

**From:** [Johnathan Ciampa](#)  
**To:** [Allison Peterson](#)  
**Subject:** Fwd: Public Comments:CDP-21022,V22-0002,SD22-0041 meeting to be held September 12, 2022  
**Date:** Monday, September 12, 2022 7:51:49 AM  
**Attachments:** [Report-43 pgs.pdf](#)  
[Example-17 pgs.pdf](#)  
[Example modification-1pg.pdf](#)  
[Supplement-PDF-9pgs.pdf](#)

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**From:** Raj Idnani <idnaniraj@gmail.com>  
**Sent:** Sunday, September 11, 2022 9:43:43 PM  
**To:** John Gabbard <jgabbard@danapoint.org>; Ashok Dhingra <adhingra@danapoint.org>; Roy Dohner <RDohner@danapoint.org>; Eric Nelson <ENelson@danapoint.org>; Mary Opel <MOpel@danapoint.org>; bwisneski@danapoin.org <bwisneski@danapoin.org>; Johnathan Ciampa <JCiampa@danapoint.org>  
**Cc:** Idnani Raj <Idnaniraj@gmail.com>; Usha Idnani <ushaidnanimd@gmail.com>  
**Subject:** Public Comments:CDP-21022,V22-0002,SD22-0041 meeting to be held September 12, 2022

Honorable Chairman John Gabbard,  
Honorable Vice Chairman Ashok Dhingra,  
Honorable Commissioner Roy Dohler,  
Honorable Commissioner Eric Nelson,  
Honorable Commissioner Mary Open,  
Community Development Director Brenda Wesniski  
Senior Planner Jonathan Ciampa,

We are Raj Idnani and Usha Idnani, neighbors residing at 34148 Chula Vista. We have had substantial difficulties as outlined in the attached files with timings and cooperation. We have put off my out of town trip to deal with this important matter.

Attached please find 4 files labeled: Report, Example, example modification and Supplement.

3 minute presentation for me and (6 minutes for the couple) is not enough time to explain a lot of factors outlined in the documentation provided and a major impact on neighbors which the architect has overlooked completely.

We therefore request additional time at the presentation to show the situation in detail. We are sending you these files to preview them and absorb the info prior to the hearing. As stated previously, we have had substantial difficulties and could not send them any sooner, yet we are sending them timely as requested by staff to send it in by 4PM day of Hearing. It is 9.30Pm, September 11, 2022, now.

We hope and pray that we can get these issues resolved with the applicant and city amicably.

Thank you in advance and **Have a fabulous day**

Sincerely,

Raj Idnani

Usha Idnani, MD

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Public Comments for the Planning Commission  
Meeting to be held on September 12, 2022 at  
6PM for Item 2: CDP 21-0022,V22-0002 and  
SDP SD22-0041 meeting:

Postponement and Objection to CDP  
for the Address 34152 Chula Vista, Dana Point

Prepared for

The Planning Commission of city of Dana Point, CA

John Gabbard, Chairman

Ashok Dhingra, Vice Chairman

Roy Dohner, commissioner

Eric Nelson, Commissioner

Mary Opel, commissioner

Brenda Wesniski, Community Development Director

Jonathan Ciampa, Planner

Prepared by

**Raj Idnani, a Neighbor**

34148 Chula Vista, Dana Point, CA 92629

**Direct cell 949-573-3503 for any questions and concerns any day 8AM-8PM**

(Consultants and advisors: Amy Dunn at Gibsondunn.com, California Atty

Palmieri Henenesey Leifner LLP, California Atty

Khalsaattorneys.com (Raj Idnani's daughter, general legal)

This info provided as FYI only. Please do not contact my Consultant's at this time as I do not wish to pay their fees for your discussion with them. Please contact me directly.

[Date]

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**\*Postponement**

**\* Incorporation of all items**

**\*Chula Vista Fiascos in past**

**\*Sneaky things (Non-compliant, non-professional and no considerations for neighbors) by Applicant/Architect.**

**Disguised and misled for the City staff, so they overlook.  
These are things leading to the Objections now.**

**\*As an Example, a separate file attached with full set of Sullivan Residence to the electronic copy. And for hard copy it is at the end of the file.**

**\*Objections**

**\*Analogy**

**\*Suggestions**

**\*Conclusion**

# **Important Synopsis and opening statement:**

**Requesting, that the hearing should be postponed  
for extended period of time based on facts  
submitted, including the fact that Planning  
Commission may need extra time to absorb the  
major impact here.**

**This project has major impacts and, upon advise,  
just to cover the appeal rights for various reasons,  
substantial information with details is furnished  
here, if it becomes necessary to appeal to City  
council, and Coastal Commission or Courts.**

I was informed that a short time will be available to present the case,  
however any material to the Planning commission can be provided for  
distribution.

**Asked for extension on August 25<sup>th</sup> brief meeting with Brenda and  
Jonathan, after suddenly learning of the hearing date of Sept 12,  
2022. I had planned on being out of town, it was denied and was told  
to ask for the extension from the planning commission at the hearing.**

So, I delayed the trip to prepare this presentation for this sensitive subject and the applicant/Architects behavior placed us in time bind.

## Postponement

Respectfully, I am asking the Planning Commission to postpone this CDP hearing for 34152 Chula Vista, Dana Point, for at least 90 days or longer for the following 3 reasons:

### REASON NUMBER ONE:

With short week of Labor day and Various delays and facts as pointed out later, perhaps the planning Commission may not have enough time to absorb the Information to make the appropriate decision for well-being of everyone.

### REASON NUMBER TWO:

The public has **not** been properly noticed Pursuant to **14 Cal. Admin Code section 13054(b)**.

#### Justifications:

**Justification A:** Please see the picture attached showing that there is no notice on the subject property anywhere for CDP. Notices are for dogs. At the road frontage of the Property there are no obstructions of any kind to prevent the applicant from posting the Notice.



**Justification B:** Notice Posted is **not conspicuous**. Please see the second Picture. The notice is posted is on an electric pole owned by SDGE, which is outside the property line and in the right of way.

**Justification C:** Notice is **not conspicuous** because most people walking or driving do not pay attention to the Electric Poles.

**It seems that the applicant intentionally did not post the notice on the clean and clear property on a flat surface so the neighborhood would not notice it. Sneaky inconspicuous posting on a curved surface (Not even flat surface).**

**Justification D:** The Notice date shows December 21. And it's on a pole outside our home, but we did not notice it until May 2022 when we received a letter from the Architect Anders.

**Justification E:** In Spring, I came to city of Dana point and met an assistant Planner who brought the planner, Mr. Jonathan Ciampa. I personally handed 2 pictures of the posted Notice informing him that the notice is not conspicuously posted and it's on the SDGE Pole and sneaky. **I was told that he would have the applicant move the sign to be on the property and make it Conspicuous. As of this date September 5, 2022, the notice is still in the same location.**

At that meeting in spring, I did give my email address to the city's planning department and that I be contacted if there was any development on this project. I received an email from him at end of August letting me know that the hearing is set for Sept 12.

**It is important to note: Whether the City informed them or not, it is ultimately the responsibility of the Applicant or Applicant's Agent who posted and certified the Posting.**

**(The applicant's Agent may say that they have done it before, which will have no credibility. On freeway, many people speed drive, but the one caught is the one prosecuted. He cannot say others are speeding too to get away with it).**

Please see Pictures below for items B thru E above.

