CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE: APRIL 12, 2021

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

BRENDA WISNESKI, DIRECTOR JOHN CIAMPA, SENIOR PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP20-0028 AND SITE

DEVELOPMENT PERMIT SDP20-0030 FOR A 68 SQUARE-FOOT ADDITION AND REMODEL TO A SINGLE-FAMILY RESIDENCE

LOCATED AT 35537 BEACH ROAD

RECOMMENDATION: That the Planning Commission adopt the attached resolution

approving Coastal Development Permit CDP20-0028 and Site

Development Permit SDP20-0030.

APPLICANT: Lori Torres

REPRESENTATIVE: Dustin Morris, Eyoh Design

REQUEST: Approval of a Coastal Development Permit and Site

Development Permit for a 68 square-foot addition, remodel, new roof, resurface the existing deck, and new second story balcony for a single-family residence located in the Floodplain Overlay District, Coastal Overlay District, and the Appeals

Jurisdiction of the California Coastal Commission.

LOCATION: 35537 Beach Road (APN 691-161-09)

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

within a 500-foot radius and occupants within a 100-foot radius on April 2, 2021, published within a newspaper of general circulation on April 2, 2021, and posted on April 2, 2021, at Dana Point City Hall, the Dana Point and Capistrano Beach

Branch Post Offices, as well as the Dana Point Library.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA),

the project is found to be Categorically Exempt per Section 15301(e) (Class 1 – Existing Facilities) in that the project involves the addition, remodel and new roof to a single-family

residence in an urbanized residential area.

ISSUES:

- Project consistency with the Dana Point General Plan, Dana Point Zoning Code (DPZC) and Local Coastal Program (LCP);
- Project compliance with the City's Floodplain Regulations;
- Project compatibility with and enhancement of the site and surrounding neighborhood; and
- Project satisfaction of all findings required pursuant to the DPZC and LCP for approval of a Coastal Development Permit (CDP).

BACKGROUND:

The subject site is a 2,796 square foot beachfront lot that is improved with a 1,689 square foot two-story single-family residence with an attached 224 square foot one-car garage. The structure was originally constructed in 1948 as a single-story residence. Over the years the structure has had a number of additions and alterations:

- 1965, Use Variance 5596 reduced front yard setback to 1.5 feet for the construction of a new bedroom and entry hall;
- 1970, Use Variance 6383 enclosed the undersized carport into a garage with a Variance for a 10-foot front yard setback;
- 1975, Use Permit 3708 a 403 square foot first-floor addition and a 689 square foot addition to create a second story. Included a Variance to allow the project to be located zero feet from the west property line.

The project site is situated with the Pacific Ocean to the south and the railroad tracks and Pacific Coast Highway to the north (Supporting Document 2 – Vicinity Map). The property is located within the "Residential Beach Road 12" (RBR 12) zone and is located within the City's Floodplain Overlay District (FP-3), Coastal Overlay District (the California Coastal Zone), and the Appeals Jurisdiction of the California Coastal Commission. The Floodplain Overlay designation identifies the property as potentially subject to inundation by wave action and requires specific structure design and location requirements.

DISCUSSION:

The project proposes a 68 addition, remodel, new roof design, façade enhancements, resurface the deck, and new second-story balcony to replace the existing deck for the single-family residence. If approved, the addition would expand the house to 1,757 square feet. The addition would be located on the second floor above the garage to provide a third bathroom for the house. The second-floor interior remodel would combine the two bedrooms into a master bedroom and renovate the master bathroom. The exterior of the structure would have façade enhancements with new windows, doors, hardie siding, and

stone veneer. The flat roof would be replaced with a 5/12 and 10/12 pitched roof design to enhance the 1948 non-descriptive architecture of the house to a modern coastal design. The project would also resurface the wood deck on the seaward side of the house with no expansion or alteration to the structural elements.

Development standards for this property are set forth in the City's Zoning Code Chapter 9.09 (Residential Development Standards), specifically for the RBR-12 zone. Table 1 summarizes applicable development standards and the project's conformance with those requirements:

Development Standard	Requirement	Proposed/Existing	Compliance with Standard
Front Setback	10 ft minimum	9 ft 2 in* (E)	Yes
W. Side Setback	0 ft	-4 in**(E)	No
E. Side Setback	2.9 ft minimum	3 ft 1 in(E)	Yes
Structure Stringline	115' West/East	115' West/East(E)	Yes
Patio Stringline	143 ft West 144 ft East	141 ft 4.5 in West(E) 141 ft 3.5 East(E)	Yes
Height	28 feet max from FP-3 + 18" = 21'	20 ft 5 in (P)	Yes
Parking Required	2 covered parking spaces	1 covered parking space***(E)	No

^{*}Variance UV6383 allowed a 10 foot front yard setback.

The structure is legal non-conforming per the Floodplain Overlay District (FP-3) requirements of Section 9.31.050(c) because it has a slab on grade foundation that is not elevated above the Base Flood Elevation on caissons. The structure is also legal nonconforming because it does not conform to the current parking and setback standards of the Zoning Ordinance. The structure only provides one covered parking space when two are required. An addition along the north/west side yard was placed incorrectly four inches into the adjacent property, not complying with the required zero-foot side yard setback. The addition at the front of the house was also placed incorrectly with a nine feet two-inch front yard setback when 10-feet is required. The proposed project would not modify the legal nonconformities and per Section 9.63.040(b)(2), it is not demolishing more than 50 percent of the walls' linear length; therefore, the structure can retain its legal nonconformities.

Coastal Development Permit CDP20-0028

Pursuant to Section 9.69.040 of the Dana Point Zoning Code, construction of an addition

^{**}Variance (UV3708) was approved for a zero side yard setback.

^{***}Legal non-conforming parking as the structure was approved with only one parking space.

on land located in the City's Coastal Overlay District and the Appeals Jurisdiction of the California Coastal Commission requires the approval of a Coastal Development Permit (CDP). The project does not expand the building footprint, complies with all applicable development standards, and does not impact coastal resources.

Section 9.69.070 of the DPZC stipulates a minimum of seven (7) findings to approve a Coastal Development Permit, requiring that the project:

- Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).
- If located between the nearest public roadway and the sea or shoreline of any body of water, be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).
- 3. Conform with Public Resources Code Section 21000 and following, and there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 CA Code of Regulations/13096).
- 4. Be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.
- 5. Minimize the alterations of natural landforms and not result in undue risks from geologic and erosional forces and/or flood and fire hazards.
- 6. Be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.
- 7. Conform to the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.

The recommended findings for approval of the CDP are outlined in the draft Resolution No. 21-4-12-XX, attached to this report as Action Document 1.

Site Development Permit SDP20-0030

The subject property is located in the FP-3 and pursuant to Chapter 9.31 of the DPZC, new development and additions require the approval of a Site Development Permit (SDP) to ensure the development conforms with the provisions identified in Section 9.31 of the Dana Point Zoning Code. Additionally, the structure is legal nonconforming because it has a slab on grade foundation that is located below the FP-3, which triggers the requirement for an SDP.

Proposed additions and remodels to legal nonconforming structures in the FP-3 are subject to the Section 9.31.050(c)(3)(A) of the DPZC, which limits these structures to a one-time 10 percent square footage improvement on the inland side of the structure, and the annual remodel of no more than 10 percent of the current value of the structure. The remodel value is established by the Building Division's Structure and Improvement Valuation Rates. The project complies with Section 9.31.050(c)(3)(A) because the improvement to the house results in a square footage expansion of 68 square feet (3.5 percent) and the 1,356.32 square foot cubic expansion (6.4 percent) of the residence with the proposed roof design has a combined improvement of less than 10 percent of the existing structure. The proposed remodel of \$108,200 (30 percent of the structure's value) would exceed the allowable 10 percent by 20 percent of the structure's value. To allow the increase in the value of the remodel up to 30 percent, Condition of Approval #26 is proposed to limit future remodeling or alterations until the value limit for the proposed improvements is exhausted, which would result in permit restrictions for three years. Additional conditions of approval (#17-21) are proposed to ensure no new foundations are proposed as part of the remodel portion of the project to comply with the limitations for legal nonconforming structures in the FP-3, as outlined in Section 9.31.050(c)(3)(A) of the DPZC.

Section 9.71.050 of the DPZC stipulates a minimum of four findings for approval of an SDP, requiring:

- 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 are appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture.

The recommended findings for approval of the SDP are outlined in the draft Resolution No. 21-04-12-XX, attached to this report as Action Document 1.

CORRESPONDENCE: To date, no correspondence has been received regarding this project.

<u>CONCLUSION</u>: Staff finds that the proposed project is consistent with the policies and provisions of the City of Dana Point General Plan, Dana Point Zoning Code, and Local Coastal Program. As the project complies with all standards of development, staff recommends the Planning Commission adopt the attached draft Resolution, approving Coastal Development Permit 20-0028 and Site Development Permit 20-0030, subject to the findings and conditions of approval contained therein.

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John Ciampa, Senior Planner

Brenda Wisneski, Director of Community Development

ATTACHMENTS:

Action Document

1. Draft Planning Commission Resolution No. 21-04-12-XX

Supporting Documents

- 2. Vicinity Map
- 3. Site Photos
- 4. Architectural Plans

ACTION DOCUMENT 1: Draft Planning Commission Resolution No. 21-04-12-XX

RESOLUTION NO. 21-04-12-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP20-0028 AND SITE DEVELOPMENT PERMIT SDP20-0030 FOR A 68 SQUARE-FOOT ADDITION AND REMODEL TO A SINGLE-FAMILY RESIDENCE LOCATED AT 35537 BEACH ROAD

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

WHEREAS, Dustin Morris (the "Representative") has filed an application on behalf of Lori Torres, ("Applicant"), the owner of real property commonly referred to as 35537 Beach Road (APN 691-161-09) (the "Property"); and

WHEREAS, the Representative filed a verified application for a Coastal Development Permit and Site Development Permit to allow a 68 addition, remodel, new roof design, façade enhancements, resurface the deck, and new second-story balcony to replace the existing deck for the single-family residence at the Property; and

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15301 (Class 1 – Existing Facility) in that the application proposes the construction of 68 addition, remodel, new roof design, façade enhancements, resurface the deck, and new second-story balcony to replace the existing deck for the single-family residence; and

WHEREAS, the Planning Commission did, on the 12th day of April, 2021, 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 Coastal Development Permit CDP20-0028 and Site Development Permit SDP20-0030.

