

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

DATE: AUGUST 9, 2021

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
BRENDA WISNESKI, DIRECTOR
JUSTIN POLEY, ASSISTANT PLANNER

SUBJECT: TENTATIVE PARCEL MAP TPM2021-107 AND MINOR CONDITIONAL USE PERMIT CUP21-0007(M) TO CONVERT AN ATTACHED DUPLEX DWELLING TO CONDOMINIUMS ON A SINGLE LOT AT 34621 VIA CATALINA

RECOMMENDATION: That the Planning Commission adopt the attached Draft Resolution approving Tentative Parcel Map TPM2021-107 and Minor Conditional Use Permit CUP21-0007(M) (Action Document 1).

APPLICANT: Bryan Price, Architect

PROPERTY OWNERS: Maple Ridge Investment Group, LLC.

REQUEST: Approval of a Tentative Parcel Map and Minor Conditional Use Permit to allow the conversion of an attached duplex dwelling to condominiums on a single lot.

LOCATION: 34621 Via Catalina (APN: 691-382-28)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius on July 30, 2021, published within a newspaper of general circulation on July 21, 2021, and posted on July 30, 2021, 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 found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that project involves the division of an attached duplex into a common interest ownership subdivision where no physical changes are occurring that are otherwise exempt.

PLANNING COMMISSION AGENDA REPORT
TPM21-107 AND CUP21-0007(M)
AUGUST 9, 2021
PAGE 2

ISSUES:

1. Is the proposal consistent with the City's adopted General Plan?
2. Is the project compatible with, and an enhancement to the site and surrounding neighborhood?
3. Does the project satisfy all required findings pursuant to the City's Zoning Code for approving a Tentative Parcel Map and a Minor Conditional Use Permit?

BACKGROUND: The subject site is a 6,086 (.14 acres) square foot parcel currently under construction with an attached duplex dwelling located near the intersection of Via Catalina and Camino Capistrano. The property is located within the Residential Duplex 14 DU/AC (RD 14) Zoning District and is designated Residential 7-14 D.U./AC in the City's General Plan Land Use Policy diagram (Supporting Document 2).

An assortment of residential land uses, including single-family and duplex developments surround the subject site. Directly adjacent to the subject site to the north, south, west and across Via Catalina to the east are properties developed as single-family and duplex dwelling. (Supporting Document 3).

On May 14, 2018, the Planning Commission approved Minor Site Development Permit SDP17-0049(M) permitting the site to be developed with an attached two-story duplex with roof decks, increased wall heights and to allow the duplex structure's height to be measured from a maximum of thirty (30) inches of fill. Conditional Use Permit CUP17-0018, approved concurrent with SDP17-0049(M), allowed the optional duplex parking arrangement permitted pursuant to Dana Point Zoning Code (DPZC) Section 9.35.080(e)(4) and associated Exhibit 9.35.10.

DISCUSSION: The previously approved attached duplex dwelling is currently under construction on the subject site. However, original entitlements did not include any subdivision actions and individual units may not be sold separately. The applicant now proposes to subdivide the parcel for the purpose of creating condominiums allowing the individual dwelling units to be sold separately. Since proposed development on the site has already been approved and construction through interior lath inspections have occurred on the duplex dwellings, both a Tentative Parcel Map and a Minor Conditional Use Permit, in accordance with Section 9.09.040(b)(3) of the DPZC, must be processed to allow the units to be converted to condominiums.

Tentative Parcel Map

A Tentative Parcel Map is requested to allow the duplex units previously approved by the City to be subdivided allowing individual ownership of the units or fraction of the property thereof (Supporting Document 4). A condition of approval for the project requires a preliminary condominium plan, illustrating the manner in which the private and common interests of the lot will be divided, to be submitted to the City prior to recordation of the final

PLANNING COMMISSION AGENDA REPORT
TPM21-107 AND CUP21-0007(M)
AUGUST 9, 2021
PAGE 3

map. The preliminary condominium plan will be reviewed in conjunction with the covenants, conditions, and, restrictions (CC&Rs) ensuring consistency between the documents, and that the CC&Rs do not conflict with the previous entitlements related to the subject site or the City's Municipal Code.

Specifics relating to the previously approved CUP17-0018 allowing the optional duplex tandem parking arrangement and the associated exterior tandem parking stall for Unit A would be reaffirmed, and maintenance standards and responsibilities associated with the site will be defined in the CC&Rs, as a condition of approval for TPM21-107. To avoid conflicts resulting between potential differences with only two owners, a specific condition of approval has been included requiring the CC&Rs to include provision for dispute resolution. As is customary, the CC&Rs will be reviewed by City Staff and the City Attorney to ensure compliance with both the conditions of approval, and the requirements of the Subdivision Map Act and the City's Subdivision Ordinance.

Section 7.05.060 of the Dana Point Subdivision Code establishes the findings required to approve or conditionally approve tentative maps as follows:

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; and*
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 required findings are provided in the attached draft Resolution identified as Action Document 1.

Minor Conditional Use Permit

Condominium conversions are required to comply with the applicable development standards of the zoning district in which they are located. In the case of the subject site, the duplex dwelling was designed in compliance with all development standards of the RD 14 Zoning District when it was approved in 2018.

Condominiums are also required to provide high quality urban design through architectural enhancement, landscape improvements, and construction. These items were considered during the staff's initial review of the development prior to the Planning Commission hearing, as well as during the Commission's deliberations at the May 14, 2018, public hearing. Condominium conversions must also provide improved privacy between units, individual metering systems and trash collection for each unit. Since the development is currently under construction and the owner anticipated the conversion of the duplex dwelling for individual ownership, these requirements have been included in construction documents currently under review by the City, with confirmation obtained through upcoming inspections by the City's Building Department. A landscape permit has also been issued, and landscaping will be installed towards the end of construction activities on the site.

Although the duplex dwelling is still under construction, conditions have been included should either of the units be occupied prior to recordation of the final parcel map to ensure notice and exclusive initial purchase rights for tenants of the units are provided in accordance with local and Subdivision Map Act requirements.

Pursuant to Section 9.65.060 "Basis for Approval, Conditional Approval, or Denial of a Conditional Use Permit" of the DPZC, every Conditional Use Permit (CUP) or Minor CUP requires the following findings:

1. *That the proposed conditional use is consistent with the General Plan.*
2. *That the nature, condition, and development of adjacent uses, buildings, and*

PLANNING COMMISSION AGENDA REPORT
TPM21-107 AND CUP21-0007(M)
AUGUST 9, 2021
PAGE 5

structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

3. *That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity.*

Staff finds the Minor CUP requested to convert the duplex dwelling to condominiums is consistent with the basis of approval as outlined in Section 9.65.060 of the DPZC. Responses supporting the above-mentioned findings are detailed in the attached draft Planning Commission Resolution included as Action Document 1.

CORRESPONDENCE:

To date, no correspondence has been received concerning the subject project.

CONCLUSION:

Based on the above analysis, as well as the projects consistency with the City's General Plan, and Zoning and Subdivision Ordinances, Staff determines that required findings supporting the project can be made. Accordingly, Staff recommends that the Planning Commission adopt the attached Draft Resolution approving Tentative Parcel Map TPM2021-107 and Minor Conditional Use Permit CUP21-0007(M).

Justin R. Poley
Justin R. Poley
Assistant Planner


Brenda Wisneski
Brenda Wisneski
Director of Community Development

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 21-08-09-XX

Supporting Documents

2. Vicinity Map
3. Tentative Parcel Map
4. Approved Architectural Plans

ACTION DOCUMENT 1: Draft Planning Commission Resolution No. 21-08-09-XX

RESOLUTION NO. 21-08-09-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
DANA POINT, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP
TPM2021-107 AND MINOR CONDITIONAL USE PERMIT CUP21-0007(M)
TO CONVERT AN ATTACHED DUPLEX DWELLING TO CONDOMINIUMS
ON A SINGLE LOT AT 34621 VIA CATALINA**

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

WHEREAS, Maple Ridge Investment Group, LLC (the "Owner"), owns the real property commonly referred to as 34621 Via Catalina (APN: 691-382-28) (the "Property"); and

WHEREAS, the Owner authorized Bryan Price, Architect (the "Applicant") and the Applicant caused to be filed a verified application for a Tentative Parcel Map and Minor Conditional Use Permit to convert an attached duplex dwelling to condominiums on a single lot at the Property; and

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

WHEREAS, the Planning Commission did, on the 9th day of August, 2021, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, the proposed project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves division of existing multiple family residences into common-interest ownership where no physical changes occur which are not otherwise exempt; 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 a Tentative Parcel Map TPM2021-107 and Minor Conditional Use Permit CUP21-0007.

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 are incorporated herein.

