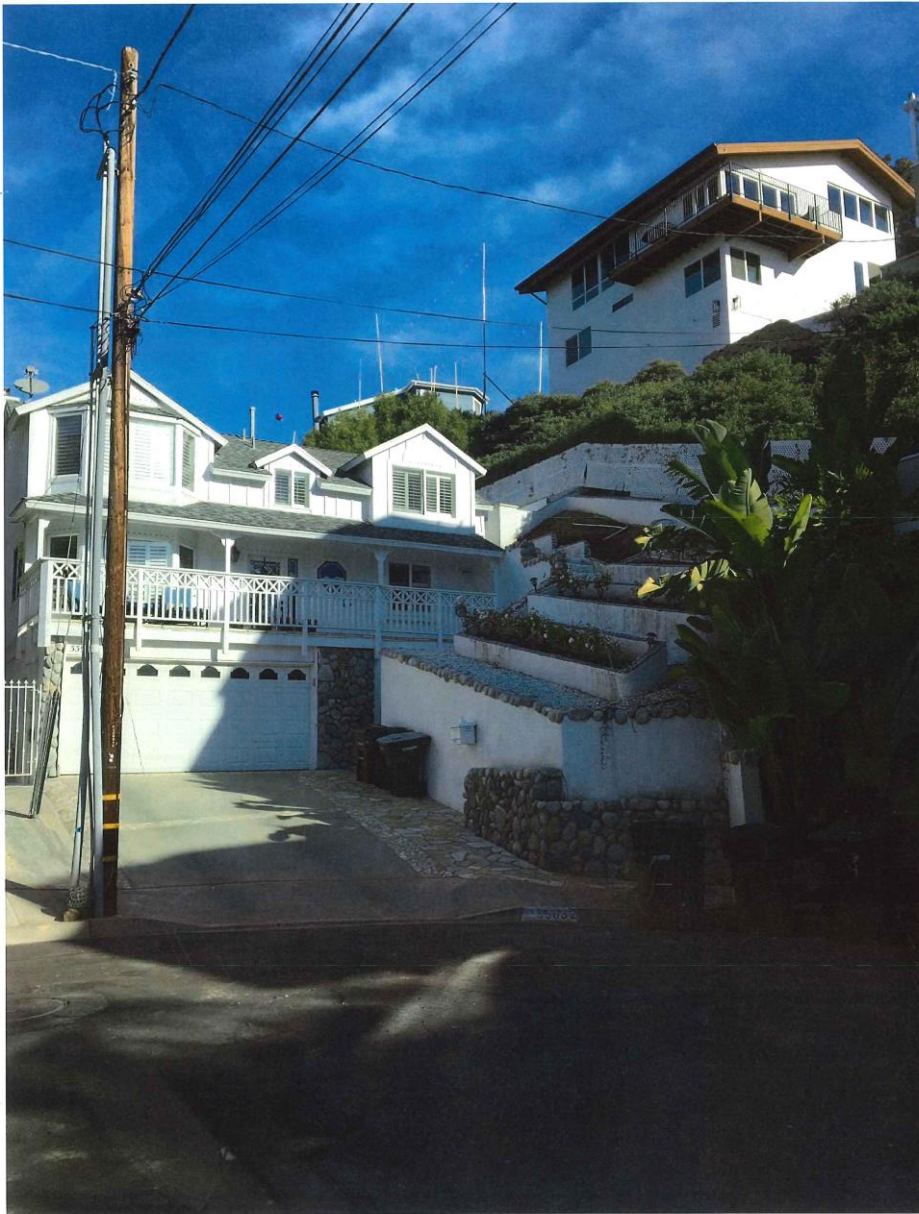












**PLANNING COMMISSION AGENDA REPORT
V19-0002 AND SDP19-0022
DECEMBER 9, 2019
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Supporting Document 4: Adjacent Properties' Records

121-290-55

ZA

APPLICATION FOR ADJUSTMENT PERMIT

UNDER ORANGE COUNTY ZONING CODE, AS AMENDED,
COUNTY OF ORANGE, CALIFORNIA

NO. A 1062
SUPERVISORIAL DISTRICT 5
FILING DATE: Sept. 7, 1971
HEARING DATE: Sept. 16, 1971
TECHNICIAN: CD:mm
S.D.M. NO. 14-8-8

Mr. Virgil Parker 8482 Briar Drive, Hollywood 213-654-3709
applicant mailing address phone no

TO PERMIT the construction of a single family dwelling within the required front and rear setbacks in the R4 "Suburban Residential" District.

Front Setback Adjustment: the required front setback is 9 feet and the requested front setback is 5 feet 4 inches.

Rear Setback Adjustment: The required rear setback is 9 feet and the requested rear setback is 7 feet. This setback is for first and second story decks.

All in accordance with the attached plat plan which is hereby made a part hereof. In any case of conflict between the language of this application and the plat plan, the plat plan shall prevail.

LEGAL DESCRIPTION of SUBJECT PROPERTY: Lot 267, Tract 968

Location of property: On the westerly side of Calle La Primavera approximately 250 feet
northeasterly of La Cresta Drive, in the Dana Point Area.

Present use of property: Vacant.

Adjoining property owned or leased by applicant: None.

Justification: See attached letter.

GRANTED

BY ACTION OF THE
ORANGE COUNTY
ZONING ADMINISTRATOR

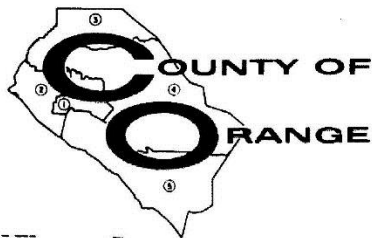
Signature of applicant or his agent

Virgil Parker

Signature of property owner or his agent

F 2073-52 9/16/71 FEE: \$15.00

NO. A 1062



TELEPHONE: 834-2030
AREA CODE 714

400 CIVIC CENTER DRIVE WEST
SANTA ANA, CALIFORNIA 92701

PLANNING COMMISSION

September 17, 1971

Orange County Department of
Building and Safety
400 Civic Center Drive West
Santa Ana, California

Attention F. G. McLellan, Jr., Director

Gentlemen:

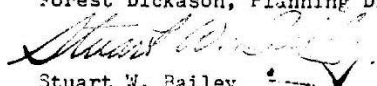
Re A-1062, of Mr. Virgil Parker

The Orange County Zoning Administrator at the regular meeting of
September 16, 1971, authorized the issuance of the above Adjustment
Permit as stated in the enclosed copy of the Minutes.

The determination of the Zoning Administrator is now final.

Very truly yours,

ORANGE COUNTY PLANNING DEPARTMENT
Forest Dickason, Planning Director


Stuart W. Bailey
Assistant Planning Director

SWB:gm

Enclosures

Application (3)
Action (2)

F 2073-15.4

MINUTES

ORANGE COUNTY ZONING ADMINISTRATION MEETING - SEPTEMBER 16, 1971

PUBLIC HEARING

Z.A. TAPE NO. 20, RESIDENTIAL INDEX 0722

S.D. A-1062, OF MR. VIRGIL PARKER, IS THE WEST POINT AREA.

Location: On the westerly side of Collier Parkway approximately - -
250' West northerly of La Gracia Drive.

Request: To permit the construction of a single family dwelling
within the required front and rear setbacks in the R1 "Suburban
Residential" District, according to application on file.

H. Virgil Parker, applicant, was present.

ACTION: 0722: Granted,

(finding in accordance with provisions of the Orange County Zoning
Code).

Planning Commission
County of Orange
Santa Ana, California

H. Virgil Parker
8462 Briar Dr.
Hollywood, Calif.
90046

Dear Sirs;

The code for frontal setback of construction on my lot in Dana Point dictates a nine (9) foot setback. I am applying for an Adjustment that will allow me to build with a setback of 60% of that distance, five feet four inches (5' 4'') from my property line.

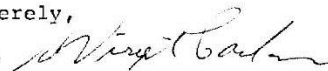
I feel there are two primary points that are in favor of this Adjustment.

First, all existing structures on the same side of the street are setback less than five feet. This includes the structure on the adjoining lot.

Secondly, the rear of my lot is at near maximum elevation in the area and is part of the rim of a canyon. It is visible from 70% of Dana Point. Building nearer the front of the lot will minimize the exposure of the, less desirable, underside of the structure.

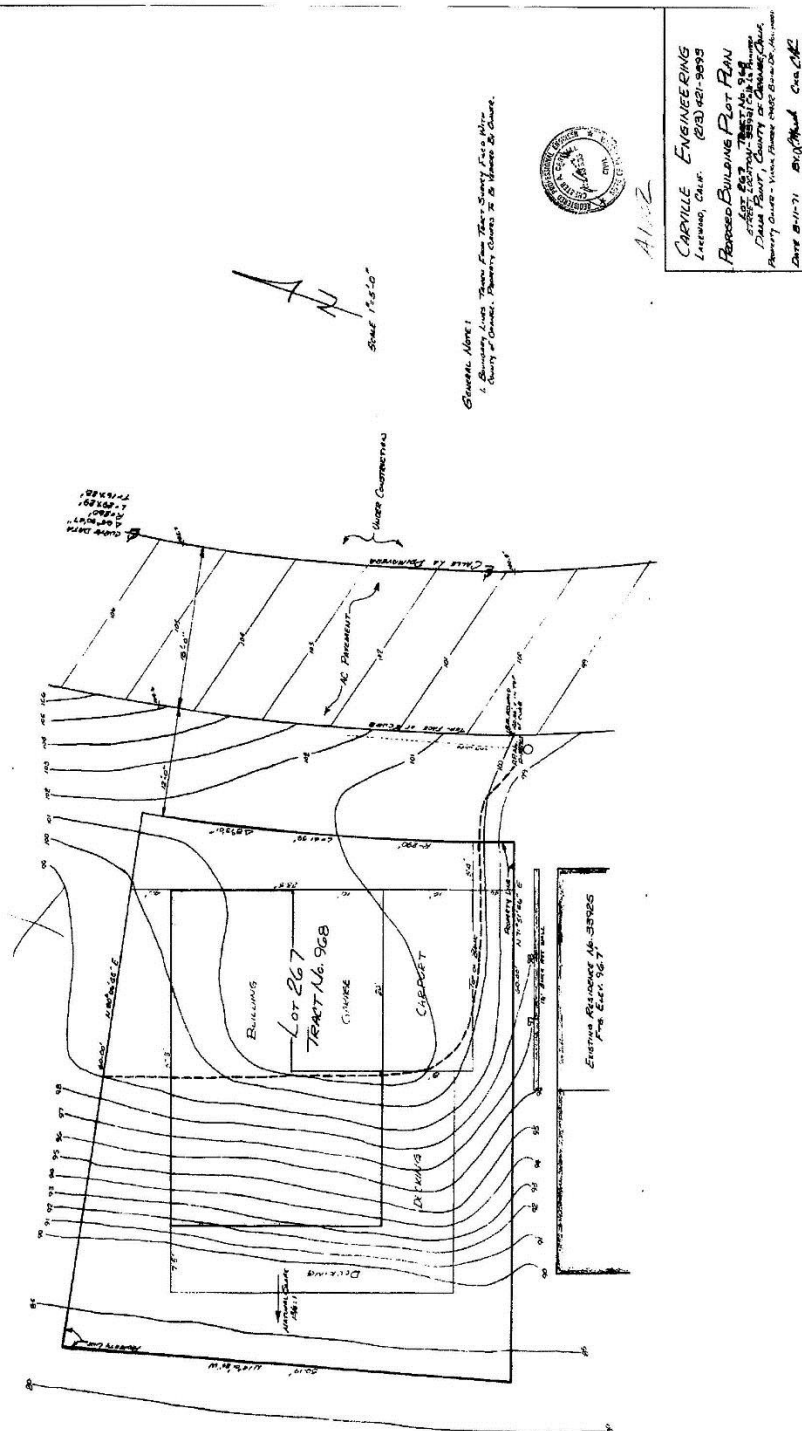
My wife and I are anxious and very pleased to have the opportunity to build our home on this magnificent view site. We feel that our planned construction will be an asset to the area and hope that you will agree with our reasoning and grant this Adjustment.

Sincerely,



H. Virgil Parker

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V19-0002 AND SDP19-0022
DECEMBER 9, 2019
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7-31-75
AP # 121-290-55
CEQA Status-Categorically exempt

ZA

APPLICATION FOR VARIANCE PERMIT

UNDER ORANGE COUNTY ZONING CODE, AS AMENDED.
COUNTY OF ORANGE, CALIFORNIA

NO. V 8587
SUPERVISORIAL DISTRICT 5
FILING DATE: 6-12-75
HEARING DATE: 7-16-75 9:30 A.M.
TECHNICIAN: P.M.K.
S.D.M. NO.: 14-8-8
REFERRED TO Yeo, Blvd., Road
Dana Pt. Cit/Action, USOC

HV PARKER

John Roberts 34090 Coast Highway Dana Point, CA 92629 (714) 493-0200

TO PERMIT the construction of a Single Family Dwelling with attached garage 9 feet from the ultimate right-of-way instead of the required 20 feet (garage) therefrom in the R-1 Single Family Residential District and in the (1.51) "Heavy Density" Land Use category of the General Plan.

GARAGE SETBACK VARIANCE: From 20 feet from the ultimate right-of-way of Calle La Primavera to a minimum of 9 feet therefrom with a maximum 32" eave.

The existing curb is 12 feet from the ultimate right-of-way and there is no sidewalk.

The minimum building setback front and rear is 9 feet, based on 15% of average lot depth of 60 feet.

A-1082 was approved by the Zoning Administrator on 9/16/71 to permit the construction of a Single Family Dwelling in the front and rear setbacks.

FIELD COPY

All in accordance with the attached plot plan which is hereby made a part hereof. In any case of conflict between the language of this application and the plot plan, the plot plan shall prevail.

LEGAL DESCRIPTION of SUBJECT PROPERTY: Lot 257 Tract 958

Location of property: On the westerly side of Calle La Primavera (#33921) approximately 560 feet northwesterly of La Cresta Drive in the Dana Point area.

Present use of property: vacant

Adjoining property owned or leased by applicant: none

See attached letter

CONDITIONALLY

APPROVED

BY ACTION OF THE
ORANGE COUNTY
ZONING ADMINISTRATOR

7/10/75

John Roberts

Letter of consent

SIGNATURE OF PROPERTY OWNER OR HIS AGENT

121-290-55

FEE: \$65.00

NO. V 8587

ORANGE COUNTY ZONING ADMINISTRATOR MEETING - JULY 10, 1975

PUBLIC HEARING

Z. A. TAPE NO. 3 , RECORDING INDEX: 0318

SSD V-8587 of H.V. Parker in the Dana Point area.

LOCATION: On the westerly side of Calle La Primavera (#33921) approximately 500 feet northwesterly of La Cresta Drive.

REQUEST: To permit the construction of a Single Family Dwelling with attached garage 9 feet from the ultimate right-of-way instead of therequired 20 feet (garage) therefrom in the R1 Single Family Residential District and in the (1.51) "Heavy Density" Land Use category of the General Plan according to the application on file.

John Roberts, agent for the applicant was present.

Zoning Administrator Moore stated at the start of the public hearing that the application was asking for more than is required and that even though that may be desirable, the variance procedure is not designed for that purpose.

The architect for the proposal, discussed alternative house locations with Mr. Moore.

Mr. Moore concluded that the plan as proposed was the best compromise and conditionally approved the application subject to one additional condition. That condition being that the garage is not to be more than 20 feet deep.

ACTION: 0406: Conditionally Approved, in accordance with the following findings and conditions:

Findings: This approving action includes the following findings:

1. The proposed use is compatible with the objectives, policies, general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.
2. The requirements of the California Environmental Quality Act of 1970 have been satisfied.
3. Because of special circumstances applicable to the property specifically size, shape and topography of lot, the strict application of the terms and regulations of this Article will deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

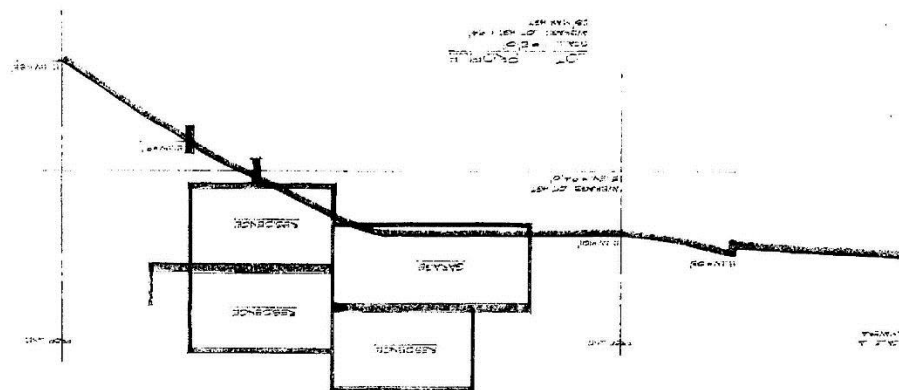
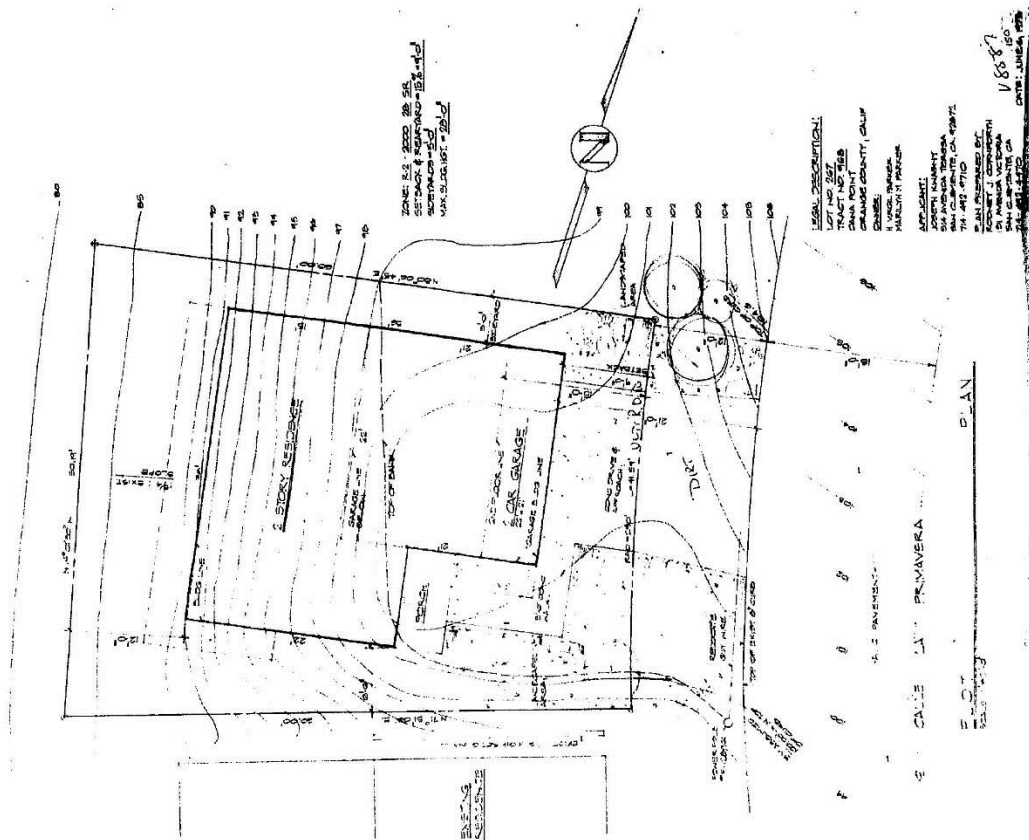
SSB V-8587 of H.V. Parker continued

4. The granting of this variance, subject to the specified conditions, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.
5. The approval of this variance constitutes an exception solely to the regulations of the Zoning Code and does not supersede, revise or replace any requirements of any other code or ordinance duly adopted by the County of Orange.

