CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE: JANUARY 13, 2020

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

BRENDA WISNESKI. DIRECTOR OF COMMUNITY DEVELOPMENT

JOHN CIAMPA, SENIOR PLANNER

SUBJECT: TENTATIVE PARCEL MAP TPM18-0001, SITE DEVELOPMENT PERMIT

SDP16-0025, TO PERMIT THE CONSTRUCTION OF A THREE-STORY, DUPLEX CONDOMINIUM ON A HILLSIDE CONDITION LOT WITH A REQUEST TO WAIVE THE REQUIRED FIFTH PARKING SPACE, AND INCREASED HEIGHT RETAINING WALLS LOCATED WITHIN THE RESIDENTIAL MULTIPLE-FAMILY (RMF-14) ZONING DISTRICT AT

34072 COLEGIO DRIVE

DECOMMENDATION. That the Discovery Commission adout the attack of second discovery

RECOMMENDATION: That the Planning Commission adopt the attached resolution

approving Tentative Parcel Map and Site Development

Permit.

APPLICANT/OWNER: Khosroo Esfahani

<u>APPLICANT'S AGENT:</u> Khosroo Esfahani

REQUEST: Approval of a Tentative Parcel Map and Site Development

Permit to allow the construction of a three-story duplex condominium on a hillside condition lot with a request to waive the required fifth parking space and increase the retaining wall

heights.

LOCATION: 34072 Colegio Drive (APN: 682-292-09)

NOTICE: Notices of the Public Hearing were mailed to property owners

within a 500-foot radius on December 23, 2019, published within a newspaper of general circulation on January 3, 2020, and posted on December 23, 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: Pursuant to the California Environmental Quality Act (CEQA),

the project is Categorically Exempt per Section 15303 (Class 3 – New Construction or Conversion of Small Structures) in

that the Project proposes the construction of a duplex condominium on a vacant lot within an urbanized area.

<u>ISSUES</u>:

- 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 Tentative Parcel Map (TPM) and Site Development Permit (SDP).
- Project compatibility with and enhancement of the site and surrounding neighborhood.

BACKGROUND:

The subject property is a 6,712 square-foot undeveloped corner lot located in the Lantern District. The lot fronts both Colegio Drive and an alley located adjacent to Town Center. The topography of the area slopes south to north from Pacific Coast Highway to the residential lots on the inland side of the alley.

The neighborhood consists of two and three-story multi-family structures that were constructed as early as the 1950s and has resulted in varied architectural styles. The structures to the east (34071 Silver Lantern) and west (34081 Colegio Drive) were constructed in 2008 and 1975, respectively, and both are three stories on lots with similar topographical conditions.

The subject property is zoned "Residential Multi-Family 14" (RMF-14) and is located outside the City's Coastal Overlay District (the California Coastal Zone).

DISCUSSION:

The project proposes to construct a three-story duplex condominium with attached garages accessed off of Colegio Drive and the alley. The units have similar floor plans and would provide approximately 2,000 square feet of living area with a first level including the living/dining area, kitchen, bedroom, and a balcony. The second floor includes two bedrooms, master bedroom, and a balcony. The garage of Unit A is accessed off of Colegio Drive and is located on the flatter portion of the lot. Unit B's garage is accessed off of the alley at the steepest portion of the lot and is partially below grade, which results in the three-story design of the structure.

The architecture of the project is contemporary Spanish, with a façade surfaced in stucco, brick veneer, wood shutters, decorative tile accents, and a concrete tile roof. The project is designed with tower features, covered patios and decks to break of the massing and provide architectural interest.

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

Table 1: Compliance with RMF-14 Development Standards

Development Standard	Requirement	Proposed	Compliant with Standard
Density	2,600 SF/Unit	3,356 SF/Unit	Yes
Front Setback	20 feet minimum	20 feet	Yes
Side Setbacks			
Interior	5 feet minimum	5 feet	Yes
Exterior	10 feet minimum	14 feet	Yes
Rear Setback	15 feet	15 feet	Yes
Height	29 feet maximum* (Flat-3/12 roof pitch)	29 feet*	Yes
Architectural Projection	32 feet/ 5% of roof area	32 feet/ 4.2% of roof area	Yes
Lot Coverage	60% maximum	43%	Yes
Floor Area Ratio	75 Maximum	.67	Yes
Private Open Space	200 SF/DU	396+SF/DU	Yes
Common Open Space	2,013 sq. ft. (30%)	2,468 sq. ft (36.8%)	Yes
Parking Required	4 covered, 1 uncovered	4 covered, 0 uncovered**	No
Landscape	25%	29%	Yes

^{*}SDP is required to allow three-story flat-roofed structures (flat - 3/12 roof pitch) up to 29 feet

Site Development Permit

The project requires a Site Development Permit (SDP) to allow the structure to be three stories and up to 29 feet tall on a hillside condition lot, waive the fifth parking stall requirement for a duplex on a lot that is wider than 50 feet, and allow retaining walls over 30 inches in height. Below is the analysis for each of the requests for an SDP.

Hillside Condition / Three-Story Residential Design Requirements

Pursuant to Section 9.05.110(a)(4) of the Dana Point Zoning Code, the property qualifies as a "hillside condition" lot, possessing an average slope of 25 percent (minimum 20 percent). The hillside condition allows for a three-story design and a 29-foot height limit (for roofs with less than a 3/12 pitch), with the approval of a Site Development Permit. Specific hillside condition design requirements of the DPZC and the project's compliance

^{**}SDP is required to waive the required fifth parking stall for duplexes with lots that have a width of 50 feet or more.

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 slope of the lot is 25 percent to qualify as a hillside condition lot.

2. New dwellings proposing three-stories must provide additional setbacks at the second (five feet) and third level (10 feet) from the street level of the structure.

The proposed three-story segment of the structure is located along the alley frontage, and therefore, it is not subject to this provision for additional setbacks for the upper floors.

3. Residential structures having three (3) stories shall be limited to a maximum Floor Area Ratio (FAR) of .75, excluding garage area.

The project is in compliance with this provision with a proposed FAR of .67.

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 height of the structure is 14 feet above the upperelevation to comply with the height provision of this section.

5. Ther applicant shall demonstrate a reduction in grading as compared to standard two story design:

The project is designed with stepped retaining walls and a partially subterranean garage on the lower level for Unit B to reduce the grading for the project. Both the Planning and Public Works Divisions have reviewed the project and confirmed the design results in a reduction in grading.

6. Three story developments on hillside properties shall include story pole staking:

The Planning Division approved a staking plan, and the project was staked in accordance with the approved plan. A certification of compliance was completed on December 20, 2019, and is provided as Supporting Document 5.

Increase Retaining Wall Heights

Per Section 9.05.120(d)(2), retaining walls that exceed 30 inches in height require the

approval of a Site Development Permit. The subject property's 25 percent slope results in a request for the retaining walls over 30 inches tall along the side and rear property lines to mitigate the topographical conditions and provide access to the proposed structure. To create a flat buildable pad for the duplex, a 6-foot 8-inch retaining wall is proposed along the north property line and a four-foot retaining wall along the east property line to retain the neighboring properties. The site's topography and the project's partial subterranean garage requires retaining walls to provide pedestrian and vehicle access from the alley to Unit B. The retaining walls for the pedestrian access adjacent to the driveway would result in a stepped retaining walls that would be up to nine feet in height. The request to increase the height of the retaining walls is in character with the neighborhood as the adjacent property to the east has similar topography conditions with retaining walls of similar heights.

Waive Required Fifth Parking Stall

Per Section 9.35.080(E), duplexes on lots wider than 50 feet are required to provide two covered parking spaces per dwelling unit plus one additional parking stall; however, a waiver can be obtained to eliminate the requirement for the additional parking stall, with the approval of an SDP(M). The waiver is available because DPZC acknowledges that many sites have unique topography and configurations that limit the ability to provide an additional parking space. The parking waiver is requested for the following reasons: 1) an additional parking space along Colegio Drive would require a wider curb cut which would eliminate on-street parking for the neighborhood, and 2) the project design creates two, two-car garages, with 20 foot long driveways to provide sufficient parking on-site, and 3) design alternatives for the guest parking space were evaluated and it was determined the options would result in an inferior project design that would either eliminate street parking, reduce habitable area for one of the units, or reduce the landscaping for the site. The request is consistent with the neighborhood as the adjacent property to the east is also a corner lot with similar topographical conditions and it does not provide a fifth parking space.

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

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

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

Tentative Parcel Map

Per the Subdivision Map Act, a Tentative Parcel Map is required to legally subdivide the lot to allow the individual sale of the two proposed condominiums. Per Section 7.02.110 of the Dana Point Municipal Code (DPMC), the project must comply with all of the applicable development standards to permit condominiums. As identified in Table 1, the project complies with all of the density, lot coverage, FAR, height, and open space requirements for the RMF-14 zoning district, with the exception of the SDP entitlement request to waive the required fifth parking stall and increase retaining wall heights.

As with all parcel maps proposing condominiums, the owner/developer submits a condominium plan and documents establishing a homeowner's association when submitting the parcel map for review by the City prior to the Final Map's recordation. The condominium plan and the documents (referred to as Covenants, Conditions & Restrictions - CC&R's), define the airspace controlled by each residential unit and outline the maintenance standards and responsibilities of individual, common, and association interest areas, retaining walls, and parking. Conditions of approval are included in the resolution requiring the review of the condominium plan and CC&R's to ensure the responsibilities for common areas are clearly defined and required as conditioned in the attached draft resolution.

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

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

likely to cause serious public health problems;

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

The recommended findings for approval of the TPM are outlined in the draft Resolution No. 20-01-13-XX, attached to this report as Action Document 1.

CORRESPONDENCE:

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

CONCLUSION:

Staff finds that the subject project is consistent with the policies and provisions of the City of Dana Point General Plan and Zoning Ordinance. Staff recommends the Planning Commission adopt the attached draft resolution, approving TPM18-0001 and SDP16-0025 subject to findings and conditions of approval.

John Ciampa

Senior Planner

Brenda Wisneski, Director of Community Development

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 20-01-13-xx

Supporting Documents

- 2. Vicinity Map
- 3. Site Photos
- 4. Neighborhood Photos
- 5. Story Pole Staking Certification
- 6. Renderings of Project
- 7. Project Plans

Action Document 1: Draft Planning Commission Resolution No. 20-01-13-XX

RESOLUTION NO. 20-01-13-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM18-0001 AND SITE DEVELOPMENT PERMIT SDP16-0025 TO PERMIT THE CONSTRUCTION OF A THREE-STORY DUPLEX CONDOMINIUM ON A HILLSIDE CONDITION LOT WITH A REQUEST TO WAIVE THE REQUIRED FIFTH PARKING SPACE AND RETAINING WALL WITH INCREASED HEIGHT LOCATED WITHIN THE RESIDENTIAL MULTIPLE-FAMILY (RMF-14) ZONING DISTRICT AT 34072 COLEGIO DRIVE

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

WHEREAS, Khosroo Esfahani ("Applicant") is the owner of real property commonly referred to as 34072 Colegio Drive (APN:682-292-09) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Tentative Parcel Map and Site Development Permit to construct of a three-story, duplex condominium on a hillside condition lot with a request to wave the required fifth parking space and retaining walls with increased height at the Property; and

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Project is Categorically Exempt per Section 15303 (Class 3 - New Construction or Conversion of Small Structures) in that the Project proposes the construction of a three-story duplex; and

WHEREAS, the Planning Commission did, on the 13th day of January, 2020, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Tentative Parcel Map TPM18-0001 and Site Development Permit SDP16-0025.