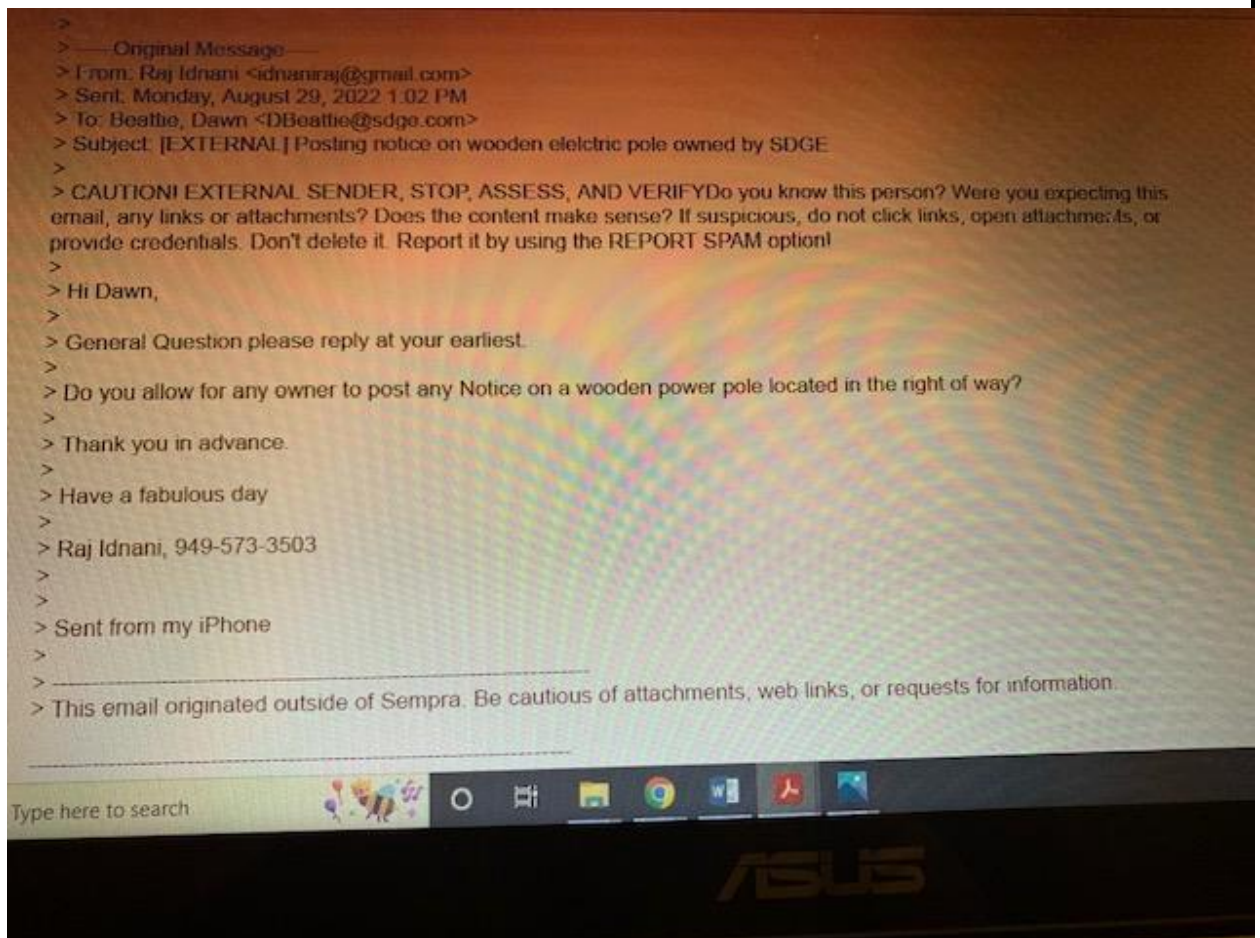


See Photo Above focused to see my house and not entire property of 34152 Chula Vista, CDP Notice on a curved surface, disguised posting on SDGE Pole (not owned by Applicant) while the walking or driving public generally does not pay attention to electric Poles for Notices. We don't drive up to pole either focusing on the turn to get into garage. We normally turn into our driveway before the Pole. The upper sign on the SDGE Pole is "High Voltage".

We were constantly looking at the property as a curiosity, since we had known the property had sold.

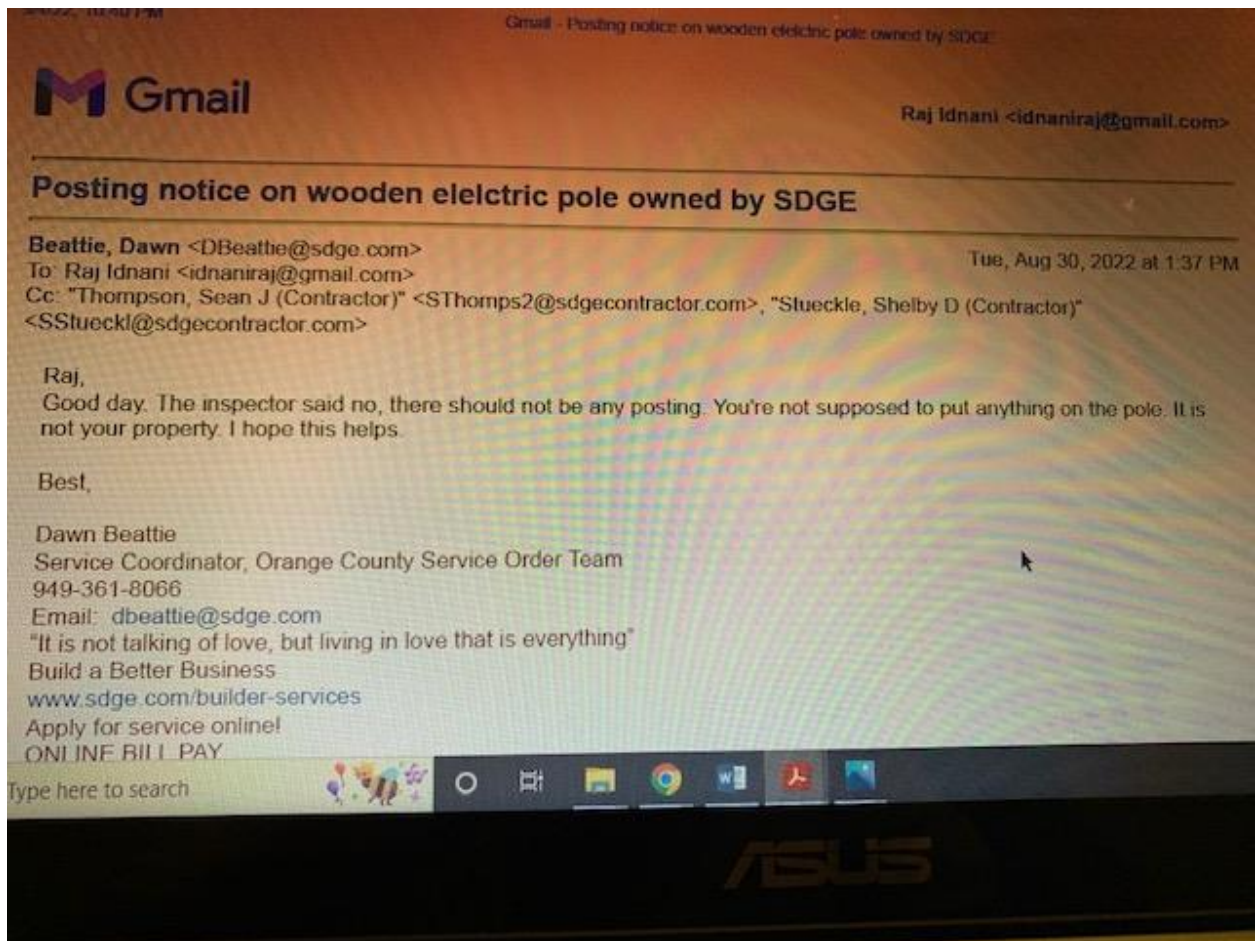
**Justification F:** I contacted the SDGE and asked them if they permit posting Notices on their poles. I was told "No". In support of that please see attached email correspondence with SDGE.