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 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 CDP20-0028 and SDP20-0030 subject to the following conditions of approval:

Findings:

Coastal Development Permit CDP20-0028

- 1. That the project is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096) in that, the site and architectural design of proposed addition, remodel, and new roof design are found to comply with all applicable development standards of the Dana Point General Plan and Zoning Code (the latter acting as the Local Coastal Program Implementation Plan for the property). The project will further General Plan Urban Design Element Goal No. 2, which states that development should "preserve the individual positive character and identity of the City's communities" in that the project enhances the design of the single-family residence and with the new façade and roof design that will contribute to the projects compatibility with the Beach Road community.
- 2. If located between the nearest public roadway and the sea or shoreline of any body of water, that the project is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096) in that, while the project is located between the nearest public roadway and the sea or shoreline, the property is an already developed lot zoned for residential use, located in a private community that does not contain public access ways or areas of recreation. Moreover, adequate public access to public tidelands or areas of recreation exists nearby at City, County, and State beaches. For the reasons stated the project conforms to the public access and recreation policies of Chapter Three of the California Coastal Act.
- 3. That the project conforms to Public Resources Code Section 21000 (the California Environmental Quality Act CEQA) and following, that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any potentially significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 Cal. Code of Regulations/13096) in that, the project qualifies as Categorically Exempt from review under CEQA pursuant to Section 15301 (Class 1 Existing Facility) in that the application proposes the construction of a 68 addition, remodel, new roof design, façade enhancements, resurface the deck, and new second-story balcony to replace the existing deck for the single-family residence.
- 4. That the proposed development will not encroach upon any existing physical access-way legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road

or from a recreational area in that, no public access-ways exist on the subject property, and as a result, none would be adversely affected with implementation of the proposed project. Public access to Trust lands (the beach and ocean) exist in close proximity at Poche Beach and would be unaffected with the implementation of the project. The subject property fronts (private) Beach Road, which borders a sound/privacy wall, with railroad tracks and Pacific Coast Highway beyond the project would not result in adverse impacts to any existing coastal public views.

- 5. That the project has been sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources in that, the subject property lies adjacent to the Pacific Ocean, a noted sensitive habitat area, park, and recreation area; however, the scope-of-work comprises development permitted by the Dana Point Local Coastal Program. The project conforms to all development standards (including design criteria) intended to minimize to the greatest extent feasible, potentially adverse impacts to shoreline processes and no EHSA buffer is required in that the 68 addition is on the landward side of the structure, the remodel is for the interior of the structure, new siding, windows/doors, and new decking for the back deck that does not expand the existing footprint.
- 6. That the project minimizes the alteration of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards in that, the project does not expand the structure's building footprint and the addition is on the second story and on the landward side of the structure. The addition and remodel comply with the one-time 10 percent expansion and 10 percent remodel valuation thresholds established by the DPZC, as conditioned, to ensure the project does not result in undue risks from geologic and erosional forces from coastal flooding.
- 7. That the project is visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas in that, the project design enhances the nondescriptive architecture of the structure to a modern coastal design which is consistent with the mix of architectural styles in the established Beach Road community. The project conforms to all of the applicable development standards of the RBR-12 zone and the FP-3.
- 1. That the project conforms with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs in that, the project was reviewed by Planning and Building/Safety Division staff as well as the Public Works/Engineering Department and found to conform with applicable requirements of the

Dana Point Zoning Code (which serves as the implementing document for the General Plan and Local Coastal Program Implementation Plan for the subject property). The project retains the residential use. There are no adopted specific plans that apply to the subject property. The addition and remodel strictly comply with all development standards of the Dana Point Zoning Code for the RBR-12 zone. The project also complies with the Floodplain Overlay District (FP-3) requirements in Section 9.31.050(c)(3)(A) in that the addition and cubic area expansion with the new roof design does not exceed the one time 10 percent expansion of the single-family residence and the remodel does not exceed the 10 percent of the structure's value, as conditioned. The replacement of the decking for the back yard deck does not expand the footprint of the structure and does not change the structural members of the deck. The project also demolishes less than 50 percent of the walls of the structure to allow it to remain as a legal nonconforming per Section 9.63.040.d of the Dana Point Zoning Code.

Site Development Permit 20-0030

- 2. That the site design is in compliance with the development standards of the Dana Point Zoning Code (DPZC) in that, the addition and remodel strictly comply with all development standards of the Dana Point Zoning Code for the RBR-12 zone. The project also complies with the Floodplain Overlay District (FP-3) requirements in Section 9.31.050(c)(3)(A) in that the addition and cubic area expansion with the new roof design does not exceed the one time 10 percent expansion of the single-family residence and the remodel does not exceed the 10 percent of the structure's value, as conditioned. The replacement of the decking for the back yard deck does not expand the footprint of the structure and does not change the structural members of the deck. The project also demolishes less than 50 percent of the walls of the structure to allow it to remain as a legal nonconforming per Section 9.63.040.d of the Dana Point Zoning Code.
- 3. That the site is suitable for the proposed use and development in that the project maintains the single-family residence use and the addition and remodel improvements comply with the setback requirements of the RBR-12 zoning district. The project does not expand the structure footprint and it demolishes less than 50 percent of the walls of the structure to allow it to retain the legal nonconforming elements of the structure per Section 9.63.040.d of the Dana Point Zoning Code. The project design complies with the limitations and construction design requirements for nonconforming Floodplain Overlay District (FP-3) requirements, as identified in Section 9.31.050(c)(3)(A) because the addition is located on the second floor and on the landward side of the structure and the total area improvement expansion is less than 10

percent and the remodel does not exceed the 10 percent of the structure's value, as conditioned.

- 4. 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 proposed improvements are found to be consistent with all elements of the Dana Point General Plan and will further General Plan Urban Design Element Goal No. 2, which states that development should "preserve the individual positive character and identity of the City's communities" by enhancing the 1948 structure with new windows/doors, siding and a new roof is compatible and complementary to surrounding neighborhood. The second story addition complies with the Design Guideline II.C. Architectural Character Section 2 Reduction of Building Bulk in that it breaks up the visual mass of the structure and enhances the design of the building.
- 5. 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 appropriate for the site as it would comply with the development standards of the RBR-12 zoning district. The project design addresses the requirements of the Floodplain Overlay District to avoid hazards associated with the FP-3 by limiting the expansion to 10 percent of the current size of the structure's, the remodel is 10 percent of the value of the structure, as conditioned. Additionally, the resurfacing of the rear deck does not expand the footprint or change the structural elements of the deck. The new roof and the façade remodel enhances the design of house and its compatibility with the mix of architectural styles in the neighborhood.

Conditions:

General:

- 1. Approval of this application permits the 68 addition, remodel, new roof design, façade enhancements, resurface the deck, and new second-story balcony to replace the existing deck for the single-family residence at 35537 Beach Road in accordance with the plans on file with the Community Development Department. 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, Local Coastal Program Implementation Plan and Zoning Code.
- 2. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety Division for plan check.

- 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 as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location of, 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 determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved site plan, he/she 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 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 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.
- The Applicant, and their successors-in-interest, shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

- 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.
- 10. Based on Public Works review of the submitted plans, all work associated with the proposed remodel/addition of the existing single-family residence is within private property, does not include grading or drainage improvements. The scope of work shall be reviewed during the plan check process by Planning and Building Departments to ensure the work for the remodel is permitted within the flood plain by a one-time exemption.
- 11. The scope of work shall be reviewed during the plan check process by Planning and Building Departments to ensure the proposed building addition is located at the landward side of the existing residence and consists of living area located above (and no new foundation elements proposed within the existing residence for the remodel portion of the project scope). The plan check process shall ensure a wave runup and coastal hazard study is not being requested as part of this review.
- 12. As the proposed building addition is located at the landward side of the existing residence above the garage (and no new foundation elements are proposed within the existing residence seaward of the garage), a wave runup and coastal hazard study is not being requested as part of this review.
- 13. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion control measures of a type, size and location as approved by the Director of Public Works. The erosion control measures shall be constructed to the satisfaction of the Director of Public Works prior to the start of construction. The applicant shall maintain the erosion control devices until the final approval of all work.
- 14. 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. The Waste Management Plan shall indicate the estimated quantities of material to be recycled and the locations where the material is to be taken for recycling.
- 15. Please note that no concentrated storm water may be outlet to the beach or Pacific Ocean, as it is an Environmentally Sensitive Area. All concentrated drainage shall be directed toward Beach Road. Open roof gutter downspouts discharging to a splash block are not acceptable on Beach Road; the downspouts must discharge to an approved outlet such as an infiltration system (an infiltration system with an overflow to Beach Road is a typical drainage outlet system on Beach Road). Pervious surfaces are allowed to

drain uncollected and infiltrate directly into the existing site. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.

16. The Applicant, or Applicant's agent(s), 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, cable television and telephone and services. The Applicant, or Applicant's agent(s), shall be responsible for coordinating any potential conflicts or existing easements.

Prior to Issuance of a Building Permit:

- 17. Prior to Building Permit application, the applicant shall conduct sufficient Destructive Testing (multiple locations) to thoroughly determine and verify the existing foundation system. The application shall include a report presenting the results of the destructive testing and description of the existing foundation system (including descriptions of the destructive testing, logs of test pits, test pit location map, photos, and plans of the existing foundation system, etc.). The testing shall be conducted by the project Geotechnical Professional or other project licensed professional.
- 18. Based on the results of the required destructive testing and prior to Building Permit application, an existing foundation plan and structural calculations based on the existing foundation shall submit for review and approval.
- 19. The proposed project scope of the remodel shall be revised should any new or additional foundation elements be required through the review and approval process. Revisions to the proposed project may be required to limit the scope of work to only those improvements that are supported by the existing foundation system, as tested and verified by the destructive testing.
- 20. The Planning Department shall review and approve all project revisions required due to foundation revisions. The Planning Department shall review and approval all revisions regarding the allowable valuation impacts and any needed entitlement permitting. This may include a revision to Coastal Development Permit and an additional public hearing.
- 21. At the conclusion of demolition activities, a separate Demolition Inspection shall be conducted by Planning, Public Works, and Building departments. The demolition inspection shall verify the limit of demolition per the approved plans and include exposing and verification of the existing foundation elements of the structure.
- 22. The applicant shall provide a drainage plan for the proposed building remodel/addition in accordance with the City of Dana Point standards. If all

site surface water drainage conditions are to remain as-is; please show the existing information and add a note to the plans stating such. Please note that all impervious surface storm drainage shall be directed to Beach Road. Pervious surfaces will be allowed to drain uncollected and infiltrate directly into the existing site. Concentrated flow is not permitted to discharge to the Pacific Ocean, an Environmentally Sensitive Area (ESA).