Conditions: This approving action is subject to compliance with the following conditions:

1. This variance is approved as a precise plan for the location of the structures as shown on the approved plot plan. Any relocation, alteration or addition of any structure not specifically approved on the plot plan will nullify the approving action for this variance.
2. Notwithstanding the plot plan the garage shall have a maximum depth of 20 feet.

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ORIGINAL

**CITY OF DANA POINT
AGENDA REPORT**

DATE: OCTOBER 7, 1998

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: A REQUEST FOR A VARIANCE TO EXCEED THE TWO-STORY HEIGHT LIMIT TO PERMIT THE REMODEL OF AN EXISTING SINGLE-FAMILY RESIDENCE TO ADD A BASEMENT AREA WITHIN THE EXISTING FOOTPRINT OF THE STRUCTURE. VARIANCE V98-08.

FF # 0610-50/V98-08/CALLE LA PRIMAVERA, 33901

RECOMMENDATION: That the Planning Commission adopt the attached Draft Resolution (Attachment 1) denying Variance V98-08.

APPLICANT/OWNER: Robert and Gayle Rettig

REQUEST: Approval of a Variance to exceed the two-story height limit to permit the construction of a 1,200 square-foot basement within the existing footprint of the building.

LOCATION: 33901 Calle La Primavera (APN# 682-141-06)

NOTICES: Notices were mailed on September 23, to one hundred thirty-eight (138) property owners within a five-hundred (500) foot radius, and was published in the Dana Point News on September 24, 1998. Notices were also posted on September 25, 1998 at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library.

ENVIRONMENTAL: This project is categorically exempt (Class 1 - Section 15301 - Existing Structure) from the provisions of the California Environmental Quality Act (CEQA) because it consists of the modification of an existing single-family residence with a variance request.

ISSUES:

1. Is the proposal consistent with the Dana Point General Plan and Zoning Code?
2. Is the proposal compatible with and an enhancement to the site and surrounding neighborhood?
3. Can the findings for a Variance be adopted?

Planning Commission Staff Report
V98-08
October 7, 1998

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BACKGROUND:

The subject residence was originally approved in 1985 under County of Orange development standards and completed in 1987. The site is approximately 5,750 square feet in size with a downhill sloping rear yard. The multi-level residence has an overall height of 48 feet, as calculated by the current City regulations. The Applicant has indicated that the house was constructed with the intent of finishing the 1,200 square-foot basement area with habitable space. The deck above the open area is waterproofed and sealed and the caissons supporting the house are fully enclosed with cedar siding, rather than leaving them exposed. See Attachment 4 for the letter of justification.

DISCUSSION:

As shown in Exhibit A, the applicant is proposing to modify an existing 2,550 square-foot multi-level residence to finish an existing crawl space to create 1,200 square-feet of habitable floor area. The area would include a den, bedroom, bathroom and wet-bar. The space area is currently located behind stem walls that enclose the crawl space. The 5,750 square-foot lot is zoned RSF 7 which prohibits structures in excess of two-stories in height. The applicant is now requesting a variance to permit the remodel to create additional living area, with windows and deck facing the canyon. This would become a third story for the residence.

The Zoning Code states that the height of a building shall be measured from the lowest point of the structure to the uppermost point of the roof and cannot exceed two stories in height. In this instance, the overall height of the residence is 48 feet. The Zoning Code allows a maximum overall height of 28 feet from the base of the stem wall (the rear wall enclosing the caissons) to the top of the roof. The house is considered legal non-conforming since it does not meet the current height limits. The existing house has a total of two-stories, as defined by the code. The proposal would create a third level within the stairwell and would visually appear to have three stories from the rear elevation.

In surveying surrounding properties, staff found that there are several existing homes in the vicinity, some across Calle La Primavera within "The Village", others on Pequito Drive or Crystal Lantern that have been developed on sloped lots with 3 stories. All of these homes also exceed the current 28-foot height limit and were constructed under previous height regulations. There have been no variances granted to permit three-story homes. The applicant has indicated that they believe the modifications will improve the appearance of the rear elevation of the house by adding windows to the blank wall at the lower part of the rear elevation.

Since there are other residences within the city that have stem walls beneath the house which could also be converted to habitable area and vacant lots in the immediate vicinity, the Commission's action on this proposal could set a precedence for remodels and new developments of other lots. The severe topography of the lot could be considered a hardship for the property owner, however, the existing residence was fully useable for the past 11 years. Although other properties were developed under different regulations, the Zoning Code height regulations were recently amended to minimize the visual impacts associated with hillside developments. Zoning Code Chapter 9.67 sets forth the requirements and findings that are to be used as the

Planning Commission Staff Report
V98-08
October 7, 1998

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basis for granting a Variance. The required findings are listed below in **bold**, followed by a Staff analysis of the finding in *italics*:

Required Finding: That the strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of this Chapter; and

Recent revisions to the Zoning Code modified the calculation for building height so that the height of a structure is calculated from the lowest point of the structure to the highest point of the roof. The Code recognizes steep slope conditions (over 20% grade) and provides an exception for these properties to permit a garage level to be excluded from the two-story limitation. However, this site has a level above the garage and is proposing a third level below the main/garage level. There are no practical difficulties that prevent the property from being used for a single-family home.

Required Finding: That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to the properties in the same zoning district; and

There are really no exceptional circumstances on this site that do not generally apply to other sites in the immediate vicinity. There are steep slopes at the rear of the parcels, which created the need for stem walls and multi-level developments.

Required Finding: That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints; and

The literal interpretation of the limitation on three-story homes would deny the applicant of privileges enjoyed by surrounding parcels in that other residences have three level homes. Although other properties were developed under previous Zoning Regulations and the recent changes to the height limits were intended to minimize visual impacts associated with hillside developments, the applicant's proposal could set a precedent for future height variances.

Required Finding: That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints; and

The granting of the variance requests would constitute a granting of special privilege since the codes were amended to minimize the bulk and

Planning Commission Staff Report
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October 7, 1998

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mass of hillside homes. Although other properties with similar slopes have been allowed to establish the third story of living area, the City recently adopted regulations to preclude this type of construction in the future.

Required Finding: That the variance request is made on the basis of a hardship condition and not as a matter of convenience; and

The property in question is located on a sloping lot similar to other parcels in the immediate vicinity and throughout the City. Since the house has been occupied for the past eleven years and functioned as a single-family residence, there really is no hardship condition except perhaps an economic one. An economic hardship does not constitute a valid condition for granting a variance.

Required Finding: That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and

Construction of the proposed structure will not pose a significant threat to the public health, safety, or welfare.

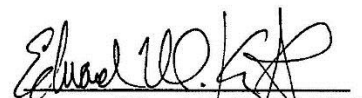
Required Finding: That the variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone.

This finding is not applicable since staff is recommending denial.

Conclusion:

The applicant's proposal will create a three-story residential design that is in direct conflict with the recently established height regulations. Based on the above discussions, Staff believes that the findings for the Variance request cannot be made and therefore, recommends that the Planning Commission deny Variance V98-08.


Sara J. Pashalides
Project Manager/Consultant


Edward M. Knight, AICP
Director of Community Development

ACTION DOCUMENTS:

1. Draft PC Resolution #98-10-07-XX

SUPPORTING DOCUMENTS:

2. Location Map
3. Notice of Exemption
4. Applicant's Letter of Project Justification

EXHIBITS:

- A. Building Plans and Elevations

EK:Sara/PROJECTS/V98-08 PC rpa.

FILE

RESOLUTION NO. 98-10-21-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING VARIANCE V98-08 TO EXPAND A NON-CONFORMING STRUCTURE TO EXCEED THE TWO-STORY HEIGHT LIMIT TO PERMIT THE REMODEL OF AN EXISTING SINGLE-FAMILY RESIDENCE TO ADD A BASEMENT LIVING AREA; 33901 CALLE LA PRIMAVERA.

Applicant: Robert and Gayle Rettig
Case No.: FF#610-50/V98-08/Calle La Primavera, 33901

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

WHEREAS, a the applicant filed a verified application for certain property, to wit:

33901 Calle La Primavera, (A.P.# 682-141-06)

WHEREAS, the Applicant has filed for a Variance request to exceed the two-story height limit to permit the remodel of an existing residence to add a third level of habitable space; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the subject property is governed under the provisions of the Dana Point Zoning Code, which contains provisions related to development standards including building setbacks and height limits; and

WHEREAS, the Planning Commission did, on the 7th day of October, 1998, 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 V98-08.

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

- A) That the above recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Commission adopts the following findings and approves Variance V98-08, subject to the following conditions:

Resolution #98-10-21-56
V98-08

Findings:

1. That the project as proposed under this Variance is consistent with the Dana Point Zoning Code because it meets the site development standards of the RSF-7 District and meets the findings necessary for the approval of a Variance for exceeding the two-story height limit.
2. That the proposed use or action complies with all other applicable requirements of State law and local ordinances.
3. That the proposed project is categorically exempt (Class 1 - Section 15301 - Existing Structure) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a remodel of an existing single-family residence with a variance request.
4. That the strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of Chapter 9.67 of the Zoning Code. The house was originally designed and constructed to provide the third living level and the extreme slope on the property precludes development of additional living area to the rear of the house without extending to an additional story.
5. That the configuration and topography of the lot present exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to the properties in the same zoning district. The property has an extreme slope on a majority of the lot, and the house was designed to step down the hillside and provides a significant off-set between the two existing stories that helps minimize the bulk and massing of the structure and creates light and shadows necessary for minimizing the negative visual impacts of hillside developments. At the time the home was designed and constructed, the codes permitted such an approach.
6. That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints. Other properties in the vicinity have three-stories of living area. At the time of construction, this residence had the exterior walls fully improved to accommodate the additional living area. There would be minimal changes to the exterior of the building as a result of the proposed addition. Furthermore, since the initial design of the structure was meant to accommodate the necessary living area in the third story area, this variance request will not establish a precedent for other new properties in this area or other similar areas within the City.
7. That the granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints. There are very few other existing residences that were designed to accommodate future expansion nor do others have the size or space within the existing

**Resolution #98-10-21-56
V98-08**

building footprint to convert to living area. This proposed variance would not establish a precedent for future construction or remodels on steep hillsides since this structure is unique.

8. That the variance request would not constitute a matter of convenience since there is no other practical way in which the residence could be expanded in conformance with current Zoning Code regulations.
9. That the granting of the variance would not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The proposal adds visual relief to the current blank wall surface by adding windows and a deck area. The height of the exterior wall remains the same.
10. The variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone as the project has been conditioned as noted below.

Conditions:

A. General:

1. Approval of this application is for a Variance that will allow additional living area on a third level of an existing structure within the current building footprint. Subsequent submittals for this project shall be in substantial compliance with the plans (Exhibit A) presented to the Planning Commission, and in compliance with the Dana Point General Plan and Zoning Code.
2. Approval of this application is valid for a period of twenty-four (24) months from the date of determination. If the use approved by this action is not established within such period of time, the application shall be terminated and shall thereafter be null and void.
3. The application is approved as a precise plan 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, will nullify this approval action. If any changes are proposed regarding the location or alteration of a use or structure, an amendment to this permit shall be submitted for the Community Development Director's approval. If the Community Development Director 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, and Applicant's successors, heirs, and assigns, shall defend,

**Resolution #98-10-21-56
V98-08**

indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City, its agents, officers, or employees to attack, set aside, void, or annul the approval granted by this Resolution, which action is brought within the appropriate statute of limitations.

The Applicant, and the Applicant's successors, heirs, and assigns, shall further defend, indemnify and hold harmless the City, its officers, agents, and employees from any and all claims, actions, or proceedings against the City, its agents, officers, or employees arising out of or resulting from the negligence of the Applicant or the Applicant's agents employees, or contractors.

6. 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.
7. The Applicant and Applicant's successors in interest shall be responsible for payment of all applicable fees.

B. Prior to Issuance of Building:

8. The applicant shall submit two (2) sets of construction documents for building plan check, including structural and energy calculations, a soils report and a drainage plan. A third set of plans containing only the site plan, floor plans, and elevations is required to be submitted at the time of final approval. All documents shall be signed by the licensed professional that prepared them.
9. The applicant shall provide building code data on the first sheet of the plans, including group occupancy, type of construction, fire sprinkler system, actual and allowable floor area, height and number of stories and code editions under which the proposed structure is to be built.
10. The construction plans shall be designed to comply with the UBC requirement (Section 1003) prohibiting construction of a 3-story building without providing a second exit on the third story. Any exterior modifications needed to comply with these requirements shall be reviewed and approved by the Community Development Director.
11. All proposed windows and doors shall match the existing design of the residence.
12. The applicant shall submit a deed restriction for review and approval by the Community Development Director and the City Attorney prohibiting the use of the addition as a rental unit. Said restriction shall be recorded prior to the issuance of permits.
13. The applicant shall pay an applicable school impact fees.

Resolution #98-10-21-56
V98-08

14. The applicant shall pay plan check and building permit fees required by the City.

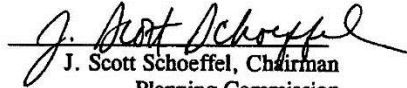
PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 21st day of October, 1998, by the following vote, to wit:

AYES: Denton, James, Neibauer, Nichols, Schoeffel

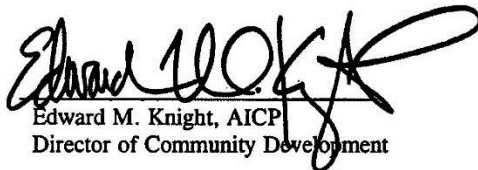
NOES: None

ABSENT: None

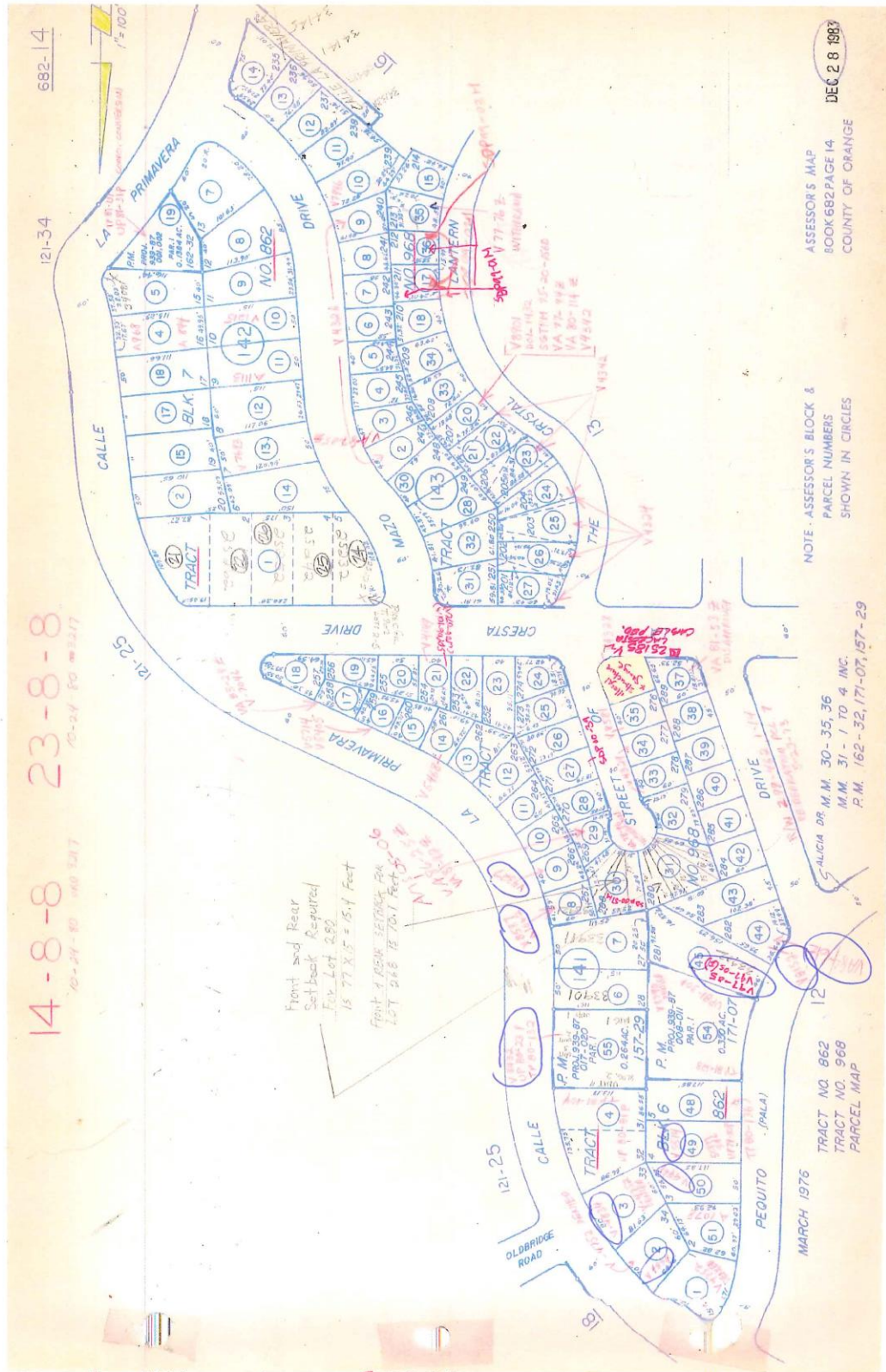
ABSTAIN: None


J. Scott Schoeffel, Chairman
Planning Commission

ATTEST:


Edward M. Knight, AICP
Director of Community Development

**PLANNING COMMISSION AGENDA REPORT
V19-0002 AND SDP19-0022
DECEMBER 9, 2019
PAGE 51**



Supporting Document 5:

Submitted Plans

ATTACHMENT

GENERAL NOTES:

1. These plans and specifications are the property of J.F. CARLSON ARCHITECTS, INC. and shall not be used for any work other than the project shown herein.
2. All work and all construction methods and materials shall comply with all provisions of the Building Codes and other rules, regulations and ordinances governing the place of the Building. Building Code requirements in all cases take precedence over the Drawings. It shall be the responsibility of anyone supplying labor of materials or both to bring to the attention of the Architect any discrepancies or conflicts between the requirements of the the Code and the Drawings.
3. The Contract Drawings and Specifications represent the finished structure. Unless otherwise shown they do not indicate method of construction. Contractor shall supervise and direct the Work and shall be solely responsible for all construction means, methods, techniques and procedures. Observation visits to the Site by field representatives of the Architect and his Engineers shall not include inspections of the protective measures or the construction procedures required for same, which are the sole responsibility of the Contractor. Any support services performed by the Architect and his engineers, whether of material or work and whether performed prior to, during or after completion of construction are performed solely for the purpose of assisting in quality control and in achieving conformance with Contract Drawings and Specifications, therefore, they do not guarantee Contractor's performance and shall not be construed as supervision of the construction.
4. Contractor hereby guarantees to the Owner and the Architect that all materials, fixtures and equipment furnished to the Project are new unless otherwise specified. Contractor also warrants that all work will be of good quality and free from any faults and defects.
5. Temporary barriers and/or a protective construction fence shall be provided where required by the Building Department and shall be constructed in accordance with the rules, regulations and ordinances governing the place of the Building.
6. Sanitary facilities shall be provided and maintained by Contractor during construction per applicable regulations.
7. Contractor shall arrange and pay for all temporary utility services and connections during construction.
8. Contractor must verify all dimensions, elevations and site conditions and shall notify Architect of any discrepancies before starting work.
9. All omissions or conflict between the various elements of the Working Drawings and/or General Notes shall be brought to the attention of the Architect before proceeding with any work so involved.
10. General Notes, notes and typical details apply to all drawings unless noted otherwise.
11. All A.S.T.M. designations shall be amended to date unless otherwise noted.
12. Structural Drawings shall be used in conjunction with Architectural, Mechanical, and Electrical Drawings.
13. Framing conditions not specifically shown shall be framed similar to the details shown for the respective materials.
14. Provide openings and support for mechanical equipment, ducts, piping, vents, etc., as required. Refer to Architectural, and Mechanical Drawings for additional openings and equipment not shown on Structural Drawings. All suspended equipment to be provided with approved lateral bracing.
15. DO NOT SCALE DRAWINGS.
16. All dimensions are to face of studs, concrete or masonry unless noted otherwise.
17. Provide 6" or 8" studs, or furring full length of room wall where required to accommodate structural, plumbing and electrical installations.
18. If existing facilities are related to the Work, the Contractor shall not disrupt the existing services or utilities without obtaining the Owner's prior approval and instructions in each case.
19. Verify sizes and locations of all mechanical equipment before construction of any bases or pads to support each other.
20. Verify all plumbing and equipment sizes before beginning construction of cabinets.
21. Contractor is responsible for all coordination between all subcontractors and trades.
22. Unless noted otherwise, all vestibules, closets, columns, projections, recesses, or other adjacent areas within scheduled areas shall have finishes as scheduled for the respective spaces in which they occur.
23. Anyone supplying labor and/or materials to the Project shall carefully examine all subsurfaces to receive work. Any conditions detrimental to work shall be reported in writing to Contractor prior to beginning. Commencement of work shall imply acceptance of all subsurfaces.
24. Temporary bracing shall not be removed from any elements until the elements is capable of supporting its design load.
25. Refer to Architectural, Mechanical and Electrical Drawings for depressed slabs, curbs, finishes, textures, clips, grounds, etc. not shown on Structural Drawings.
26. Any material stored at the Site shall be completed supported free from the ground, covered and otherwise protected to avoid damage from the elements.
27. Contractor to prepare & submit separate plans to fire authority for separate fire sprinkler & alarm permits. Provide approval from Struct. Engr. for roof system, approving support locations.
28. Prior to the issuance of any building permits for combustible construction, evidence that a water supply for fire protection is available shall be submitted to and approved by the Fire Chief. Fire hydrants shall be in place and operational to meet required fire-flow prior to commencing construction with combustible materials.
29. The General Contractor shall provide certification to the necessary agencies by a licensed surveyor that setbacks and height limits are in accordance with the approved design and construction documents. Certification shall include foundation setbacks and top of roof sheathing to prove compliance with the approved staking plan, exterior elevations, roof plan and site plan. A certification memo shall be submitted to the City with a copy retained on the jobsite for inspection purposes.
30. Notwithstanding that roof height certification is taken from roof sheathing, the finish roofing material may not exceed the approved elevations. In order to assure that the approved roof elevations are obtained at top out, a certification of the lowest floor elevation by the surveyor is recommended prior to foundation inspections.
31. The Insulation Contractor shall post in conspicuous place in the building. A state insulation certificate signed by the Insulation Contractor stating that the insulation is consistent with the plans and conforms to state regulations.
32. The Builder shall provide the owner with a list of features, materials, components and mechanical devices installed in the building; instructions on how to use them efficiently; and maintenance information on those items requiring routine maintenance for efficient operation.

No Building Permits will be issued till plans are approved for permit.

[illegible]

| |
|---------------------|
| DEFERRED SUBMITTALS |
| |

[illegible]

APPLICABLE CODES

ALL CONSTRUCTION TO COMPLY WITH:

- 2016 CALIF. BUILDING CODE,
- 2016 CALIFORNIA MECHANICAL CODE
- 2016 CALIF. T-24-6
- 2016 CALIFORNIA PLUMBING CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA RESIDENTIAL CODE
- DANA POINT MUNICIPAL CODE AND LOCAL ORDINANCES.

LEGAL DESCRIPTION

1

A.P.N.: 682-141-07

















Real property in the City of Dana Point, Country of Orange, State of California, described as follows:

LOT 27, BLOCK 6, TRACK NO. 862, IN THE CITY OF DANA POINT, COUNTRY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 30, PAGES 34 TO 36 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTRY RECORDER OF SAID COUNTRY.

LEGAL DESCRIPTION
ADDED

1

LEGEND

| | | | | | |
|---|---------------------------|---|---|---|---|
|  | SECTION |  | INTERIOR ELEVATION DIRECTION OF WALLS WALL NUMBER |  | AREA ENLARGEMENT |
|  | ELEVATION |  | EXTERIOR MATERIAL COLOR REFERENCE |  | PLAN CHANGE/REVISION |
|  | WINDOWS |  | DOORS |  | DETAIL REFERENCE |
|  | PROPERTY LINE |  | EXISTING |  | BENCHMARK |
|  | CENTER LINE |  | NEW |  | DATUM OR ELEVATION HEIGHT REFERENCE |
|  | SETBACK OR HIDDEN LINE | | | | |

| DIRECTORY | APPROVAL'S |
|--|---|
| <p><u>OWNER/BUILDER</u> 33911 Calle La Primavera LLC Jim Berens 949-463-1223</p> <p><u>ARCHITECT:</u> <u>J.F. CARLSON ARCHITECTS, INC.</u> James F. Carlson AIA 2300 Cliff Drive Newport Beach, California 92663 Lic: C-13773</p> <p><u>CIVIL ENGINEER & SURVEYOR:</u> Toal Engineering, Inc. 139 AVENIDA NAVARRO SAN ELEMENTE, CA. 92672 VIKTOR MEUM SURVEYOR CALEB RIOS CIVIL ENGINEER 949-492-8586</p> <p><u>STRUCTURAL ENGINEER:</u></p> | <p><u>GEOTHECNICAL ENGINEER:</u> SOILS AND GEOLOGY GROUP 17213 EAST RAILROAD STREET SUITE 200 CITY OF INDUSTRY, CA. 91748 FRANK C. STILLMAN & ANDREW R. STONE 626-964-2314</p> <p><u>LANDSCAPE ARCHITECT:</u> ROBERT CLARK GRAVES LANDSCAPE ARCHITECT CA LA-1273 949-955-1424</p> <ul style="list-style-type: none"> • CITY OF DANA POINT PLANNING DEPARTMENT |

PROJECT ANALYSIS

Project Scope of Work

- New 3,979 Sq. Ft. 3 story Hillside House with 2 car attached garage

APN: 682-141-07

Zoning: RSF-7

Occupancy: R-1 Single Family Dwelling

Construction: Type V-B

Sprinklered: Fully Sprinklered

Setbacks

- Front: 20'-0"
- Rear: 25'-0"
- Side: 5'-0"

Maximum Height Limitations: 29' Feet From the lowest level of the site

Proposed Height: 50' from the lowest level of the proposed house
(Hardship Variance Requested)

Stories: 3 (2 Living Area Stories) & 1 Lower Non-Living Mechanical Level

Maximum Lot Coverage: 50%

Proposed Lot Coverage: 2,690 Sq. Ft.: 38%

Open Space Required: None

Parking Requirements: 2 Car Garage

Parking Provided: 2 Car Attached Garage with Driveway @ 15% maximum Slope

Landscape Minimum Coverage: 25%

Provided Landscape Coverage: 58%

Lot Coverage Calculations: See Sheet A-1

Area Calculations: See Sheet A-2.1

Floor Area Ratio Calculations: See Sheet A-2.1

FLOOR AREA RATIO = 57%

FAR MAXIMUM ALLOWED .75

9.05, 110, 9.4

SHEET INDEX

- T-S-1 Title Sheet & General Notes
- PH-1 Photographic log of Existing Conditions
- SU Survey
- C-1 Preliminary Grading Plan
- C-2 Preliminary Grading Plan Sections
- A-1 Proposed Site Plan
 - A-1.1 Site Plan & Area Calculations
- A-2 Proposed 1st & 2nd Floor Plans
 - A-2.1 Proposed Lower Floor Mechanical Area Plan
- A-3 Proposed Front & Rear Elevations With Adjacent Houses
 - A-3.1 Proposed Side Elevations
- A-4 Proposed Sections
 - A-4.1 Proposed Sections
- ISO-1 Isometric Drawing 3-D Visuals of Existing Adjacent Houses and Proposed new House
- PS-1 Final 3-D Visuals of Proposed new House with Adjacent Houses
 - L-1 Landscape Plans
- CMB-1 Color Material Board

PLANNING DESIGN DEVELOPMENT & VARIANCE APPLICATION SUBMITTAL

**PLANNING DESIGN DEVELOPMENT
& VARIANCE APPLICATION SUBMITTAL**

JF CARLSON ARCHITECTS INC.

James F. Carlson AIA
jfcarlson@roadrunner.com

23000 Cliff Drive
Newport Beach
California 92663
tel 949.645.3051
fax 949.645.4851
jfcarlsonarchitects.com
CALIFORNIA LICENSE NO. C-13773

ET TITLE:
TITLE SHEET
GENERAL NOTES

| REV. | DESCRIPTION |
|------|-----------------------------------|
| 1 | DESIGN DEVELOPMENT CORRECTIONS |
| 2 | DESIGN DEVELOPMENT CORRECTIONS |
| | |
| | |
| | |

| | |
|------------|--------------|
| ARCHITECT: | J.F. CARLSON |
| CHECKED: | J.F. CARLSON |
| DRAWN: | CADLINKS |
| DATE: | 09-25-2019 |
| SCALE: | AS NOTED |
| JOB NO: | 18-012 |

SHEET

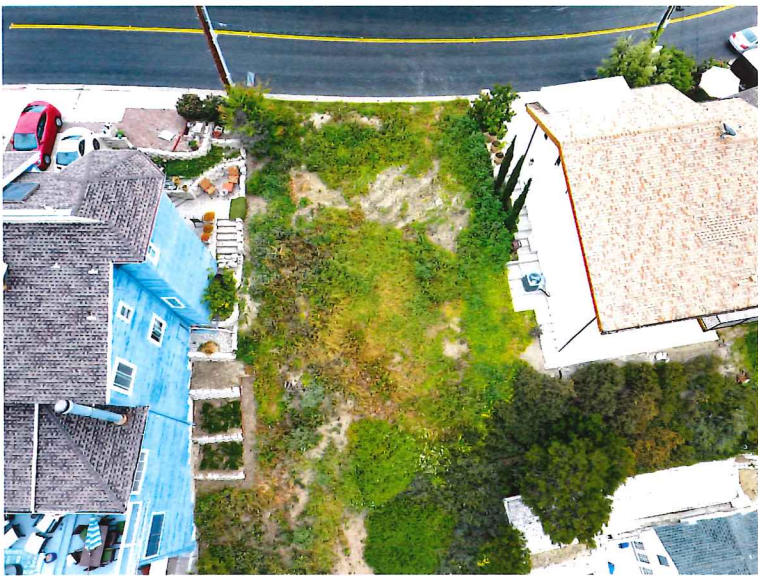
T-S-1

OF _ SHEETS

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1 VIEW FROM STREET OF SUBJECT PROPERTY WITH ADJACENT HOUSES



2 AERIAL VIEW OF SUBJECT PROPERTY WITH ADJACENT HOUSES



3 VIEW OF ADJACENT FRONT PROPERTY (CHURCH SCHOOL)



4 VIEW CORRIDOR FROM FRONT 2ND FLOOR BEDROOM DECKS



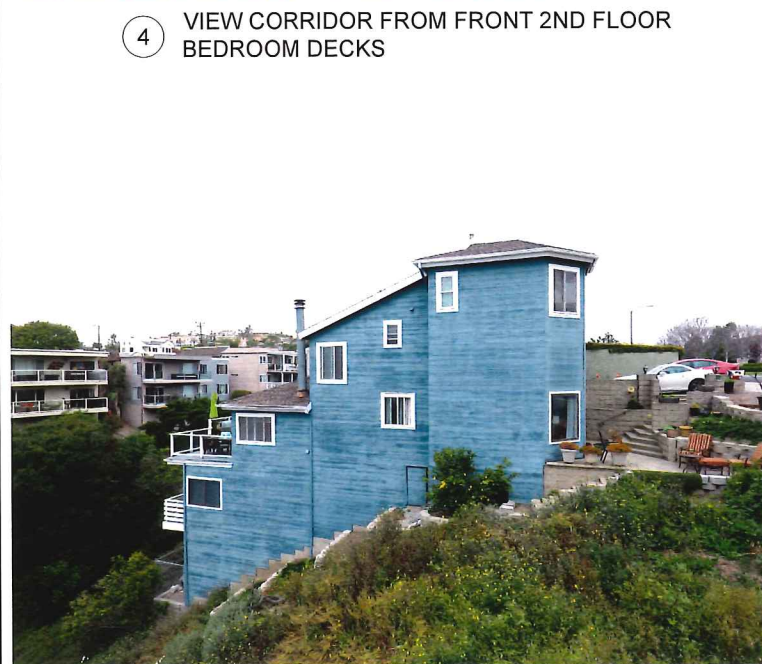
5 VIEW OF ADJACENT REAR PROPERTY'S BEDROOM DECKS



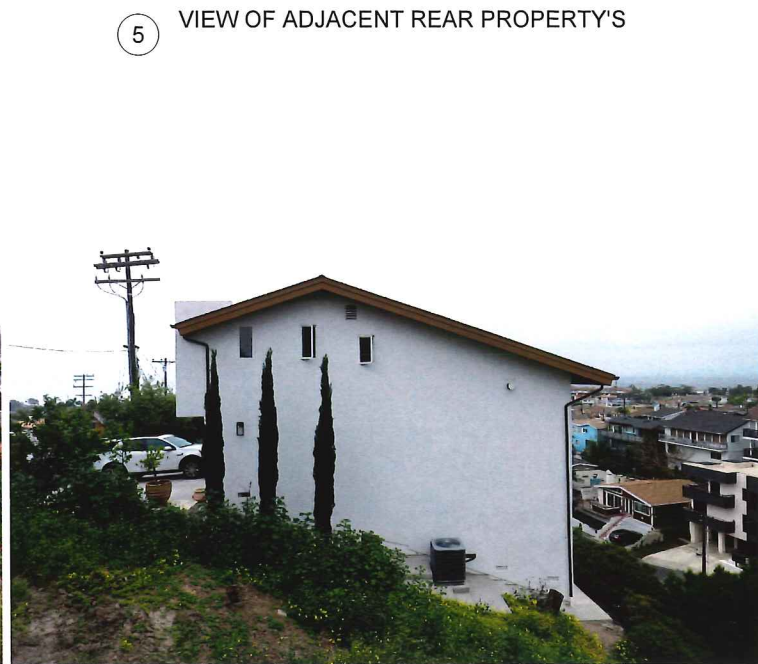
6 VIEW CORRIDOR FROM LIVING ROOM DECK



7 VIEW CORRIDOR FROM LIVING ROOM DECK



8 SIDE VIEW OF ADJACENT (E) HOUSE



9 SIDE VIEW OF ADJACENT (E) HOUSE



10 SITE PLAN NEW HILLSIDE SCALE: 1/8"=1'-0"

HOUSE WITH ADJACENT REQUIRE HOUSE PHOTOGRAPHS

JF CARLSON ARCHITECTS INC.
James F. Carlson AIA
jfcarlson@roadrunner.com
2300 Cliff Drive
Newport Beach
California 92663
tel 949.645.3051
fax 949.645.4851
jfcarlsonarchitects.com
CALIFORNIA LICENSE NO. C 13773

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PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
PHOTOGRAPHS OF
ADJACENT PROPERTIES

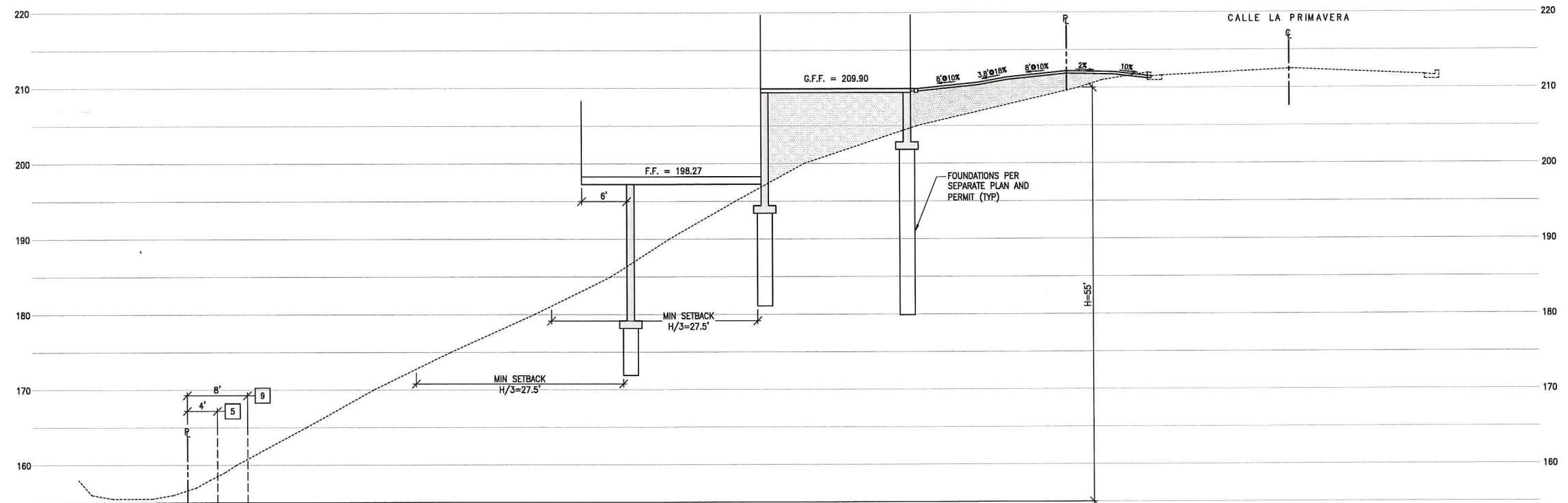
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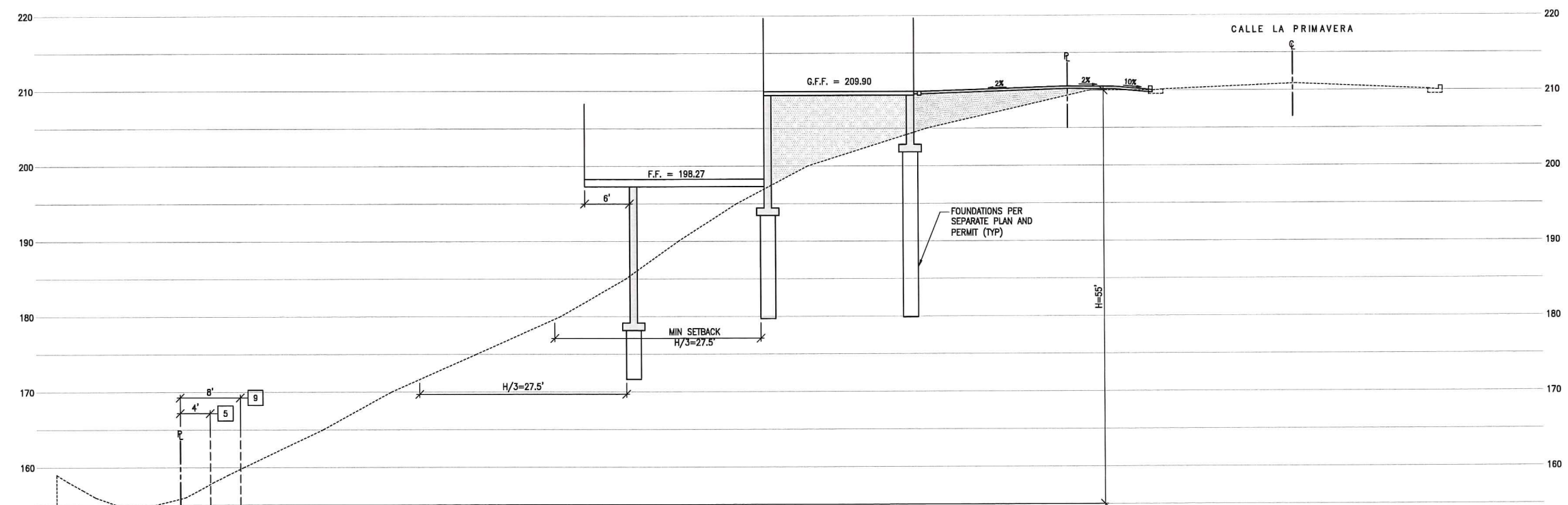
ARCHITECT: J.F. CARLSON
CHECKED: J.F. CARLSON
DRAWN: CADLINKS
DATE: 04-08-2019
SCALE: AS NOTED
JOB NO: 18-012
SHEET

NUMBERING SEQUENCE PER FIRST AMERICAN TITLE COMPANY
PRELIMINARY REPORT NO. O-SA-5940128 , DATED MAY 21, 2019.