Findings:

- B) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Tentative Parcel Map TPM2021-107, subject to conditions

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 2

- 1) That the proposed map is consistent with the City's General Plan **in that it satisfies the intent of the Land Use Element Goal 1 pertaining to balanced development for the City, which states, "Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents."**
- 2) That the design and improvement of the proposed subdivision is consistent with the City's General Plan **in that the 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 subdivision will provide for individual and common responsibilities as defined in the covenants, conditions, and, restrictions (CC&Rs) and on the preliminary condominium plan required to be submitted and reviewed prior to recordation of the final parcel map.**
- 3) That the site is physically suitable for the proposed type of development **in that it is of a reasonable shape, size, and topography to accommodate a residential condominium subdivision for the duplex dwelling now being developed on the site.**
- 4) That the requirements of the California Environmental Quality Act have been satisfied **in that project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves division of existing multiple family residences into common-interest ownership where no physical changes occur which are not otherwise exempt.**
- 5) That the site is physically suitable for the proposed density of development **in that required development standards have already been met through the approval of Minor Site Development Permit SDP17-0049(M) and a Minor Conditional Use Permit CUP17-0018(M) and the site is large enough to accommodate the proposed density and land area requirements for the two (2) units being developed on the site.**

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 3

- 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 and proposed on a site which is currently being developed and does not contain any 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 condominium subdivision will only enable individual ownership of the two (2) units previously approved and will not result in further construction activities on the site that have not already been considered as part of the current site development.**
- 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 easement issues were previously reviewed during review of the required Minor Site Development Permit and Minor Conditional Use Permit and there is no easement on the property related to access through, or use of the property.**
- 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 previously approved duplex dwelling which was designed and approved in conformance with the Residential Duplex RD 14 Zoning District and is not changing as part of the proposed tentative parcel map for condominium purposes.**
- 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 have been collected prior to issuance of construction permits for the duplex dwelling currently being developed at the site or will be collected prior to issuance of a**

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 4

certificate of occupancy and the creation of the condominium subdivision will not create the need for additional public facilities for which the fees are 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 **in that public utilities and services have been made available through the ongoing development of the duplex dwelling previously approved for the site and prior to the application requesting the condominium conversion currently proposed.**

- C) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Minor Conditional Use Permit No. CUP21-0007(M):
 - 1) That the proposed project is consistent with the Dana Point General Plan **in that the project complies with the density range allowed for the Residential 7-14 DU/AC Land Use Designation in which it is located as identified on the Land Use Policy Diagram in the General Plan Land Use Element and the conversion of the duplex dwelling currently under construction into condominiums will not result in any increase in density on the subject site.**

 - 2) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures **in that surrounding development was considered during the review of the duplex dwelling currently under construction on the site and the proposed condominium conversion will not negatively impact surrounding property and will enhance the neighborhood through the individual ownership of the dwelling units and the individual responsibility of the maintenance and appearance of private and common areas defined through the covenants, conditions, and restrictions (CC&Rs) and the preliminary condominium plan reviewed by the City prior to final map recordation.**

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 5

- 3) That the proposed site is adequate in size and shape to accommodate the yards, wall, fences, parking and loading facilities, landscaping, and other land use development features prescribed in the City's Zoning Code and required by the Director of Community Development in order to integrate the use with existing and planned uses in the vicinity **in that all proposed improvements related to the site have been deemed adequate for the proposed site through previous entitlements and the proposed condominium subdivision will not change these improvements or result in the need for additional improvements to integrate the two units with surrounding development.**

Conditions:

A. General:

1. Approval of this application is to allow the conversion of an attached duplex dwelling to condominiums on a single lot at 34621 Via Catalina (APN: 691-382-28). 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 the Dana Point Zoning Code.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved and such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable, grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions and in accordance with the appropriate sections of the Dana Point Zoning and Subdivision Ordinances.
3. 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

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 6

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.

4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
5. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal 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.

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.

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.

6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 7

8. Individual gas and/or electrical metering systems shall be provided for each dwelling unit.
 9. The applicant shall be responsible for coordination with SDG&E, AT&T California, SCWD, Southern California Gas Company, and Cox Communication Services for the provision of all utility services.
 10. 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.
 11. The applicant shall meet all water quality requirements.
 12. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.
 13. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.
 14. Prior to any submittal to the City of Dana Point, an address assignment may be required for submittal to the Public Works Department for the addresses of the proposed development units.
 15. Any curb and gutter or other public improvements damaged during the construction in the public right of way shall be repaired and replaced to satisfaction of the City Engineer.
 16. Any damage to existing public or adjacent private property facilities shall be repaired or replaced to the satisfaction of the City Engineer.
 17. The applicant shall obtain all applicable permits for the proposed improvements, including any that may be required from outside agencies.
- B. Prior to approval of the final parcel map the applicant shall meet the following conditions:**

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 8

18. All utilities are to be made concealed from public right of way.
19. 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 TPM2021-107, as determined by the Director of Community Development, the Director of Public Works, and the City Engineer. Said map shall be prepared as required by the City of Dana Point Subdivision Code. Once approved, the Final Map shall be recorded with the Office of the County Recorder.
20. All taxes and fees shall be paid to the County of Orange and the County Treasurer-Tax Collector's Certificate shall be signed. Prior to City Engineer and City Clerk signature, the Treasurer-Tax Collector's Certificate shall be signed and submitted to the City. This is a requirement of the City of Dana Point Engineer.
21. The Final Map shall be in accordance with the Subdivision Map Act including Article 2 and Article 3.
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.
23. Applicant/owner shall notify the City if the units are occupied prior to recordation of the Final Parcel Map and shall provide/demonstrate to the City that the following provisions will be or have been satisfied:
 - The applicant shall provide proof of all required notices per the Subdivision Map Act including Sections 66452.17 through 66452.20 and 66427.
 - The applicant shall provide adequate written notice to prospective and current tenants of the intent to convert per Subdivision Map Act Section 66452.17.
24. 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.
25. The County of Orange Surveyor provides technical review of the Final Map. The applicant shall submit the Final Map to the County of Orange

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 9

for concurrent review and approval. A copy of the approval shall be submitted to the Public Works Department.

26. The Final Map shall clearly state that the subdivision is for condominium purposes.
27. 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.
28. Applicant shall provide to the City a Subdivision Guarantee from a licensed title company prior to City approval of the Parcel Map.
29. The applicant shall submit a copy of the proposed CC&Rs and Articles of Incorporation of the Owners' Association(s) for review and approval by the Directors of Public Works and Community Development, the City Engineer, 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 Directors of Public Works and Community Development, and the City Engineer 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 structures shall be included in CC&Rs.
 - c. Reflect common access easements, and maintenance responsibility of all recreation areas, common walls, access ways, parking areas consistent with Conditional Use Permit CUP17 0018 approved for the optional duplex parking arrangement on the site, 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. If not included in the CC&Rs, a copy of the proposed condominium plan shall be provided illustrating the manner in which the air space of the project is proposed for subdivision and illustrations of any commonly held portions of the site ensuring consistency between

RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 10

the definitions and descriptions contained in the proposed CC&Rs.

- f. 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, cross-lot drainage, and any easement documents.
 - g. Provisions which prohibit any obstructions within any fire protection access easement and shall also require approval of the Fire Chief for any modifications; such as speed bumps, control gates, or changes in parking plans within said easement.
 - h. Clearly assign maintenance responsibility of the Homeowners' Association(s) for landscaping, irrigation and other improvements installed on City property for the benefit of the Project.
 - i. Implement and Maintain all structural and non-structural improvements and Best Management Practices (BMPs) indicated in the Final WQMP.
- 30. The applicant shall reimburse the City for staff time and City Attorney costs associated with the review of the CC&Rs, easement, and maintenance agreement documents.
 - 31. 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.
 - 32. The applicant shall submit "will serve" letters from the applicable water and sewer districts.
 - 33. The approved Fire Master Plan shall be submitted to the City of Dana Point Public Works Department.
 - 34. Prior to the recordation of a subdivision map, a note shall be placed on the map stating that all residential structures shall be protected by an approved automatic fire sprinkler system, as required by the building official.
 - 35. 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.

- C. Prior to approval of all permits associated with the duplex dwelling the applicant shall meet the following conditions:**
36. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
 37. The applicant shall submit to the Public Works and Engineering Department, a copy of the recorded Final Map as approved and recorded with the Office of the County Recorder.
 38. The applicant shall submit, to the Public Works and Engineering Department, a copy of the recorded CC&Rs as approved and recorded with the Office of County Recorder.
 39. A final inspection shall be conducted by Public Works.
 40. The applicant shall be responsible for the payment of any City fees prior to final approval.
 41. Applicant/owner shall provide the City with the copy of the recorded Condominium Plan.