Please see email to SDGE in the first photo below.



And, please see their reply below.





**Therefore, I Respectfully submit that the respected Planning Commission see this issue carefully, enforce the cited Code, and assure the Residents of Dana Point that the CDP Notices should be posted Pursuant to 14 Cal. Admin Code section 13054(b).**

**REASON NUMBER THREE:**

**We feel discriminated based on the City Staff non-cooperation and unnecessary Delays caused. It certainly deserves the Postponement.**

**Justification: Not providing the copy of Plans- a public record- 2 excuses given**

When I built my house, I distinctly remember that many neighbors on the street received various copies of the drawings from the planner at time, who was Brenda Chase.

Requested electronic copy or paper copy of plans 3 times. It was denied on for different reasons: First, copyright cited and then code 17951.

According to our attorneys, Once the plans submitted, and if any resident requests in writing the City must provide it, especially neighbors who may potentially be impacted. There is no validity to copyrights except if the drawings are used to build another home, which is not the case here.

When I printed Code 17951 and demonstrated that there is no issue, except that the city has the right to charge the cost, it was denied again.

In support of these statement above, please see the emails below:

Emails from Jonathan Ciampa:

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**Johnathan Ciampa**

Aug 17, 2022,  
3:26 PM

to me

Raj,

[Date]

The property owner is moving forward with the project. They have provided revised plans that are available for you to review. Planning staff have completed the review of the revised submittal and have tentatively scheduled the project for Planning Commission hearing on September 12, 2022. If you would like to review the plans please let me know when you would like to review them so we can schedule a time.

**John Ciampa**

Senior Planner  
City of Dana Point, Planning Division  
33282 Golden Lantern  
Dana Point, CA 92629  
949-248-3591  
[JCiampa@DanaPoint.org](mailto:JCiampa@DanaPoint.org)

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I thanked Mr. Jonathan Ciampa and asked.

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**Raj Idnani <idnaniraj@gmail.com>**

Aug 17, 2022,  
3:38 PM

to Johnathan, bcc: Idnaniraj

Thank you Mr. Ciampa.

Do you have an electronic copy that you can email me please.

Have a fabulous day

Raj Idnani,

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**Johnathan Ciampa**

Aug 17, 2022,  
3:43 PM

to me

Raj,

The plans are completed by an architect so there are copyright laws that limit the ability to share the plans. You can come in and view them if you would like.

[Date]

**John Ciampa**

Senior Planner

City of Dana Point, Planning Division

33282 Golden Lantern

Dana Point, CA 92629

949-248-3591

[JCiampa@DanaPoint.org](mailto:JCiampa@DanaPoint.org)

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**Raj Idnani <idnaniraj@gmail.com>**Aug 19, 2022,  
10:49 AM

to Johnathan, bcc: IDNANIRAJ

Mr. Ciampa,

I disagree. The drawings may be copyrighted for use for another building, which obviously not the case here with the review.

And, when they submit to a city, that particular set of drawings becomes public record. I have cleared that with my attorney.

In my case of building the home, the neighbors received copies of full sets of drawings. If you prefer to print me a copy, I will be glad to pay for it.

City can not do one thing for one owner and another things for another. They should be fair to all parties.

Therefore, I am requesting again that you email me the copy.

Your cooperation will be greatly appreciated.

Thanks

Have a fabulous day

Raj Idnani,

Next was the Email from Shayna:

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**Shayna Sharke <SSHARKE@danapoint.org>**Aug 22, 2022,  
2:23 PM

to me, Johnathan

[Date]

Good afternoon,

Our policy is not to duplicate plans without the affidavit process, including permission from the architect and homeowner, with respect to Health and Safety Code 17951. If your legal counsel can produce legal authority to the contrary, please provide and we will review with the City Attorney.

As Mr. Ciampa stated, if you would like to come in and view the plans, we are happy to make them available to you.

Best,

**Shayna Sharke, CMC**  
City Clerk | City of Dana Point

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**Raj Idnani <idnaniraj@gmail.com>**

Aug 22, 2022,  
2:49 PM

to Shayna, Johnathan, bcc: Idnaniraj

Hi Shayna and Jonathan,

Below here is the entire code 17951 thta you mentioned in the email today.

You can charge fee but nothing here prohibits you.

According to my attorney, Once a drawing is submitted to to city, it's a public record, much like recording of a deed. Any one can get a copy of it. Many counties email them and some require payment for a paper copy.

It's really cumbersome to be standing at the counter with obstacles and many people disturbances at the desk.

Also, there is never adequate time to see so many pages in matter of minutes as there is always a line and no privacy to discuss anything.

I will be glad to receive by email or please print me a copy for a fee. I will be glad to come and pick up and pay the fee and appreciate it.

Thank you

## HEALTH AND SAFETY CODE SECTION 17950-17959.6

17950. The provisions of this part, the Building Standards published in the State Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part which relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, apply in all parts of the state.

17951. (a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) If the local enforcement agency fails to conduct an inspection of permitted work for which permit fees have been charged pursuant to this section within 40 days of receiving notice of the completion of the permitted work, the permittee shall be entitled to reimbursement of the permit fees. The local enforcement agency shall disclose in clear language on each permit or on a document that accompanies the permit that the permittee may be entitled to reimbursement of permit fees pursuant to this subdivision.

(e) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, multimobile manufactured home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternate, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

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Ultimately, she sent this below, which still does not provide adequate timing.