- | | |
|---|---|
| 4 | An easement servitudes appearing in the public records. (PLOTTED HEREON) (Easements per Tract map No 16605, MN 876/6-21) |
| 5 | An easement for granted to San Diego Gas and Electric Company for Power lines and incidental purposes in the document recorded April 23, 1959 in Book 4682, Page 391 of Official Records.(PLOTTED HEREON) |
| 9 | An easement for granted to Dana Point Sanitary District for Sewer lines and incidental purposes in the document recorded August 21, 1981 in Book 14190, Page 1957 of Official Records.(PLOTTED HEREON) |



SECTION
SCALE: 1/8" = 1'-0"



SECTION
SCALE: 1/8" = 1'-0"

| REVISION | DESCRIPTION | APPROVED | DATE | SCALE: 1" = 8' | DESIGNED: C.R. | DRAWN: A.H.V. | CHECKED: C.R. |
|----------|-------------|----------|------|-----------------------|--|------------------|------------------|
| | | | | DATE: 08/15/2019 | <div style="display: flex; justify-content: space-between;"> <div>ENGINEER OF WORK</div> <div>DATE 5/5/87</div> </div> <div style="display: flex; justify-content: space-between;"> <div></div> <div>R.C.E. NO.</div> </div> | | |
| | | | | PROJECT NO.: 18192 | | | |
| | | | | | | | |

PLANS PREPARED BY:

TOAL
ENGINEERING, INC.

CIVIL ENGINEERING
LAND SURVEYING
STORMWATER QUALITY

138 Avenida Navarrete
San Clemente, CA 92673
949.492.8581
www.toalengineering.com

BENCHMARK

O.C.S.B.M.: 3MM-1-78
DATUM: NAVD 88
ELEVATION: 62.899 FT.
ADJUSTED: 2004

APPROVED BY THE CITY OF DANA POINT
PLANNING DEPARTMENT
THIS PLAN HAS BEEN REVIEWED FOR ZONING ONLY AND MEETS
THE REQUIREMENT OF THE DANA POINT MUNICIPAL CODE:

CITY PLANNING DEPARTMENT


DATE

PLANS REVIEWED BY:
CITY OF DANA POINT, PUBLIC WORKS & ENGINEERING SERVICES
33282 GOLDEN LANTERN
DANA POINT, CA 92629

DATE _____

MATTHEW V. SINACORI, CITY ENGINEER
RCE #59239 EXP. 06/30/19

THIS PLAN IS SIGNED BY THE CITY ENGINEER FOR SCOPE AND ADHERENCE TO CITY STANDARDS AND REGULATORY REQUIREMENTS. ONLY THE CITY ENGINEER IS NOT RESPONSIBLE FOR DESIGN, ASSUMPTIONS, OR ACCURACY.



CITY OF DANA POINT

PRELIMINARY SECTIONS

33911 CALLE LA PRIMAVERA

LOT 27, BLOCK 6, TRACT 862

APN: 682-141-07

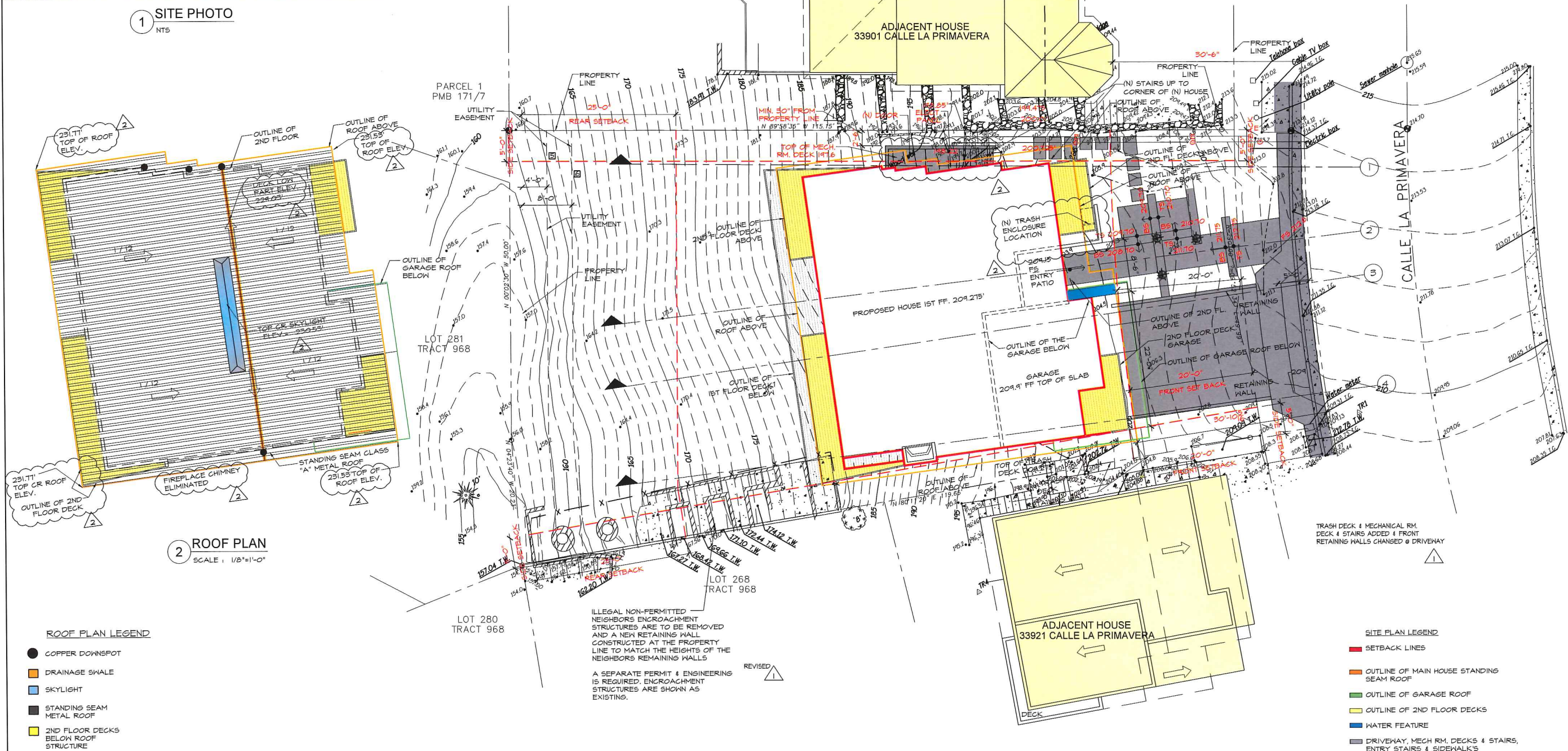
C-2

IN CHECK NO.

OF 2 SHEETS



1 SITE PHOTO
NTS



2 ROOF PLAN
SCALE: 1/8"=1'-0"

ROOF PLAN LEGEND

- COPPER DOWNSPOT
- DRAINAGE SHALE
- SKYLIGHT
- STANDING SEAM METAL ROOF
- 2ND FLOOR DECKS BELOW ROOF STRUCTURE

SITE PLAN LEGEND

- SETBACK LINES
- OUTLINE OF MAIN HOUSE STANDING SEAM ROOF
- OUTLINE OF GARAGE ROOF
- OUTLINE OF 2ND FLOOR DECKS
- WATER FEATURE
- DRIVEWAY, MECH RM, DECKS & STAIRS, ENTRY STAIRS & SIDEWALKS

1 SITE PLAN
SCALE: 1/8"=1'-0"



JF CARLSON ARCHITECTS INC.

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Newport Beach
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fax 949.645.4851

jfcarlsonarchitects.com
CALIFORNIA LICENSE NO. C-13773

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PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
PROPOSED SITE &
ROOF PLANS

STAMP:

| REV. | DESCRIPTION |
|------|--------------------|
| 1 | DESIGN DEVELOPMENT |
| 2 | CORRECTIONS |
| 3 | DESIGN DEVELOPMENT |
| 4 | CORRECTIONS |

ARCHITECT: JF. CARLSON

CHECKED: JF. CARLSON

DRAWN: CADLINKS

DATE: 09-26-2019

SCALE: AS NOTED

JOB NO: 18-012

SHEET

A-1

OF SHEETS

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PROJECT:
33911 CALLE LA PRIMAVERA
LOT 27 BLOCK 6 TRACT 862
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
SITE PLAN & AREA CALCULATIONS

STAMP:

| REV. | DESCRIPTION |
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ARCHITECT: J.F. CARLSON

CHECKED: J.F. CARLSON

DRAWN: CADLINKS

DATE: 12-19-2018

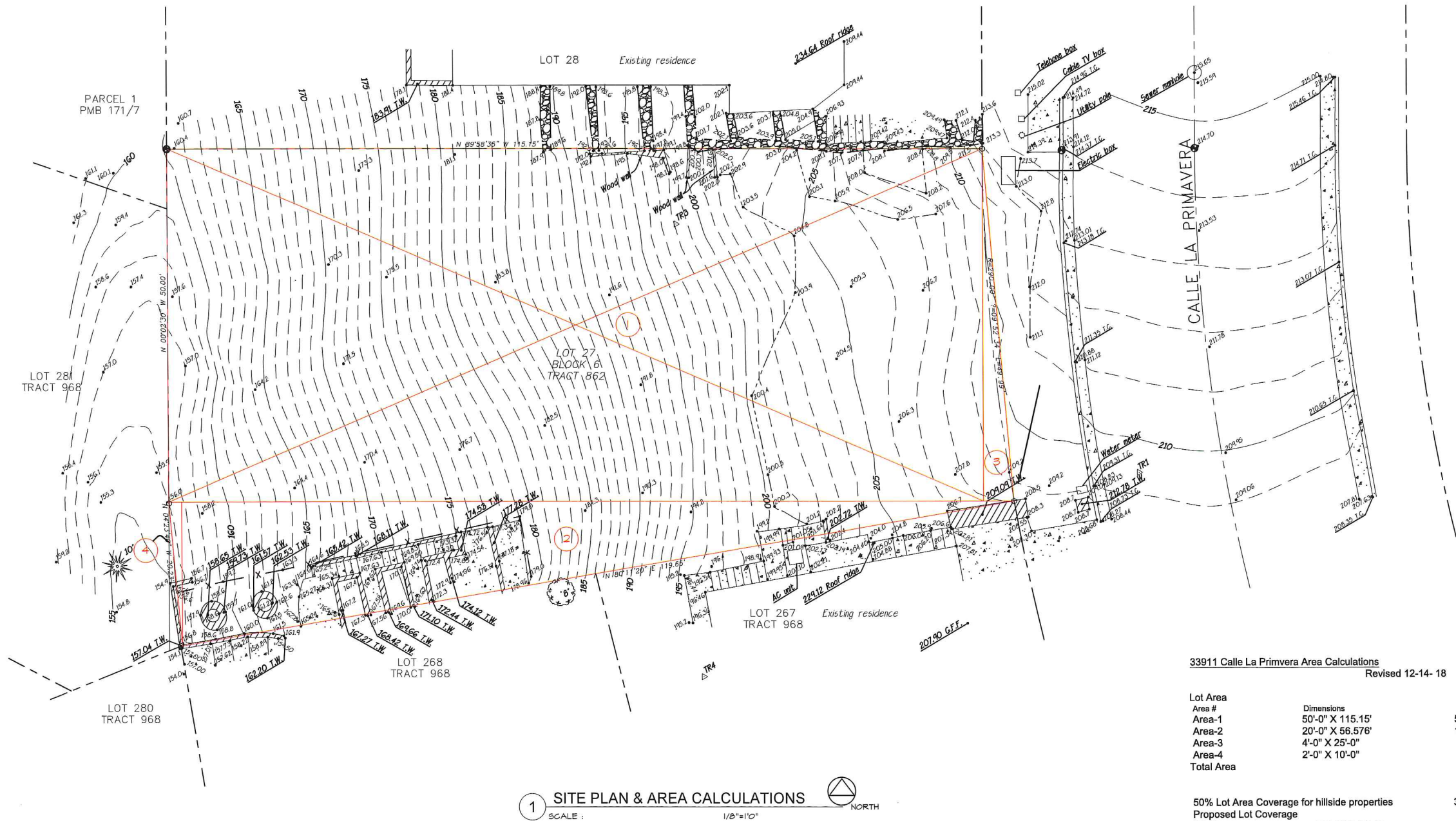
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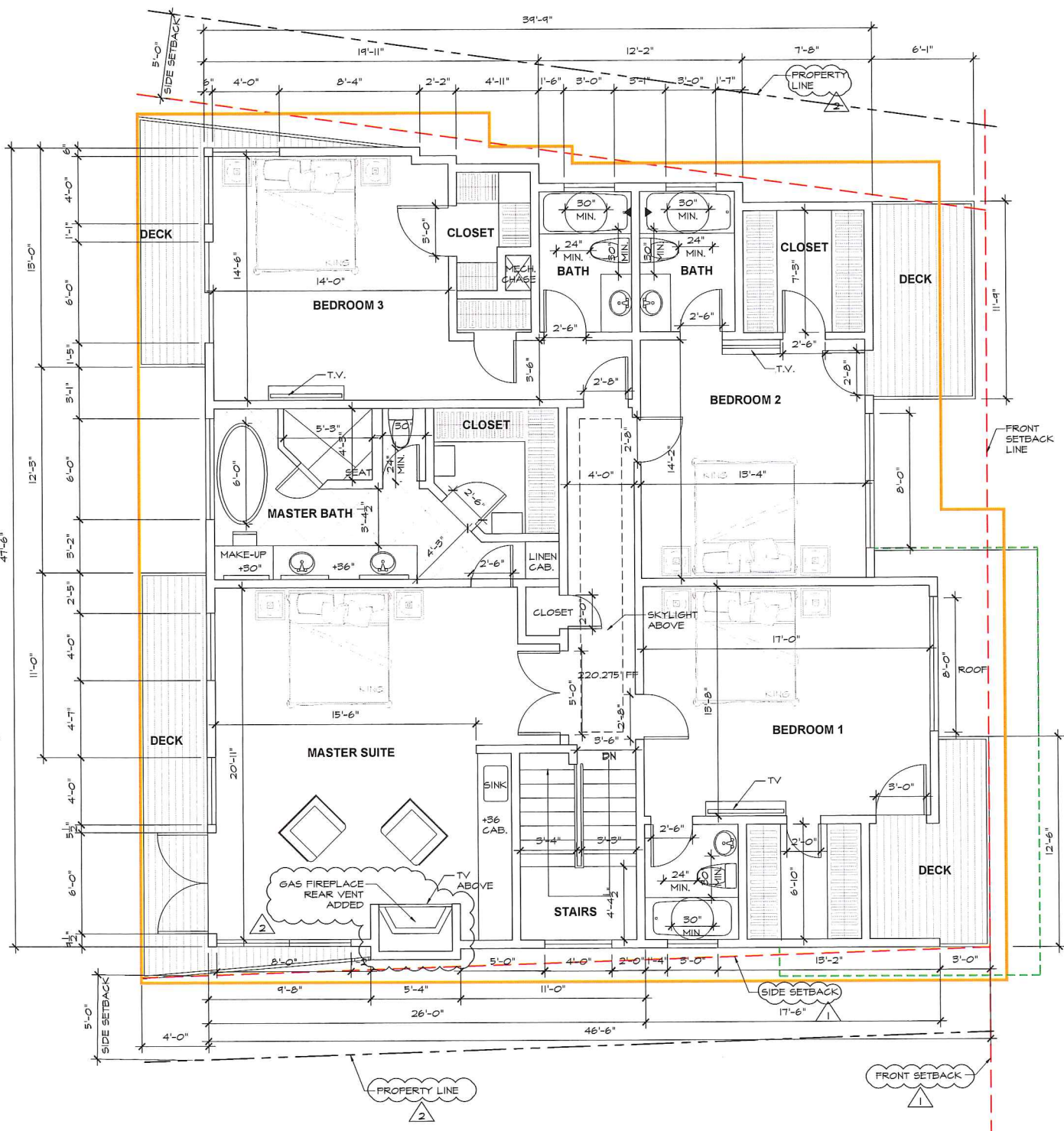
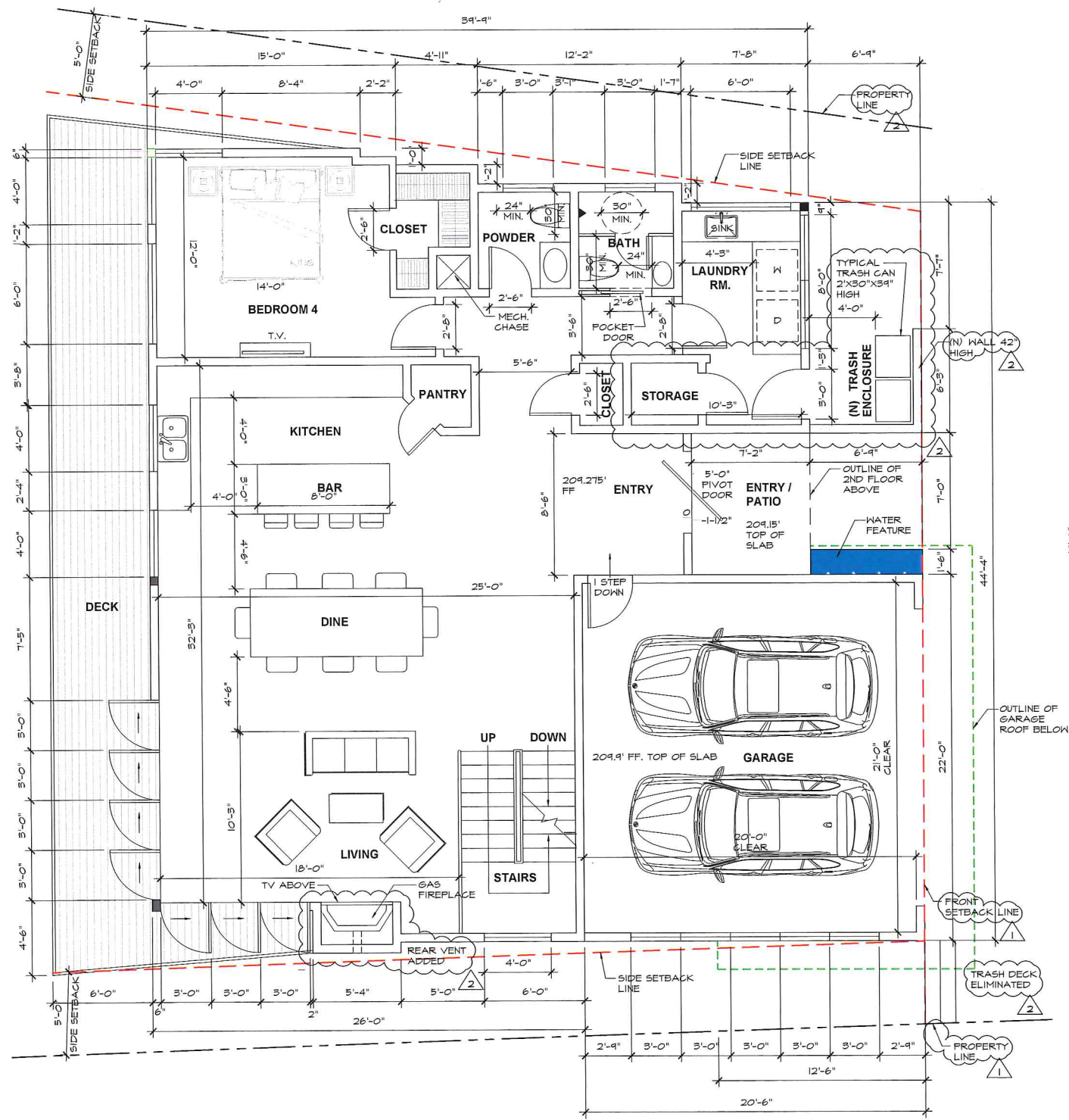
JOB NO: 18-012