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

- A. The above recitations are true and correct and incorporated herein by this reference.
- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Tentative Parcel

Map TPM18-0001 and Site Development Permit SDP16-0025, subject to conditions:

Findings:

Tentative Parcel Map TPM18-0001

- That the proposed map is consistent with the City's General Plan in that, it satisfies the intent of the Land Use Element Goal 1 pertaining to balanced development for the City, which states, "Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents."
- 2. That the design and improvement of the proposed subdivision is consistent with the City's General Plan in that, the project's proposed density and design conforms to the applicable City standards and policies related to residential development for the General Plan Land Use Designation "Residential 7-14 DU/AC", and the proposed project will provide individual and common interest and responsibility areas as further articulated in the Conditions, Covenants, and Restrictions (CCR's), and final condominium map required as conditioned in this Resolution.
- 3. That the site is physically suitable for the proposed type of development in that, the property is of reasonable shape, size, and topography to accommodate a residential condominium subdivision for the two (2) dwelling units, two (2) garages, and retaining walls.
- 4. That the requirements of the California Environmental Quality Act have been satisfied in that, the project qualifies as a Class 3 (Section 15303) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the development of a duplex condominium.
- 5. That the site is physically suitable for the proposed density of development in that, the project complies with all of the applicable development standards, with the exception of the waiver of the fifth parking space and increased retaining wall heights. The site is large enough to accommodate the proposed density and land area requirements for the two (2)

dwelling units, two (2) garages, and retaining walls proposed for development on the site.

- 6. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife habitat in that, the subdivision is located within an urbanized area within the Lantern Village community of the City and on a site proposed for development and does not contain special status habitat.
- 7. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems in that, the proposed development and condominium subdivision conform to their requisite development standards and subdivision code requirements, respectively. Additionally, best management practices (BMP's) will be implemented before, during and after construction activities take place. Therefore, the design of the subdivision and proposed improvements are not likely to cause serious public health problems.
- 8. That the design of the subdivision and the proposed improvements will not conflict with easements of record or established by court judgment or acquired by the public at large for access through or use of property within the proposed subdivision in that, through the review of the application the project is not located or in conflict with any easements of record.
- 9. That the design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations in that, the subdivision creates individual ownership opportunities for the two-unit development, which is designed in conformance with the RMF-14 Zoning District standards.
- 10. That the subdivision is not located in a fee area, or if located in a fee area, the subdivider has met the requirements or payment of the applicable fees or the subdivision would not allow development of a project which would contribute to the need for the facility for which a fee is required in that, all applicable fees will be collected prior to issuance of construction permits for

the project or will be collected prior to issuance of a certificate of occupancy for any of the units, and the creation of the condominium subdivision will not create the need for additional public facilities.

11. That the subdivision is located in an area which has access to adequate utilities and public services to support the development proposed within the subdivision or that the subdivision includes the provisions and improvements necessary to ensure availability of such utilities and services in that, public utilities and services are currently provided to adjacent improved properties and the applicant shall furnish a "Will Serve" letter from each of the requisite utility and public service companies prior to building permit issuance.

Site Development Permit 16-0025

- 1. That the site design is in compliance with the development standards of the Dana Point Zoning Code in that, the subject Project complies with all of the applicable development standards and the criteria to allow a three-story structure in the RMF-14 zoning district, with the exception of the waiver for the requirement for the fifth parking space and the increase in the retaining wall heights because of the unique topography of the site. The development complies with the density requirements of the RMF-14 zoning district and the 29-foot height requirement for a hillside condition lot.
- That the site is suitable for the proposed use and development in that, the proposed duplex condominium complies with the minimum lot area requirements of one unit per 2,600 square feet of lot area given the property is 6,712 square feet and has sufficient area to accommodate the duplex. The RMF-14 zone allows for a duplex residential use on the subject property. The units comply with the allowed setbacks, lot coverage, common/private open space, and landscape standards for the RMF-14 zoning district. The size and scale of the three-story duplex with the increased retaining walls and waiver of the required fifth parking space is consistent and compatible with the neighborhood. The hillside condition of the lot and the design of the project complies with the requirements identified in Section 9.05.110(a)(4) of the DPZC. The increased height of the retaining walls is necessary because of the topography of the site, to retain

the adjacent properties, and to provide vehicle and pedestrian access off the alley for unit B. The waiver of the fifth parking space is necessary because the topography of the lot and its location on the corner of Colegio and an alley creates a challenging condition to place the fifth parking space.

- 3. That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines in that, the contemporary spanish 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 the Design Guideline requirement with the incorporation of a covered patio, second and third-floor decks and wall plane breaks to reduce the massing of the structure.
- 4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style in that, the project is a contemporary spanish design that is consistent with the mix of architectural styles and size of development in the neighborhood. The three-story design of the project complies with the density and setback requirements of the Zoning Ordinance and General Plan. The covered patio, second and third-floor decks, and wall plane breaks contribute to the design of the project without impacting the privacy of the adjacent properties. The increased wall heights will address the steep topography of the site and retain the adjacent properties. The waiver of the fifth parking space is justified because of the lot's topography and its location on the corner of Colegio and an alley makes it difficult to place a fifth parking space without impacting the design of the project or street parking.

Conditions:

A. General:

 Approval of this application permits the construction of a new, threestory duplex condominium on a hillside condition lot with attached garages, uncovered parking, and increased retaining wall heights (pursuant to submitted plans on file) at 34072 Colegio Drive.

Subsequent submittals for this Project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan and Zoning Code.

- This conditionally approved tentative map shall expire two (2) years
 after its conditional approval unless the Applicant/subdivider
 requests an extension in writing prior to the expiration date, and the
 Subdivision Committee/Planning Commission grants the extension
 request in accordance with all provisions outlined in Subdivision
 Code Section 7.05.075.
- Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.
- 4. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, the Director may approve the amendment without requiring a new public hearing.
- Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
- 6. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses

incurred concerning the claim, action, or proceeding.

- 7. The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its offers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.
- 8. The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.
- 9. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
- 10. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
- 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 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 project shall meet all water quality requirements.
- 13. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
- 14. All proposed utilities within the project shall be installed underground. An approved SDG&E work order and undergrounding plan is required prior to building permit issuance.

- 15. The applicant shall obtain all applicable permits for the proposed improvements, including any that may be required from outside agencies.
- 16. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.
- 17. Prior to any submittal to the City of Dana Point, an address assignment shall be submitted to the Public Works Department for the addresses of the proposed development units.
- 18. All work within the City right of way on Colegio or San Marino Place shall require a separate encroachment permit prior to work. The applicant or construction process shall not block or impact San Marino without an encroachment permit.
- 19. This resolution shall be copied in its entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Dana Point Building/Safety Division for plan check.

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

- 20. A Final Map shall be submitted for review and approval in accordance with requirements of the Public Works Department and Community Development Department. The final map must be in substantial compliance with Tentative Parcel Map, as determined by the Director of Community Development and the Director of Public Works/City Engineer. Said map shall be prepared as required by the City of Dana Point Subdivision Code.
- 21. All taxes and fees shall be paid to the County of Orange and the County Treasurer-Tax Collector's Certificate shall be signed.
- 22. All existing and proposed easements shall be shown and labeled on the Final Map clearly indicating the easement ownership, location, purpose and width. A copy of the recorded easements shall be included along with the plan submittal for review by the City Engineer. The Final Map shall also include a note to identify any easements proposed to be vacated with the Map.

- Utility easements shall be provided to the specifications of the appropriate utility companies and subject to review and approval by the Director of Public Works.
- 24. The applicant shall submit the Final Map to the County of Orange for review and approval. A copy of the approval shall be submitted to the Public Works Department.
- 25. The Final Map shall clearly state the subdivision is for condominium purposes.
- 26. Applicant shall provide to the City a copy of a current title report not less than six months old and any other survey documentation in relation to the subject subdivision.
- 27. The applicant shall submit a copy of the proposed CC&Rs and Articles of Incorporation of the Owners' Association for review and approval by the Directors of Public Works/City Engineer and Community Development, and the City Attorney. The CC&Rs shall be recorded with the Final Map and shall include:
 - a. A statement that prohibits amendment of the document without review and approval by the City Attorney, the Director of Public Works and Community Development at any time prior to or preceding recordation of the Final Parcel Map.
 - b. A method to ensure resolution of any disputes regarding maintenance of any commonly held portions of the lot, any common walls, or disputes regarding the maintenance of the proposed duplex shall be included in CC&R's.
 - c. Reflect common access easements, and maintenance responsibility of all recreation areas, common walls, access ways, parking areas, landscaping and grounds by the parties common to the CC&Rs.
 - d. An acceptable means for maintaining the easements within the subdivision and to distribute the cost of such maintenance in an equitable manner among the owners of the units within the subdivision.
 - e. Require a private drainage easement and maintenance agreement for all existing and proposed storm drain facilities and appurtenant structures. Said easement and agreements shall address existing drainage conditions and easement documents.

- f. Provisions which prohibit any obstructions within any fire protection access and shall also require approval of the Fire Chief for any modifications; such as control gates, or changes in parking plans.
- g. Clearly assign maintenance responsibility of the Homeowners' Association for landscaping, irrigation and other improvements installed on City property for the benefit of the Project.
- h. Implement and Maintain all structural and non-structural improvements and Best Management Practices (BMPs).
- 28. The applicant shall be responsible for the payment of any City fees related to the review and approval of CC&Rs for the condominiums.
- 29. The applicant shall submit evidence of the availability of an adequate water supply for fire protection for review and approval by the Fire Chief. A copy of the documentation shall be submitted to the Public Works and Engineering Department.
- 30. The applicant shall submit "will serve" letters from the applicable water and sewer districts.
- 31. The approved Fire Master Plan shall be submitted to the City of Dana Point Public Works Department.
- 32. Prior to the recordation of a subdivision map, a note shall be placed on the map stating that all residential structures shall be protected by an approved automatic fire sprinkler system.
- All monuments shall be set, or a security provided, to ensure all monuments will be set in accordance with the County of Orange and City of Dana Point standards.
- 34. The applicant/owner shall submit a preliminary Condominium Map to the Public Works Department and Community Development Department for review and approval prior to Parcel Map recordation.

C. Prior to Issuance of a Grading Permit:

35. 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.

- 36. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.
- 37. The applicant shall submit an application for shoring and/or retaining walls as needed, to the Building Department. In the event shoring and/or retaining walls are required a separate permit submittal shall be made to the Building Department for review and approval. All shoring and/or retaining wall permits required to establish graded pads shall be issued concurrently with the grading permit.
- 38. The applicant shall be responsible for coordination with directly with SDG&E, AT&T California and Cox Communication Services for all work in the vicinity of the existing joint pole. Approval of all construction and grading methods shall be approved by the pole owner prior to the issuance of a grading permit.
- 39. 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.
- 40. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
- 41. All improvements to Colegio and San Marino shall be per City Engineer approval. Any damage to Colegio or San Marino improvements during the construction of the development shall be repaired to the approval of the City Engineer. This may include resurfacing of all damaged concrete on San Marino or asphalt on Colegio.
- 42. 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 and/or retaining wall activities to ensure completion of grading activities and protection of adjoining improvements.