- 23. The proposed landward addition requires the applicant submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval. The geotechnical report provided as part of this submittal is preliminary and not complete at this time. The consultant has provided an opinion that the proposed construction is feasible from a geotechnical standpoint. The report has been reviewed as it relates to this Coastal Development Permit. However, as the report is not complete, it has not been thoroughly reviewed at this time. A thorough review of the report will be performed as part of the building plan permit process.
- 24. Any geotechnical report, memo or input provided as part of the CDP submittal is preliminary and not complete for permitting purposes. A thorough review of the geotechnical report will be performed as part of the landward addition building permit process. The foundation to support the proposed building addition is considered to be a caisson/grade beam foundation system unless otherwise approved.
- 25. The Beach Road community is located within the City Municipal Code designation of Coastal Hazard Zone and FEMA Flood Zone VE, with a mapped Base Flood Elevation of 19.0 (NAVD88). Any significant improvements to the foundation and structure shall be designed the coastal hazard and flood zone requirements. Per the Municipal Code "ordinary improvements" are allowed as supported by the existing foundation system.
- 26. The Beach Road Community is located within an identified liquefaction hazard zone (per Division of Mines and Geology (CGS), Seismic Hazard Zone Report for the Dana Point Quadrangle), Per the Building Code, any significant improvements to the foundation and structure shall address potential seismically induced and static differential settlement.
- 27. The scope of work for the remodel must result in ordinary alterations. A deed restriction must be recorded on the property that restricts the ability for the owner to remodel or alter the structure until the value limit for the approved scope is exhausted (one-year results in a rundown of 10 percent of the value of the structure, i.e. a remodel that is 30 percent of the value of the structure will take three years to expire the restrictions for future permits).
- 28. The applicant shall submit a current title report listing the current owner, all easements on the property, and all other encumbrances to the lot. The legal

description and Assessor's Parcel Number shall match those on the submitted plans for review and approval.

- 29. Any changes or revisions to the plans required upon the conditioned postdemolition inspection shall be reviewed and approved by Public Works. Additional geotechnical or coastal engineering recommendations may be required.
- 30. All documents prepared by a professional shall be wet-stamped and signed.
- 31. Prior to issuance of a Building Permit provide a note on first sheet of the plans stating "No new footings are permitted for the remodel area of the house."
- 32. Prior to the issuance of Building Permit the Structural Engineer for the project shall verify and provide a letter that the existing footings and the house's structural design will accommodate the proposed remodel design per CDP20-0028 and SDP19-0030 with no new footings proposed in the remodel area (area not associated with the proposed addition above the garage).
- 33. Prior to issuance of a Building Permit the construction drawings shall include a demolition plan.
- 34. The project shall comply with the 2016 editions of the Building Code with all local amendments
- The Applicant, or Applicant's Agent(s), shall submit payment for all supplemental fees, including school, park, water, sewer and other impactrelated fees.
- 36. Submit a foundation and Soils investigation report by a Registered Design Professional and conducted in conformance with CBC.
- 37. Building 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.
- 38. Prior it the issuance of a building permit approvals are required from the Planning Division, Building Division, Public Works, and the Orange County Fire Authority.
- 39. Separate review, approval, and permits are required for separate structures, retaining walls, site walls over three feet, and fire sprinklers.
- 40. The applicant shall execute the City's standard deed restriction or, if prepared by the owner(s), shall be submitted for review and approval by the City Attorney. The deed restriction shall provide that; (1) the applicant understands that the subject site is subject to wave action and that the

owner(s) assumes the liability from these hazards; (2) the owner(s) unconditionally waive any claim of liability on the part of the City or any other public agency from any damage from such hazards. The deed restriction shall be recorded, free of prior liens, to bind the owner(s) and any successors in interest or otherwise recorded to the satisfaction of the City Attorney.

Prior to Issuance of a Certification of Use and Occupancy:

- 41. Prior to commencement of framing, the Applicant, or Applicant's Agent(s), 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 CDP20-0028 and SDP20-0030. The City's standard "Setback Certification" form shall be obtained from the Project Planner at time of building permit issuance, completed by a licensed Civil Engineer/Surveyor and be delivered to the Building/Safety and Planning Divisions for review and approval. Certification shall verify that the location of the structure is in compliance with the structure and patio stringlines as indicated on the approved.
- 42. A Final or As-Built Drainage Plan shall be submitted for review and approval by Public Works. The Final or As-Built Drainage Plan shall be approved by Public Works prior to Engineering Final Approval.
- 43. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual. The Final Geotechnical Report shall be reviewed and approved by the Public Works Department prior to Engineering Final Approval.
- 44. All landscaping and/or structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.
- 45. The Applicant, or Applicant's agent(s), shall cause the scheduling of a final onsite inspection with the Community Development Department that shall include a review of finish architecture/materials and compliance with any outstanding project conditions of approval.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 12^{th} day of April, 2021 by the following vote, to wit:

	AYES:	Nelson, Dohner, Opel, Murphy, Gabbard
	NOES:	
	ABSENT:	
	ABSTAIN:	
		Eric Nelson, Chairperson Planning Commission
ATTEST:		
Brenda Wisr Community [neski, Director	
Community L	Sevelopinent	