SHEET

A-1.1

OF SHEETS





LEGEND
 OUTLINE OF ROOF ABOVE —
 OUTLINE OF GARAGE ROOF — ■ A

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PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
PROPOSED
1ST FLOOR PLAN
& 2ND FLOOR PLAN
 STAMP:

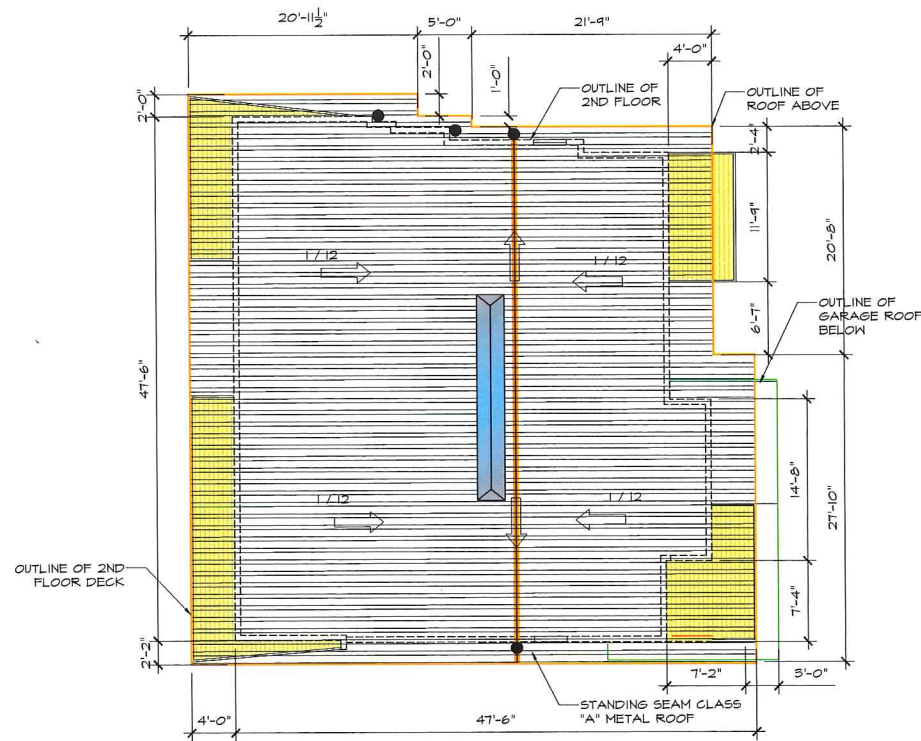
| REV. | DESCRIPTION |
|------|--------------------------------|
| 1 | DESIGN DEVELOPMENT CORRECTIONS |
| 2 | DESIGN DEVELOPMENT CORRECTIONS |

ARCHITECT: J.F. CARLSON
 CHECKED: J.F. CARLSON
 DRAWN: CADLINKS
 DATE: 09-26-2019
 SCALE: AS NOTED
 JOB NO: 18-012
 SHEET

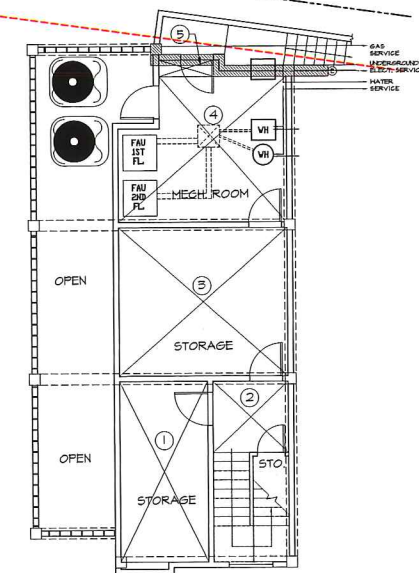
33911 Calle La Primavera Area Calculations

| Area # | Dimensions | Sq. Ft. |
|--|------------------|---------|
| Lot Area | | |
| Area-1 | 50'-0" X 115.15' | 5757.5 |
| Area-2 | 20'-0" X 56.575' | 1131.5 |
| Area-3 | 4'-0" X 25'-0" | 100 |
| Area-4 | 2'-0" X 10'-0" | 20 |
| Total Area | | 7009 |
| 50% Lot Coverage for hillside property/s | | 3504.5 |
| | | 50% |

| | | |
|---|-----------------|---------|
| Proposed Lot Coverage | | |
| Total 1st floor Area | | 1250.94 |
| (N) Garage | 20'-6" X 22'-0" | 451 |
| Additional 2nd Floor area | | 564 |
| Total Area of 1st floor roof & deck projections | | 294 |
| Total Area of 2nd floor roof & deck projections | | 130.5 |
| Total proposed lot coverage | | 2690.44 |
| | | 38% |



5 ROOF PROJECTIONS
SCALE: 1/8"=1'-0"

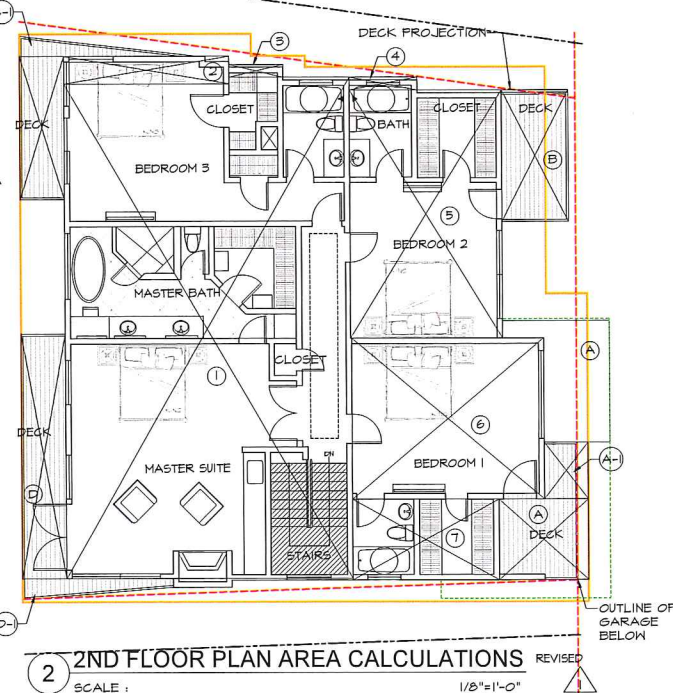


4 LOWER LEVEL FLOOR PLAN AREA CALCULATIONS
SCALE: 1/8"=1'-0"

| | | |
|--|-----------------|---------------|
| Lower Mechanical Level Area Calculations | | |
| Area 1 | 9'-0" X 17'-6" | 157.5 |
| Area 2 | 7'-0" X 7'-6" | 52.5 |
| Area 3 | 14'-6" X 16'-6" | 239.25 |
| Area 4 | 12'-6" X 14'-6" | 181.25 |
| Area 5 | 1'-6" X 8'-6" | 12.75 |
| Total Area of Lower Mechanical Level | | 643.25 Sq.Ft. |

3 1ST FLOOR PLAN AREA CALCULATIONS
SCALE: 1/8"=1'-0"

| | | |
|---|-----------------|------------|
| 1st Floor Area Calculations | | |
| Area 1 | 26'-0" X 20'-0" | 1,176.50 |
| Area 1-A (Less) | 2'-6" X 9'-9" | -24.75 |
| Area 2 | 2'-6" X 15'-0" | 37.5 |
| Area 3 | 1'-0" X 5'-0" | 5 |
| Area 4 | 1'-2" X 12'-2" | 14.19 |
| Area 5 | 13'-6" X 14'-0" | 189 |
| Area 6 | 8'-6" X 8'-6" | 72.5 |
| Total 1st Floor Area | | 1,469.94 |
| Area 7 Garage | 20'-6" X 22'-0" | 451 |
| 1st Floor Deck Area Projections Calculations | | |
| Area A | 6'-0" X 49'-0" | 294 |
| Area 1-A | 2'-6" X 9'-9" | -24.75 |
| Total Area of 1st floor roof & deck projections | | 318.75 |
| | | 319 Sq.Ft. |

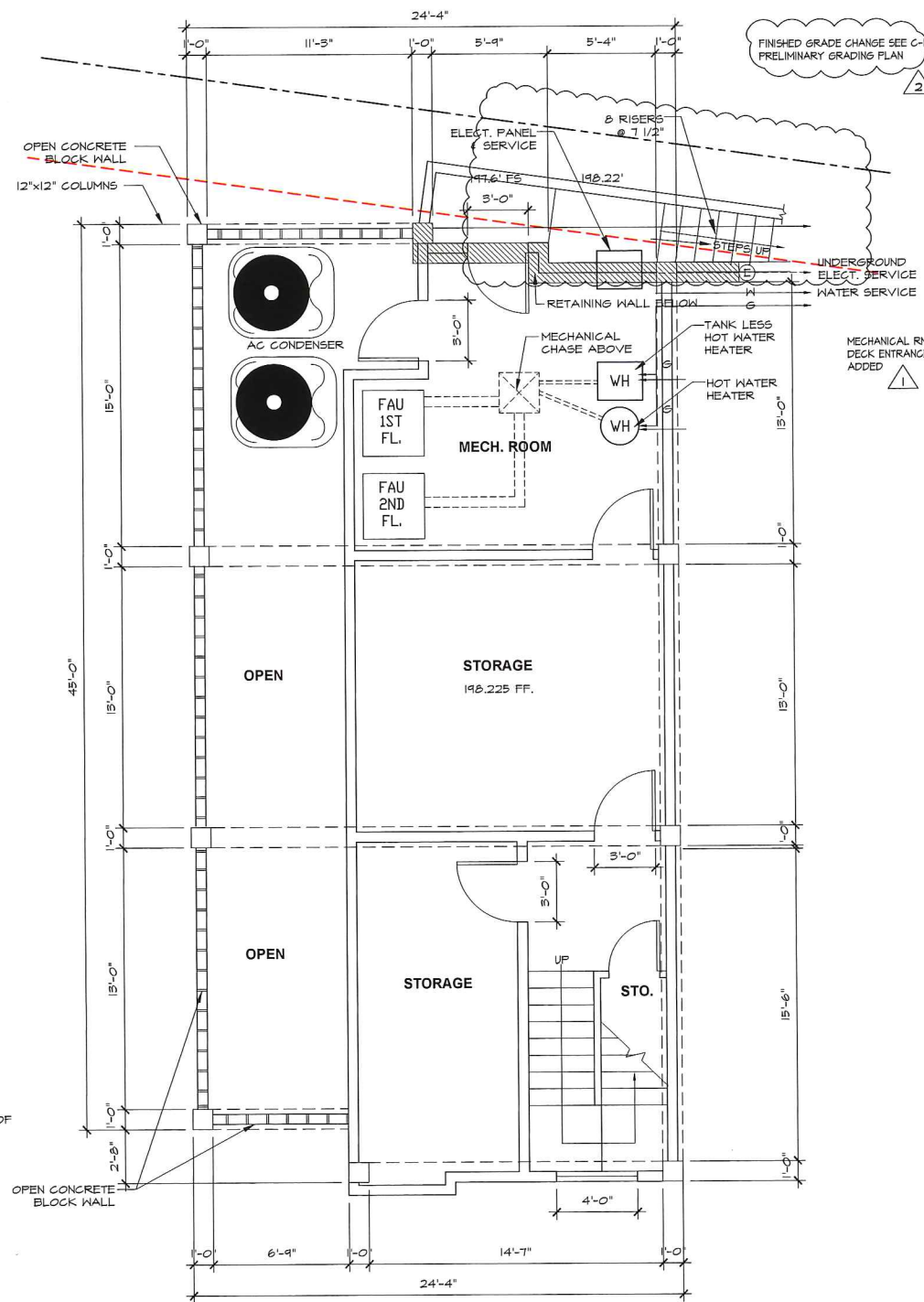


2 2ND FLOOR PLAN AREA CALCULATIONS
SCALE: 1/8"=1'-0"

| | | |
|-----------------------------|-----------------|-----------------|
| 2nd Floor Area Calculations | | |
| Area 1 | 26'-0" X 20'-0" | 1,176.50 |
| Area 2 | 2'-6" X 15'-0" | 37.5 |
| Area 3 | 1'-0" X 5'-0" | 5 |
| Area 4 | 1'-2" X 12'-2" | 14.19 |
| Area 5 | 14'-0" X 22'-6" | 315 |
| Area 6 | 14'-6" X 18'-0" | 261 |
| Area 7 | 7'-6" X 12'-6" | 93.75 |
| Less Stairs | 8'-0" X 11'-0" | -88 |
| Total 2nd Floor Area | | 1,814.94 Sq.Ft. |

| | | |
|---|----------------|--------------|
| 2nd Floor Deck Area Projections Calculations | | |
| Area A | 2'-0" X 23'-0" | 57.5 |
| Area A-1 | 3'-0" X 5'-0" | 15 |
| Area B | 6'-1" X 12'-0" | 73 |
| Area C | 6'-0" X 13'-0" | 78 |
| Area C-1 | 2'-0" X 5'-0" | 10 |
| Area D | 6'-0" X 22'-0" | 132 |
| Area D-1 | 2'-0" X 8'-0" | 16 |
| Total Area of 2nd floor roof & deck projections | | 381.5 Sq.Ft. |

CALCULATIONS REVISED



1 PROPOSED LOWER MECHANICAL LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"

| | | |
|---|--|----------|
| Floor Area Ratio Calculations | | |
| Total 1st Floor Area | | 1,470.00 |
| Additional garage area over 400 Sq. Ft. Parking Allowance | | 51.00 |
| Total 2nd Floor Area | | 1,815.00 |
| Total Lower Level Mechanical Room & Storage Floor Area | | 643.00 |
| Total Floor Area | | 3,979.00 |
| Total Area of Lot | | 7,009.00 |

57% Floor Area Ratio

FLOOR AREA CALCULATION ADDED

JF CARLSON ARCHITECTS INC.