D. Prior to Issuance of a Building Permit:

- 43. The Parcel Map shall be recorded prior to the issuance of a Building Permit for condominium construction. The applicant shall submit, to the Public Works and Engineering Department, a copy of the recorded Final Map as approved by the City and recorded with the Office of the County Recorder.
- 44. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
- 45. 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 (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.
- 46. The applicant shall submit a rough grade certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (the City's standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.
- 47. 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.

- 48. In the event shoring is required the as-graded geotechnical report shall include all shoring activities. The report shall state that shoring activities of the site, are completed in conformance with the recommendations of the preliminary geotechnical report.
- 49. The private fire and protection system shall be provided and shown on plans submitted to SCWD and OCFA. The Point of Connection of the private fire protection system to the public water system shall be determined by SCWD. The fire service connection shall be designed and installed in accordance with the SCWD standards and approved aboveground backflow prevention assembly shall be installed.
- 50. The reduced pressure principle type backflow prevention devices shall be installed on every domestic water and irrigation service, in accordance with SCWD.
- 51. All backflow equipment shall be privately owned and located above ground outside of the street right-of-way on private property in a manner fully screened from all public streets and alleys. Said information shall be specifically shown on pans and approved by SCWD. The property owner shall be responsible for all annual testing, ongoing maintenance and repairs for all backflow equipment.
- 52. All requests for new water services, sanitary sewer connections, backflow equipment, or fire lines, as well as any modifications, relocations, or abandonments of existing water services, sanitary sewer connections, backflow equipment, and fire lines, shall be coordinated and permitted through SCWD.
- 53. The landscape irrigation system shall be designed to be recycled water ready. The applicant shall contact SCWD for recycled water system requirements and specific water conservation measures to be incorporated into the landscape irrigation plans.
- 54. Minimum roofing classification must be Class "A"
- 55. Plans must include occupant load analysis and provide an exit plan to show a clear and dimensioned Means of Egress system that provides a continuous, unobstructed exit from any occupied point in the building to a public way.
- 56. Plans must clearly identify the location of Fire Areas, Fire Walls, Fire

Barriers, Fire Partitions, and all Occupancy separations. Provide complete legends and details on the plans.

- 57. Plans shall show compliance and indicate method of verification of compliance with all CALGreen requirements. Third party or other methods shall demonstrate satisfactory conformance with mandatory measures.
- 58. In Group R occupancies (2 units or more) wall and floor-ceiling assemblies separating dwellings units or guest rooms for each other and form public space such as interior corridors and service areas shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblines.
- 59. Approvals are required from;
 - Planning Division
 - Public Works
 - OCFA
 - SCWD
 - SDG&E service work order for proposed service location

E. Prior to Issuance of a Certificate of Occupancy:

- 60. Prior to Certificate of Occupancy or the sale of any condominium unit, the project CC&Rs as approved by the City of Dana Point shall be recorded with the Office of the County Recorder.
- A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
- 62. 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.
- 63. 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.
- An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.

- 65. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
- 66. Prior to commencement of framing, the Applicant shall submit a foundation certification, by survey that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines included as part of TPM18-0001 and SDP16-0025. The City's standard "Setback Verification Certification" form shall be obtained at time of permit issuance, prepared by a licensed civil engineer/surveyor and delivered to the City of Dana Point Building and Planning Divisions for review and approval.
- 67. Prior to release of the roof sheathing inspection, the Applicant shall certify by a survey or other appropriate method that the height of the structure is in compliance with plans approved by the Planning Commission and the structure heights included as part of TPM18-0001 and SDP16-0025. The City's standard "Height Certification" form shall be obtained from the Project Planner at time of permit issuance, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted. A Final Geotechnical Report shall be prepared by the Project Geotechnical Consultant in accordance with the City's Grading Manual.
- 68. All Project landscaping within the subject property's front yard shall be installed (in accordance with the project's approved landscaping plan) prior to the scheduling of a final inspection by the Planning Division.
- 69. The Applicant shall schedule a final inspection with the Community Development Department (Planning, Building/Safety and Public Works/Engineering) at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding Project conditions of approval.

PLANNING COMMISSION RESOLUTION NO. 20-01-13-xx
FPM18-0001, SDP16-0026
PAGE 16

170110		otuning of	
PASSED, Commission of t following vote, to	, APPROVED, AND ADOPT the City of Dana Point, CA, he o wit:	ED at a regular m ld on this 13 th day o	eeting of the Planning f January, 2020, by the
AY	'ES:		
NC	DES:		
AB	SSENT:		
АВ	BSTAIN:		
	<		
			Roy Dohner, Chair Planning Commission
ATTEST:			
Brenda Wisnesk Community Dev			

Supporting Document 2:

Vicinity Map



Vicinity Map

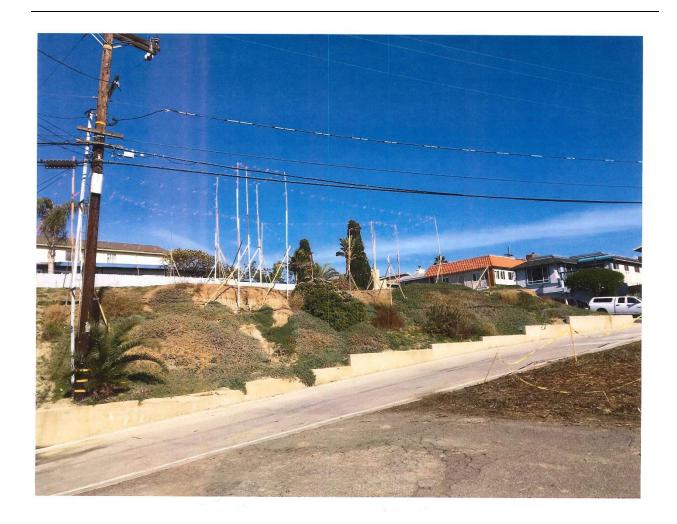
34072 Colegio Drive TPM18-0001 and SDP16-0025

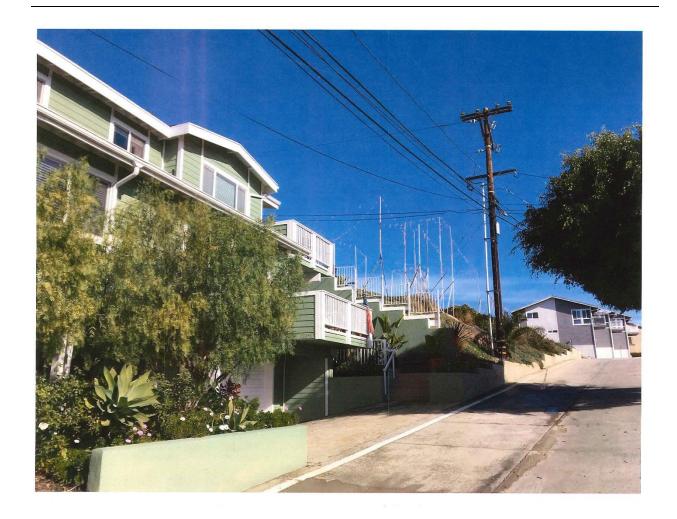


Supporting Document 3: Site Photos



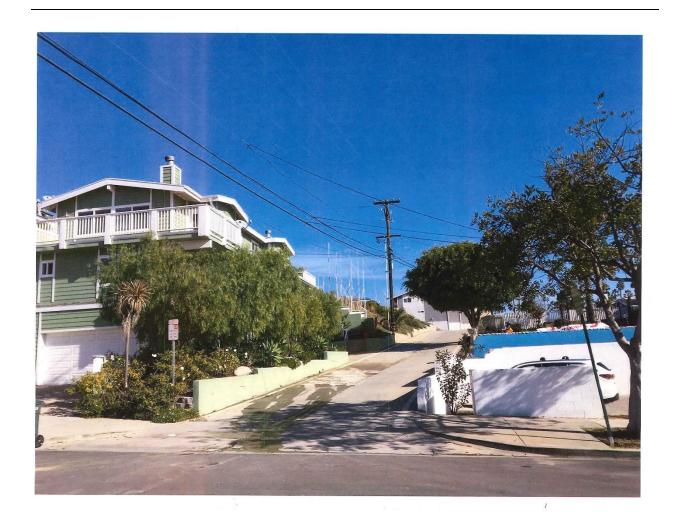


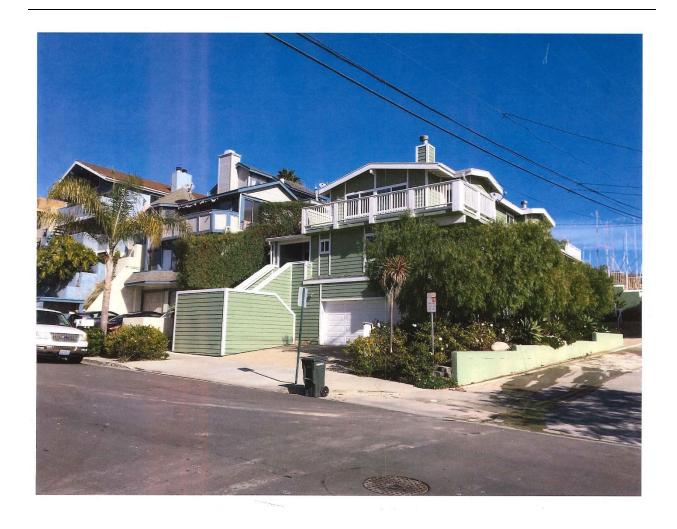




Supporting Document 4: Neighborhood Photos



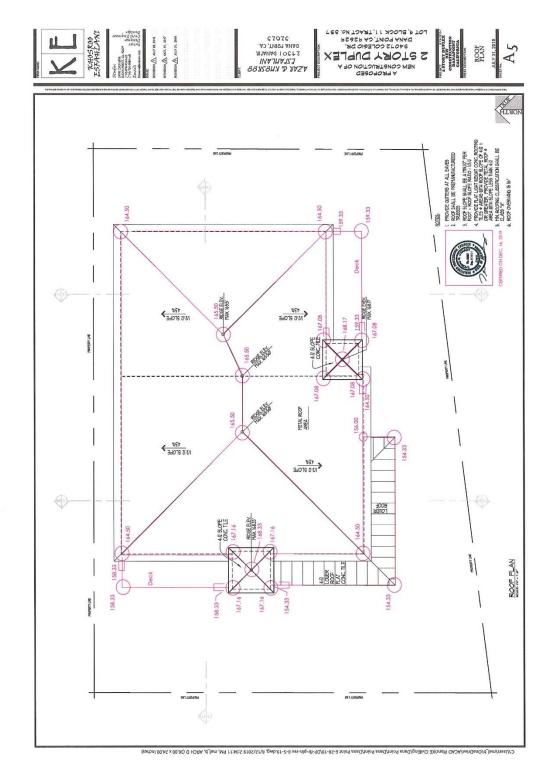








Supporting Document 5: Story Pole Staking Certification



Supporting Document 6:

Renderings of Project





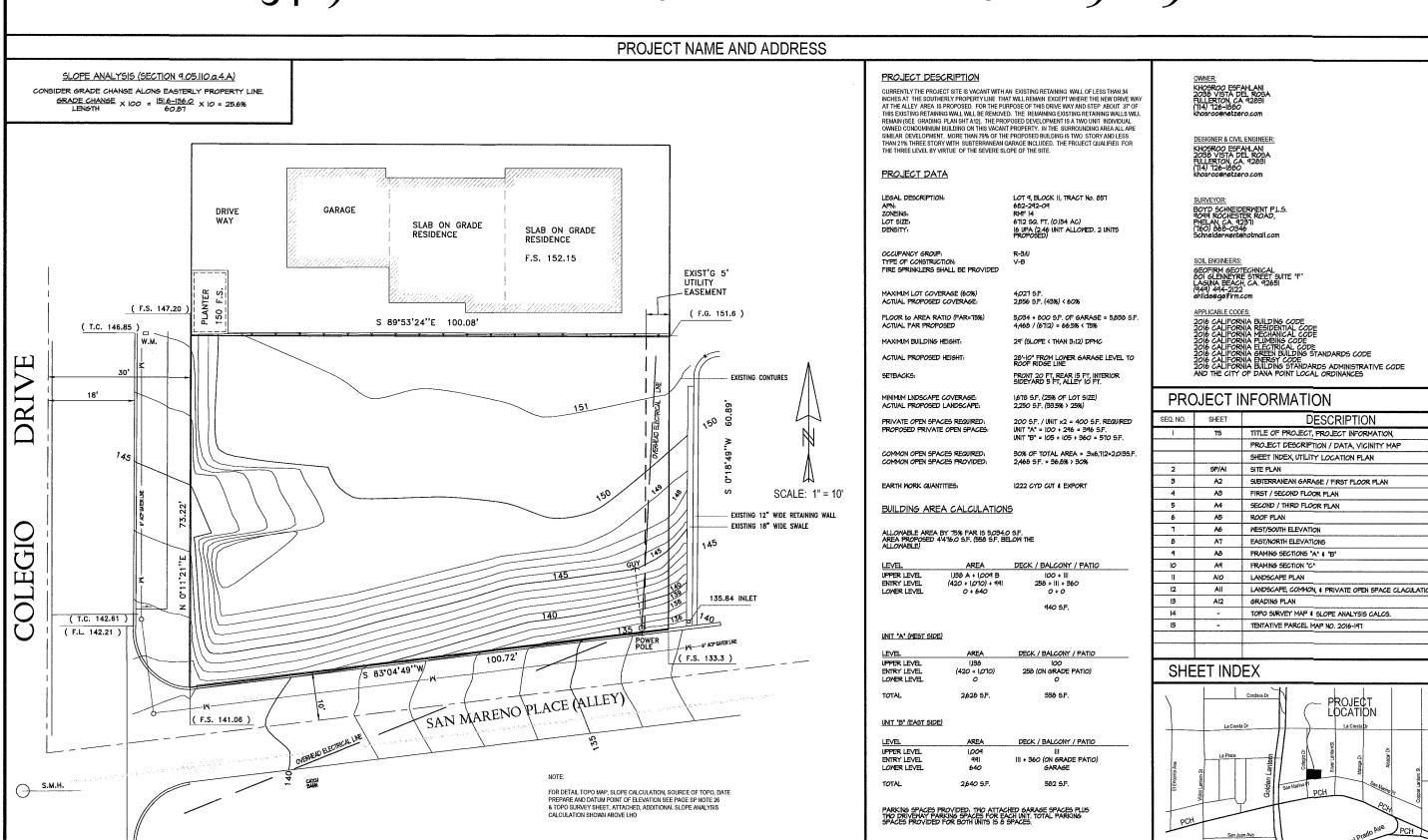
Planning Commission Agenda Report TPM18-0001, SDP16-0025 January 13, 2020 Page 37

Supporting Document 6: Project Plans

ATTACHMENT

DANA CASA VIII.AS

A PROPOSED 3 STORY DUPLEX 34072 COLEGIO DR, DANA POINT, CA 92629

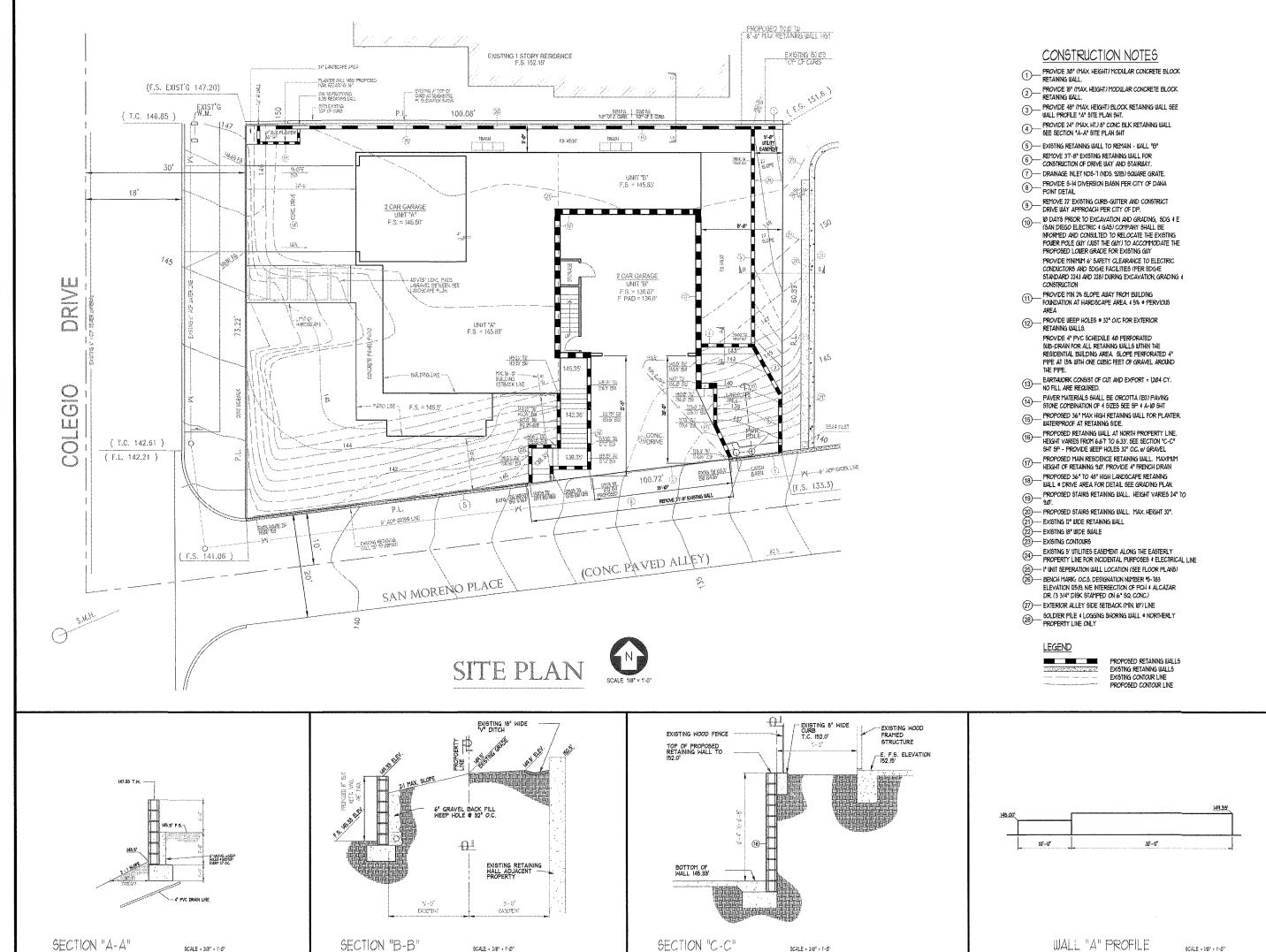


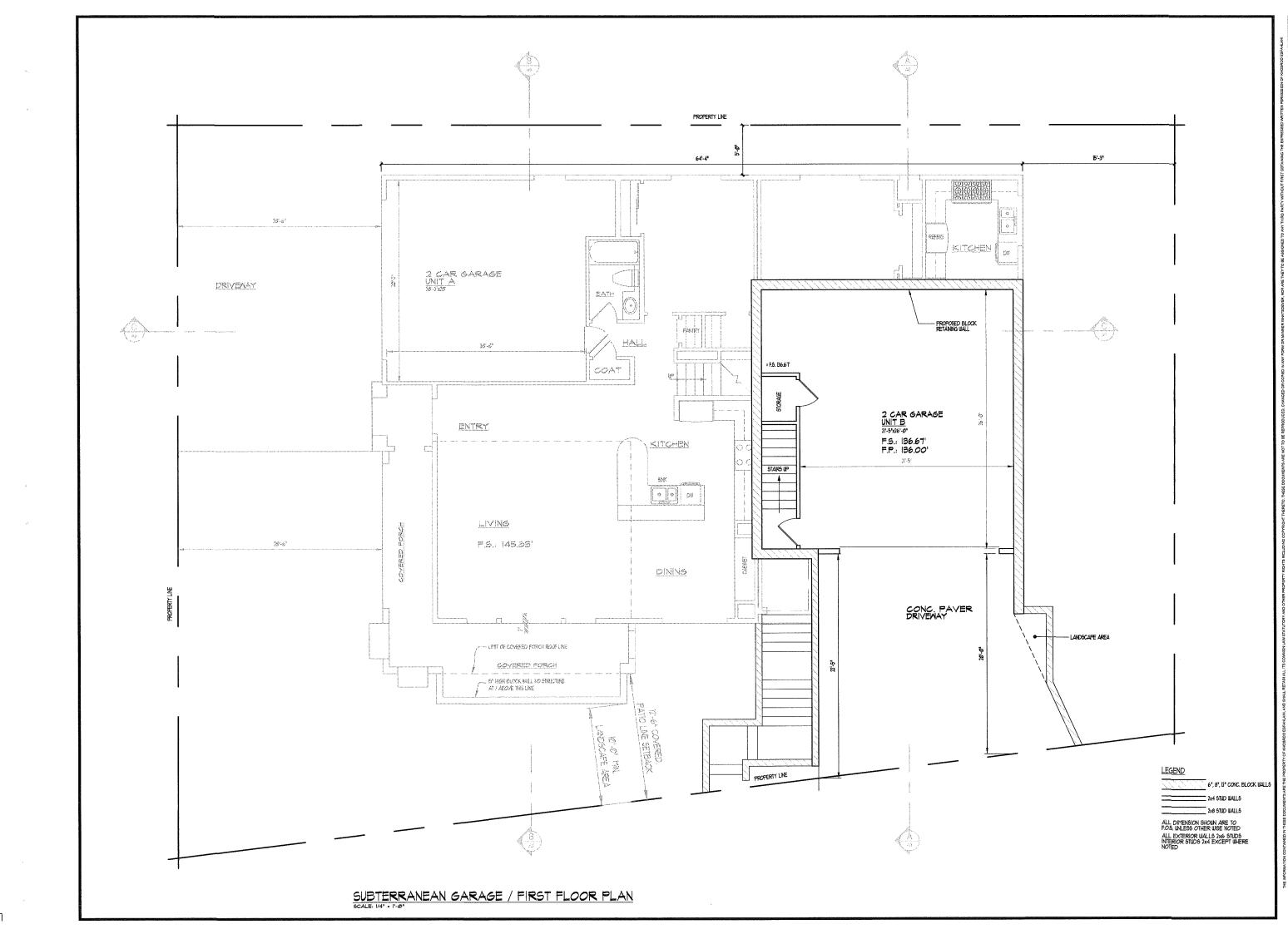
TOPOGRAPHIC SURVEY & UTILITY LOCATIONS PLAN