SUPPORTING DOCUMENT 2: Vicinity Map



Vicinity Map

35537 Beach Road CDP20-0028 AND SDP20-0030



SUPPORTING DOCUMENT 3: Site Photos







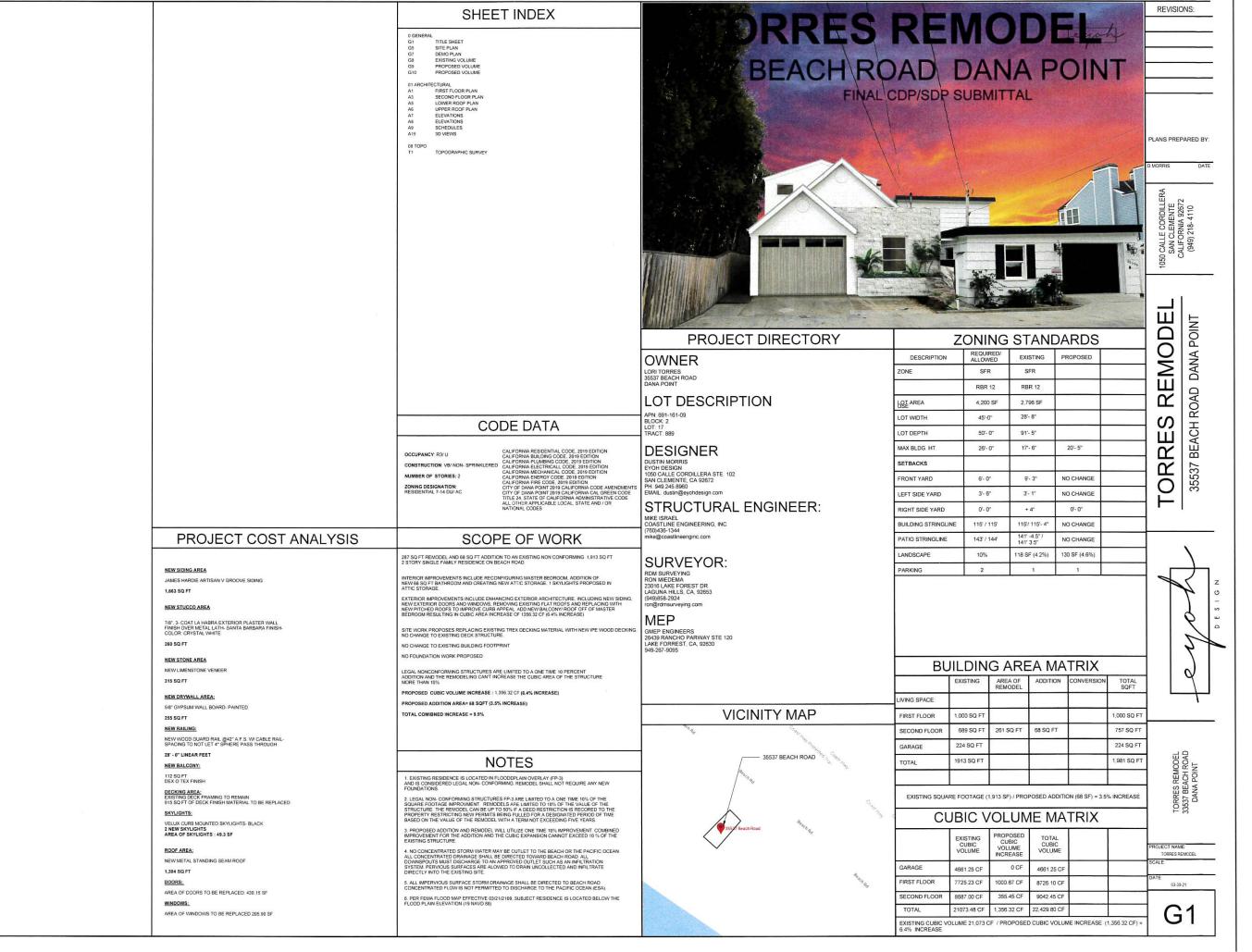


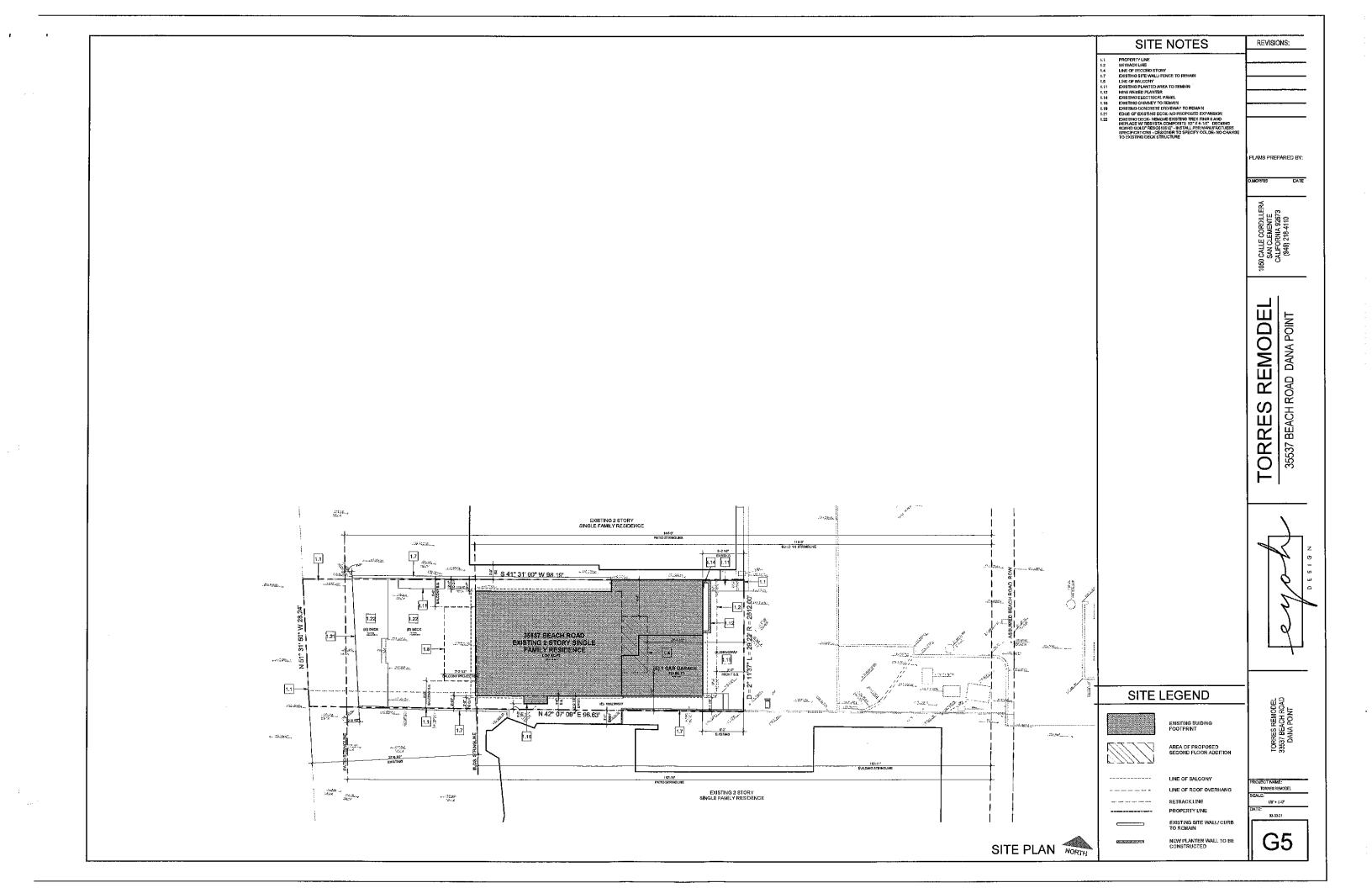


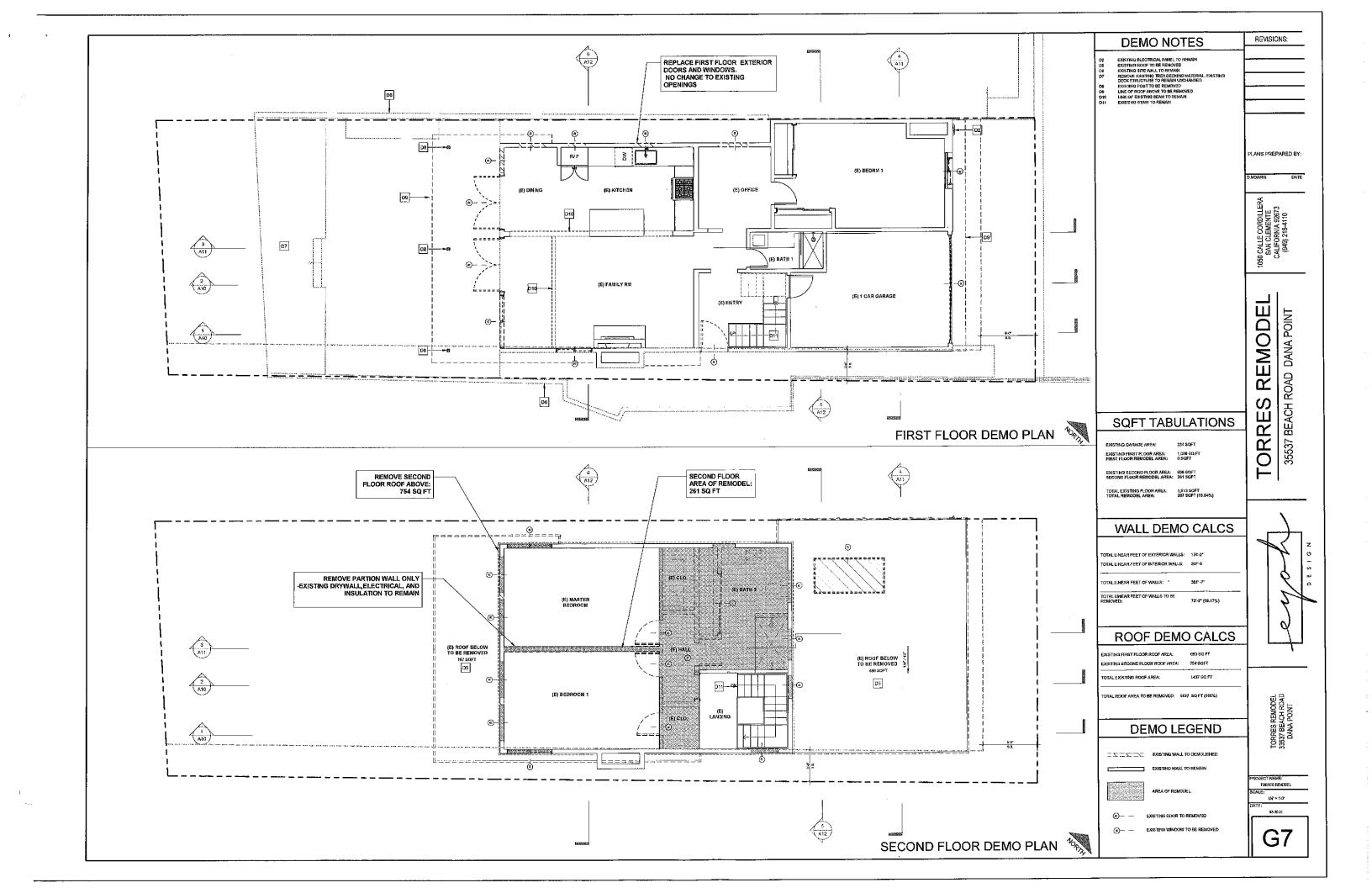
PLANNING COMMISSION AGENDA REPORT CDP20-0028 AND SDP20-0030 APRIL 12, 2021 PAGE 23

SUPPORTING DOCUMENT 4: Architectural Plans

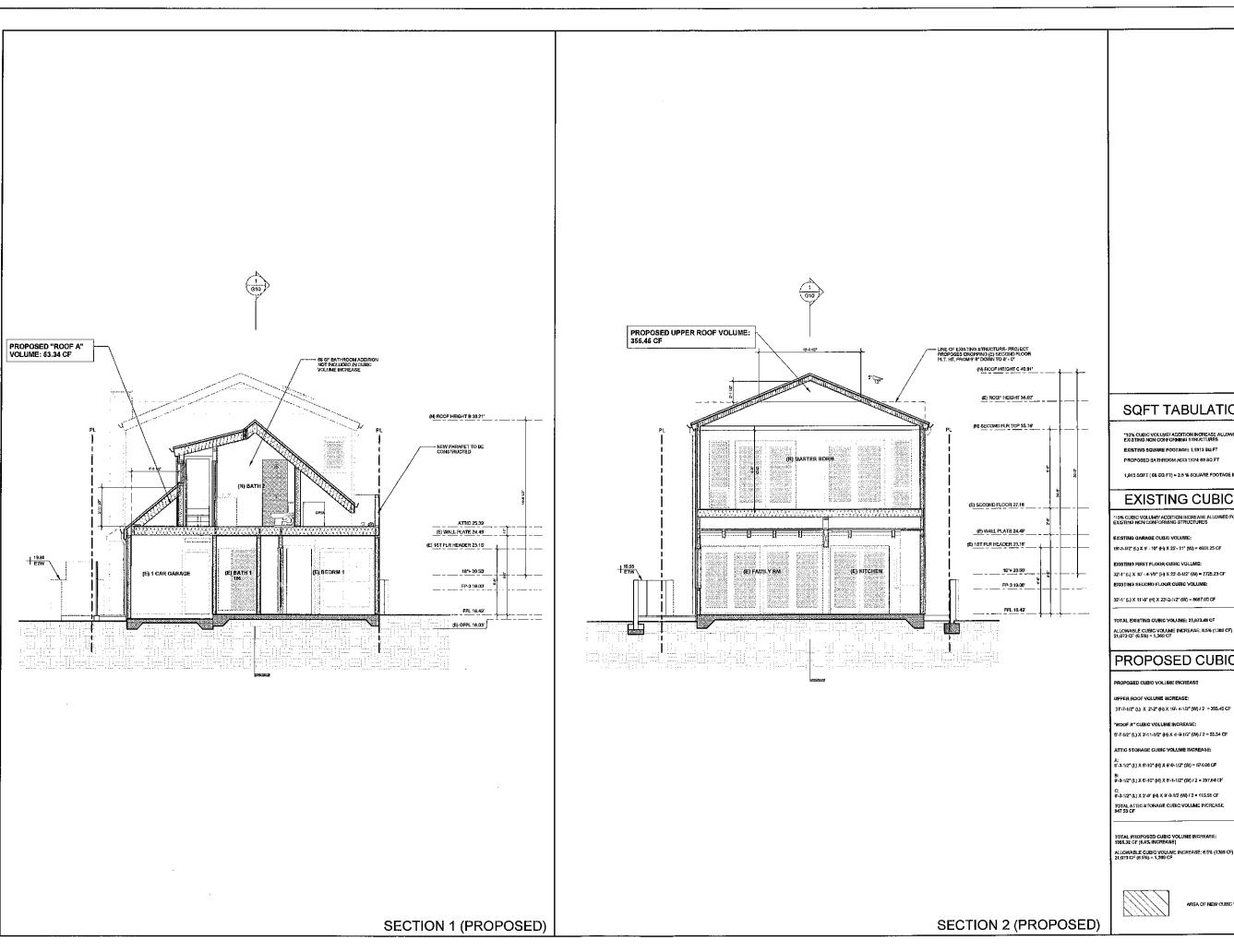
ATTACHMENT











REVISIONS:

PLANS PREPARED BY:

ORRES REMODEL
35537 BEACH ROAD DANA POINT TORRES

SQFT TABULATIONS

EXISTING CUBIC VOL

B*-3-1/2* (L) X 9' - 10" (H) X 25'- 11" (M) = 4661.25 CF

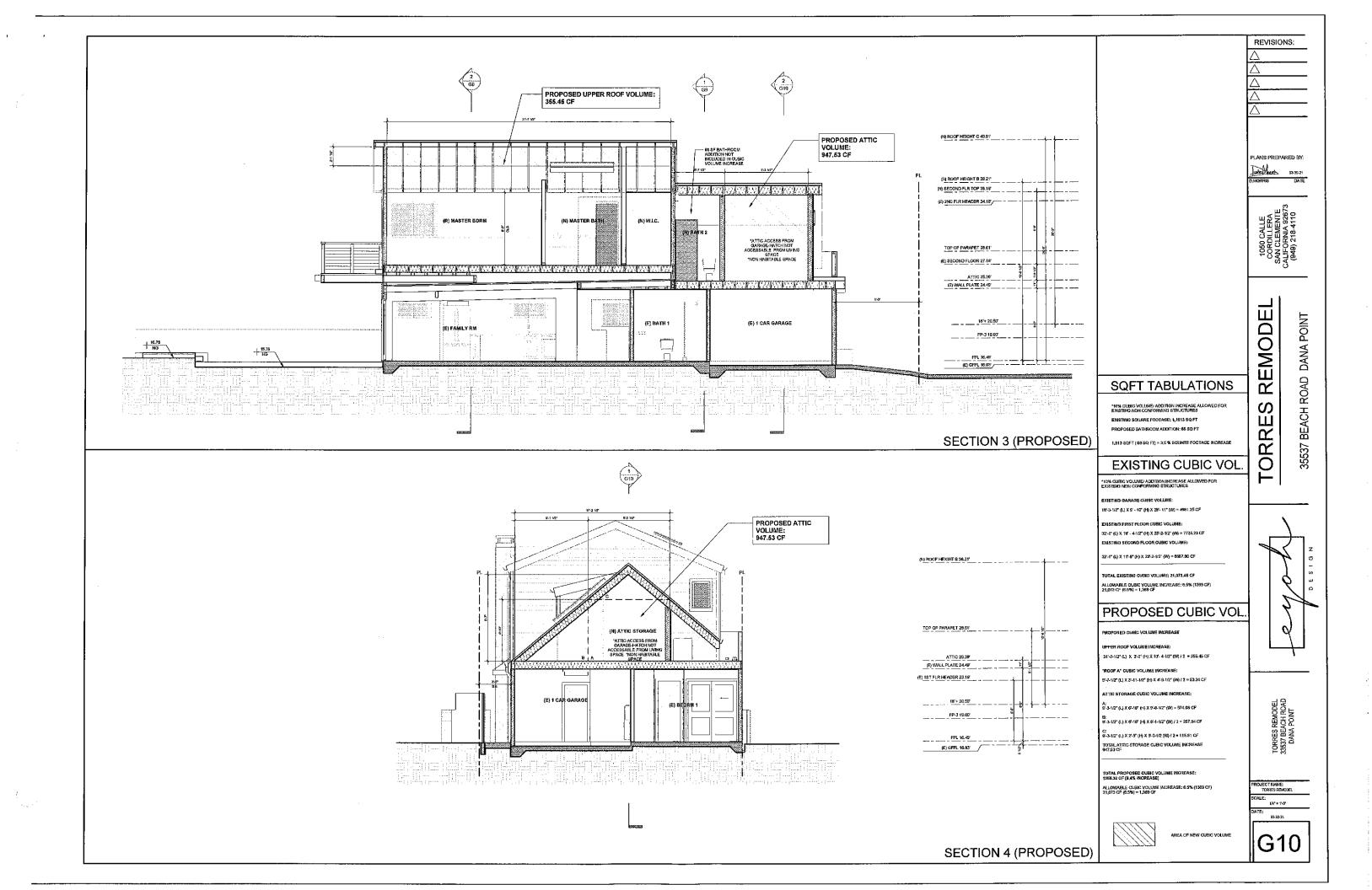
PROPOSED CUBIC VOL

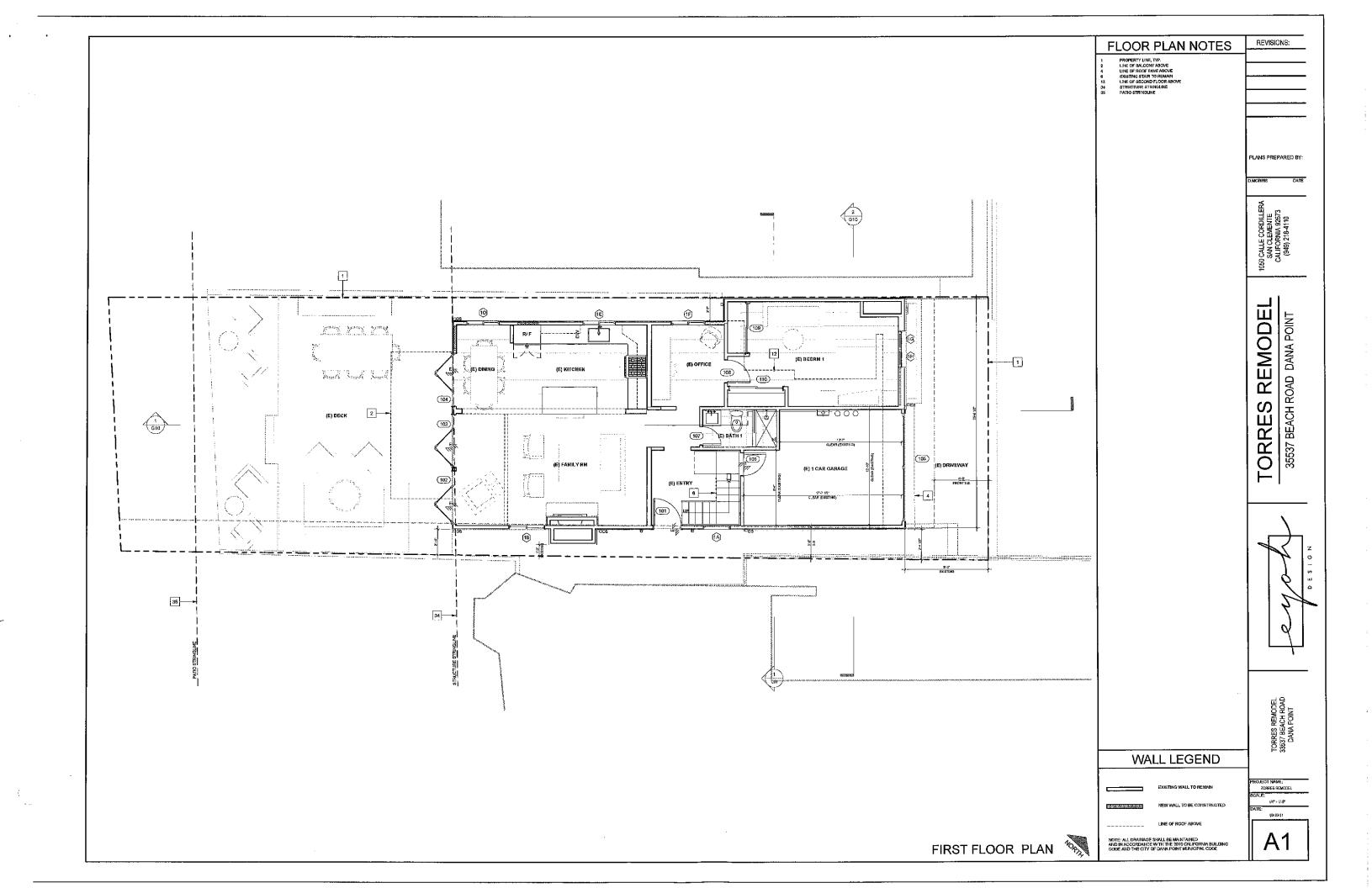
8'-3-1/2" (L) X 6'-10" (H) X 9'-0-1/2" (W) = 574.08 CF

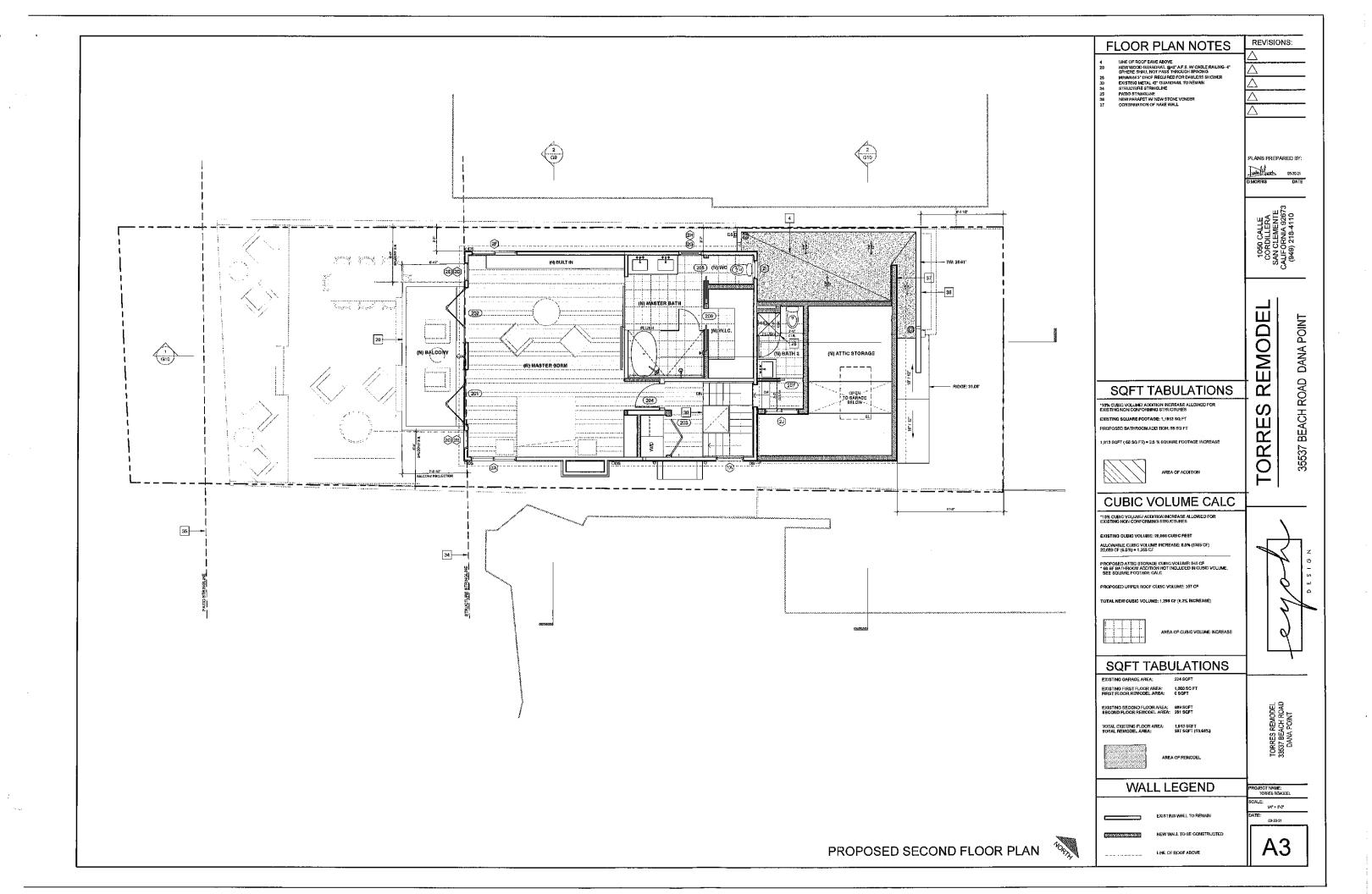
ALLOWABLE CUBIC VOLUME INCREASE: 6.5% (1389 CF) 21,073 CF (6.5%) = 1,389 CF