James F. Carlson AIA
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CALIFORNIA LICENSE NO. C 13773

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PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
LOWER MECHANICAL
LEVEL FLOOR PLAN

STAMP:

| REV. | DESCRIPTION |
|------|--------------------------------|
| 1 | DESIGN DEVELOPMENT CORRECTIONS |
| 2 | DESIGN DEVELOPMENT CORRECTIONS |

ARCHITECT: J.F. CARLSON

CHECKED: J.F. CARLSON

DRAWN: CADLINKS

DATE: 04-26-2019

SCALE: AS NOTED

JOB NO: 18-012

SHEET

A-2.1

OF SHEETS



PHOTO OF THE SIDE ELEV. OF 33921 CALLE LA PRIMAVERA & RELATIONSHIP TO THE 33911 CALLE LA PRIMAVERA SITE TO BE DEVELOPED

A

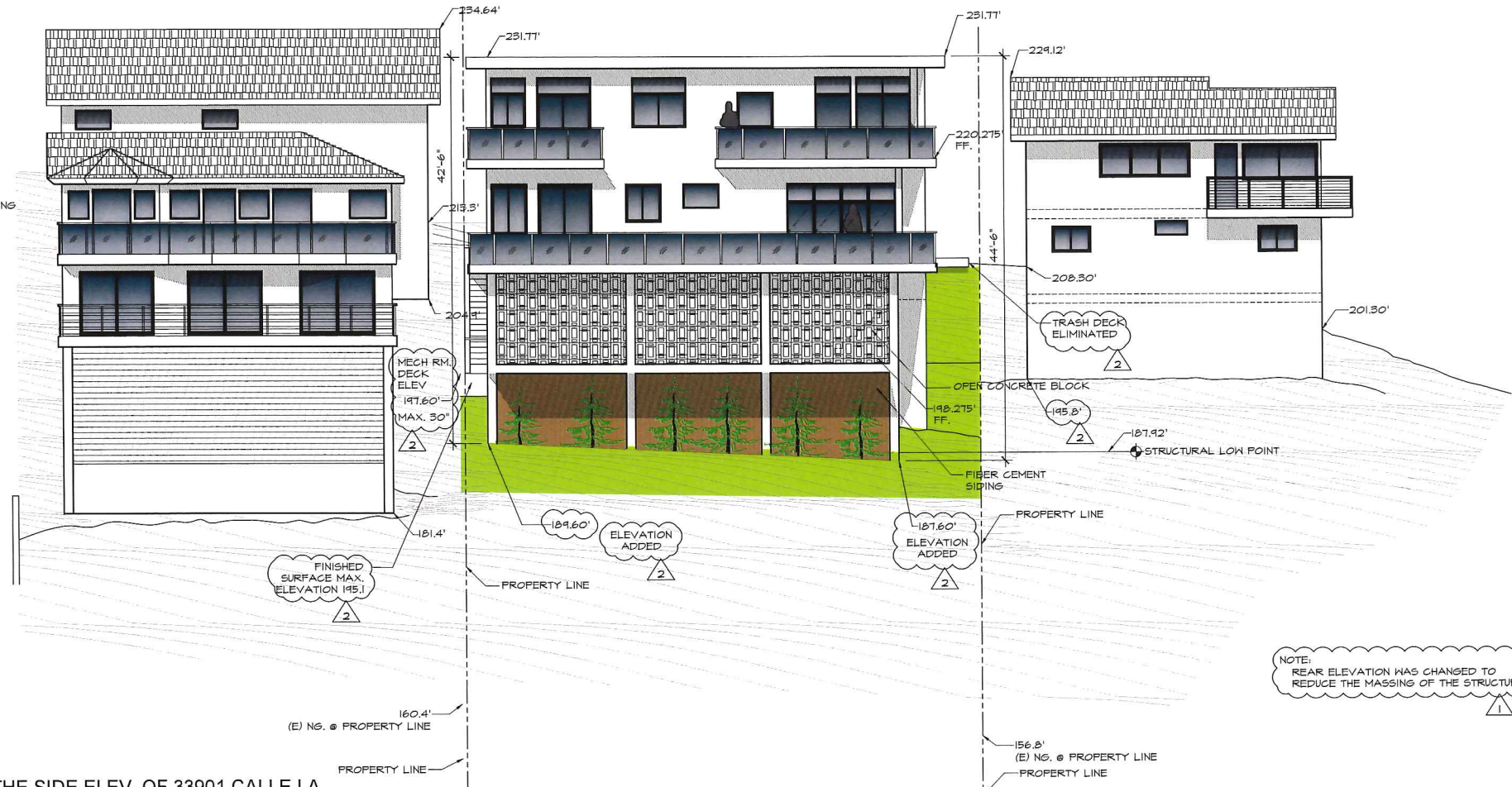
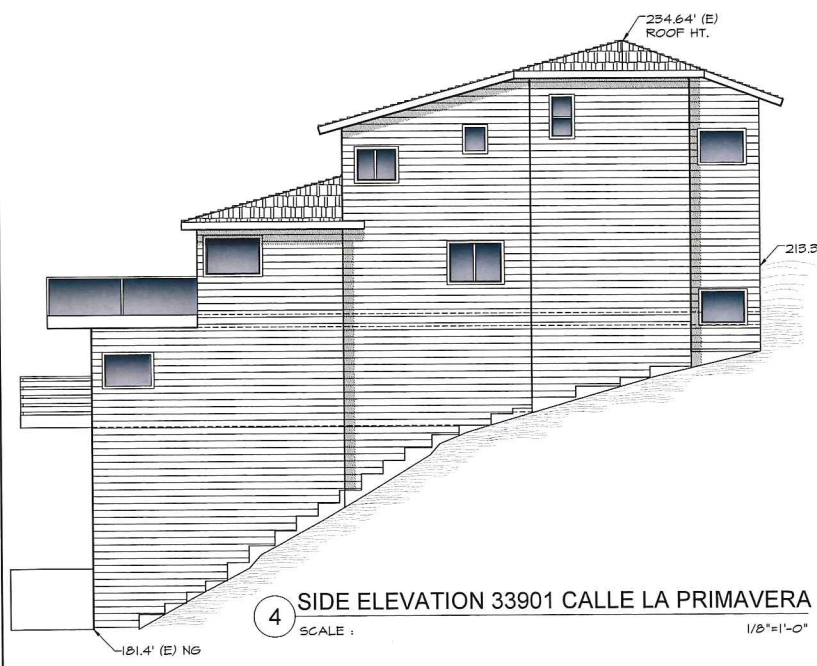
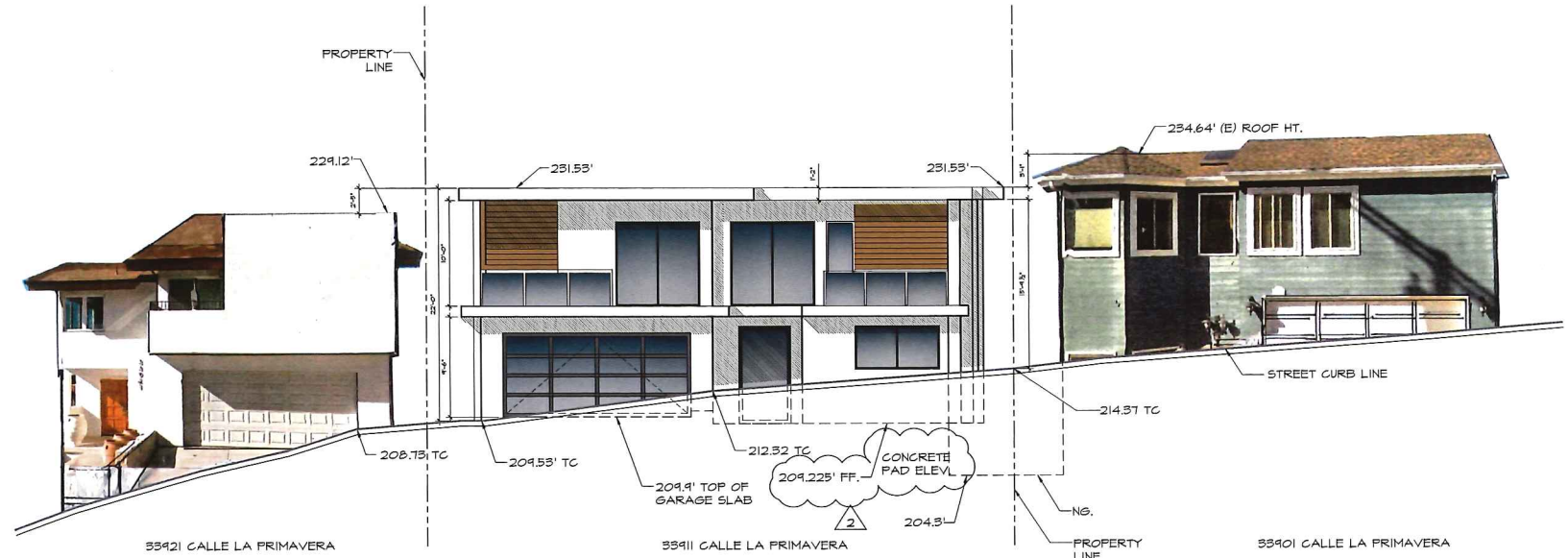
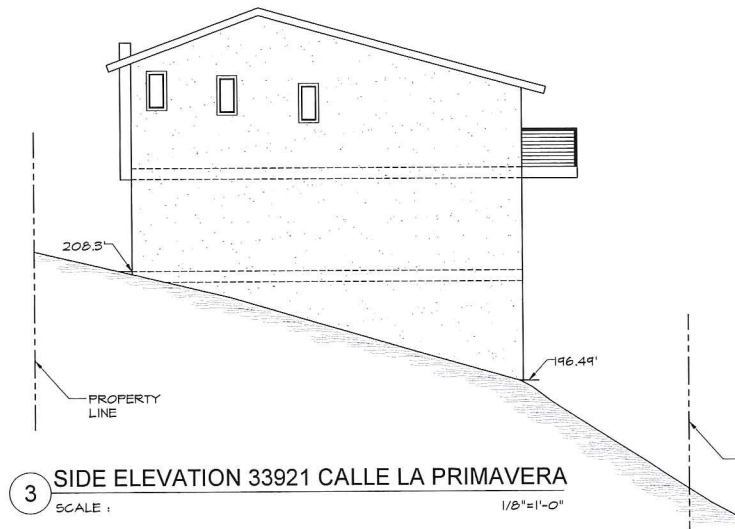


PHOTO OF THE SIDE ELEV. OF 33901 CALLE LA PRIMAVERA & RELATIONSHIP TO THE 33911 CALLE LA PRIMAVERA SITE TO BE DEVELOPED

B



JF CARLSON ARCHITECTS INC.
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CALIFORNIA LICENSE NO. C-13773

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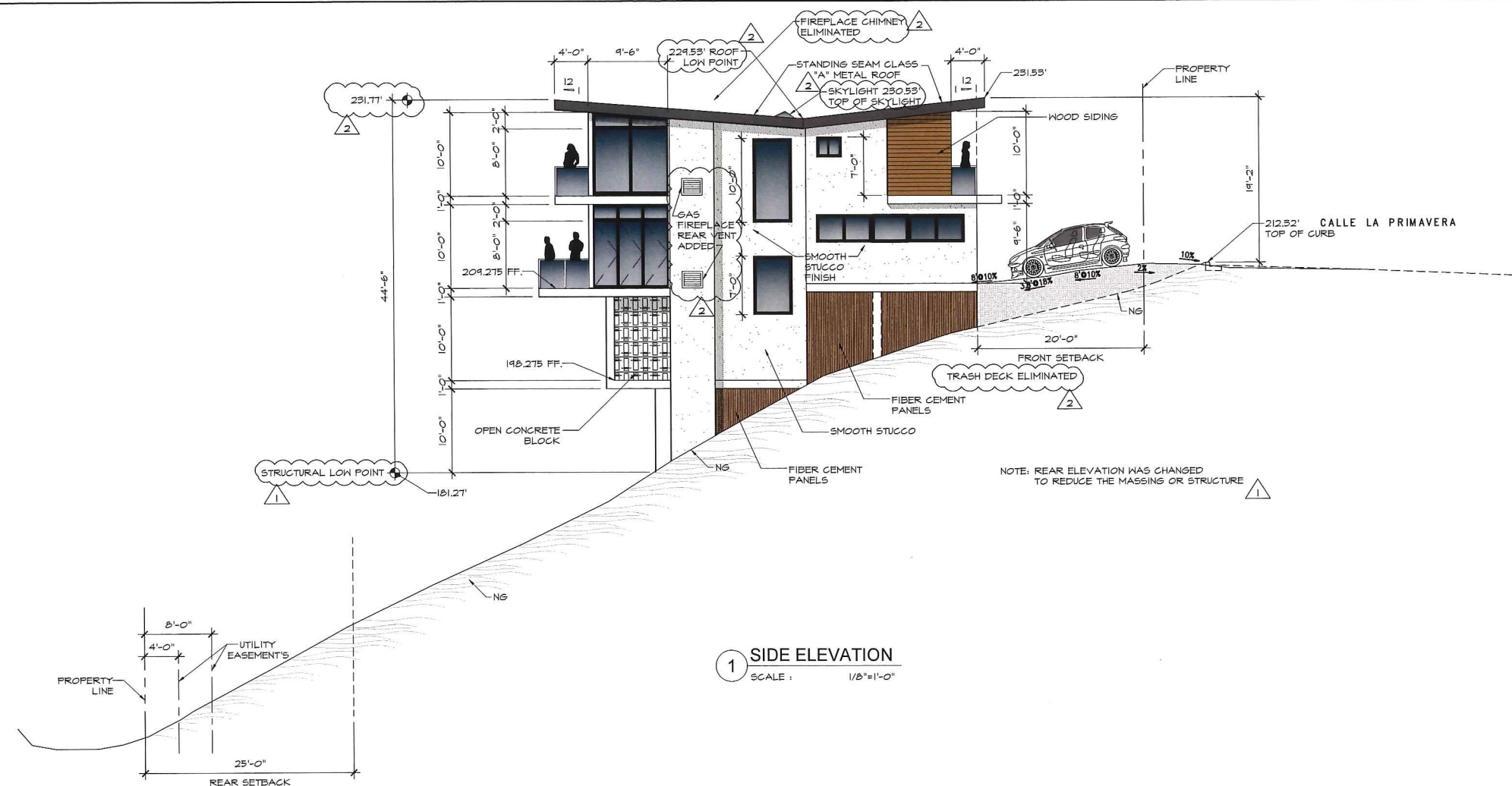
PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
PROPOSED FRONT & REAR
ELEVATIONS WITH
ADJACENT HOUSES

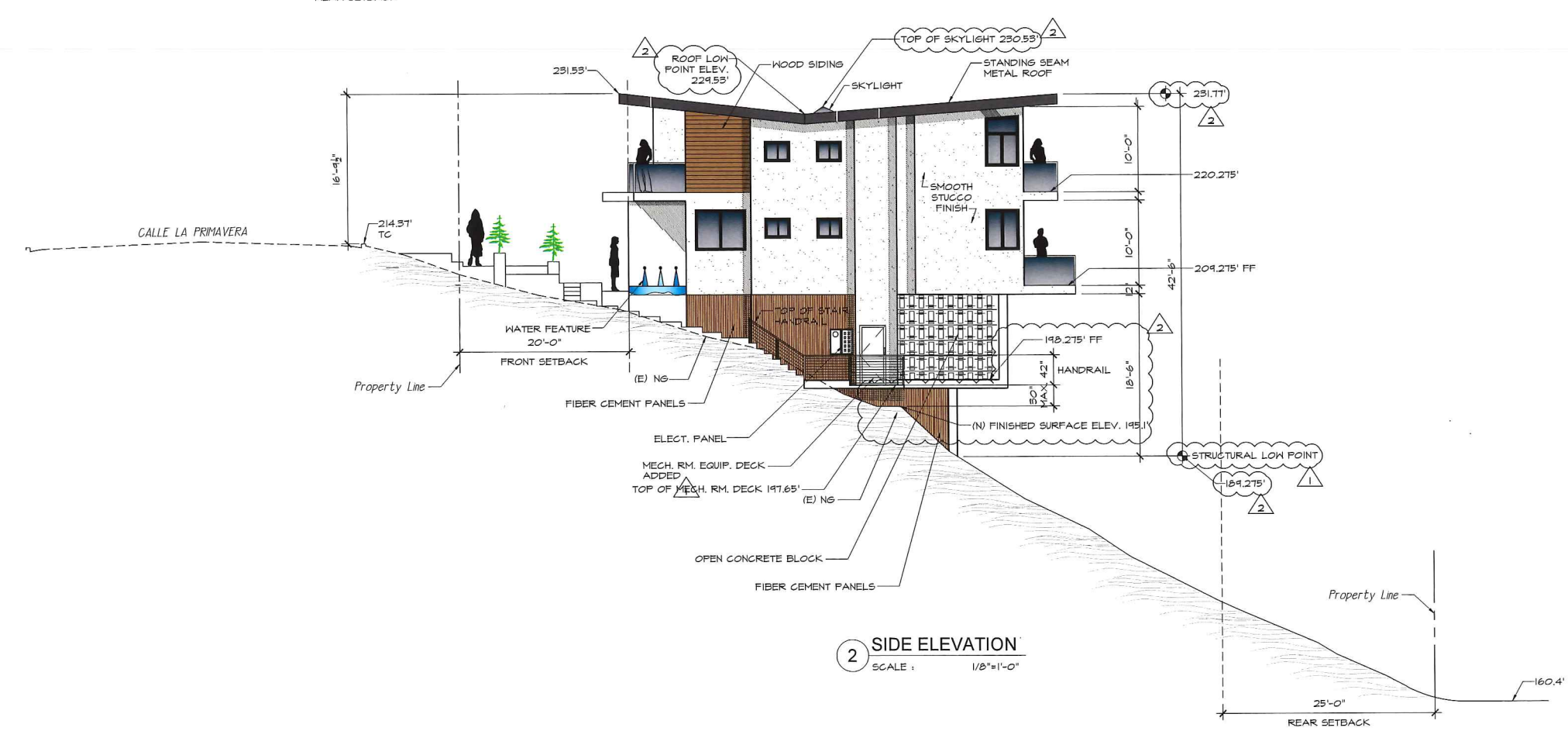
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| REV. | DESCRIPTION |
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| 1 | DESIGN DEVELOPMENT CORRECTIONS |
| 2 | DESIGN DEVELOPMENT CORRECTIONS |

ARCHITECT: J.F. CARLSON
CHECKED: J.F. CARLSON
DRAWN: CADLINKS
DATE: 04-25-2019
SCALE: AS NOTED
JOB NO: 18-012
SHEET



1 SIDE ELEVATION
SCALE: 1/8"=1'-0"



2 SIDE ELEVATION
SCALE: 1/8"=1'-0"

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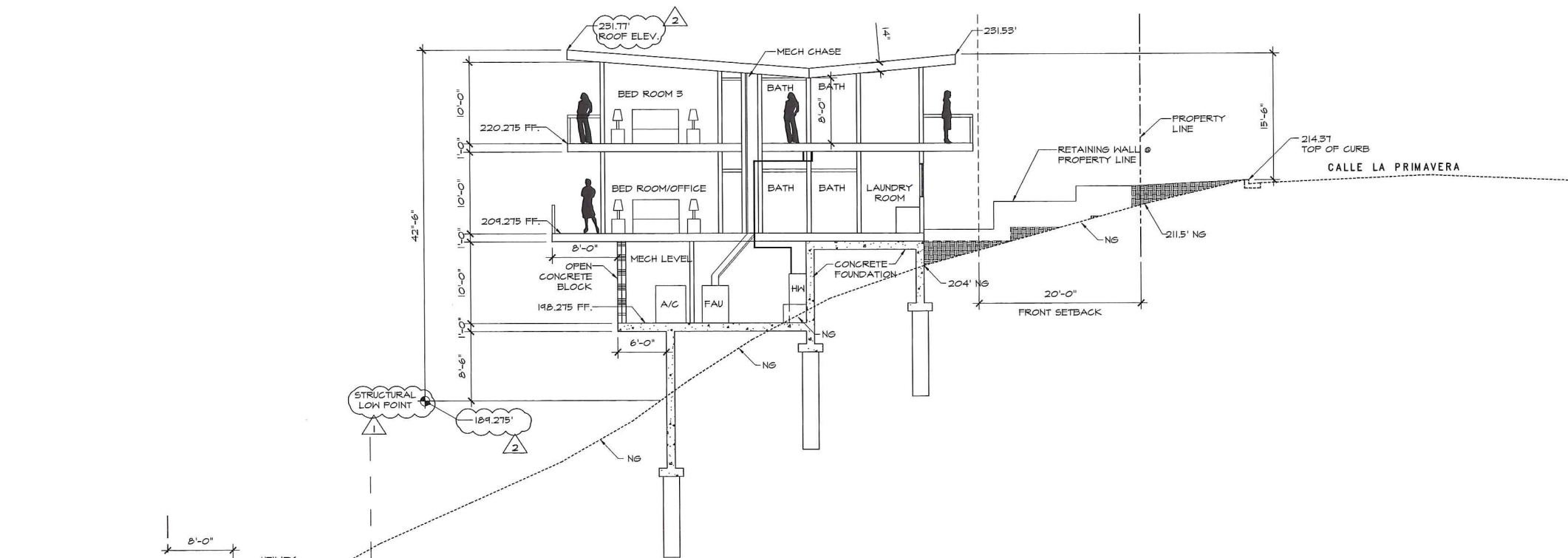
PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
PROPOSED ELEVATIONS