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**Shayna Sharke**

to me, Johnathan

Mon, Aug 29, 9:34 AM  
(7 days ago)

[Date]

Good morning, Mr. Idnani,

The plans will be published on September 7<sup>th</sup> as part of the Planning Commission agenda packet. To receive an email once the packet is published, please sign up to our subscription list here:

<https://www.danapoint.org/departments/enews-sign-up>

Thank you,

## VERY CONTRADICTIONARY:

**Staff says Wednesday Sept 7 is deadline to submit anything to be distributed to the planning commission and Shayna says that the drawings will be published on Sept 7, the same day.**

*By the way, city has not yet provided the set of drawings. Applicant also has not provided all the drawings. We were finally able to get some info from the Architect for this presentation after a phone call to Applicant and requesting that the Architect sends us revised plans. Even that information was received last week.*

*Upon asking again for drawings and the copy of application with substantiated documents, city provided some documents last week (no drawings).*

*Again, time pressure has been there just before the hearing and some of information provided here is from the city.*

[Date]

**As you can see, it certainly deserves extended time Postponement.**

## **REASON NUMBER FOUR:**

**Applicant/Architect are not cooperative on timeline, not responded at first, then did not do Modifications as promised.**

**Justification A:** I met with the Architect Anders in or around May 2021 after he sent us a letter. After seeing the drawings and 3-D model on his computer, I congratulated him on the nice computerized work. **However, I pointed out that it would have a big impact on us and that, the previous owner had designed the house with our full blessings that did not have much impact on us. And, that we were delighted with his design as he was considerate to neighbors.**

**I asked him to contact his client and ask him if anything can be done and possibly reduce the size somewhat or do an ADU Unit.**

**Architect's immediate response was, "NO. but, I will ask my client and get back to you".**

**Thereafter, I never heard from at all, until end of August, and as explained later.**

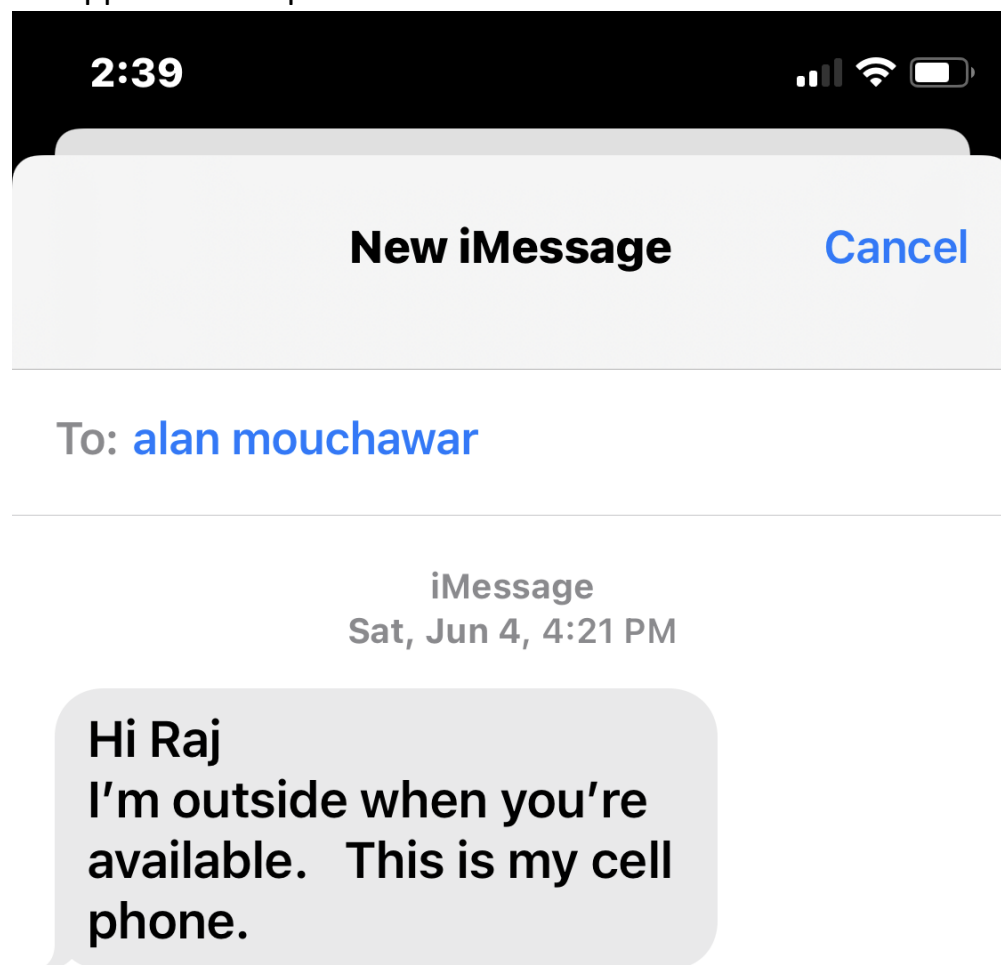
**In the meanwhile, I attempted and contacted the Applicant, Alan Mouchawar. I met with him on June 4th and invited him in my house and showed him the entire house up and down. I explained him that a portion of his house will have a big impact on us. We are fine with most of it.**



After showing him the impact, I asked him if he will be willing to amicably amend the house so that we can live like 2 nice neighbors. He is Physician like my wife and his wife is also a professional, and I am a retired space shuttle Engineer and a developer.

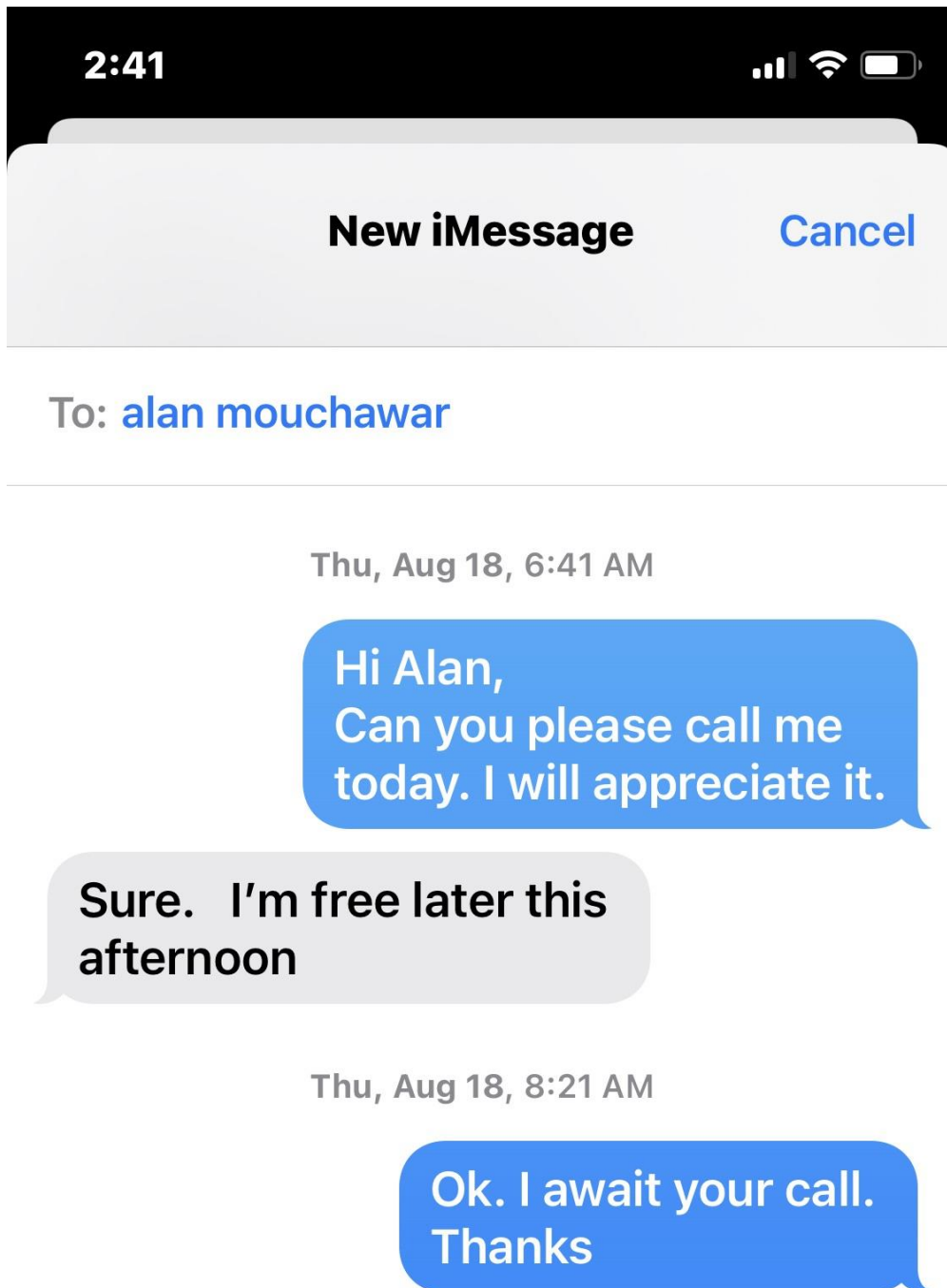
His first reply was, “ I wish we had discussed it with you before we started”. Then, he continued, “ Yes, we will try to modify the house”. I asked him to please send us the drawings before he resubmits to the city.