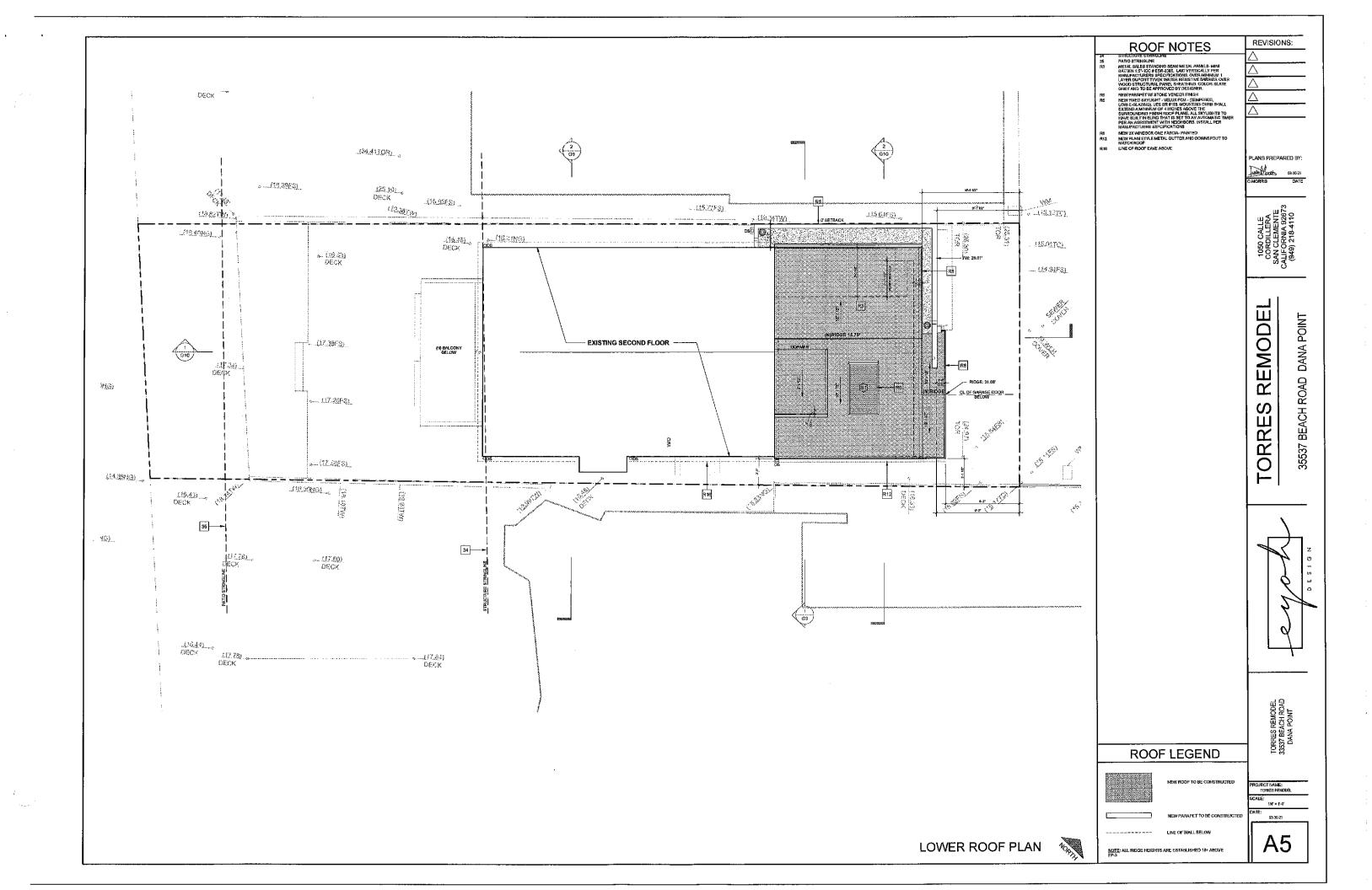
ROJECT NAME: TORRES REMODEL

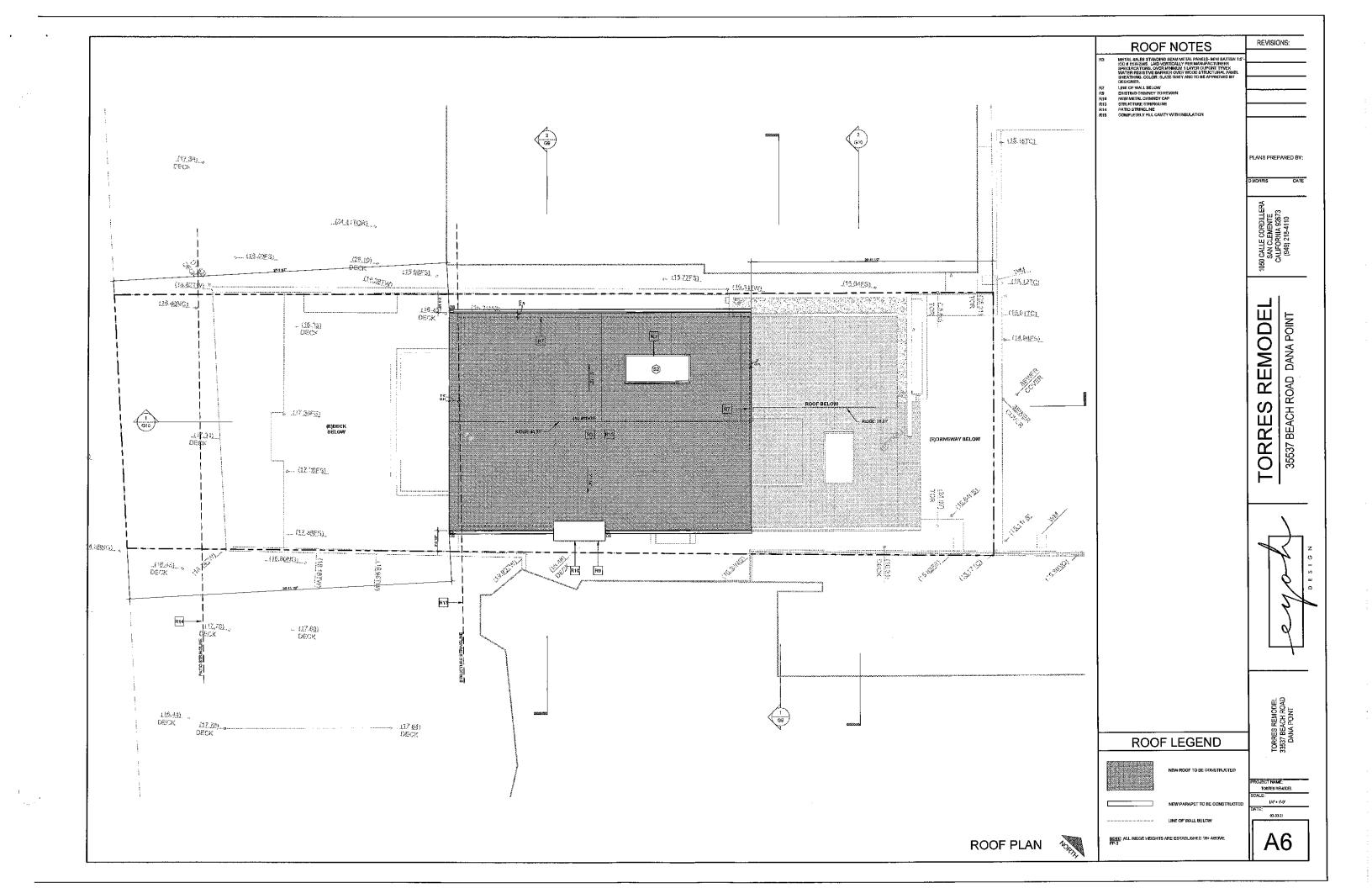
IM. = 1/0. 03-30-21

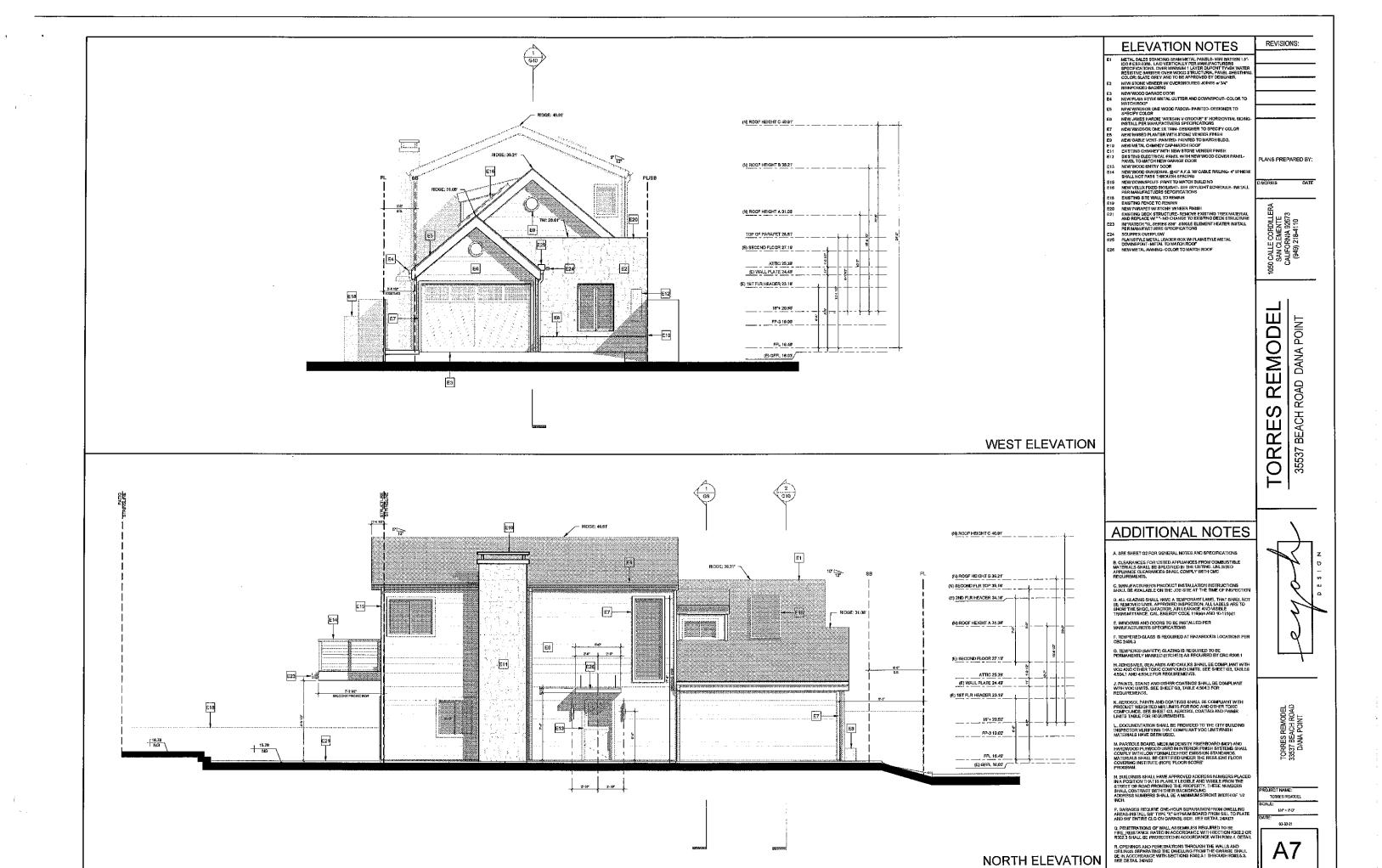


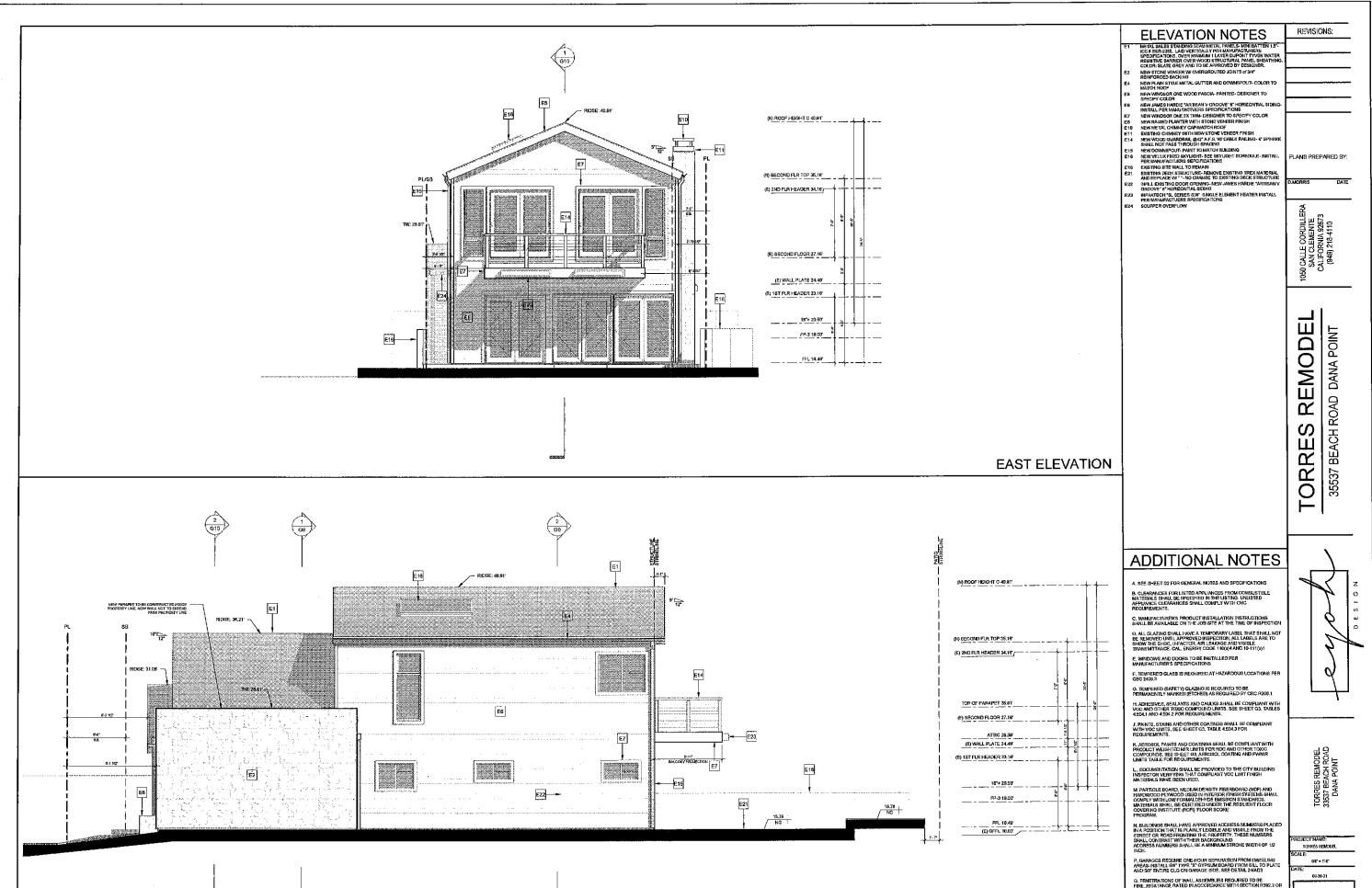












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SOUTH ELEVATION

WINDOW SCHEDULE													
	DETAILS						DETAILS				1		
MARK	TYPE	HEIGHT	WICTH	HEAD HEIGHT	FINISH	HEAD	JAMG	SILL	GLAZING	U FACTOR	SHGC	COMMENTS	
	IFIXED	F=		T=- =									
		8' - 10"	3 0.		ALUMINUM CLAD				!			28.50 SF	
	SLIDING	4'-0"	4' - 0"		ALUMINUM CLAD							(18 SF	
	SLIDING	3' - 10 1/2"	5' - 11"		ALUMINUM CLAD							:23 SF	
	SLIDING	1"- 10"	3' - 8"		ALUMINUM CLAD	1						6.70 SF	
	SLIDING	1'- 10"	3, 1 8,	6' - B"	ALUMINUM CLAD							8,70 GF	
	SLIDING	2"-9"	3' - 10"	6'-8"	ALUMINUM CLAD							10.50 SF	
	CASEMENT	5° - 2"	2' - 0'	7 - 0"	ALUMINUM CLAD					-		10.30 SF	
	CASEMENT	5' - 2"	2'-0"	7 - 0"	ALUMINUM CLAD							10.30 SF	
	SLIDING	4' - 0"	5' - 6"	7'-0"	ALUMINUM CLAD					ì		20 SF	
	CASEMENT	5' - Q"	2' - 0"	7 - 0"	ALUMINUM CLAD					1		10 SF	
	FIXED	1' - 10"	2' - 0"	2'-0"	ALUMINUM CLAD				TEMPERED			3.65 SF	
······	CASEMENT	6' - Q"	2' - 0"	7 - 0*	ALUMINUM CLAD			T				10 SF	
	FIXEO	1'- 10"	2' - 0"	6" - 0"	ALUMINUM CLAD				TEMPERED	i		3.65 SF	
	SLIDING	4' - 0"	5' - 0"		ALUMINUM CLAD							20 SF	-
	AWNING	2' - 0"	2' - 6'		ALUMINUM CLAD					i		10.50 SF	
	FIXED	4' - 10"	2' - 6"		ALUMINUM CLAD				l	i		12 10 SF	
	CASEMENT	3'-0"	2' - 0'		ALUMINUM CLAD							8 SF	
	SLIDING		3' - 8"		ALUMINUM CLAD				 	i 1		7.3D SF	

TOTAL SF OF WINDOWS TO BE REPLACED: 205.90 SF

DOOR SCHEDULE											
						DETAILS					
MARK	TYPE	MDTH	HEIGHT	FINISH	HEAD	JAMB	THRESHOLD	GLAZING	U-Fector	SHBC	COMMENTS