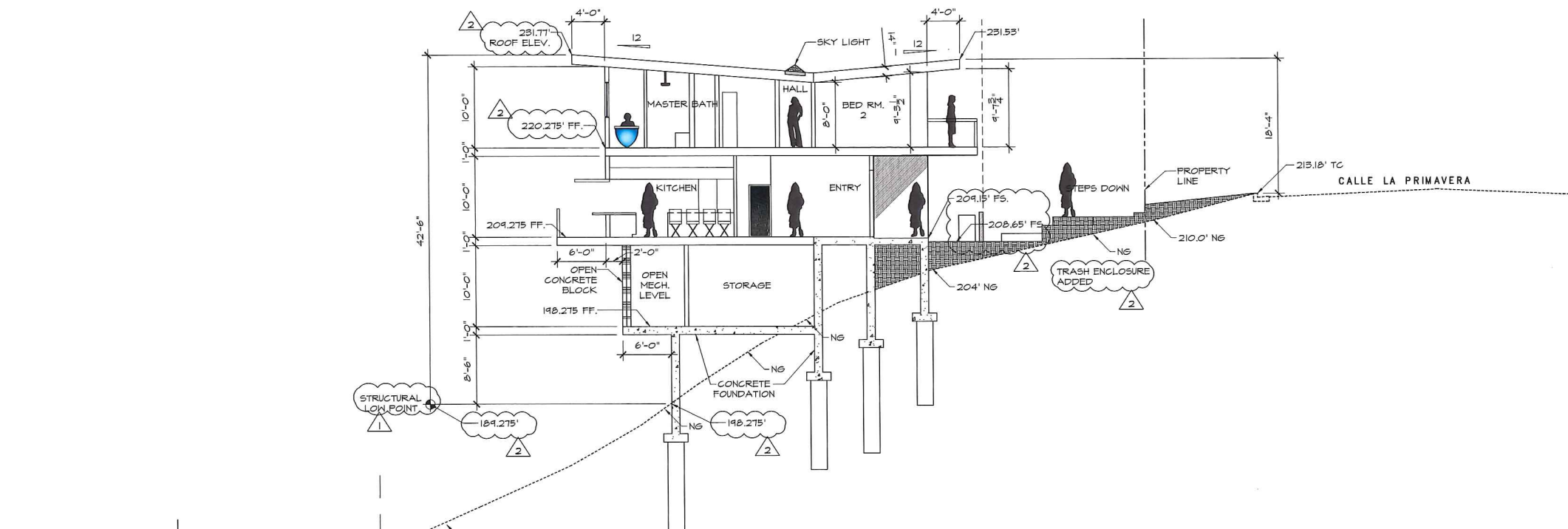
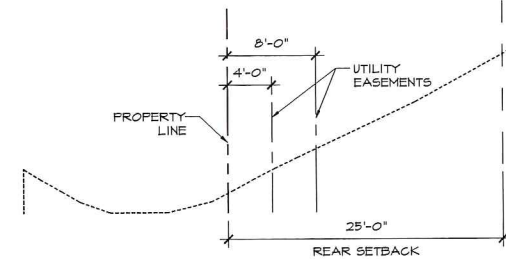
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| 2 | DESIGN DEVELOPMENT CORRECTIONS |

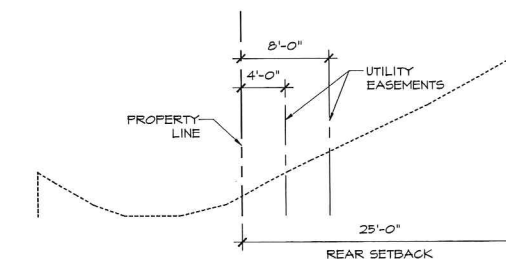
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CHECKED: J.F. CARLSON
DRAWN: CADLINKS
DATE: 04-26-2019
SCALE: AS NOTED
JOB NO: 18-012
SHEET



1 SECTION 1
SCALE: 1/8"=1'-0"



2 SECTION 2
SCALE: 1/8"=1'-0"



| REV. | DESCRIPTION |
|------|--------------------------------|
| 1 | DESIGN DEVELOPMENT CORRECTIONS |
| 2 | DESIGN DEVELOPMENT CORRECTIONS |

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| ARCHITECT: | JF. CARLSON |
| CHECKED: | JF. CARLSON |
| DRAWN: | CADLINKS |
| DATE: | 04-25-2019 |
| SCALE: | AS NOTED |
| JOB NO: | 18-012 |
| SHEET | |

PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
PROPOSED SECTION'S

STAMP:

| REV. | DESCRIPTION |
|------|--------------------------------|
| 1 | DESIGN DEVELOPMENT CORRECTIONS |
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ARCHITECT: J.F. CARLSON

CHECKED: J.F. CARLSON

DRAWN: CADLINKS

DATE: 04-26-2019

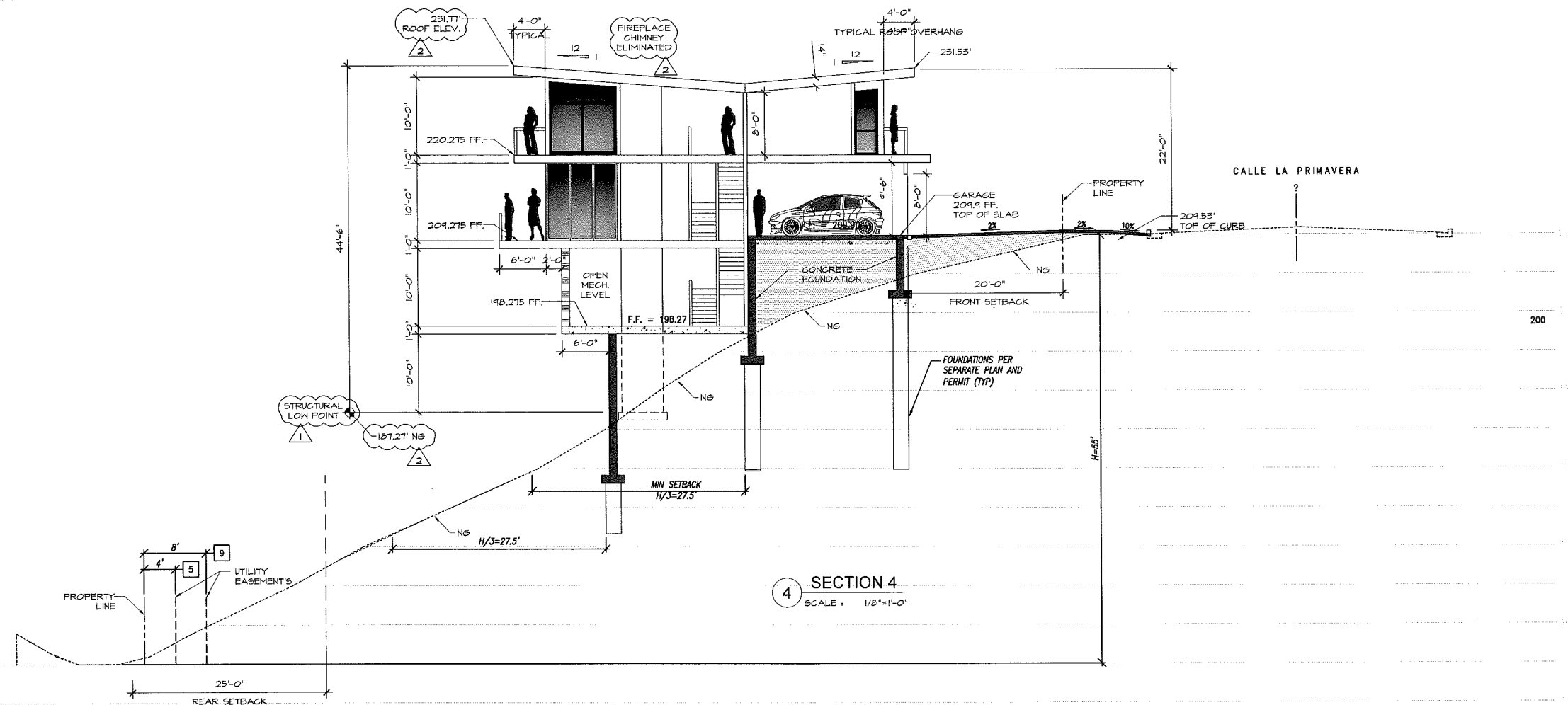
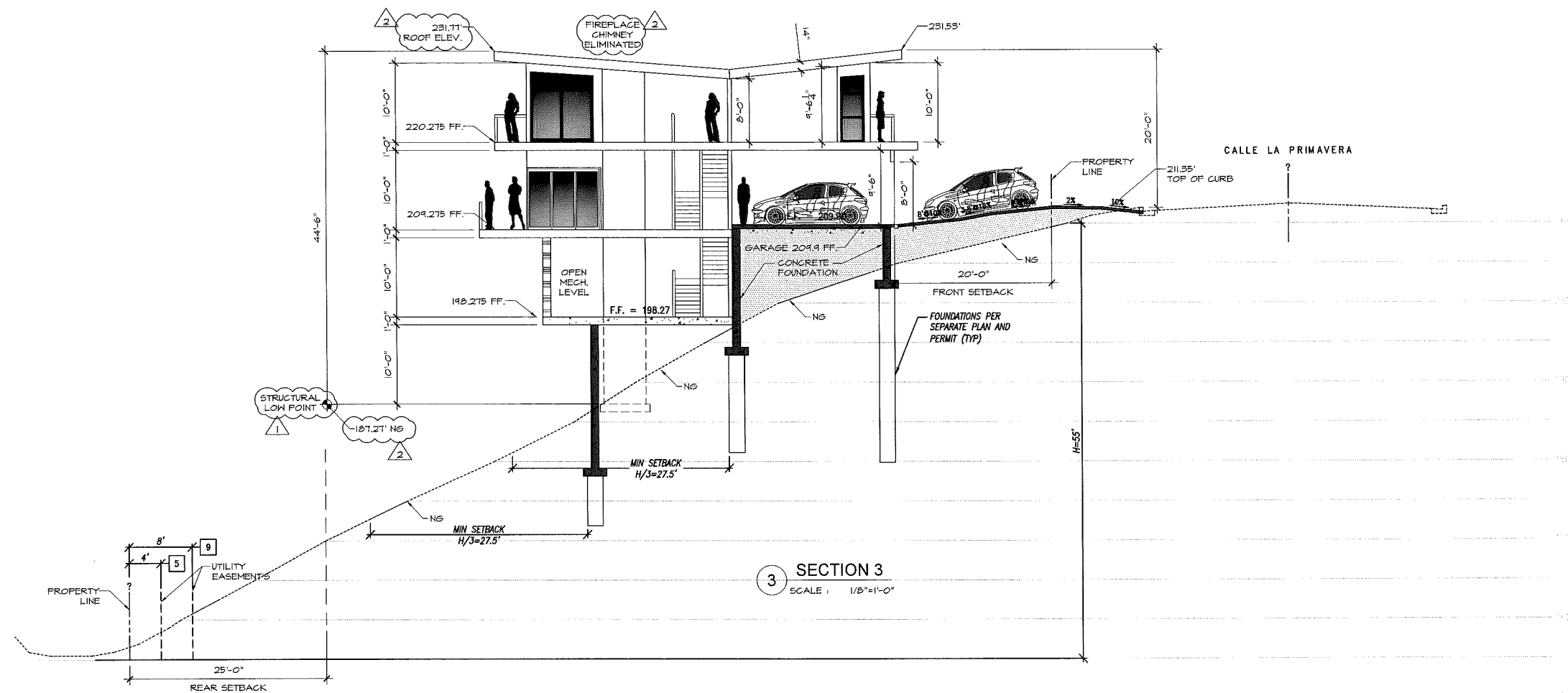
SCALE: AS NOTED

JOB NO: 18-012

SHEET

A-4.1

OF SHEETS





1 LIVING ROOM VIEW CORRIDOR



2 REAR ELEVATIONS



3 STREET ELEVATIONS

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PROJECT:
NEW HILLSIDE HOUSE
33911 CALLE LA PRIMAVERA LLC
33911 CALLE LA PRIMAVERA,
DANA POINT, CALIFORNIA

SHEET TITLE:
PERSPECTIVE SKETCHES
OF NEW HOUSE WITH
ADJACENT HOUSES

STAMP:

| REV. | DESCRIPTION |
|------|-----------------------------------|
| 1 | DESIGN DEVELOPMENT CORRECTIONS |
| | |
| | |
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| | |

ARCHITECT: JF. CARLSON
CHECKED: JF. CARLSON
DRAWN: GADLINKS
DATE: 09-25-2019
SCALE: AS NOTED
JOB NO: 18-012
SHEET

HARDSCAPE LEGEND:

- 1 LIGHTLY-EXPOSED OR SAND-WASHED FINISH CONCRETE PAVING (NATURAL COLOR)
- 2 CANTILEVERED CONCRETE STEPS - COLOR / TEXTURE TO MATCH ADJACENT PAVING. (TYP. INDICATION)
- 3 16" WIDE LOW-PROFILE POURED CONCRETE WALLS w/ LIGHT TO MEDIUM EXPOSED AGGREGATE FINISH. TOP OF WALL ELEVATION TO BE LEVEL, NOT TO EXCEED 42" MAXIMUM ABOVE ADJACENT PAVING SURFACE.
- 4 (3) MATCHED CONTEMPORARY GLAZED POTS (LOW PROFILE) w/ ACCENT SHRUBS.
- 5 EMBELLISHED PAVING (I.E.: STONE TILE) TO MATCH OR COMPLEMENT INTERIOR PAVING.
- 6 WATER FEATURE
- 7 POTENTIAL SIDEWALK and APPROACH PER CIVIL ENGINEERS.

LANDSCAPE-RELATED AREA CALCULATIONS:

TOTAL LOT AREA (EXCL. ST. R.O.W.): 7,000 S.F. (TOTAL S.F. OF R.O.W. = ± 535 S.F.)

HOUSE FOOTPRINT (GROUND LEVEL): (±2,257 S.F.)

HARDSCAPE AREA (EXCL. DRIVEWAY & R.O.W.): (300 S.F.)

DRIVEWAY AREA (EXCL. ST. R.O.W.): (400 S.F.)

TOTAL LANDSCAPE AREA (EXCL. ST. R.O.W.): ± 4,043 S.F. = ± 57.16% OF LOT AREA

PLANTING LEGEND:

| SYMBOL | BOTANICAL NAME | COMMON NAME | SIZE | REMARKS |
|--------|----------------------------------|--------------------------|---------|--|
| TREES: | | | | |
| | CERCIDIUM HYBRID 'DESERT MUSEUM' | DESERT MUSEUM PALO VERDE | 36" BOX | LOW or MULTI-BRANCHED TREES 15' HEIGHT x 15' SPREAD (AT 20 YRS.) |
| | QUERCUS AGRIFOLIA | COAST LIVE OAK | 15 GAL. | LOW or MULTI-BRANCHED TREES 30' HEIGHT x 30' SPREAD (AT 20 YRS.) |

TREE-SHRUBS:

| | | | | |
|--|-------------------------|--------|---------------|--|
| | PITTOSPORUM TENUIFOLIUM | KOHUHU | 15 GAL. (MIN) | MATCHED COLUMNAR FORM 15' HEIGHT x 10' SPREAD (AT 20 YRS.) |
|--|-------------------------|--------|---------------|--|

SHRUBS:

| | | | | |
|--|--------------------------|------------------|---------|----------------------------|
| | HETEROMELES ARBUTIFOLIA | TOYON | 15 GAL. | 6'-10' HIGH x 6'-8' WIDE * |
| | CEANOTHUS "CONCHA" | CONCHA CEANOTHUS | 5 GAL. | 6'-10' HIGH x 6'-8' WIDE * |
| | MISCANTHUS 'SENTINEL' | SENTINEL | 5 GAL. | 5' HIGH x 4' WIDE * |
| | VITEX TRIFOLIA PURPUREUM | ARABIAN LILAC | 5 GAL. | 5' HIGH x 10' WIDE * |

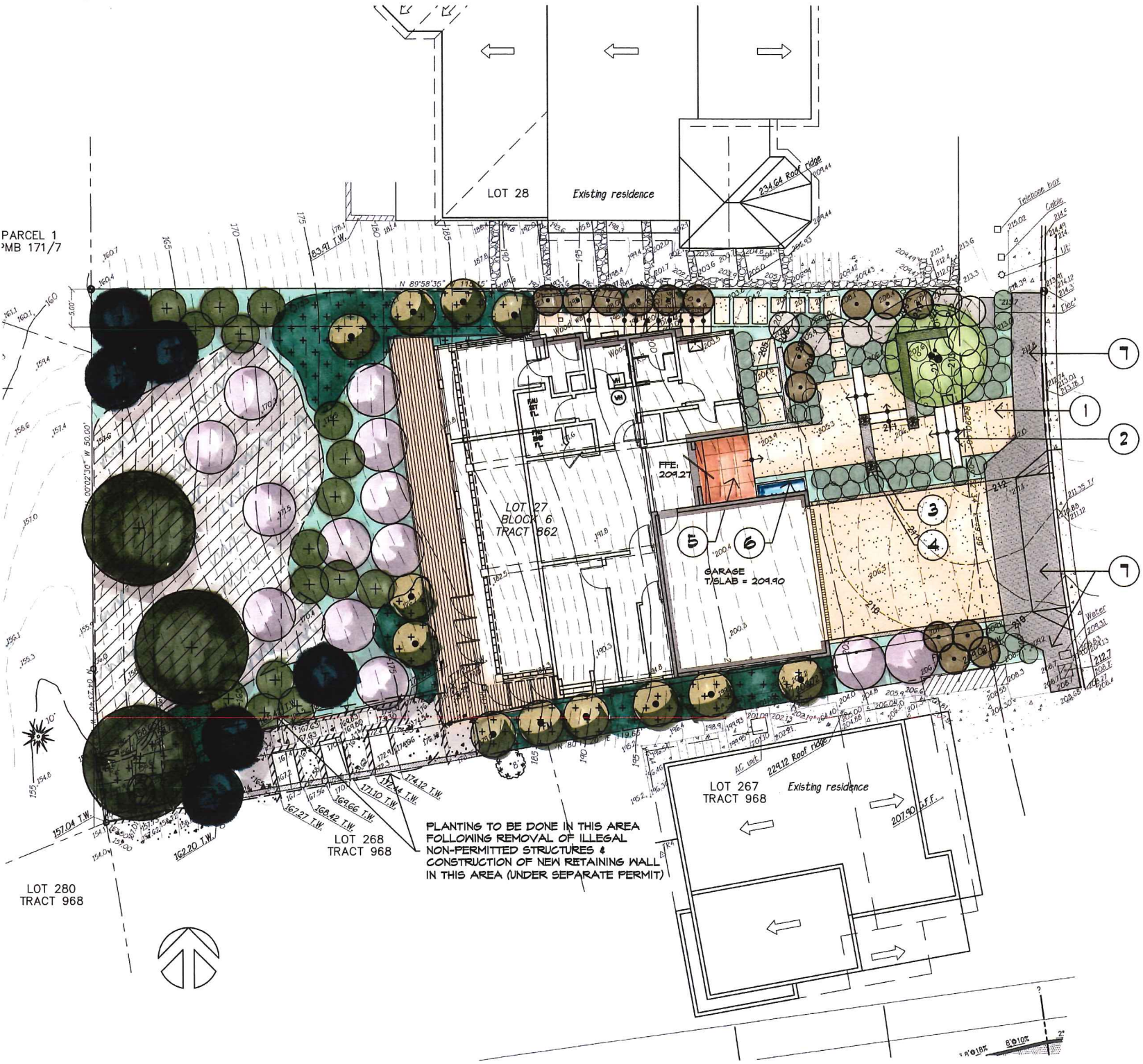
SHRUB-GROUNDCOVERS:

| | | | | |
|-------------------------------|--|------------------------|--------|--|
| | ACACIA REDOLENS 'DESERT CARPET' | PROTRATE ACACIA | 1 GAL. | PLANT AT 8' O.C. TRIANGULARLY SPACED. 2' HIGH x 10' WIDE * |
| | CEANOTHUS GRISEUS H. 'YANKEE POINT' | YANKEE POINT CEANOTHUS | 5 GAL. | PLANT AT 8' O.C. TRIANGULARLY-SPACED. 2-3' HIGH x 8' WIDE * |
| | PENNISETUM SPATHEOLATUM | RYE PUFFS | 1 GAL. | PLANT AT 30" O.C. TRIANGULARLY-SPACED. 2-3' HIGH x 2-3' WIDE * |
| | WESTRINGIA FRUTICOSA 'MUNDI' (NFL25) FF24042 | LOW COAST ROSEMARY | 1 GAL. | PLANT AT 48" O.C. TRIANGULARLY-SPACED. 1-2' HIGH x 4-6' WIDE * |
| * PROJECTED HEIGHT AT 5 YEARS | | | | |

SITE IRRIGATION NOTES:

ALL PLANTING AREAS WILL BE IRRIGATED VIA AN AUTOMATIC IRRIGATION SYSTEM, DESIGNED TO PROVIDE FOR REDUCED WATER CONSUMPTION, IN COMPLIANCE w/ ALL CITY & STATE CRITERIA (I.E.: IN-LINE DRIP, POINT-TO-POINT, and/or LOW PRECIPITATION SPRAY HEADS). THE IRRIGATION CONTROLLER WILL INCORPORATE 'SMART' TECHNOLOGY ALLOWING FOR AUTOMATIC VALVE TIME ADJUSTMENTS THROUGH THE USE OF EVAPOTRANSPIRATION (ET) CAPABILITIES. ALL EQUIPMENT, INCLUDING BACKFLOW PREVENTION DEVICES WILL BE RESTRICTED TO THE SUBJECT PROPERTY, SCREENED FROM PUBLIC RIGHT-OF-WAY AREAS.