PROJECT LOCATION

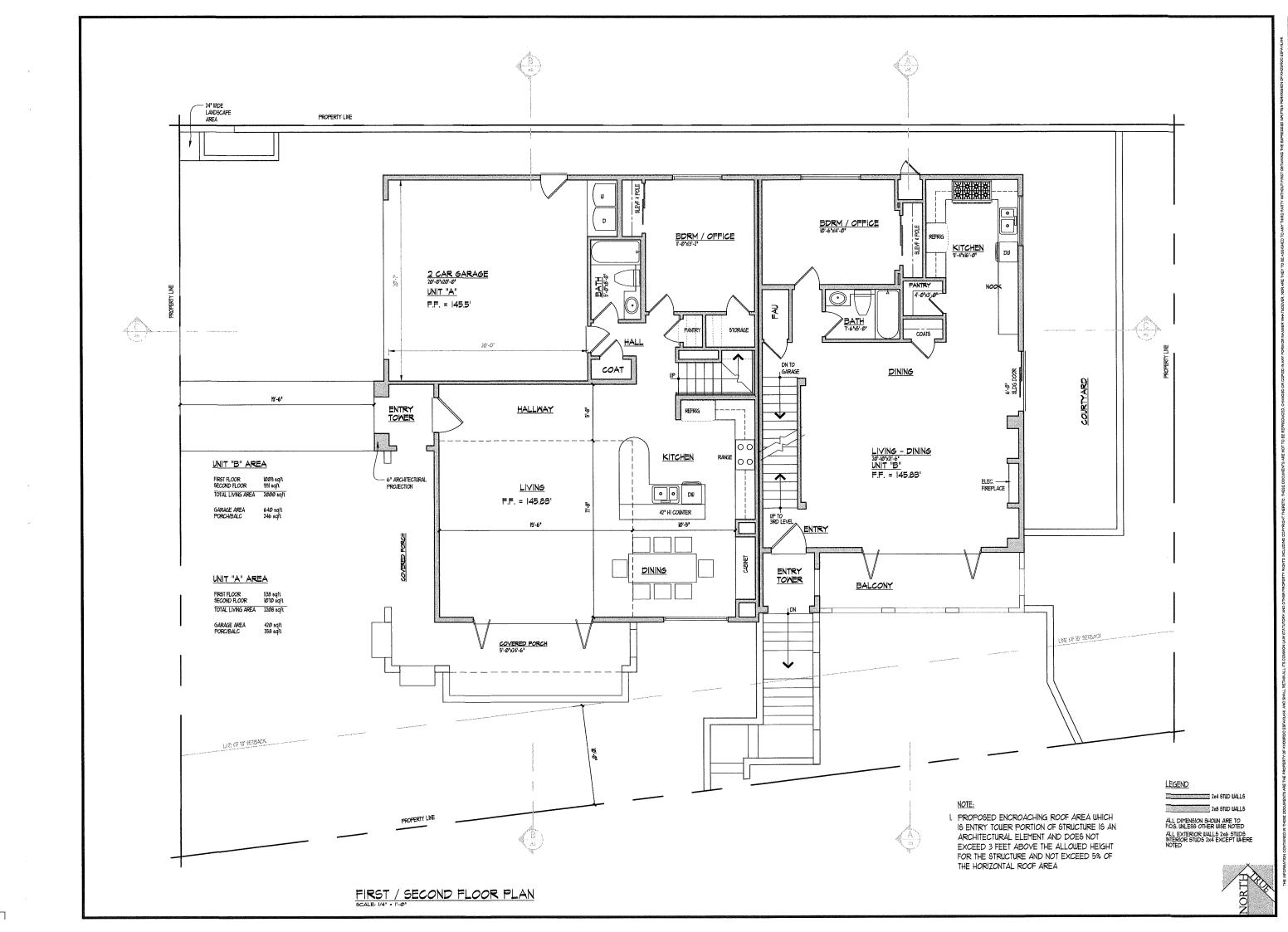
VICINITY MAP

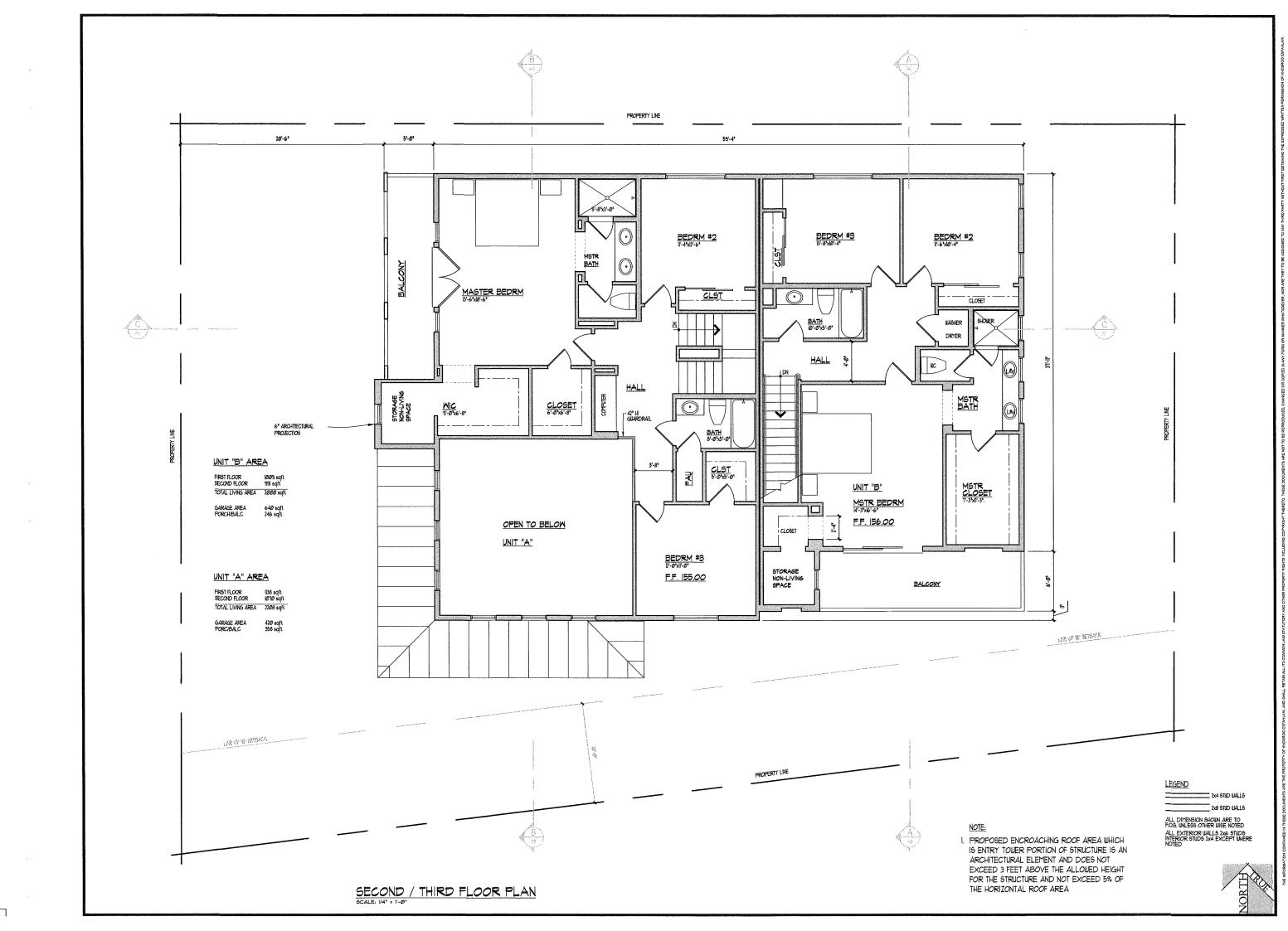
PROJECT DESCRIPTION / DATA

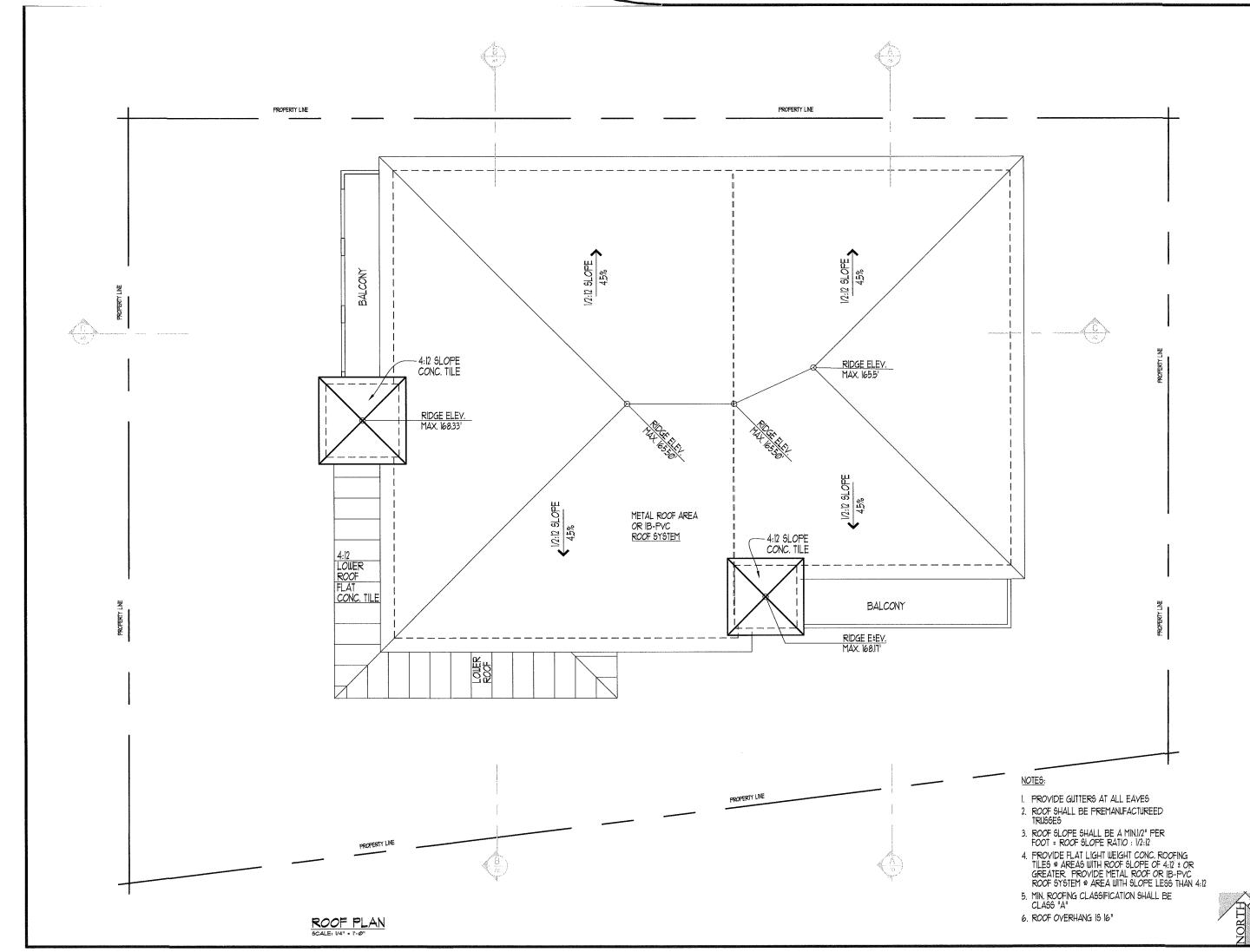




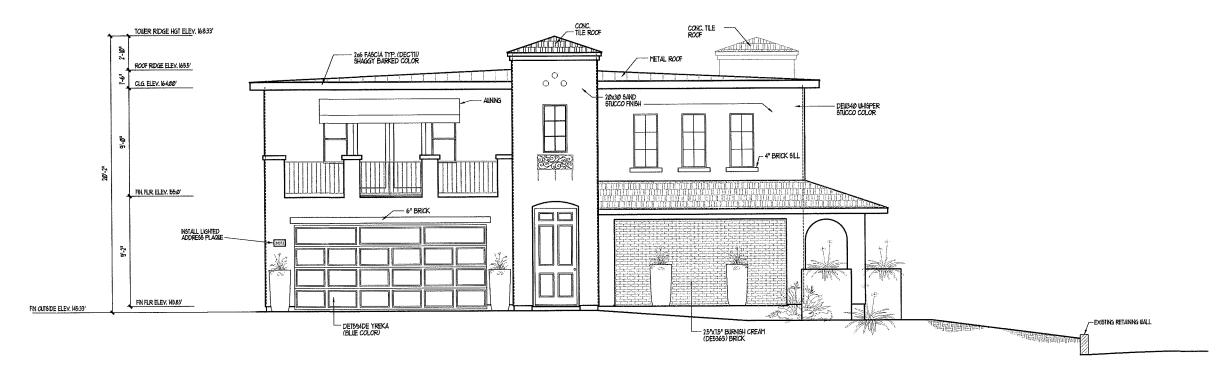
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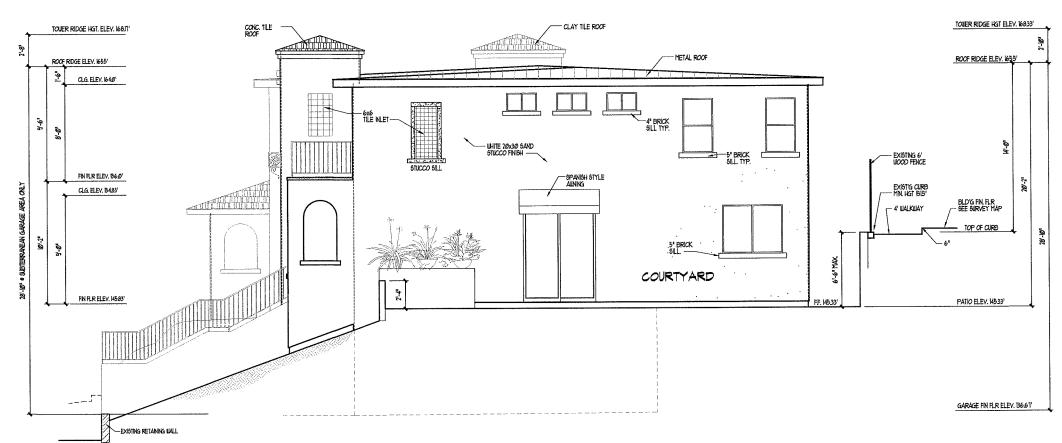
NORTH



MEST (COLEGIO DRIVE) ELEVATION



NORTH ELEVATION SCALE: 1/4" = 1'-@"

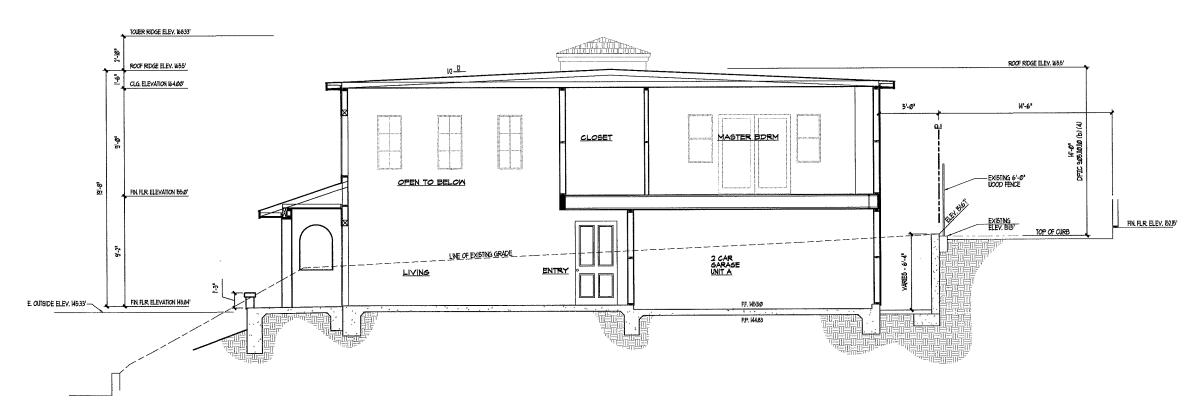


EAST ELEVATION SCALE: 1/4" = 1'-0"

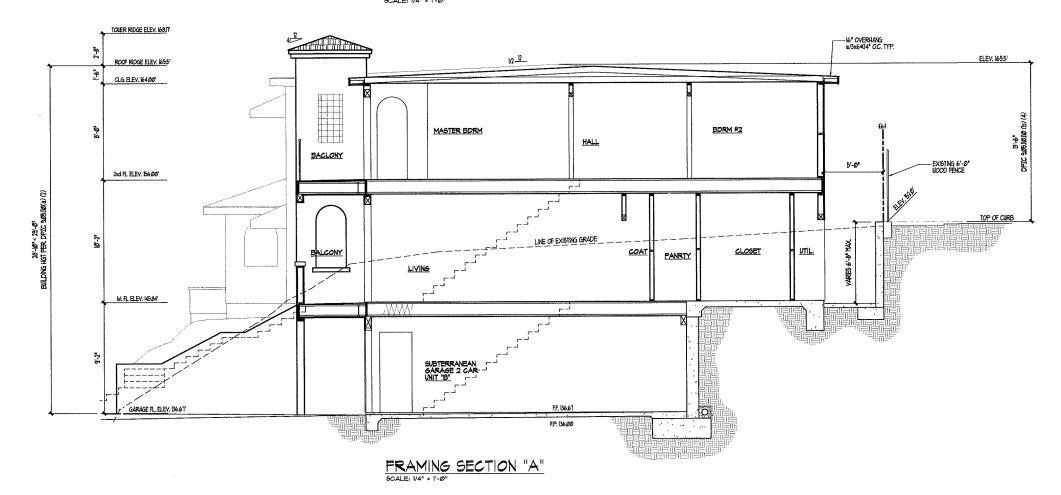