**PLANNING COMMISSION AGENDA REPORT
TPM21-107 AND CUP21-0007(M)
AUGUST 9, 2021
PAGE 17**

**RESOLUTION NO. 21-08-09-XX
TPM2021-107 AND CUP21-0007(M)
PAGE 12**

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 9th day of August, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Nelson, Chairperson
Planning Commission

ATTEST:

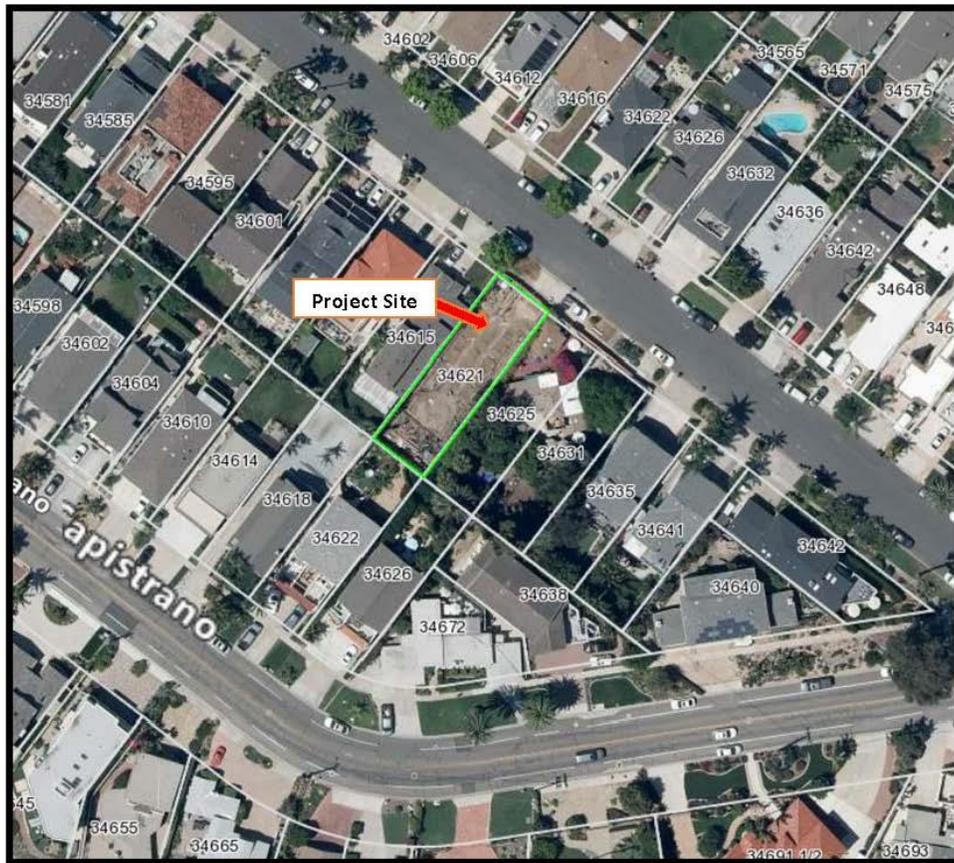
Brenda Wisneski, Director
Community Development Department

SUPPORTING DOCUMENT 2: Vicinity Map



Vicinity Map

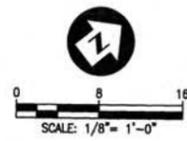
34621 Via Catalina
TPM2021-107, CUP21-0007(M)



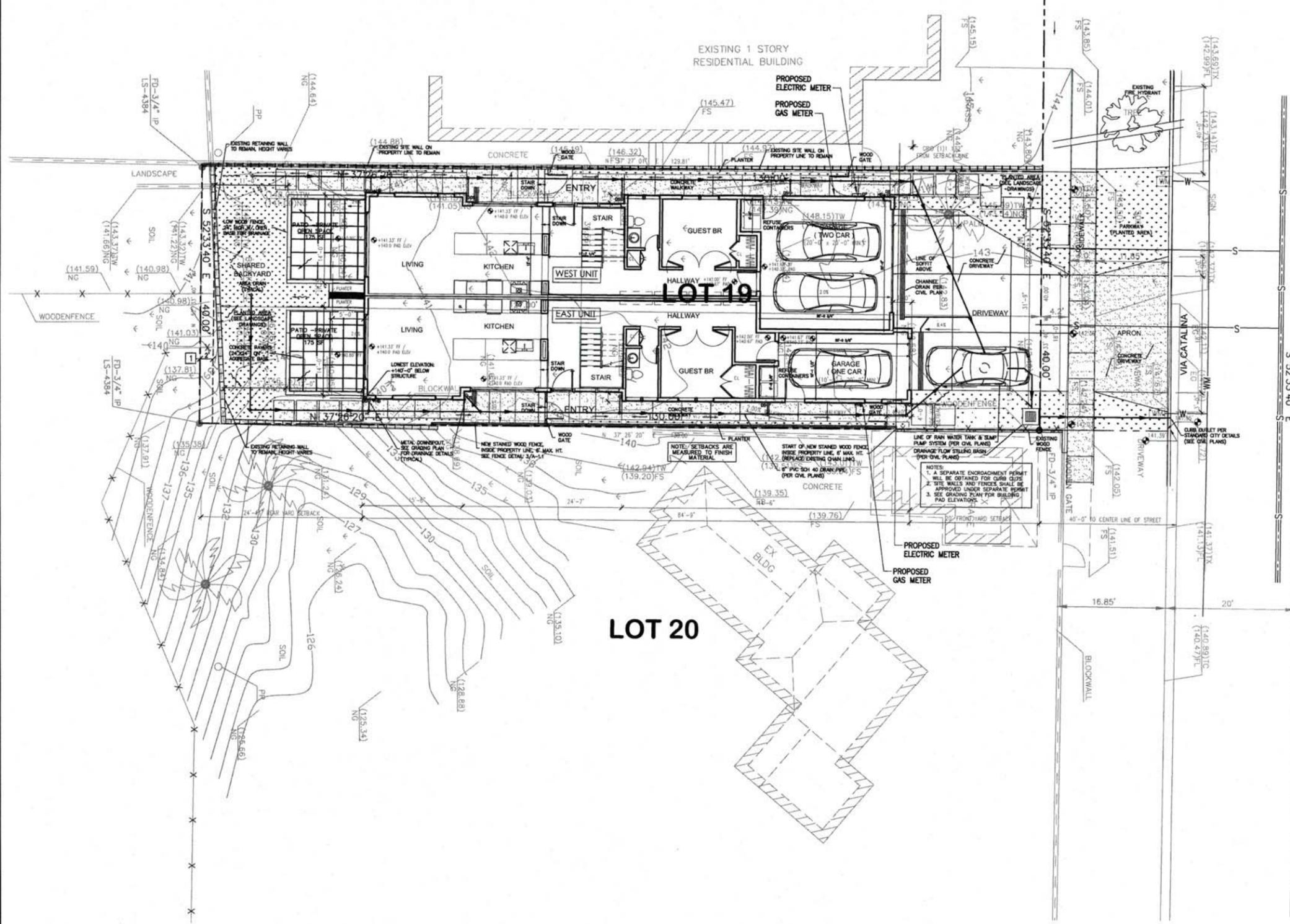
SUPPORTING DOCUMENT 3: Tentative Parcel Map

ATTACHMENT

LOT 18



EXISTING 1 STORY RESIDENTIAL BUILDING



SITE DATA

OWNER/SUBDIVIDER: MAPLE RIDGE INVESTMENT GROUP, LLC
16852 KATIE DRIVE
RIVERSIDE, CA 92504
TEL: (951) 203-7809

ENGINEER: TOAL ENGINEERING, INC.
139 AVENIDA NAVARRO
SAN CLEMENTE, CA 92672
PH: (949) 492-8586

GENERAL PLAN LAND USE DESIGNATION: RD 14 (MULTI-FAMILY RESIDENTIAL)
EXISTING LAND USE: VACANT
TOTAL AREA: 5,200 SQ. FT. (0.119 AC)
EXISTING ZONING: RD 14 (MULTI-FAMILY RESIDENTIAL)
CONTOUR INTERVAL: 1
PROPOSED GRADING: 450 CY TOTAL (SEE TABLE)
MAXIMUM SLOPE GRADIENT: 38%
NUMBER OF PARCELS: 1 (2 UNITS)
UTILITIES:
GAS SERVICE: SOUTHERN CALIFORNIA GAS CO.
ELECTRIC SERVICE: SAN DIEGO GAS AND ELECTRIC
SEWER: SOUTH COAST WATER DISTRICT
WATER: SOUTH COAST WATER DISTRICT
TELEPHONE SERVICE: A. T. & T.
TELEVISION SERVICE: COX COMMUNICATIONS
WASTE DISPOSAL SERVICE: CR&R ENVIRONMENTAL SERVICES

NOTES:

- SUBJECT PROPERTY IS LOCATED WITHIN THE CAPISTRANO UNIFIED SCHOOL DISTRICT.
- PROJECT IS LOCATED IN ZONE "X" AREA OF MINIMAL FLOOD HAZARD, PER FEMA FLOOD MAPS.
- STORM DRAINAGE WILL BE COLLECTED BY A SERIES OF DRAIN INLETS AND DRAIN PIPES AND DIRECTED TO THE STREET THEN THE CITY STORM DRAIN SYSTEM FOR DISPOSAL.

LEGAL DESCRIPTION:

LOT 19 IN BLOCK 10 OF TRACT NO. 735, IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 22, PAGES 21 THROUGH 28 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

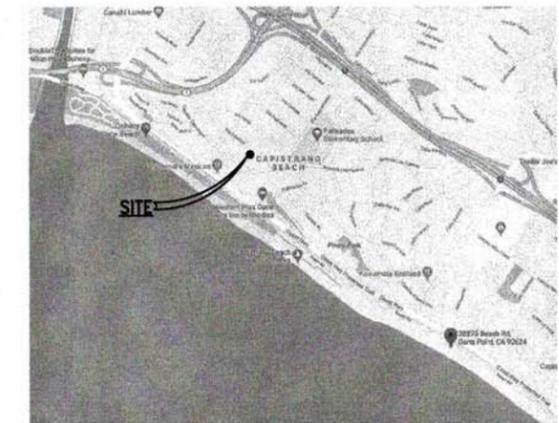
STATEMENT OF OWNERSHIP:

I 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.