1	DUTCH	3" - 0"	In	Wood			·	I	_		1" DEADBOLT, 20 SF
2			8' - 8"					TEMPERED			
·	2 PANEL BI-FOLD	6' - 10"	5' - 11 1/2"	ALUMINUM CLAD	ļ	J		TEMPERED			40.85 SF
3	2 PANEL BI-FOLD	5' - 10'	6" - 11 1/2"	ALUMINUM CLAD				TEMPERED			40.85 SF
<u>4</u> 5	2 PANEL 81-FOLD	5" - 1D"	6' - 11 1/2"	ALUMINUM CLAD				TEMPERED			40,85 SF
i	SECTIONAL	12' - 0"	7-6	WOOD							90 SF
	SWING	2" - 6"	6' - 3"	WOOD							EXISTING TO REMAIN
1	SWING	2'-0"	6' - 8"	WOOD							EXISTING TO REMAIN
-	SWING	2'-6"	6' - 8"	WOOD		1			1		EXISTING TO REMAIN
	SLIDING	5" - 5"	6' - 8"	WOOD		1					EXISTING TO REMAIN
	SLIDING	6" - 1D"	6" - 8"	WDOD		1					EXISTING TO REMAIN
	2 PANEL BIFOLD	6' - 0"	6 - 11 1/2"	ALUMINUM CLAD			· · ·				42 SF
	2 PANEL BIFOLD	6' - 0"	6 - 11 1/2"	ALUMINUM CLAD				į.			12 SF
	BIFOLD	4 - 4"	7 - 0"	WOOD	1			· · · · · · · · · · · · · · · · · · ·		ì	30.30 SF
	SWING	2' - 8"	6' - 8"	WOOD							17.30 SF
	POCKET	2' - 6"	6' - 6''	WDOD							19.95 SF
	POCKET	2' - 4"	6' - 8"	WOOD	1	1				i	15.55 SF
	POCKET	2'-6"	6' - B"	WOOD	1						19.ab SF
		2' - 4"	6' - A"	1							

TOTAL SF OF DOORS TO BE REPLACED: 430.15 SP

	SKYLIGHT SCHEDULE									
MARK	TVPE	HEIGHT	WICTH	FINISH	HEAD	DETAILS JAMB SILL	GLAZING	U FACTOR	SHGC	COMMENTS
S1 S2	FIXED	7' - 0" 7' - 0"	3, 0,	ALUMINUM ALUMINUM	<u> </u>		TEMPERED TEMPERED	-		21 SF 21 SF

TOTAL SF OF SKYLIGHTS: 49.3 SF

DOOR/ WINDOW NOTES

DOOR MANUFACTUER: SIERRA PACIFIC COLOR: WHITE 001

WINDOW MANUFACTUER: SIERRA PACIFIC COLOR: WHITE 001

A, ALL DOOR GLAZING SHALL SE TEMPERED OR LAMINATED GLASS,

B. ALL GLAZING SHALL HAVE A TEMPORARY LABEL THAT SHALL NOT BE REMOVED UNTIL APPROVED INSPECTION, ALL LABELS ARE TO SHOW THE SHOC, LY-ACTOR, AIR LEAKAGE AND VISIBLE TRANSMITTANCE. CAL. CODE 118(a)4 AND 10-111)A)1