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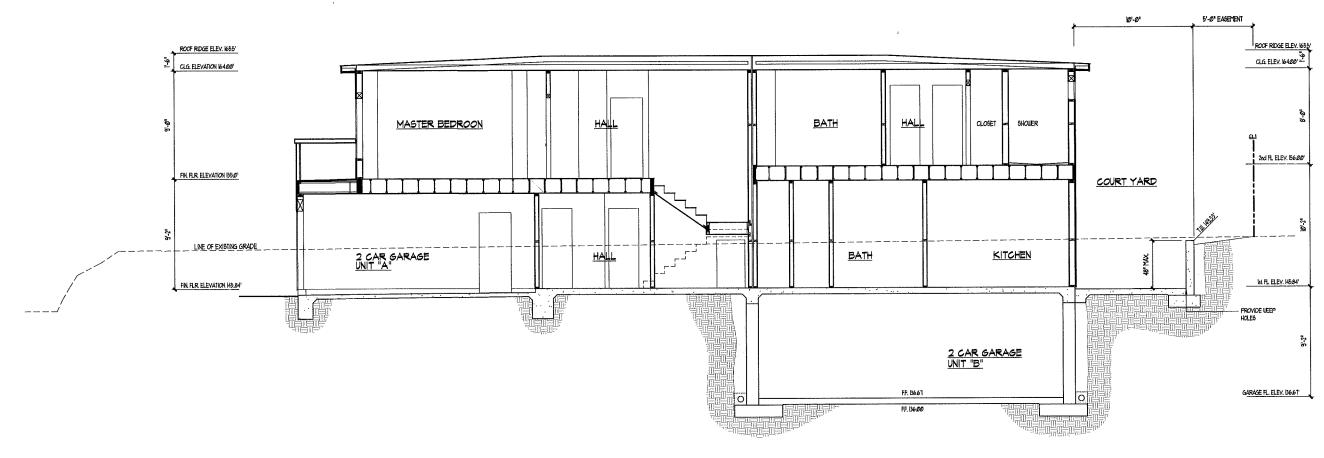
NOTES:

- L EXTERIOR FINISH SHALL BE 20/30 5AND STUCCO WHITE UNLESS NOTED OTHER WISE 2. ALL RETAINING WALL FINISHES SHALL BE 20/30 5AND STUCCO
- 3. ROOF OVERHANGS SHALL BE 16"
- ROCF OVERHANGS SHALL BE 16".
 ALL HANDRAILS SHALL BE 42" HIGH + PROVIDE 42" HIGH MIN. GUARDS RAILS WHERE
 THERE IS A WALKING SURFACE GRADE CHANGE OF 30" OR HIGHER
 PATIO + TOWER ROOF TILE SHALL BE FLAT CONCRETE DARK BROWN 4:12 SLOPE. MAIN
 ROOF MATERIAL SHALL BE METAL STANDING SEEM
 PROPOSED WOOD SIDING 166 SHALL BE LIGHT TAN IN COLOR.