DAVER RODRIGUEZ DATE



VIA CATALINA



VICINITY MAP
NOT TO SCALE

TENTATIVE PARCEL MAP

NO. 2021-107

FOR CONDOMINIUM PURPOSES

EARTHWORK	CUT	FILL
EXCAVATION	310 CY	0 CY
EMBANKMENT		0 CY
OVEREXCAVATION/RECOMPACTION	140 CY	140 CY
EXPORT		310 CY
TOTAL	450 CY	450 CY

EASEMENTS OF RECORD

1 INDICATES AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS AND INCIDENTAL PURPOSES RECORDED IN BOOK 203, PAGE 272 OF OFFICIAL RECORDS.

BOUNDARY NOTE:
THE BOUNDARY SHOWN HEREON IS PER A TOPOGRAPHIC SURVEY BY ANDREW GRECHUTA R.C.E. 52312 WITH G & G ENGINEERING.

BENCHMARK NOTE:
OCSBM 38-50-88
ELEV=16.995'
NAVD 88 DATUM, 1989 ADJ.

PLANS PREPARED BY:

CIVIL ENGINEERING
LAND SURVEYING
STORMWATER QUALITY

139 Avenida Navarro
San Clemente, CA 92672
949.492.8586
www.toalengineering.com

VIKTOR P. MEUM
P.L.S. 8682
DATE: 4-19-2021

PREPARED FOR:
MAPLE RIDGE INVESTMENT GROUP LLC

NO.	DATE	BY	APPROVED

CONDOMINIUM PROJECT
TENTATIVE PARCEL MAP
LOT 19, BLOCK 10, TRACT NO. 735
34621 VIA CATALINA, DANA POINT, CA

DATE: 4/14/21	H. SCALE: 1"=8'
SURVEY DATE: 3/9/18	V. SCALE: N/A
DRN.: A.M.S.	DWG. NO. N/A
CHD.: V.M.	TPM-1
APPD.: C.R.	
JOB NO. 21014	SHEET 1 OF 1

SUPPORTING DOCUMENT 4: Approved Architectural Plans

ATTACHMENT

SEAL:



CONSULTANT:

ISSUE / REVISION	DATE
TENTATIVE PARCEL MAP	03.08.2021
REVISED SUBMITTAL	04.15.2021

34619-21 VIA CATALINA
DANA POINT, CA 92629

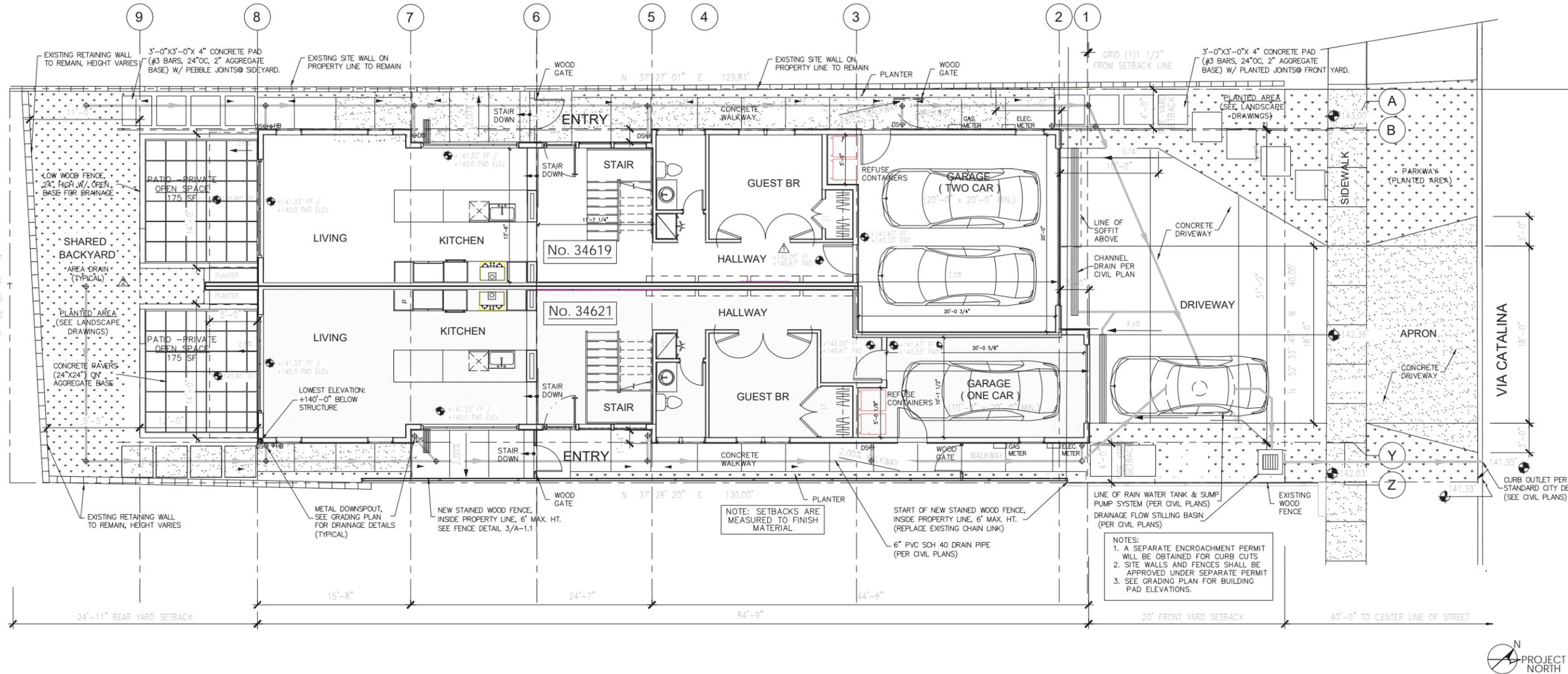
PROPOSED DUPLEX
RESIDENCE

SITE PLAN
PROJECT DESCRIPTION

PROJECT NO: 1711

SCALE: AS NOTED

A-0.1



1 SITE PLAN SCALE: 3/16" = 1'-0"

PROJECT DESCRIPTION:
THIS PROJECT IS A CONDOMINIUM CONVERSION OF A NEW TWO STORY DUPLEX RESIDENCE ON AN EXISTING VACANT LOT. EACH OF THE TWO UNITS WILL HAVE A LIVING, DINING, KITCHEN AND DEN/GUEST ROOM ON THE GROUND FLOOR AND TWO BEDROOMS AND MASTER SUITE ON THE SECOND FLOOR. THERE IS A 235 SF ROOF DECK FOR EACH UNIT.
THE STRUCTURE IS WOOD FRAMED ON A MATT FOUNDATION SUPPORTED BY REINFORCED CONCRETE CAISSONS. THE BUILDING IS FINISHED IN CEMENT PLASTER STUCCO W/ PORCELAIN TILE AND STAINED WOOD ACCENTS. THE BUILDING IS FULLY SPRINKLERED. THE WEST UNIT IS SERVED BY AN ATTACHED TWO CAR GARAGE AND THE EAST UNIT HAS A SINGLE CAR GARAGE AND A DEDICATED TANDEM DRIVEWAY SPACE. SITE STORM WATER WILL DISCHARGED TO THE STREET BY SUMP PUMP SYSTEM PER CIVIL DRAWINGS. EXISTING SITE WALLS WILL BE MAINTAINED ON THE WEST, SOUTH, AND EAST REAR PROPERTY LINES AND A NEW SITE WALL IS PROPOSED IN THE MIDDLE OF THE EAST PROPERTY LINE.

ADDRESS: 34621 VIA CATALINA, DANA POINT, CA 92629
PLANNING APPLICATION: #SDP-17-0049(M)/MCU-17-0018
ZONE: RD14/RES7-14
OCCUPANCY GROUP: R-3/U
CONSTRUCTION TYPE: V-B, NON RATED, FULL AUTOMATIC SPRINKLER SYSTEM PER NPFA-13 D. SYSTEM SHALL BE FILED BY LICENSED SPRINKLER CONTRACTOR
NUMBER OF STORIES: 2
LOT AREA: 40' X 130' = 5,200 SF
MIN. FRONT YARD: 20' REQUIRED; 20' PROVIDED
MIN. SIDE YARD: 4' REQUIRED; 4' PROVIDED
MIN. REAR YARD: 15' REQUIRED; 24'-11" PROVIDED
MAX. BUILDING HEIGHT: 24' W/ FLAT ROOF, 24' ACTUAL
MAX. LOT COVERAGE: .50 X 5,202 = 2,601 SF; 2,595 SF ACTUAL