FOLLOWING PLANTING, ALL SHRUB/GROUNDCOVER BEDS SHALL RECEIVE A 2" MINIMUM LAYER OF MEDIUM GRIND MULCH.

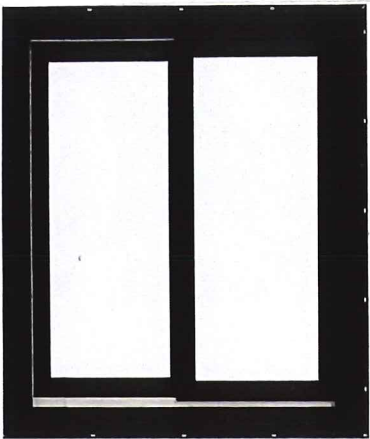


PLANTING TO BE DONE IN THIS AREA FOLLOWING REMOVAL OF ILLEGAL NON-PERMITTED STRUCTURES & CONSTRUCTION OF NEW RETAINING WALL IN THIS AREA (UNDER SEPARATE PERMIT)



GLASS GARAGE DOOR

- Manufacture: to be determined
- Color: Black



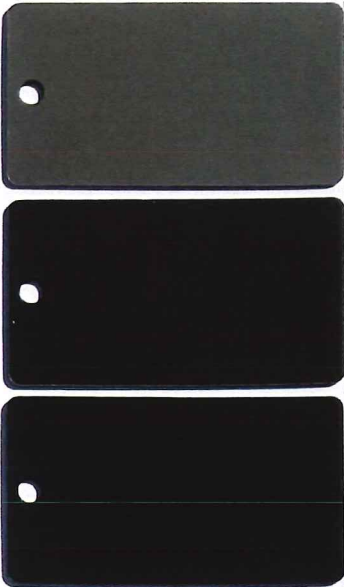
Standard Metal Windows, Window Walls & Glass Doors

- Manufacture: Western Window Systems
- Model Name: Simulated Steel
- Frame Material: Aluminum
- Color: Black
- Glazing Specifications: .30 U-value for standard Low-E, Argon-filled Dual pane Glass



Synthetic Wood Siding

- Manufacture: To be Determined
- Stained Natural Wood Color



Wall Water Feature

- Manufacture: To be Determined

Exterior Front Glass Pivot Door

- Manufacture: Modern Door Company
- Color: "Carbon Black"



Exterior Smooth Stucco Finish

- Color: White

Exterior Stone Treatment

- Irregular Texture
- Lime Stone

Glass Handrails

- Manufacture: CR Laurence
- Glass: Base Shoe
- or Outrigger style to be determined



Standing Seam Metal Roofing

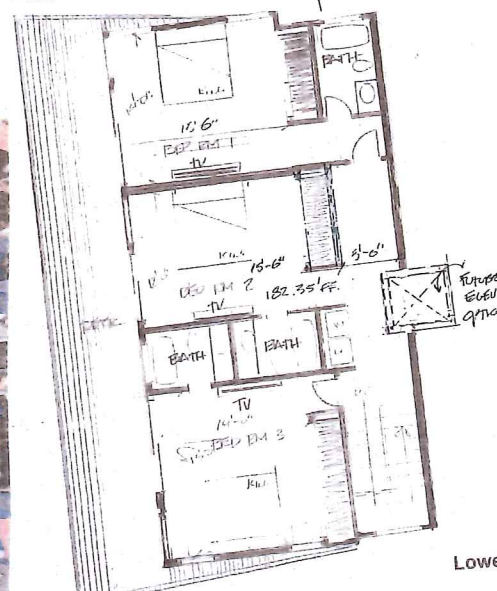
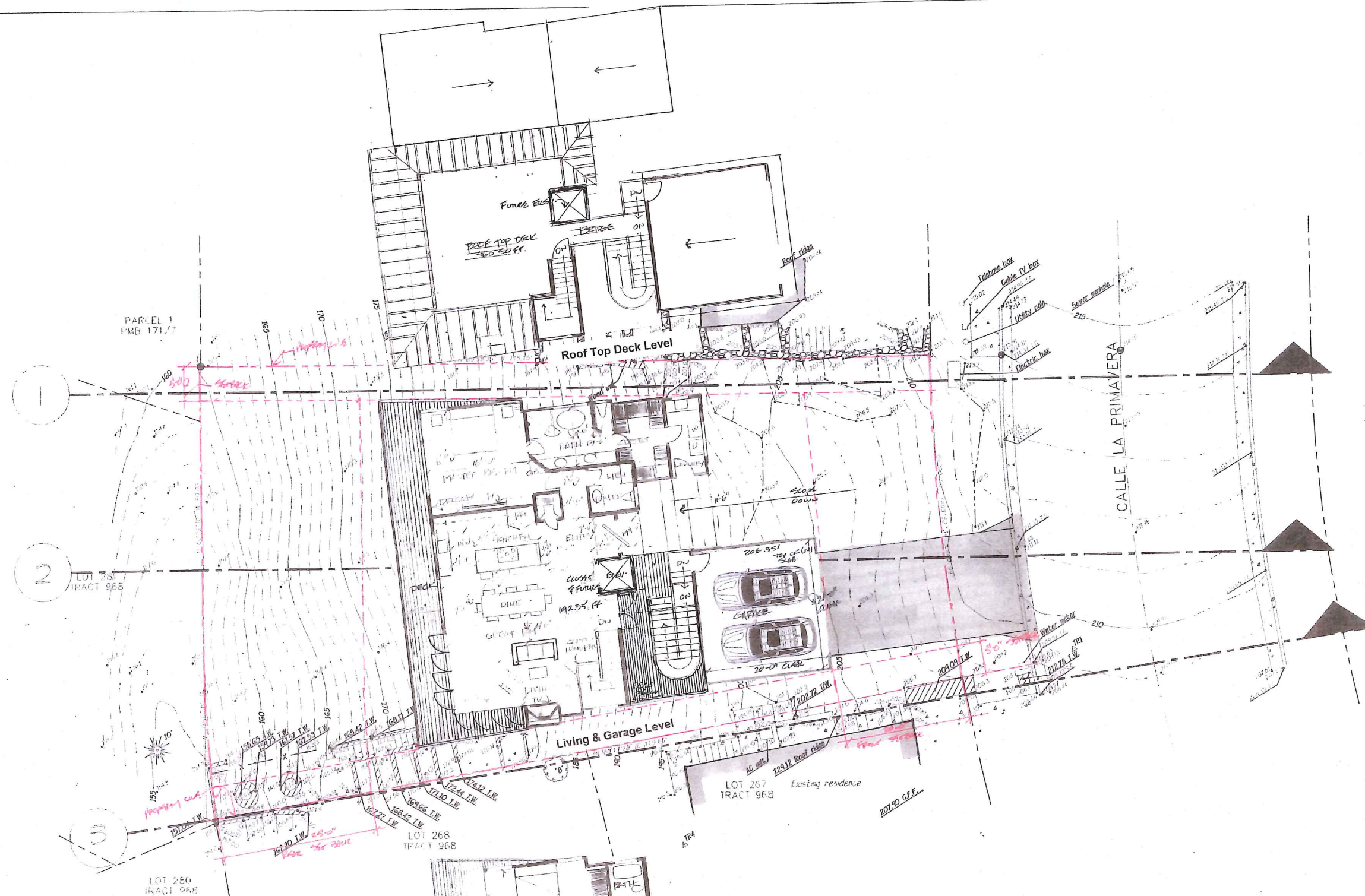
- Manufacture: Pac-Clad
- Class "A" Metal Roof
- Color: Gray or Midnight Bronze "Black"

| REV. | DESCRIPTION |
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| ARCHITECT: | J.F. CARLSON |
| CHECKED: | J.F. CARLSON |
| DRAWN: | CADLINKS |
| DATE: | 06-04-2019 |
| SCALE: | AS NOTED |
| JOB NO: | 18-012 |
| SHEET | |

Supporting Document 6: Design Alternatives

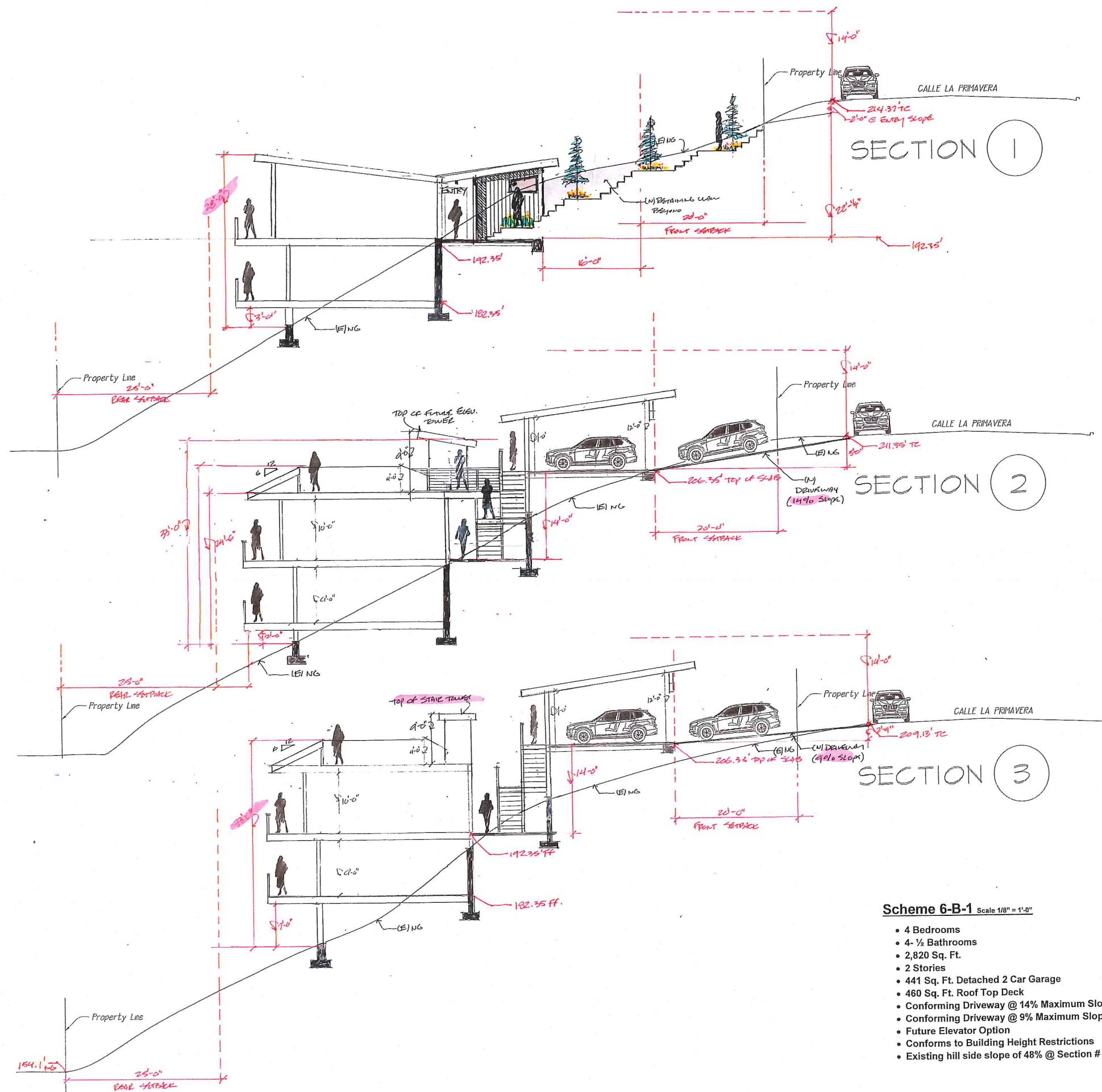
ATTACHMENT



Lower Bedroom's Level

Scheme 6-B-1 Scale 1/8" = 1'-0"

- 4 Bedrooms
- 4-1/2 Bathrooms
- 2,820 Sq. Ft.
- 2 Stories
- 441 Sq. Ft. Detached 2 Car Garage
- 460 Sq. Ft. Roof Top Deck
- Conforming Driveway @ 14% Maximum Slope @ section # 2
- Conforming Driveway @ 9% Maximum Slope @ section # 3
- Future Elevator Option
- Conforms to Building Height Restrictions
- Existing hill side slope of 48% @ Section # 3



| REV. | DESCRIPTION |
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| ARCHITECT: | JF. CARLSON |
| CHECKED: | JF. CARLSON |
| DRAWN: | CADLINKS |
| DATE: | 1-31-2019 |
| SCALE: | AS NOTED |
| JOB NO: | 18-012 |
| SHEET | |

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ARCHITECT: JF. CARLSON

CHECKED: JF. CARLSON

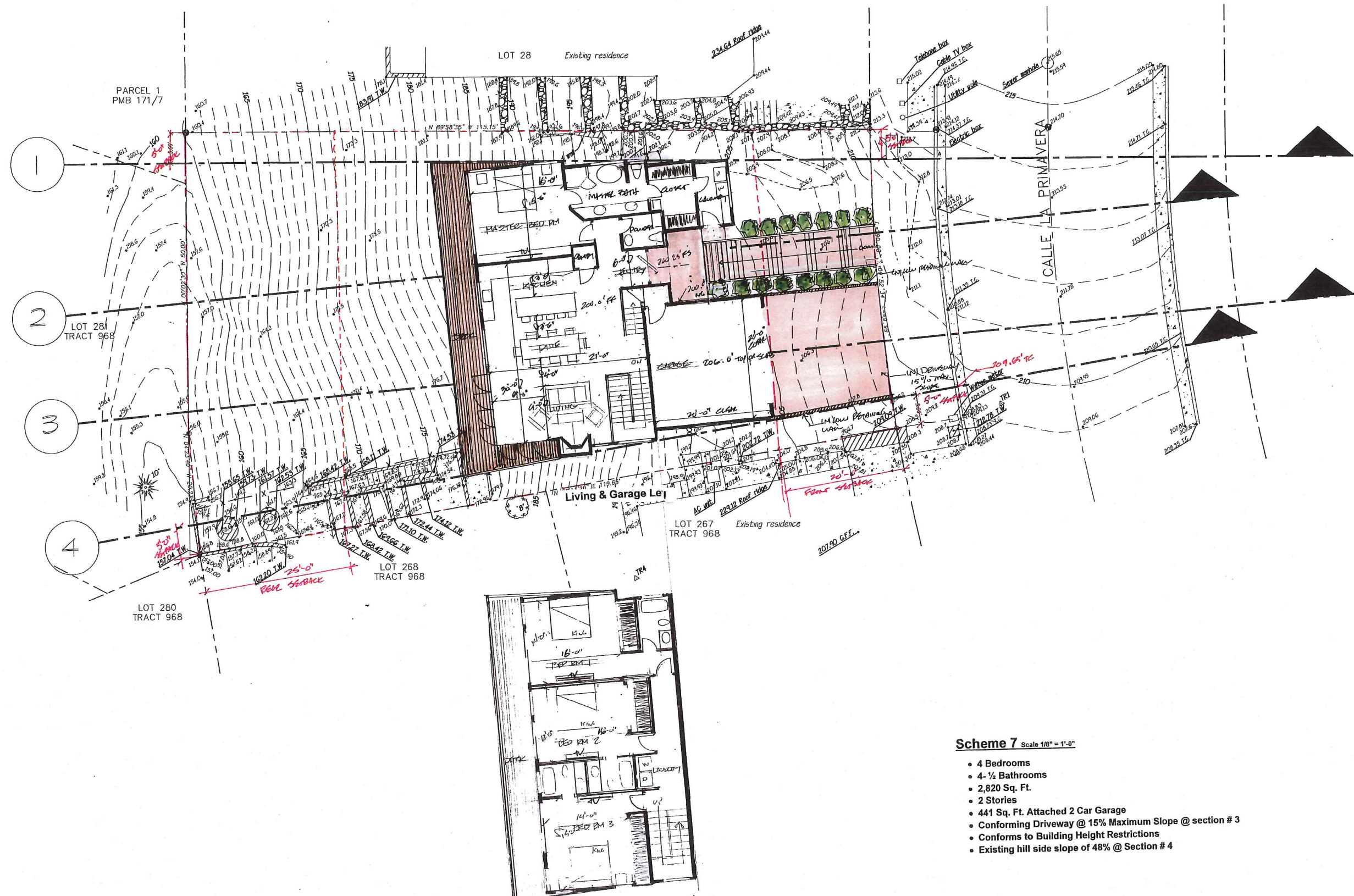
DRAWN: CADLINKS

DATE: 02-07-2019

SCALE: AS NOTED

JOB NO: 18-012

SHEET



Scheme 7 Scale 1/8" = 1'-0"

- 4 Bedrooms
- 4 1/2 Bathrooms
- 2,820 Sq. Ft.
- 2 Stories
- 441 Sq. Ft. Attached 2 Car Garage
- Conforming Driveway @ 15% Maximum Slope @ section # 3
- Conforms to Building Height Restrictions
- Existing hill side slope of 48% @ Section # 4

- 4 Bedrooms
- 4 - 1/2 Bathrooms
- 2,820 Sq. Ft.
- 2 Stories
- 441 Sq. Ft. Attached 2 Car Garage
- Conforming Driveway @ 15% Maximum Slope @ section # 3
- Conforms to Building Height Restrictions
- Existing hill side slope of 48% @ Section # 4