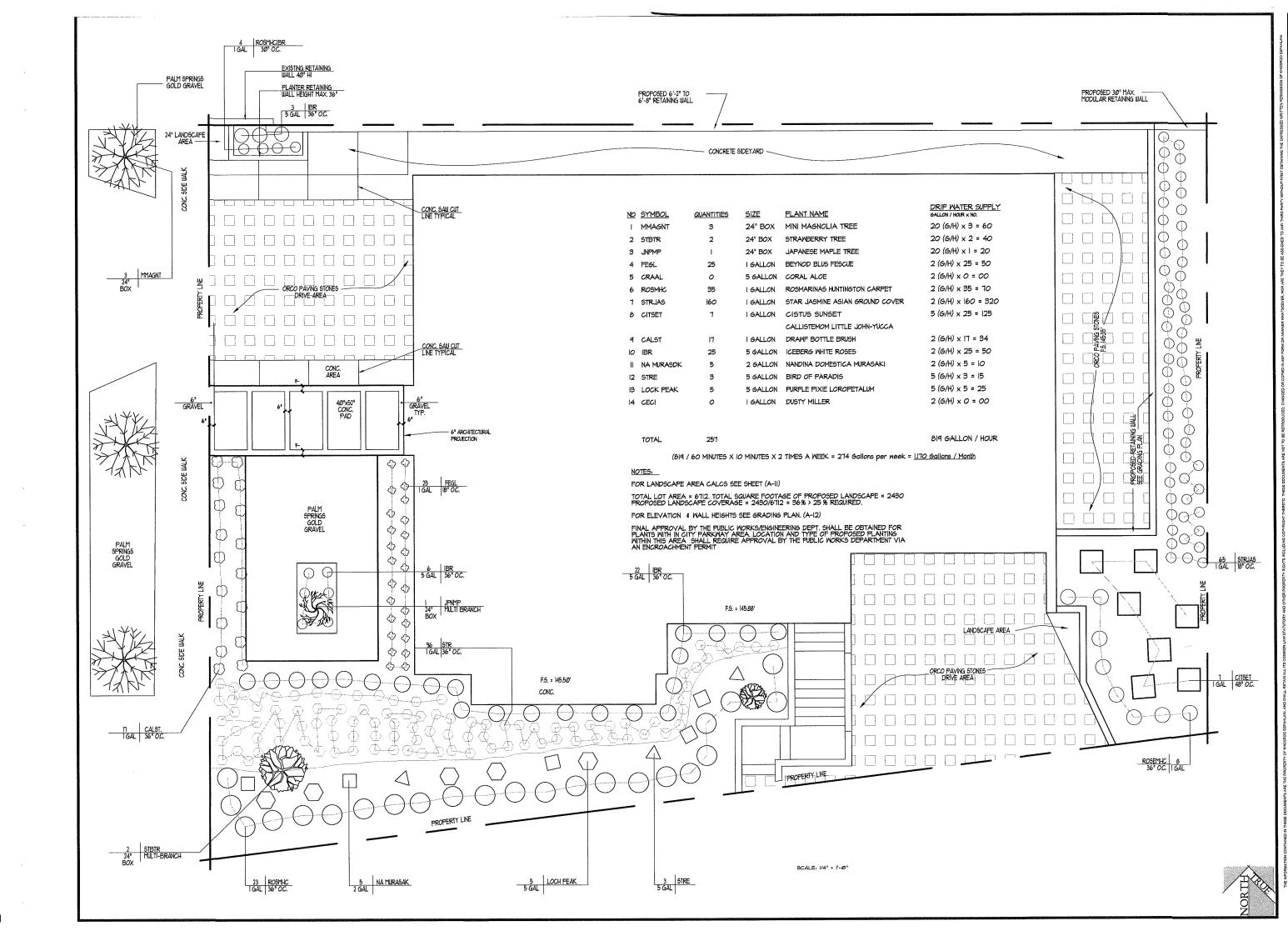
FRAMING SECTION "B"



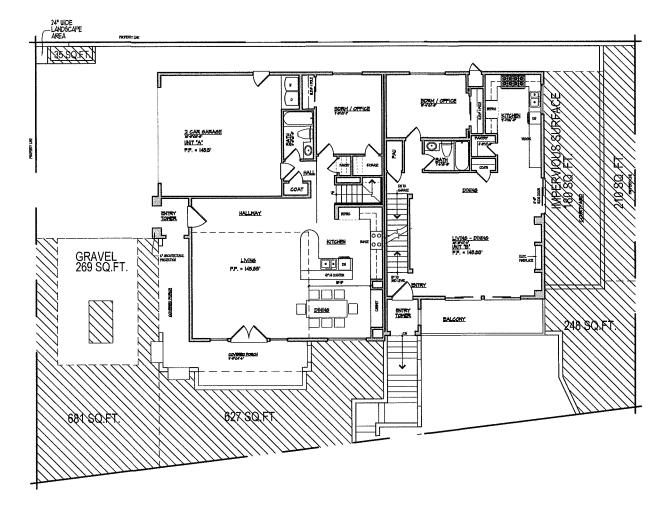


FRAMING SECTION "C"

7



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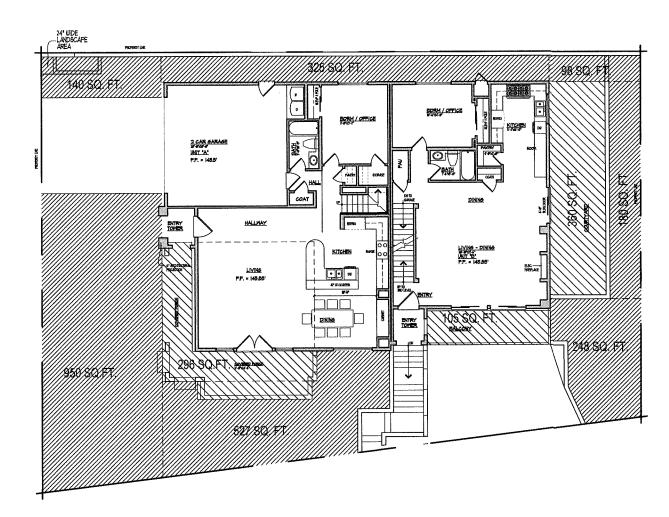


LANDSCAPE AREA CALCULATION PLAN SCALE: 1/8" - 1'-0"

LANDSCAPE AREA REQUIRED = 25% x 6712 = 1678 SF.

PLANT AREA + GRAVEL AREA + IMPERVIOUS AREA = (35+210+248+627+681)+269+180 (DPMC 9.75.120 "L") = 1801+269+180 = 2,250SF.

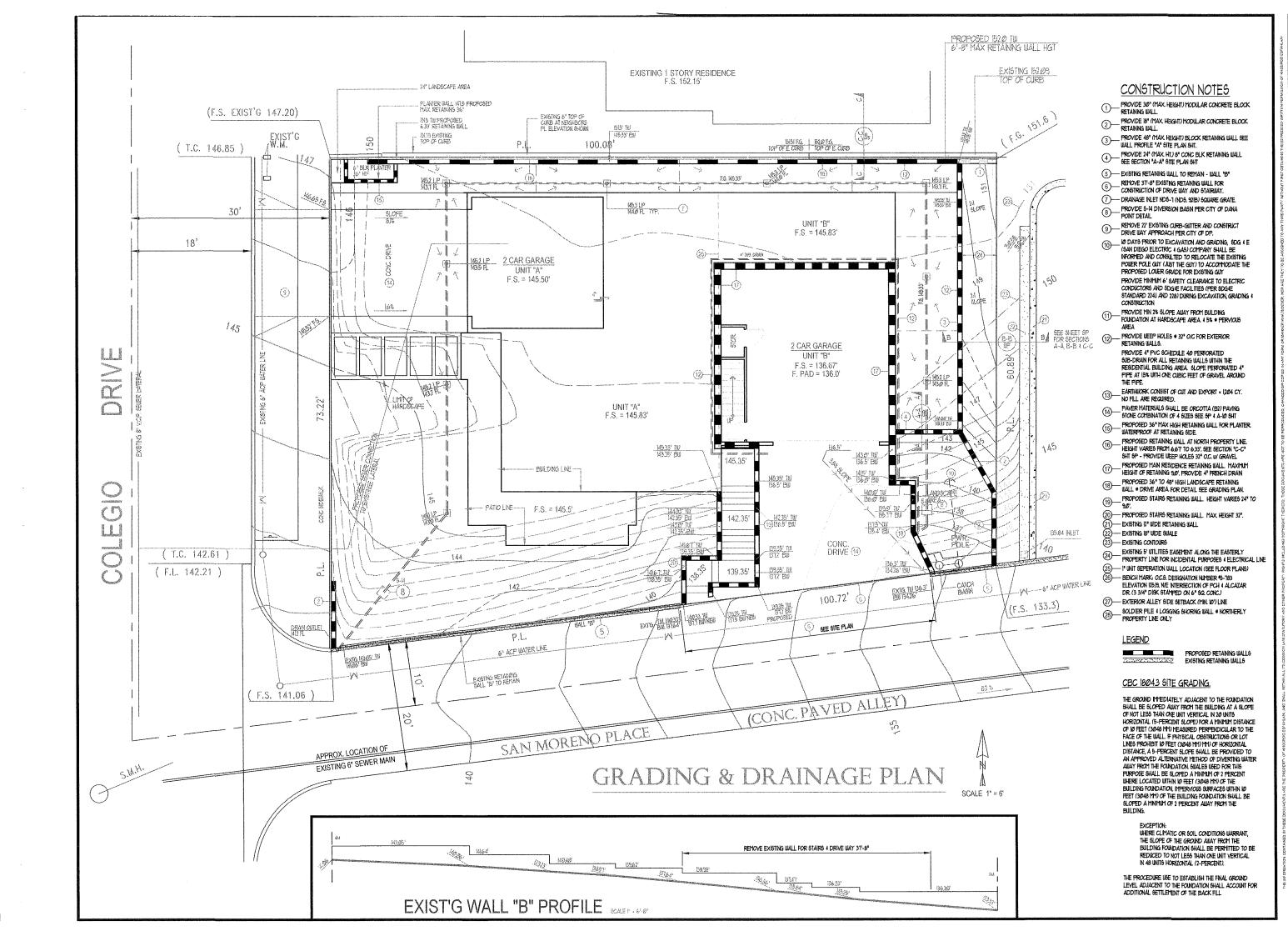
THEREFORE PROVIDED LANDSCAPE AREA = 2,250 2250/6712 = 34% > 25%



COMMON & OPEN SPACE CALCULATION SCALE: 1/8" = 1'-9"

REQUIRED OPEN SPACE = $30\% \times 6712 = 2013$ SQ. FT. PROVIDED 2,468 SQ. FT. 2468/6712 = 37% > 30% COMMON OPEN SPACE = 527 + 950 + 140 + 325 + 98 + 180 + 248 = 2,468 REQUIRED PRIVATE OPEN SPCAE = $2 \times 200 = 400$ SQ. FT. PRIVATE OPEN SPACE UNIT "A" 100 UPPER LEVEL PATIO + 296 LOWER LEVEL PATIO = 396 SF. PRIVATE OPEN SPACE UNIT "B" 105 SF. 3rd LEVEL + 105 SF. 2rd LEVEL + 360 EXT. COURT YARD = 570 SF. TOTAL PRIVATE OPEN SPACES = 396 + 570 = 966 SF. > 400 SF. 966/400 = 242% OVER REQUIRED AREA





ŗ., SCALE: 1" = 40' BLOCK: 4755 MODULE: 69 D. MARK WARE

STATE OF CALIFORNIA IN THE CITY OF DANA POINT, COUNTY OF DRANGE.