C, GLAZING IN EXTERIOR DOORS OR WITHIN 40 INCHES OF ANY LOCKING MECHANISM SHALL BE FULLY TEMPERED GLASS OR RATED BURGLARY RESISTANT GLAZING (SCMC 15:28.120)

1. 5.7 SQUARE FEET MINIMUM NET CLEAR OPENABLE AREA REQUIRED (5.0 SQ. FT. AT GROUND FLOOR)

2. 24" MINIMUM NET CLEAR OPENABLE HEIGHT REQUIRED

3, 20" MINIMUM NET CLEAR OPENABLE WIDTH REQUIRED

4. MAXIMUM FINISHED SILL HEIGHT 44" ABOVE FLOOR LEVEL REQUIRED, WHERE OPENING OF WINDOW IS MORE THAN 72 INDICES ABOVE EXTENDING READS. OF WINDOW IS MORE THAN 72" ABOVE FINISH FLOOR, ALL EMBRIGARIOY ESCAPE AND RESCUE OPENINGS SHALL BE MANIFACING PRES OF AND ORSTRUCTIONS AND SHALL BE OFFER AND RESCUE OF THE ROAM WINNOUT THE USE OF THE ROAM WINNOUT THE WINNE WINNOUT THE WINNOUT

E. TEMPERED GLASS IS REQUIRED AT HAZARDOUS LOCATIONS PER CRC R308.6

F. CASEMENT WINDOW OPERATION CODES ARE EXPRESSED AS VIEWED FROM THE BUILDING EXTERIOR. "LH" INDICATES LEFT HINGED, "RH" INDICATES RIGHT HINGED

G, TEMPERED (SAFETY) GLAZING IS REQUIRED TO BE PERMANENTLY MARKED (ETCHED) AS REQUIRED BY CRC 0308.1

REVISIONS:

PLANS PREPARED 8Y:

1050 CALLE CORDILLER SAN CLEMENTE CALIFORNIA 92673 (949) 218-4110

REMODEL DANA F BEACH ROAD ES TORRE

ADDITIONAL NOTES

C. MANUFACTURER'S PRODUCT INSTALLATION (NSTRUCTIONS SHALL BE AVAILABLE ON THE JOB SITE AT THE TIME OF INSPECTION

O. ALL GLAZING SHALL HAVE A TEMPORARY LABEL THAT SHALL NOT BE REMOVED UNTIL APPROVED INSPECTION, ALL LABELS ARE TO SHOW THE SHOC, LI-PACTOR, ARI LENAGE AND VISIBLE TRANSMITTANCE, CAL, ENERGY CODE 118(a)4 AND 10-111(a)1

E. WINDOWS AND DOORS TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS

F. TEMPERED GLASS IS REQUIRED AT HAZARDOUS LOCATIONS PER CRC 24083

H. ADHESIVES, SEALANTS AND CAULKS SHALL BE COMPLIANT WITH YOC AND OTHER TOXIC COMPOUND LIMITS. SEE SHEET G3, TABLES 4,504.1 AND 4,504.2 FOR REQUIREMENTS.

J. PAINTS, STAINS AND OTHER COATINGS SHALL BE COMPLIANT WITH YOC LIMITS, SEE SHEET G3, TABLE 4.504.3 FOR REQUIREMENTS.

K. AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS, SEE SHEET GS, AEROSOL COATING AND PWMIR LIMITG TABLE FOR RECUIRCIMENTS.

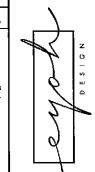
L.. DOCUMENTATION SHALL SE PROVIDED TO THE CITY BUILDING INSPECTOR VERIFYING THAT COMPLIANT VOC LIMIT FINISH MATERIALS HAVE BEEN USED.

M. PARTICLE BOARD, MEDIUM DENSITY FIBERBOARD (NOF) AND HARDWIGOD PLYVICOD USED IN INTERIOR FINISH SYSTEMS SHALL COME THREE SYSTEMS SHALL COME AND ARROWS A

M BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS PLACED HA A POSITION HAVE IN A MAIN LISTING LAND VIRILENCE HEROM THE SHALL CONTRAST WITH THEIR BACKGROUND HESS NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND STROKE WIDTH OF 1/2 INCH.

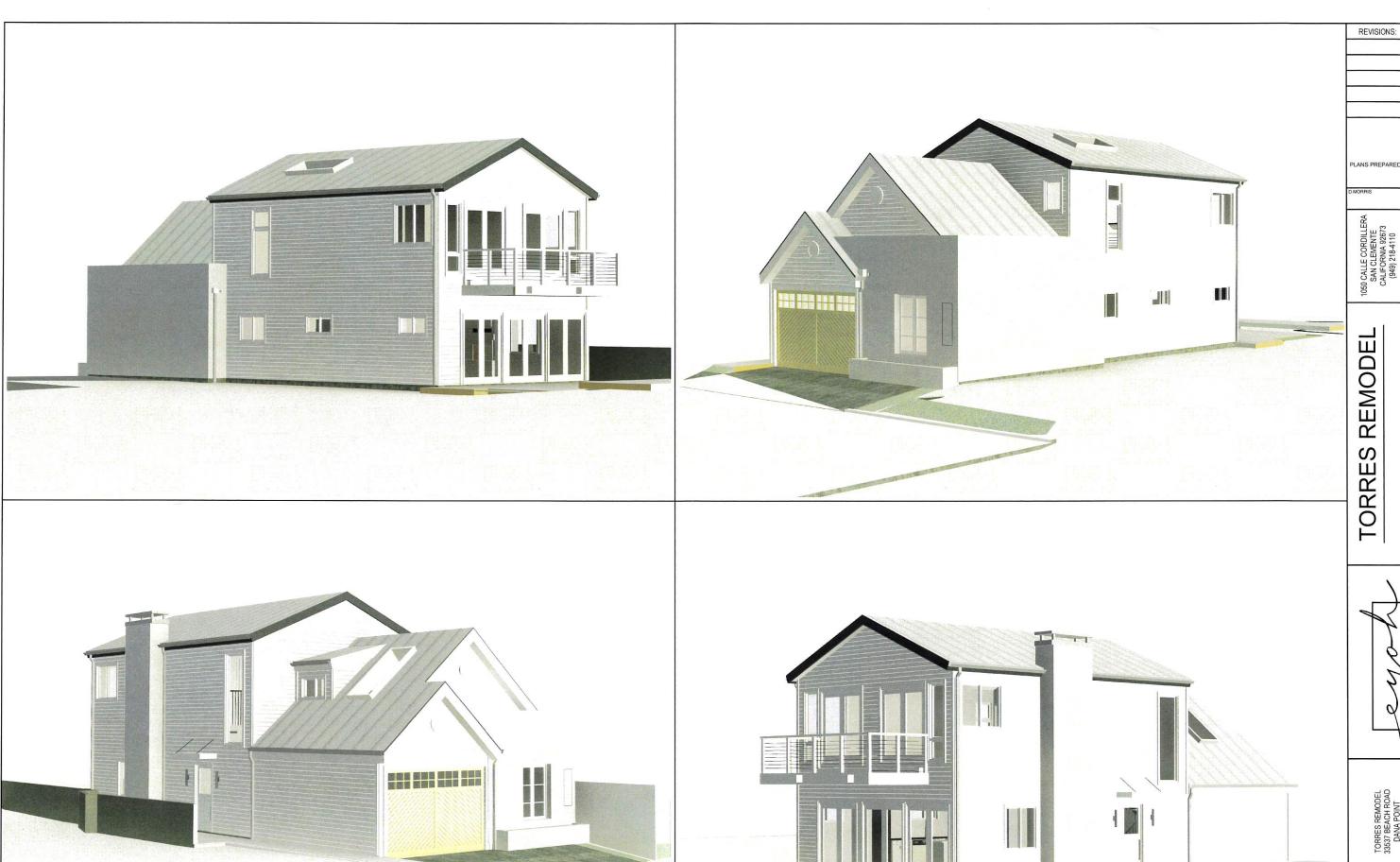
O. PENETRATIONS OF WALL ASSEMBLIES REQUIRED TO BE FIRE_REISTANCE RATED IN ACCORDANCE WITH SECTION R302.2 OR R302.3 SHALL BE PROTECTED IN ACCORDANCE WITH R302.4, DETAIL

R, OPENINGS AND PENETRATIONS THROUGH THE WALLS AND CRILINGS SEPARATING THE OWELLING FROM THE GARAGE SHALL BE IN ACCORDANCE WITH SECTIONS R302,5,1 THROUGH R302,6,3, SEE DETAIL 24/AD3



03-30-21

A9

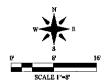


PLANS PREPARED BY:

TORRES REMODEL

35537 BEACH ROAD DANA POINT

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NOTE: RECORD EASEMENTS ARE NOT PLOTTED (F ANY.

SURVEYOR OR ENGINEER SHALL PERMANENTLY MONUMENT PROPERTY CORNERS OR OFFSETS BEFORE STARTING GRADING.

LEC	END
	DESCRIPTION
(123.45) () ## A.C. C.F. C.DNC. C.P. F.F. FL F.S. G.F. L&T M.H. N.G. P.P. T.G. T.G. T.U.R. S&V	MEAS. ELEVATIONS REC. BRG. & DIST. BRICK BRICK BRICK WALL BUILDING PROPERTY LINE FENCE BENCH MARK ASPHALT CURB FACE CONCRETE CONTROL POINT FINISH FLOOR FLOWLINE FINISH SURFACE GARAGE FLOOR LEAD & TAG MAN-HOLE NATURAL GRADE PLANTER POWER POLE TOP OF CURB TOP OF CURB TOP OF CURB TOP OF RODF SPIKE & WASHER WATER METER



ADDRESS OF PROJECT:

35537 BEACH ROAD DANA POINT, CA

BENCH MARK: BENCH MARK #3B-52-68 NAVD88 DATUM ELEVATION= 18.235

LEGAL DESCRIPTION: LOT 17 OF TRACT MAP ND, 797

OWNER: LORI TORRES

TOPOGRAPHIC SURVEY

JOB: 77-29

DATE: 7/16/20

RdM SURVEYING INC.

RUN MIEDEMA L.S. 4653 23016 LAKE FUREST DR. #409 LAGUNA HILLS, CA 92653 (949) 858-2924 DFFICE (949) 422-1869 CELL RDMSURVEYING@COX.NET