In support of that please see below text:



After I heard from the city, from Jonathan Ciampa, and went thru mumbo jumbo to get the plans as explained previously, I decided to contact the Applicant Alan again.

In Support of that please see below:



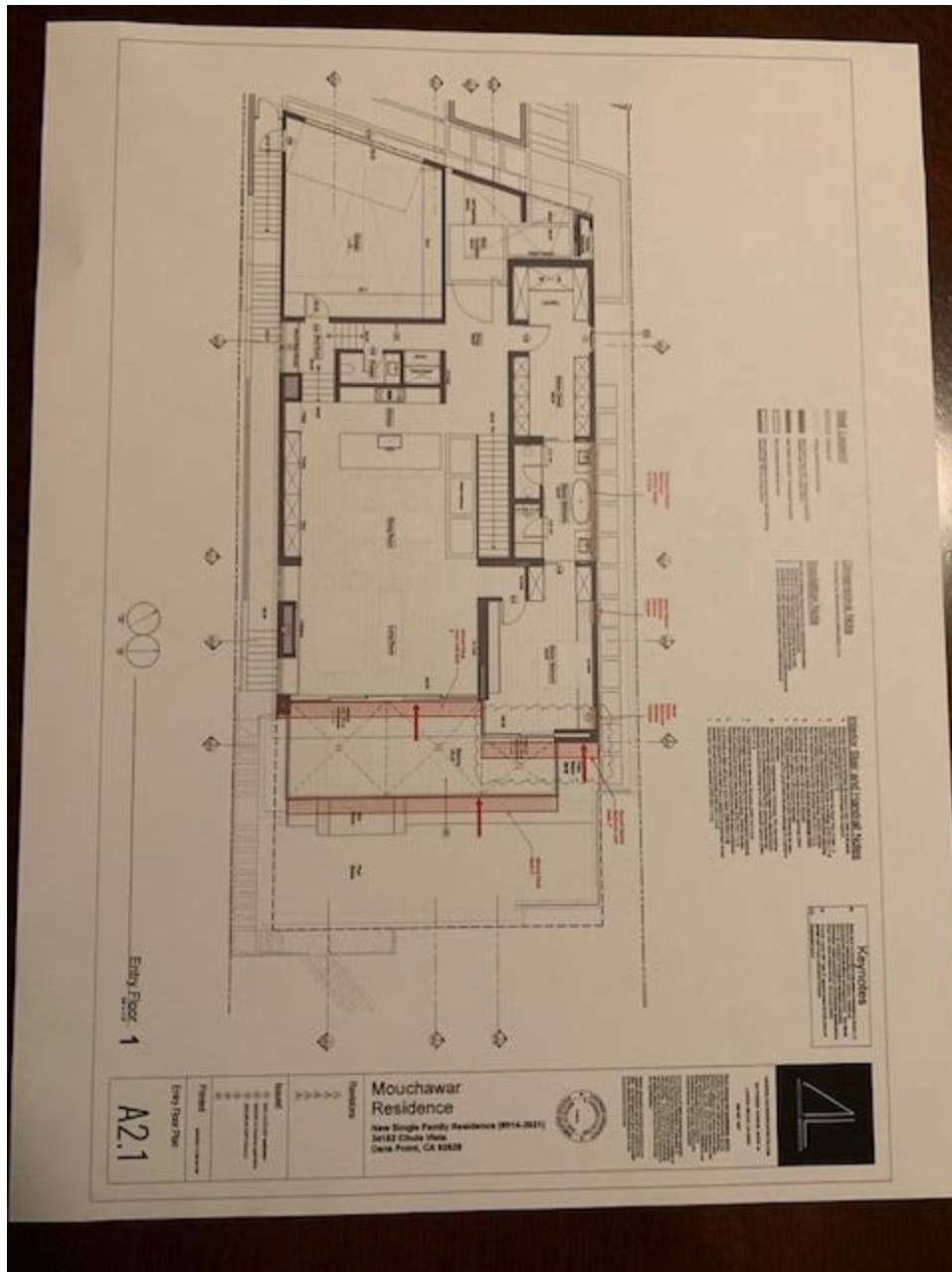
In this recent call on Aug 18<sup>th</sup>, I asked him if he had submitted the drawings to the city. His reply was, "I don't know Anders is handling it".

I asked if he had seen the drawings. His reply, "Yes"

I asked if they modified the drawings to address our concerns. Hi reply, "Slightly".

I asked him if he can send us the revisions. He asked me to email Anders, which I did.

No response for days from him. Again, after sending second email to both, I did finally **received a couple of sheets, only to see the disappointing thing that they had pulled back the house measly 2ft, which makes no difference for us at all.**



Alan, the applicant, said in words they will make changes to accommodate us, but in actions, it almost seems that they are just focused on their house and no concerns shown for the impacts.

There seems to be a big Gap between Alan (applicant) and Anders (Architect).

**I feel that based on the dealings with both that the Architect is overconfident (or relying on his helpers who have signed) and wants to use the same medicine on 2 different Patients when the symptoms are different.**

**Architect claims that since 3 different properties received the variance, they should too. He also does not recognize the fact that the city has changed the height code. His claim is that the way of measuring height is changed as well. While I agree with that statement in general, the way of measuring does not exceed the additional height granted in the code change from 24 ft to 29ft for height.**

**For the benefit of the Applicant, and everyone's well-being, Please provide him time to address the concerns of the neighbors and revise plans to smoothly obtain the variance, rather than more difficult and costly process, with uncertain results. It is well justified and probably should be suggested to them by staff and Chairman of planning commission to extend the substantial time. It will be very neighborly of them and 2 professional families can live in peace, after the Architect and the city factors are gone.**

**A few words of wisdom, would do a lot of good for the applicant and everyone else, as was the case with Kyle Butterwick, community Development Director and John**

**Tilton, City Architect and the Planning commission, 12 years ago.**

**Respectfully, once again after explaining 4 solid reasons in details, I am asking the Planning Commission to postpone this CDP hearing for 34152 Chula Vista, Dana Point, for at least 90 days or longer.**

## **Incorporation:**

**By reference, any documents and drawings submitted to the city and any and all correspondence and email communication between any city personnel and the Applicant and Architect or his office personnel, regarding the 34152 Chula Vista Project with Alan Mouchawar as applicant, are incorporated in here, to preserve the rights of the writer for any appeals to city Council, Coastal Commission and the courts.**

**Additionally similarly, the entire Variance application checklist and entire environmental assessment form, is also incorporated. Portions of them are used here later.**

# History of Chula Vista projects during past 15 years: 3 Fiascos so far. Is the applicant paving the way for the 4<sup>th</sup> one?