LOTS 8 & 9 IN BLOCK 11 OF TRACT NO 857, AS PER MAP RECORDED IN BOOK 26, PAGES 10 AND 118 OF SELLANGOLS NAPS. RECORDS OF SRANGE COUNTY.

ACCEPTED AND FILED AT THE REQUEST OF

Virginia Franks
MATE October 23, 1990
TIME 9: 404m FEE \$ 600 INSTRUMENT #90-561505 BOOK 128 RAGE 36 BOOK 128

LEE A. BRANCH COUNTY RECORDER S. Kiles

SURVEYOR'S STATEMENT:

BASIS OF BEARINGS:
THE BEARINGS HEREON ARE BASED ON THE CENTERLINE OF LA CRESTA DRIVE
(LOT X). SHOWN ON THE WAP OF TRACT NO. 857, M.M. 26/10-11, RECORDS
OF ORANGE COUNTY, CALIFORNIA AS: N 89° 48' 25" W.

LEND 4-TAG. KLE. 10035, NO REF., VB9-42'5L"E 0.02'
LEND 4-TAG. KLE. 10035, NO REF., SB5'38'56"E 0.05'

Y2. REBRE NJ PLASTIC LAP. KCE: 1093, NO REF.
3-44 - TRE MY NAIV. NO REF., SB5'35'2'E 0.03', SETTAG L.S. 6031

SYB. TT. D'ORK NO REF.
SYB. TT. D'ORK NO REF.
NOTHING. SET NOTHING

HINDICATES RECORD DATA PER TRACT NO. 857, M.M. 26/ 10-11, OR CALCULATED PROMI RECORD DATA PER TRACT NO. 857.

THIS MAR CORRECTLY REPRESENTS A SURVEY MADE BY ME DR UNDER MY PIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUIREST OF VIRGINIA FRANKS IN JULY , 1990.

MAR HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION OF THE LAND SURVEYOR'S ACT THIS JAKE DRYOF KEALL. 1990.

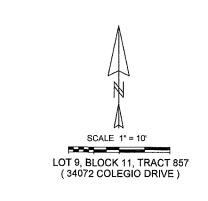
DA Paul alume, Dont



N.89°48'25"W 260,000' (

POINT FALLS ON SEWER MININDLE 50°12'22"W 0.02" FROM CENTERLINE INTERSECTION, PER FOUND 0C9 TIES A/8-8, 1192. A O'10 THE SILVER LANTERN STREEN 30, 0.000 W 25.00 W 26.00 V Δ (ማኛ:00 roo 41) R (\$10) 15:00 L (\$15) 25:50 8 (170,000) N.93.48.75"W 经证据 60° 30° 30° 60° 30′ [_30′ 6|0′ CORECÍO DEINE

(3.55.H.ON) .08.957 3.17.H.JON 30



TOPOGRAPHIC SURVEY AND SLOPE ANALYSIS

SLOPE ANALYSIS BY THE FORMULA

1 x L x .0023

I = CONTOUR INTERVAL IN FEET

L = COMBINED LENGTH IN FEET OF CONTOUR LINES

.0023 = A CONSTANT WHICH CONVERTS SQUARE FEET INTO ACRES AND EXPRESSES SLOPE IN PERCENT

A = SITE AREA IN ACRES

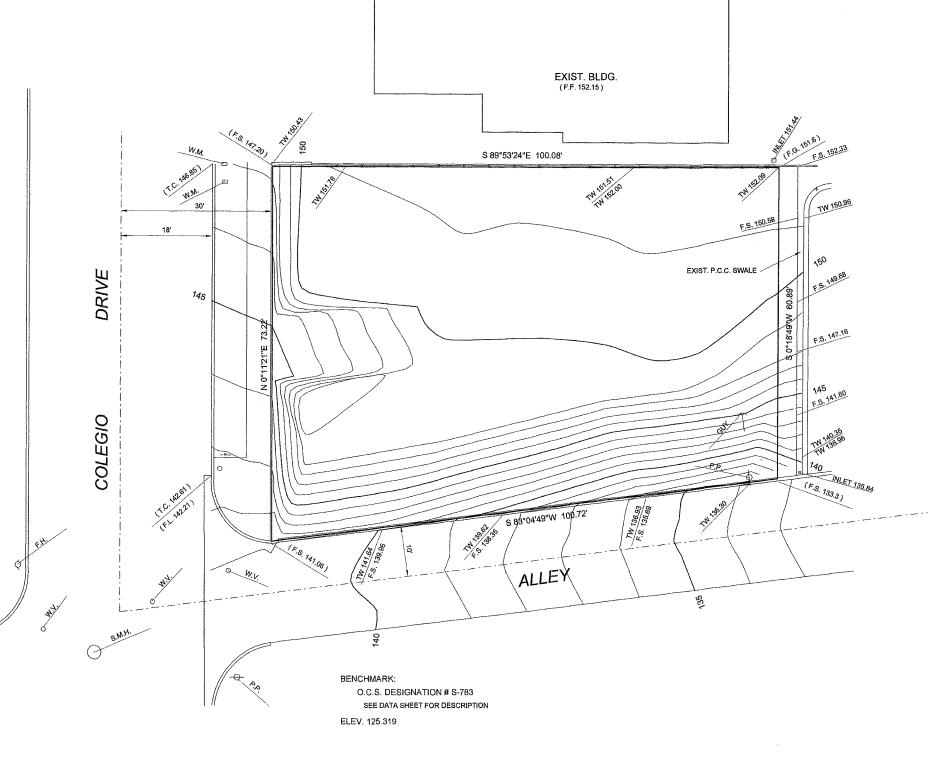
 $\frac{1 \times 1711 \times .0023}{0.1539} = 25.6 \%$

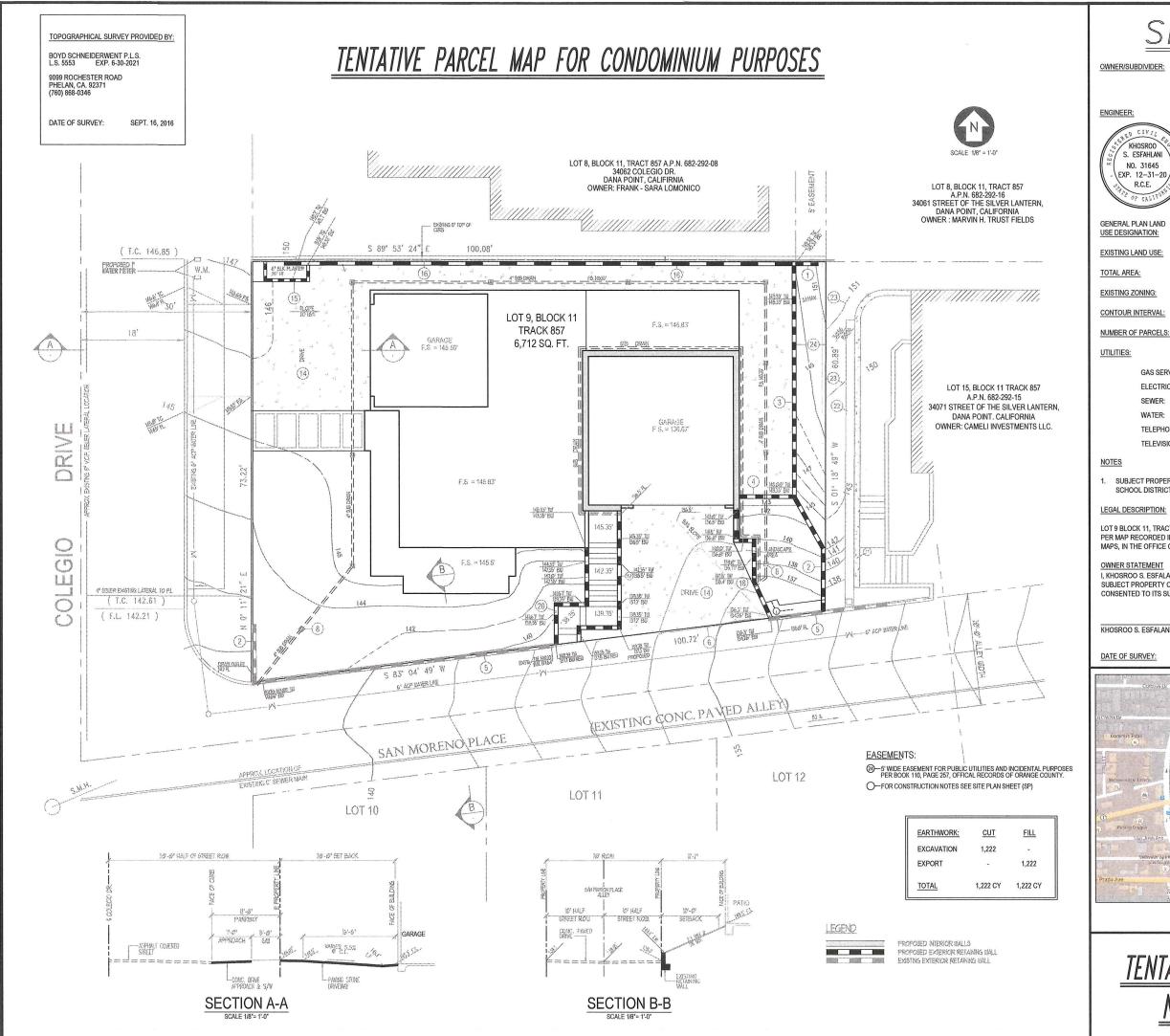
BOYD SCHNEIDERWENT P.L.S. 9099 ROCHESTER ROAD PHELAN, CA. 92371

760-868-034

BOYD SCHNEIDERWENT L.S. 5583 DATE

REVISED: 9-16-2016





KHOSROC S. ESFAHLAN

R.C.E.

KHOSROO ESFAHLANI 2038 VISTA DEL ROSA FULLERTON, CA. 92831 (714) 726-1880

KHOSROO S. ESFAHLANI, R.C.E. #31645

GENERAL PLAN LAND USE DESIGNATION:

RMF-14 (MULTI-FAMILY RESIDENTIAL)

EXISTING LAND USE:

VACANT

6,712 SQ. FT. (0.154 AC)

RMF-14 (MULTI-FAMILY RESIDENTIAL)

2 FOOT 1 (2 UNITS)

GAS SERVICE:

SOUTHERN CALIFIONIA GAS CO. ELECTRIC SERVICE SAN DIEGO GAS AND ELECTRIC

CITY OF DANA POINT

WATER:

SOUTH COAST WATER DISTRICT PACIFIC BELL

TELEPHONE SERVICE: TELEVISION SERVICE

COX COMMUNICATIONS

SUBJECT PROPERTY IS LOCATED WITHIN THE DANA POINT UNIFIED SCHOOL DISTRICT.

LOT 9 BLOCK 11, TRACT 857, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 26, PAGE(S) 10 AND 11 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

I, KHOSROO S. ESFALANI, DO HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY COMPRISING THIS TENTATIVE PARCEL MAP AND THAT I HAVE CONSENTED TO ITS SUBDIVISION.

KHOSROO S. ESFALANI

DATE

DATE OF SURVEY:

9/16/2016



VICINITY MAP

TENTATIVE PARCEL MAP 2016-197



WEST (COLEGIO DRIVE) ELEVATION