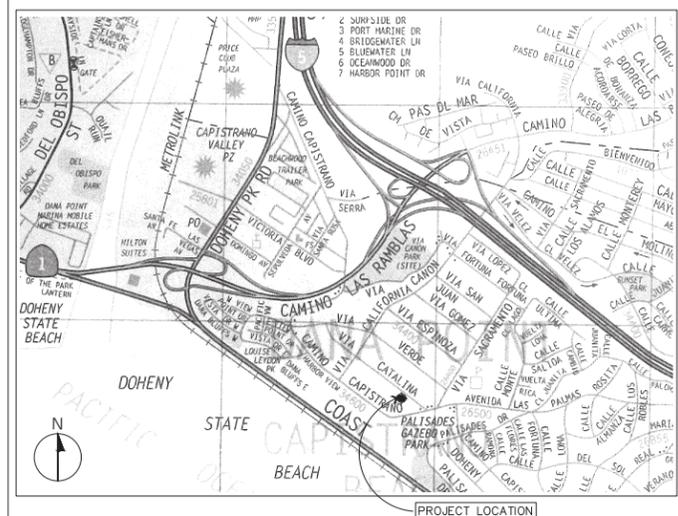
MIN. PRIVATE OPEN SPACE: .20 X 5,202 SF = 1,040 SF; 1,838 SF PROVIDED (35%)
ROOF DECK AREA: 235 SF (WEST) + 235 SF (EAST) = 470 SF TOTAL ROOF DECK
TOTAL ROOF AREA = 2,600 SF X .25 = 650 SF ALLOWABLE ROOF DECK
MIN. LANDSCAPE AREA: .15 X 5,202 SF = 780 SF; 785 SF PROVIDED
PARKING SPACES PROVIDED: 2 SPACES PER UNIT = 4 TOTAL, 3 COVERED, 1 UNCOVERED TANDEM PER SEC. 9.35.080(E)4
APPLICABLE CODE: CALIFORNIA BUILDING CODE 2019

FLOOR AREA SCHEDULE:

UNIT	DESCRIPTION	LIVING AREA(SF)	GARAGE	TOTAL
EAST	4BR	956	1,219	2,175
WEST	4BR	919	1,191	2,110
TOTAL LIVING FLOOR AREA:		4,285	709	4,994 SF

NOTES:
1) EACH REQUIRED PARKING SPACE ON THE PROPERTY, INCLUDING INTERIOR PARKING SPACES, SHALL BE USED OR REMAIN AVAILABLE TO BE USED FOR VEHICULAR STORAGE.
2) HERS RATERS ARE REQUIRED.

2 PROJECT DATA



3 VICINITY MAP - APN #691-382-28
34621 VIA CATALINA, DANA POINT, CA 92629

SEAL:



ISSUE / REVISION	DATE
TENTATIVE PARCEL MAP	03.08.2021

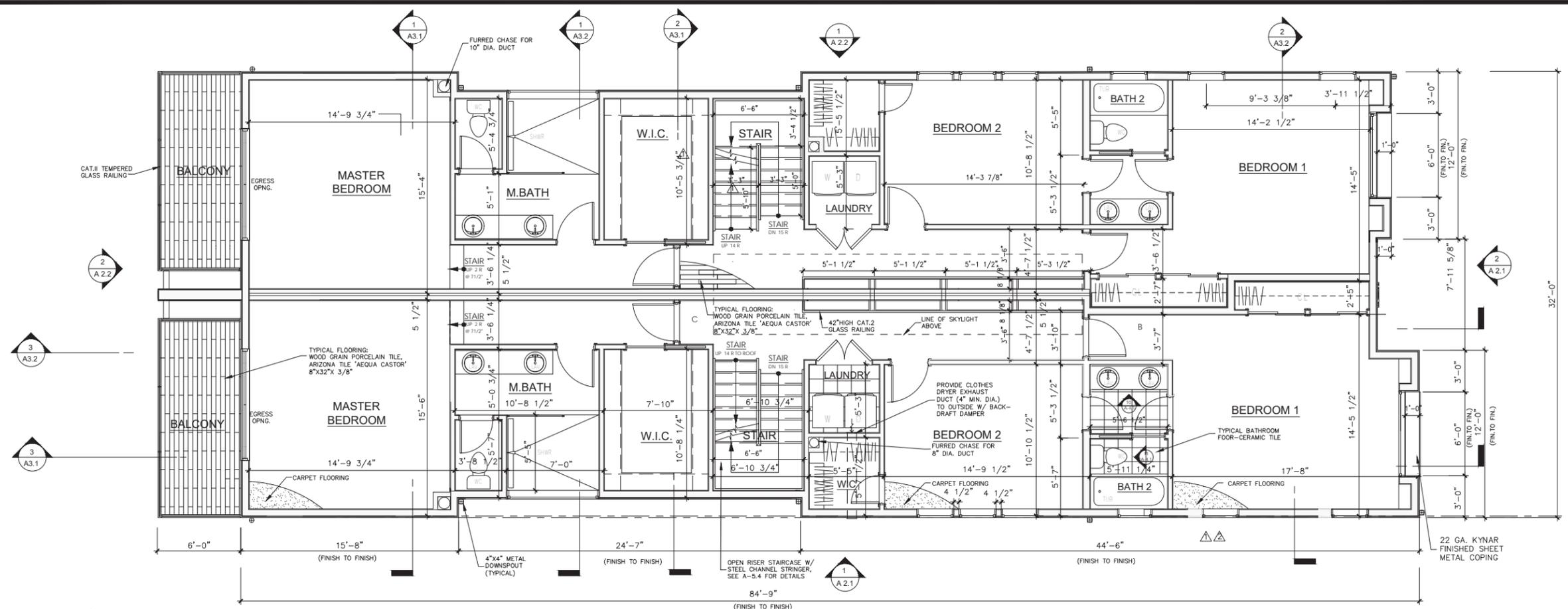
34621 VIA CATALINA
DANA POINT, CA 92629

PROPOSED DUPLEX
RESIDENCE

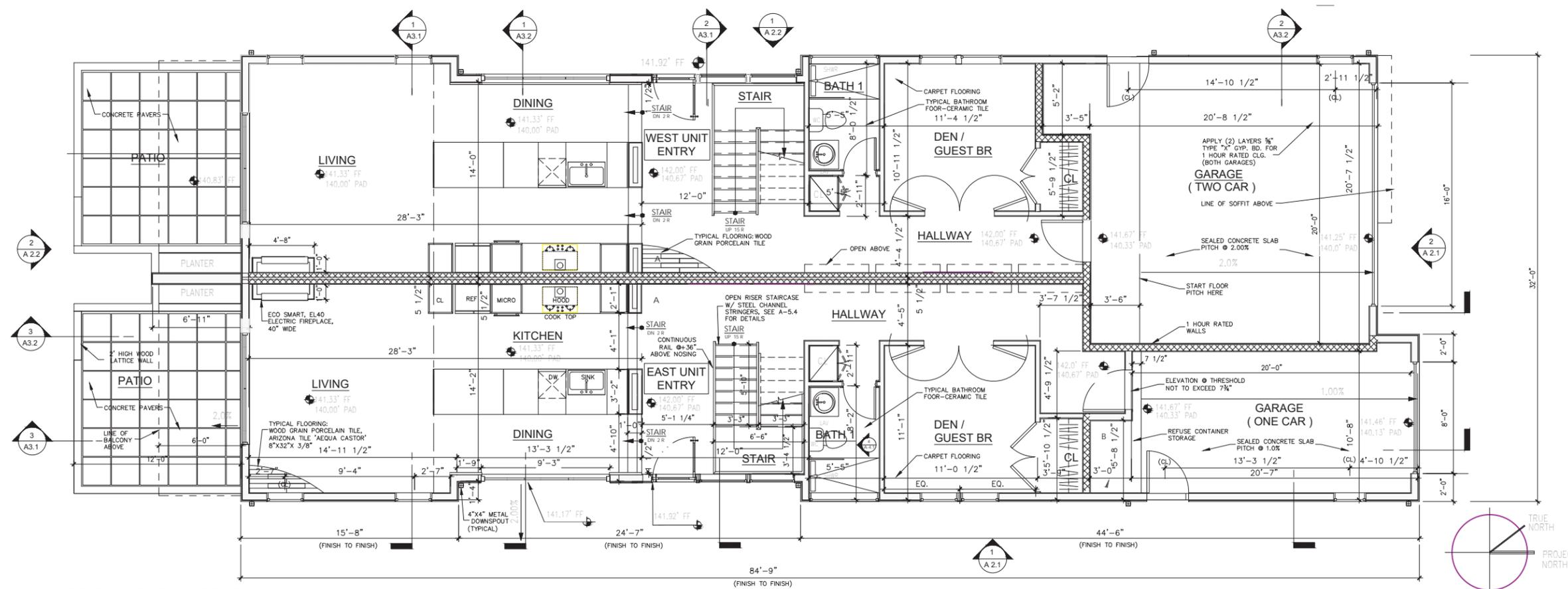
FLOOR PLANS

PROJECT NO: 1711
SCALE: AS NOTED

A-1.1

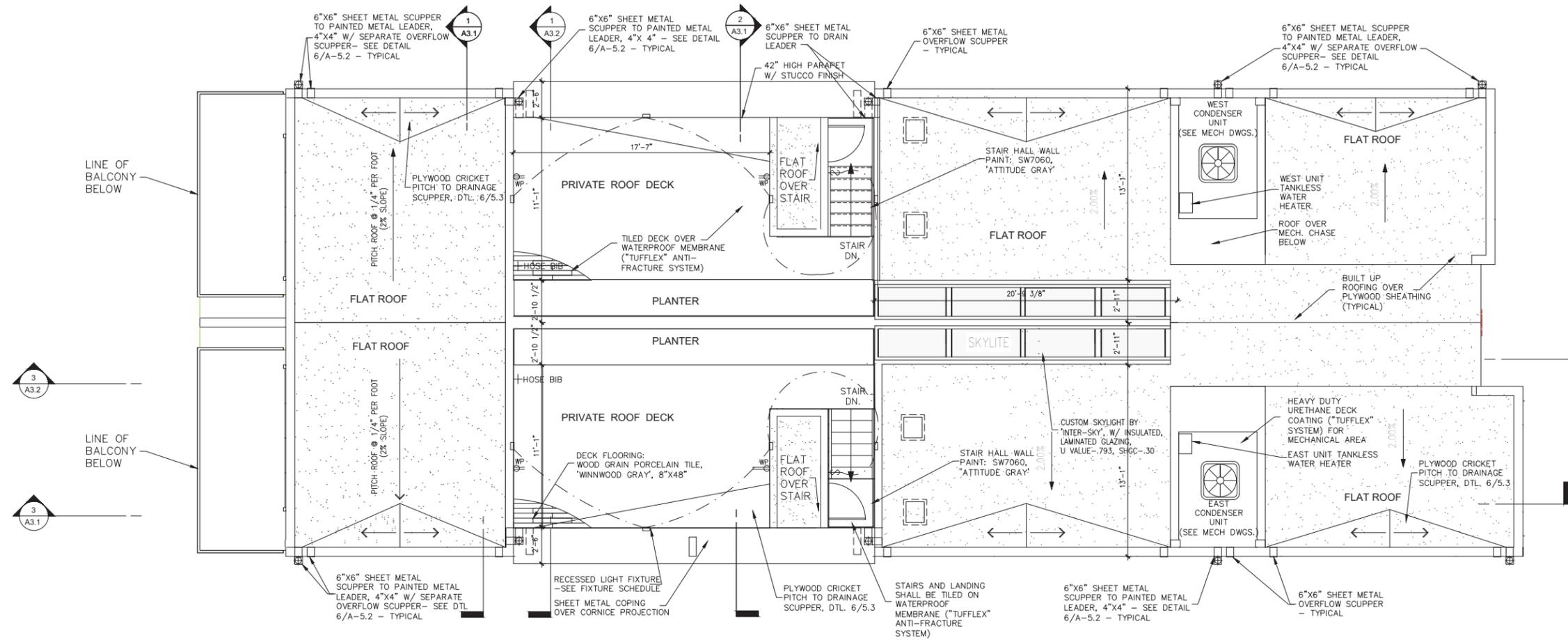


SECOND FLOOR PLAN



GROUND FLOOR PLAN

SEAL:



ISSUE / REVISION	DATE
TENTATIVE PARCEL MAP	03.08.2021

34621 VIA CATALINA
DANA POINT, CA 92629

PROPOSED DUPLEX
RESIDENCE

ROOF PLAN

PROJECT NO: 1711

SCALE: AS NOTED

A-1.2

SEAL:



ISSUE / REVISION	DATE
TENTATIVE PARCEL MAP	03.08.2021

34619-21 VIA CATALINA
DANA POINT, CA 92629

PROPOSED DUPLEX
RESIDENCE

NORTH AND EAST
ELEVATIONS

PROJECT NO: 1711

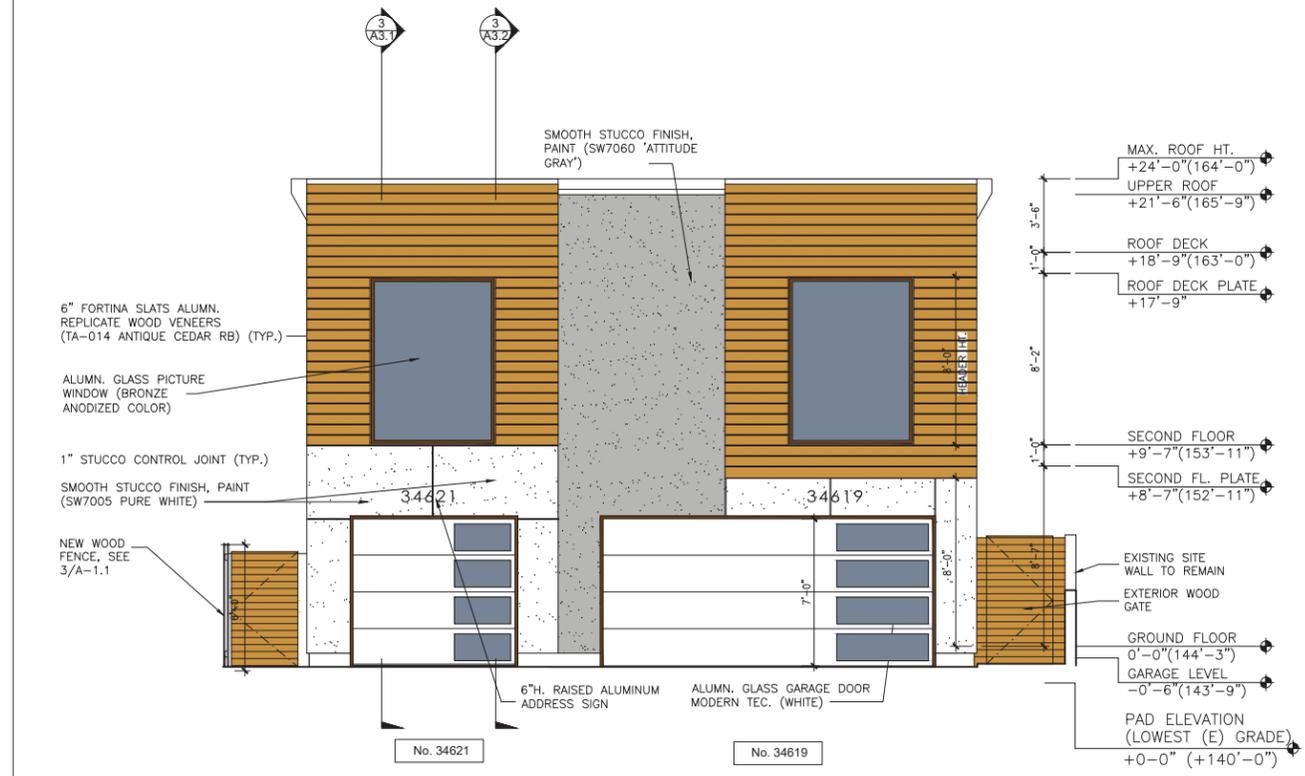
SCALE: AS NOTED

A-2.1



1 EAST ELEVATION

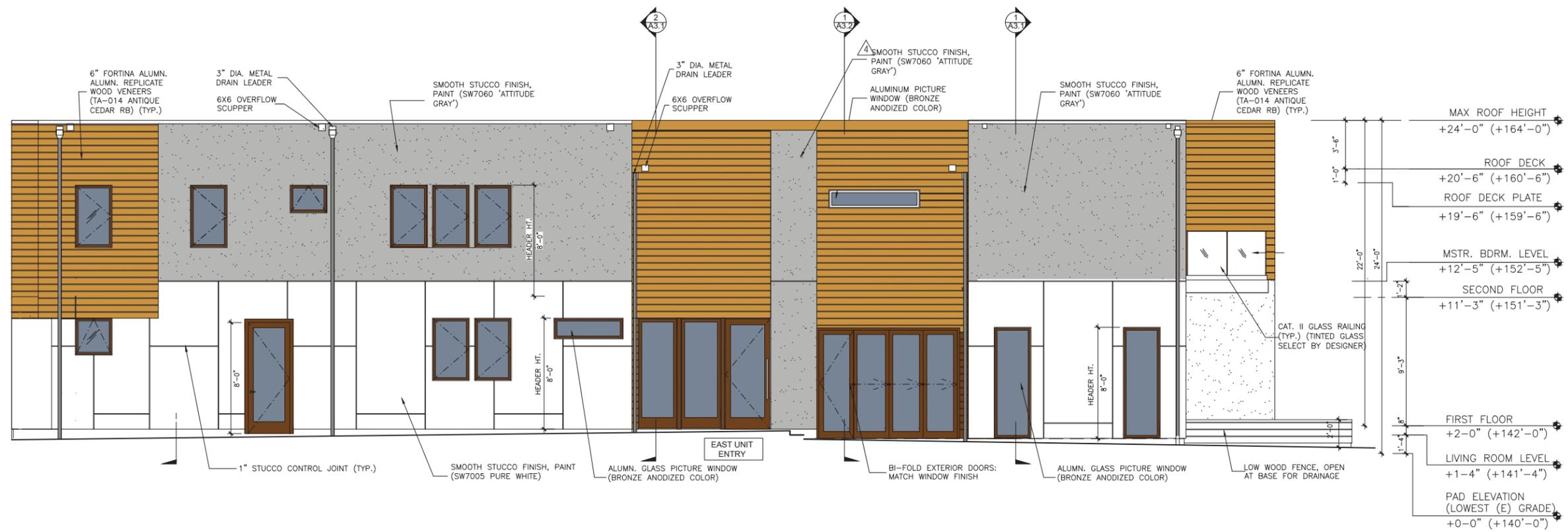
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION

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

SEAL:



1 WEST ELEVATION

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



2 SOUTH ELEVATION

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

ISSUE / REVISION DATE

TENTATIVE PARCEL MAP 03.08.2021

34621 VIA CATALINA
DANA POINT, CA 92629

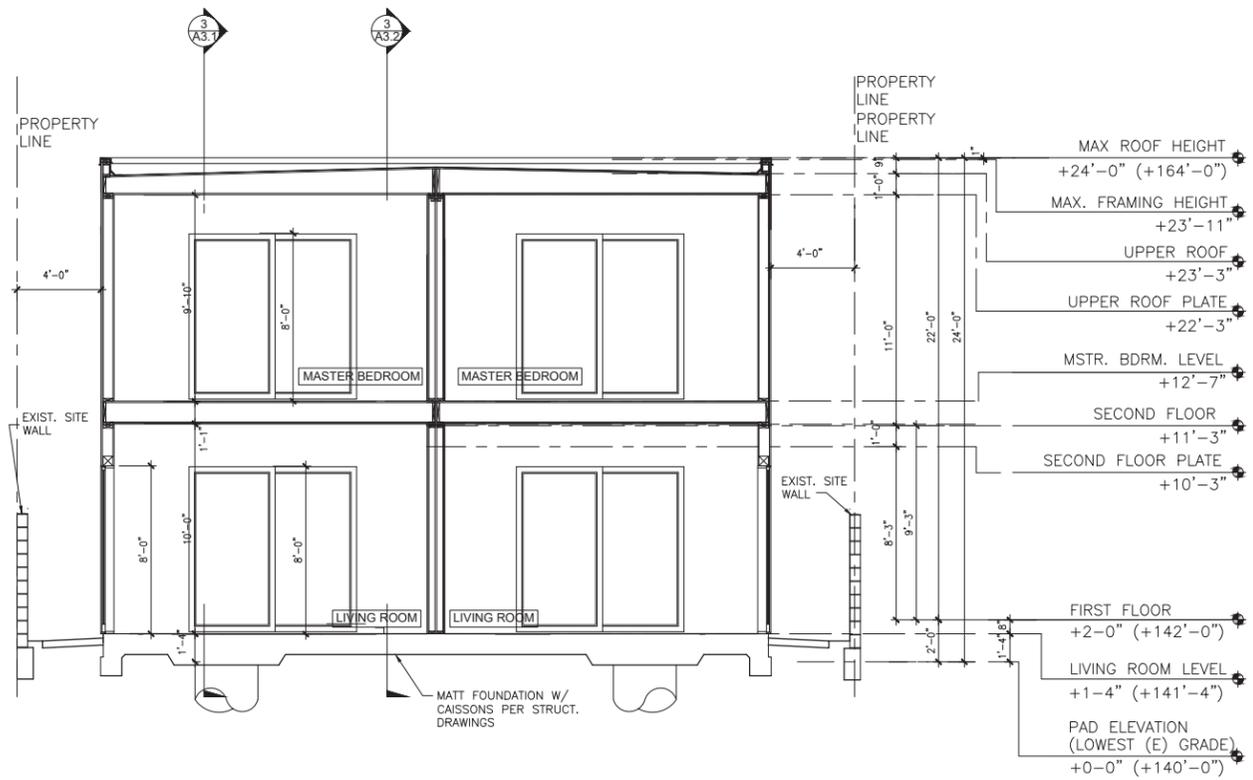
PROPOSED DUPLEX
RESIDENCE

SOUTH AND WEST
ELEVATIONS

PROJECT NO: 1711

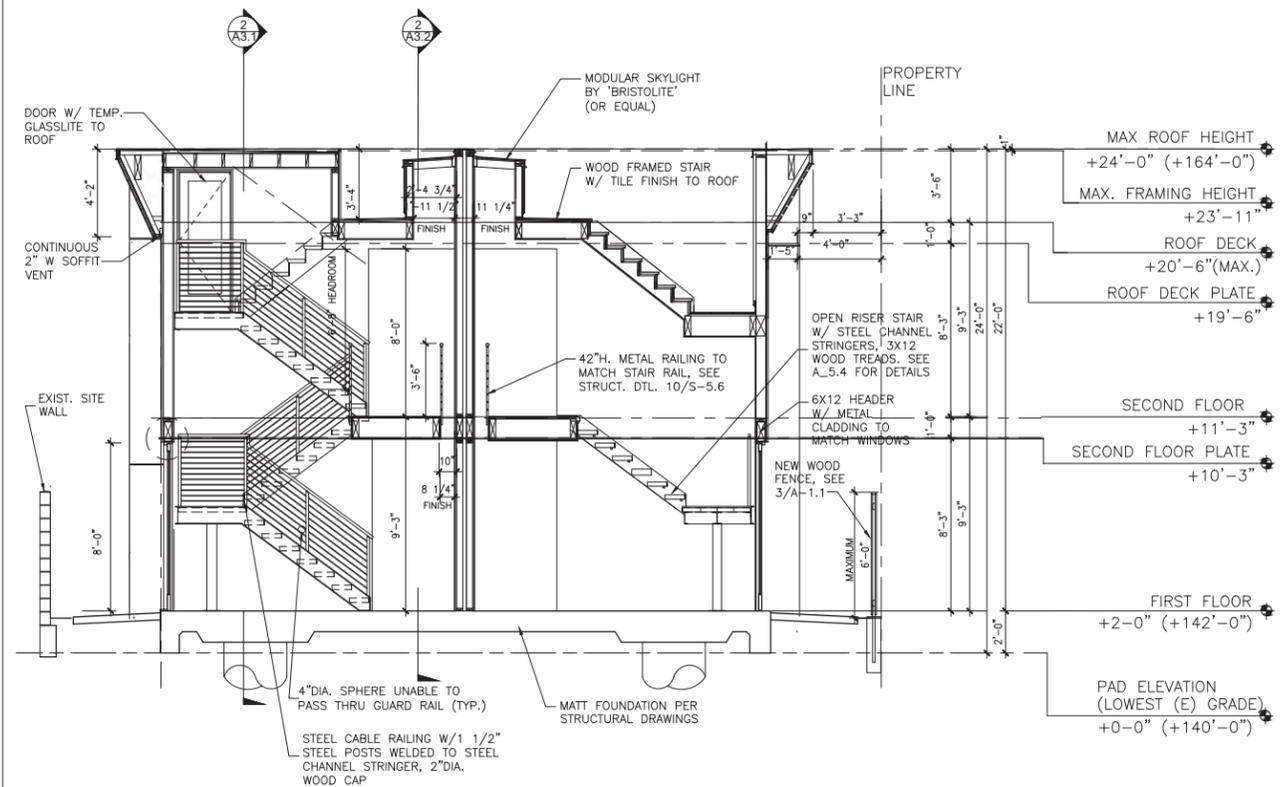
SCALE: AS NOTED

A-2.2



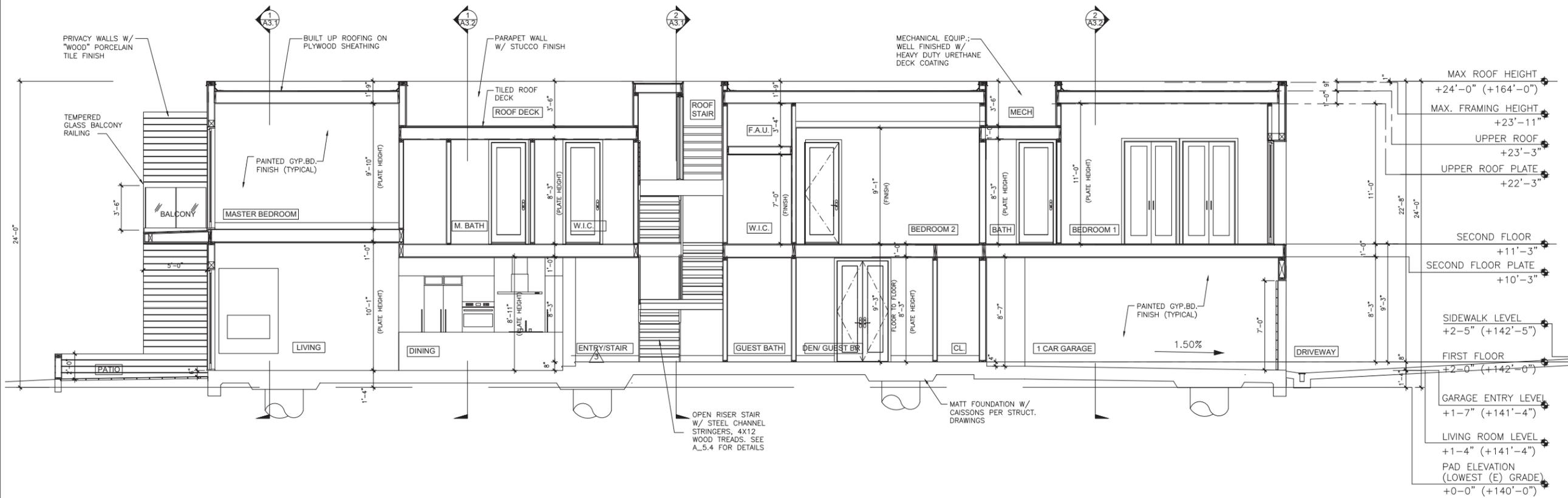
1 SECTION @ MASTER BR LEVEL

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



2 SECTION @ STAIR HALL

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



3 EAST BUILDING SECTION

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



27071 Cabot Road
Laguna Hills, CA 92653

Tel 949-716-8258
Fax 949-716-8259

SEAL:



ISSUE / REVISION DATE

TENTATIVE PARCEL MAP 03.08.21

34621 VIA CATALINA
DANA POINT, CA 92629

PROPOSED DUPLEX
RESIDENCE

EAST SECTIONS

PROJECT NO: 1711

SCALE: AS NOTED

A-3.1

SEAL:



ISSUE / REVISION DATE

TENTATIVE PARCEL MAP 03.08.2021

34621 VIA CATALINA
DANA POINT, CA 92629

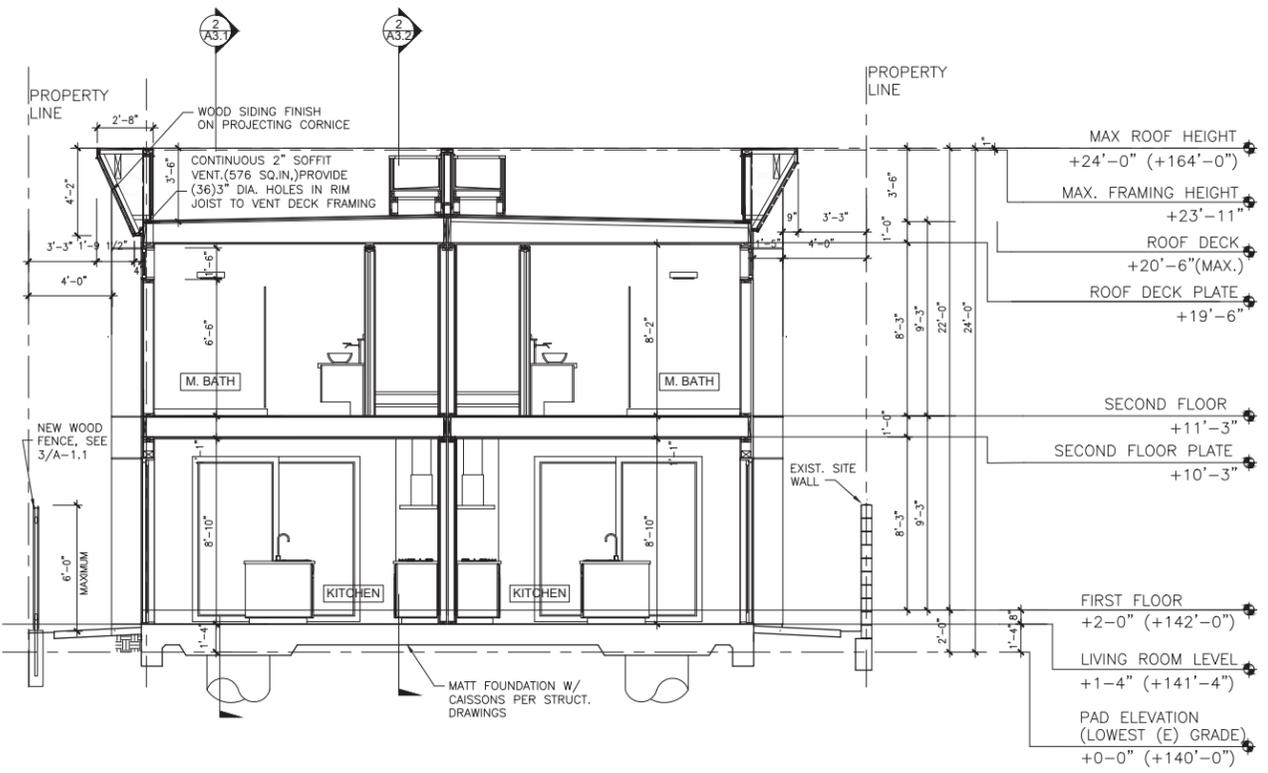
PROPOSED DUPLEX
RESIDENCE

EAST SECTIONS

PROJECT NO: 1711

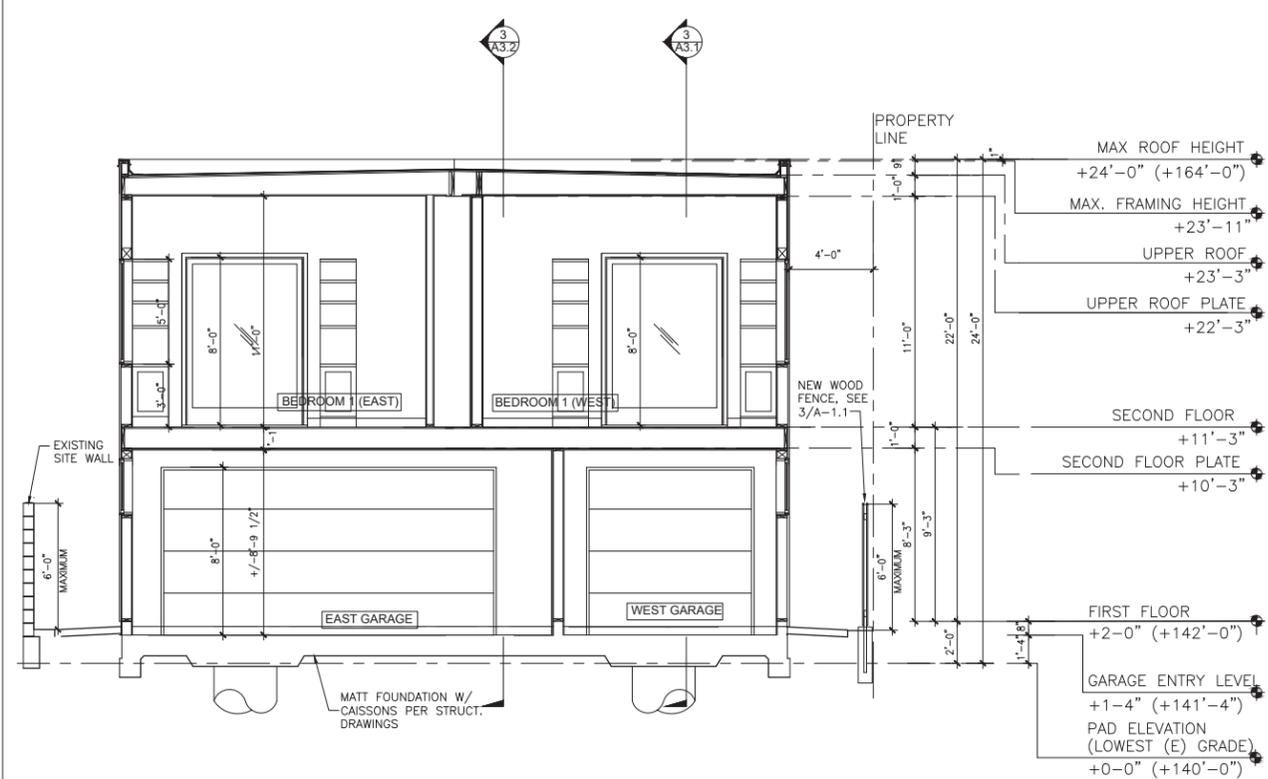
SCALE: AS NOTED

A-3.2



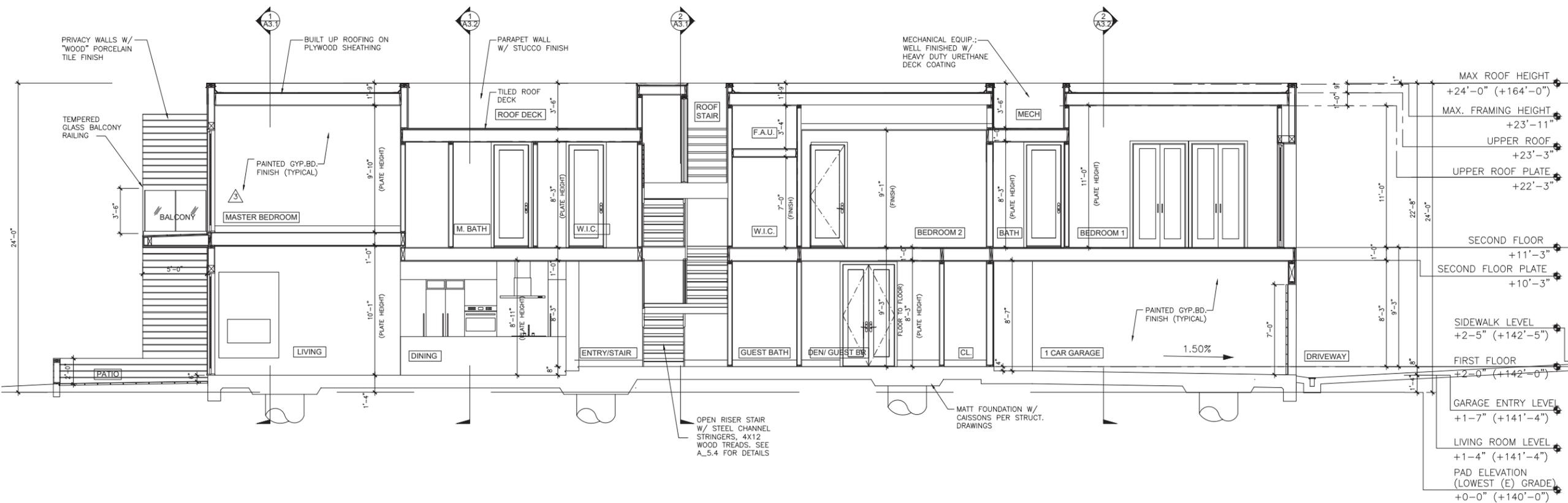
1 SECTION

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



2 SECTION

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



3 EAST BUILDING SECTION

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