**This is the last Hillside lot to be developed on Chula Vista. Our desire will be to do it peacefully**

I will be pointing out some oversights in the city planner's analysis.

**Being a civil and structural engineer, after designing parts for the space shuttle, I developed 30 projects and dealings with Engineers, Architects, cities, counties and state governments. It has been always a pleasure working with them except in Dana point due to Neighbor issues. And, the Saga continues. I retired 3 months ago. Hopefully, won't have to fight this battle.**

12 years ago, when I purchased the land on Chula Vista, the neighbors did not want me to build a house at all. I stood up for my rights. One neighbor stirred up 43 neighbors. I modified my house to satisfy all neighbors, satisfy city planner, spent \$300,000 on legal fees to stand up for my rights to be able to build a home there. And, I did build a house which was modified from my initial plans.

**The said amount of \$300,000 included my fees and the city attorney's fees which also I (applicant) paid, to city Attorney Mr. Munoz.**

**I am presuming if the variance is granted, any attorney fees will be paid by the applicant in the same manner today.**

**I am not objecting to build a house by Alan Mouchawar next door by any means. In fact, we welcome them.**

I am only asking that impact on us should be minimized and their house should be modified accordingly. I did that at the suggestions of Mr. Kyle Butterwick and JOHN TILTON at the time, even though the view protection was not warranted. here I am not asking for view protection either.

One of my daughters is a billionaire. And, the other is an attorney. And I am financially well-off to protect my rights and willing to spend the legal fees again, if it is necessary. I am assuming that the applicant here will be much more reasonable and **we should be able to nip this in the bud. Problem is rather Simple.**



**Above statements are made only to demonstrate the affordability of legal costs, if necessary, no other reason.**

There was a feud between Jim Decarli and Jack Hamilton on Chula Vista Ave, which lasted for many years.

Then there was a feud about 34142 Chula Vista, that went on for two years.

Then there was a feud on our current home and went on again for 2 years, which included the appeal to Coastal Commission too.

I sincerely hope that this can be worked out easily if the applicant cooperates, as you will notice that **the major problem area is small and an upper level mainly. And, we are willing to compromise. But the applicant had not shown any sign of compromise and is pushing us to the wall.**

**Hope and pray we don't have to fight one more battle, but ready if we have to as a back up plan.**

**Sneaky things (Non-compliant, non-professional and no considerations for neighbors) by Applicant/Architect.**

**Disguised and misled for the City staff, so they overlook.**

**These are things leading to the Objections now:**

- 1. Not posting Conspicuously for public**
- 2. Misstating on the Environmental Impact study item 10- marked NA, when they are indeed asking for Variance. Please see Dana Point city Variance application, that they never submitted by Making the NA for item 10.**

**There are various important items, which are marked with arrows on the Variance application that the architect has omitted by making NA. So, he does not have to answer them.**

**Environmental Assessment, Item 10 is circled and shows the error/problems, which are hidden by the wrong answer NA.**

8. If industrial, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project:

N/A

9. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project:


N/A

10. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required:

N/A

**The misleading answer should have triggered the Variance form and questions to be answered.**

Only pertinent 2 pages are shown below:



**CITY OF DANA POINT**  
COMMUNITY DEVELOPMENT DEPARTMENT  
33282 Golden Lantern, Suite 209  
Dana Point, CA 92629  
(949) 248-3564 | www.danapoint.org

**VARIANCE  
APPLICATION CHECKLIST**

**JUSTIFICATION STATEMENT FOR VARIANCE REQUESTS**  
PLANNING DIVISION

**APPLICANT MUST TYPE UP RESPONSES TO THE FOLLOWING QUESTIONS AND  
SUBMIT WITH VARIANCE APPLICATION**

I. The Planning Commission may grant a Variance, with such conditions as are found necessary to protect the public health, safety, and general welfare and assure compliance with the provisions and standards included in Title 9 of the Dana Point Municipal Code, provided the following findings can be made:

Briefly describe how your proposal complies with the following:

1. The strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of Title 9;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district;
3. That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints;
4. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints;
5. That the Variance request is made on the basis of a hardship condition and not as a matter of convenience;
6. That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
7. That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone;
8. For a Variance to regulations for off-street parking facilities or off-loading facilities, the following additional findings shall be made:
  - a. That neither the present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require the strict or literal interpretation and enforcement of the specified regulation(s);
  - b. That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets;
  - c. That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of Title 9 of the Dana Point Municipal Code;
9. That granting of the Variance would not result in adverse impacts, either individually or cumulatively, to coastal access, public recreation opportunities, or coastal resources, and the development would be consistent with the policies of the Local Coastal Program certified land use plan.

II. Conditions imposed by the Planning Commission for a Variance may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:

- ☐ Open spaces and buffers areas.
- ☐ Fences and walls.
- ☐ Parking facilities, including vehicular ingress and egress, and the surfacing of parking areas and driveways.

[Date]

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**PLANNING DIVISION**  
**VARIANCE APPLICATION CHECKLIST**

- ☐ Public facilities, dedications, and improvements.
- ☐ Landscaping maintenance.
- ☐ A specified time period within which the variance must be utilized or implemented.

III. To aid staff in determining that the findings can be made in this particular case please answer the following questions with regards to your requests:

1. What exceptional circumstances apply to the property, including size, shape, topography, location or surroundings?
2. Why is a variance necessary to preserve property rights?
3. Why will the proposal not be detrimental to the neighborhood?

Please notice the Planning commission has the right to put the time limit on the Variance too.

3. Architect has provided the alternatives plans that do not seem practical for them, he claims. But, he never produced an

[Date]

**alternative that can work on the site and address neighbor's concerns.**

**(In fact, they submitted plans to city without making any modifications and later, he pulled back the house 2 ft and submitted to the city without discussing the matter with neighbors, if they have any objection.)**

**As an Example, Sullivan Residence or something similar can work on this site very well with modifications that the applicant may want, such as pool etc. And, that plan takes the neighbors' concerns into consideration, even if it needs a small variance for height, 1 ft or 3 ft (as you will see later).**

**Architect's statement has been "a Height variance is a height variance, regardless of how big or small". That's absurd.**

**City has confirmed that it may need 1ft or 3 ft height variance now.**

**However, A smaller Height variance and a plan that works for the applicant and sober for the Neighbors is certainly a much better plan that the Neighbors can support the variance for.**

**As an Example, Please see attached separate PDF file for Sullivan Residence with the electronic file) and hard copy is at the end of the report.**

## **Objections to this Project:**

**First and Foremost, these obvious questions below with obvious answers show that the Applicant is asking for the Variance as a convenience and not as a hardship.**

- 1. If the applicant does not get a variance, can he still build a reasonable size, beautiful home on it, which will not substantially impact the neighbors?**
- 2. When he purchased the Land, was he given a set of plans conceptually approved by the city, demonstrating that he could build a more than reasonable size beautiful home that does not impact the neighbors substantially ?**
- 3. If the previous Owner's Plans now need a variance, will that be still much better than a new plan now that needs variance and impacts the neighbors substantially?**

**Answer to all these questions are: YES, YES and YES.**

**So, the variance should not be granted for the plans submitted. It is in fact needed for convenience and not as a hardship.**

**Let's look at further facts more in detail.**

**1. Hardship Rule:**

Variance should only be granted if there's a hardship demonstrated. Here it is not.

They are trying to build the largest square footage home on a small steep lot.

Granting a variance should only be permitted if it does not harm the community and the neighbors. In this case it is going to harm us.

**2. City Staff's Analysis Flawed on Analysis of Sullivan Residence:**

Attached set of drawings from the previous owner (Sullivan Residence) of the land are provided in a separate file, which was given to them and City has a copy too.

The previous owner has demonstrated and had submitted plans to the city which were approved and reviewed by the staff and they did not require any variance.

Therefore a reasonable size home without a variance is possible.

Previous owners design gives them exactly the same view and does not harm us.

That is just an example. There are other ways to build a larger home than the previous owner design without impacting us.

Argument from the city Staff: The Sullivan Residence need a 3 ft variance for height under today's codes.

Discussion with City Staff, Mr. Jonathan Ciampa.

The Sullivan Residence under new codes will need 3 ft Variance. After discussion and Pointing out the roof protrusion of 2 ft not needed, the variance needed will be just 1 ft.

**What did the City staff not take into account.**

- A. Whether the Variance is 1 ft or 3 ft, it's less than 6.5 ft applicant is asking for now.**
- B. More importantly, it does not impact the neighbors substantially.**

**I urge city staff and the Planning commission to take**



**that important factor greatly into consideration.**

- 3. City Staff not suggesting to minimize impact on neighbors on one of the Alternates provided by the Architect:**

Architect provided a front set back reduction as an option. It's very possible and easy to pull the house forward about 5 ft. Since the Street curves, there is already longer length in the lot. Coupled with the house being pulled forward, elimination of entry fountain and the upper laundry room, the Master bed room can be pulled back 20 ft and reduces one of our major impacts.

**Granted, city planner is not there to design their house, but can certainly make suggestions to be fair to all concerned.**

**The fact that pulling the house forward reduces the impact on the neighbors. It could be suggested by the city or the neighbor. But, Neighbor has not been given the opportunity with the applicant. Architect should redesign for minimal impact.**

- 4. City staff Flawed on recommending approval when there is a possibility of reduced variance possible.**

**Architect has steered the path here to show on the alternates which do not work because he is designing very large home which is over 5000 sq ft including the garage.**

**The owner, Sullivan Residence demonstrates the steep hill and the limitation that without the variance a very reasonable size home is possible>**

**Additionally, an ADU unit is possible too.**

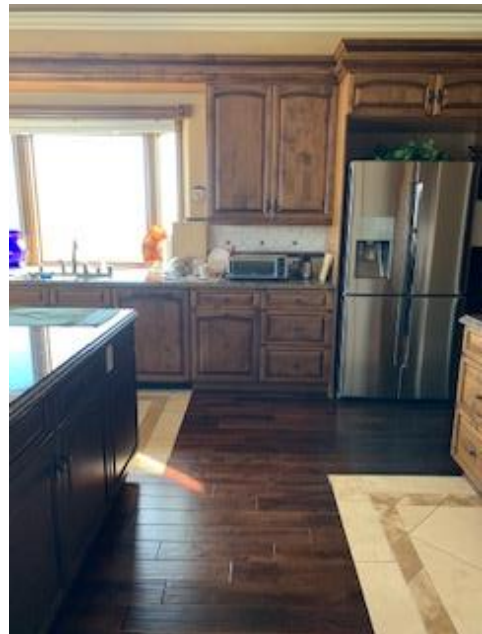
## **What impacts will this new house cause to the neighbor?**

Our home will have several areas impacted, Garage, Lower bedroom near Chula Vista, Bathroom in the same bedroom, Lower bedroom near Blue Lantern, bathroom for the same bedroom, Bonus room on lower level, Dining room on the upper level and **most Importantly the Great room and the Kitchen.**

## **What type of things will be impacted if the house built with submitted plans with variance?**

1. All north western side will be dark, especially, The Great room and Kitchen.
2. The sky will not be visible from the entire northwestern windows, especially the Bay window and the operable window next to it in Great room-kitchen dining area
3. All the North western side There will be no daylight coming thru, especially the great room and Kitchen
4. All of the North western side, The Sun will not be shining in thru any of the windows, especially the Great room and the kitchen.
5. Breeze will no longer be there in the bedrooms and especially the Great room and the kitchen.



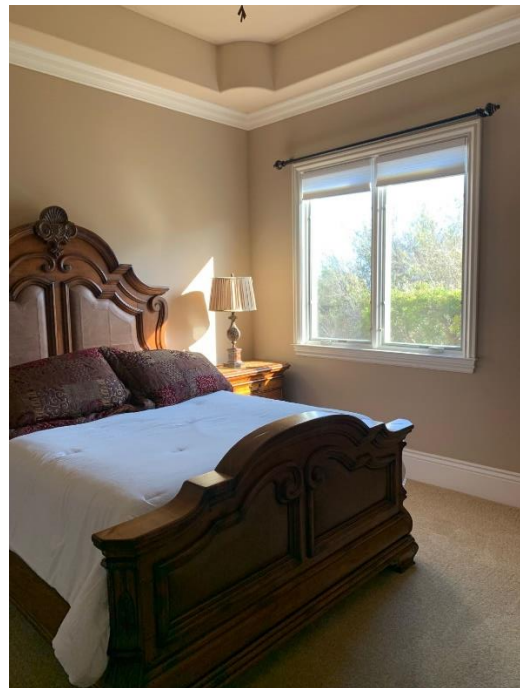


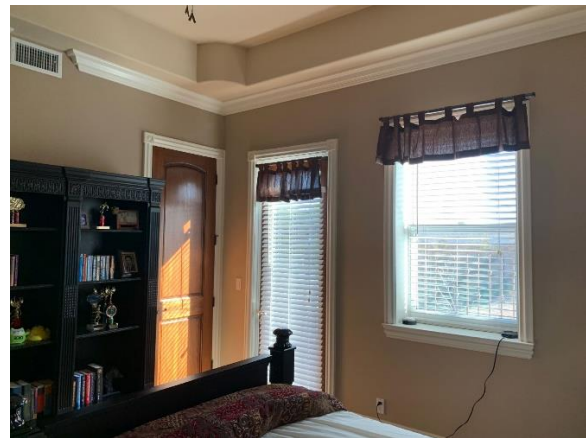






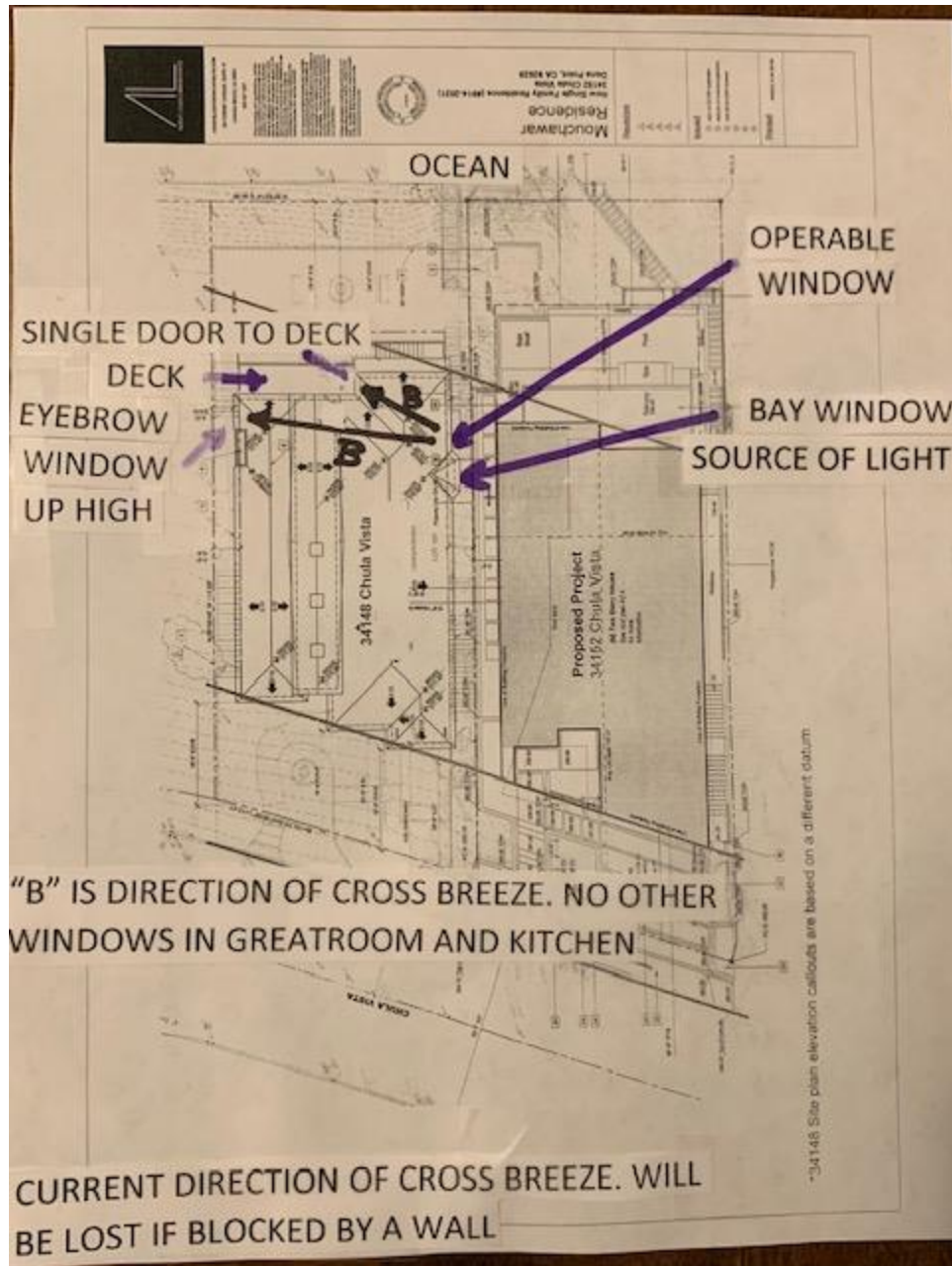
Let's now illustrate first 4 items with images for the other impacted areas that will be dark as well.





Let's now illustrate 5<sup>th</sup> item the breeze:





**There will be no breeze with blocking, which can be avoided by eliminating Variance or modifying the home to minimize the impact.**



# Analogy:

Architect states that since 3 other properties received variances, applicant should receive it too.

Architect states that the height codes were much more lenient 12 years ago and stringent today. I dispute that. The way the height is measured is changed but the increase in height permitted has changed from 24ft to 29 ft.

I submit that that Just because we received the variance then under a different code, it's not necessary to have the variance today since new codes how much more accommodating.

**Same exact surgery with same symptoms are not done on everybody. Doctors always evaluate based on all the factors for each individual, such as health and age etc. Surgeries are not even performed in the older age. For them to argue that we received variance therefore they should receive a variance is absurd. We had lower height restrictions then and they have a bigger lot, which with more liberty to eliminate the variance.**

# Suggestions for 34152

We certainly do not want to tell the applicant how to or what to build on his own property.

However, whatever he builds should not impact us and if it does impact it should be very minimal.

In that light, we are open to meet with the applicant and discuss any suggestions. Unfortunately, The meeting has not been productive with the architect deferring items to Applicant and applicant deferring to Architect etc.

Some suggestions can be offered to them if they are willing to minimize the impact to us.

**Number one:** by eliminating the upper laundry room and entryway fountain area, The bedroom master can be pulled back 20 feet. If they require 5 foot reduced setback at Chula Vista. We will support it.

**Number two:** typically on the hillside lots, master bedrooms are built at the lower level. This makes the house so attractive with gigantic open floor plan upstairs with great room dining room kitchen area.

**We believe that the applicant is missing out on this opportunity.**

Our elevation compared to sea level is so high, that even the master bedroom on the lower level will have exactly the same view.

**Number three:** if they have any concern about noise factor from the children, a double wall or a solid insulation or noise reduction panels are some of the answers.

Number 4: By having an ADU Unit below, the applicant can create bigger pool, or gigantic deck covering possibly the entire roof of the ADU.

Number 5: The Pool could be between the 2 structures or a roof top pool over the ADU. Etc.

Happy to discuss with them if we can help in any way.

**Conclusion:** If they are given variance on their property for the house as proposed, you would basically be taking away our privileges of breeze, sunlight, open skies and daylight. And, they will have all of those from the north westerly direction.

If, however, they build the house without the variance or something similar to Sullivan's residence, it will be fair to both parties. And, both parties will enjoy the same privileges.

It will be very nice for both to be great neighbors after the city and Architect are out of the picture after construction, who are temporary means to get to our comfortable lives back again.

Therefore, I respectfully ask the Planning commission to postpone the hearing, ask them to comply with the proper extended Public notice as required (Generally over 90 days) and amend the submittals. Please send them back to drawing board to complete their work properly including the variance requirements, alternative plans and resubmit and address neighbors' concerns as well, not take the neighbor's privileges for themselves.

We stand ready to Compromise, if the Applicant is willing to do so honestly with this or another architect and focus on the Major impacted area. Thank you.



# DESIGN DRAWINGS



## SULLIVAN RESIDENCE

34152 Chula Vista Dana Point, CA. 91364



SULLIVAN RESIDENCE

34152 CHULA VISTA DANA POINT, CA 91364

DESIGN DRAWINGS

OWNER  
John & Deborah Sullivan  
23941 Bessemer St.  
Woodland Hills. CA 91367

SHEET INDEX

- T-1 TITLE SHEET / MAPS / LEGAL DESCRIPTION
- S-1 SURVEY WITH PROPERTY LINES
- S-2 SURVEY WITH CONTOURS EXTENDING 25' OUT
- A-1 UPPER FLOOR PLAN
- A-2 LOWER FLOOR PLAN
- A-3 NORTH ELEVATION
- A-4 SOUTH ELEVATION
- A-5 EAST & WEST ELEVATIONS
- A-6 SECTION A
- A-7 SECTION B
- A-8 SECTION C & D
- A-9 ROOF
- St.-1 STRUCTURAL SECTION A
- St.-2 STRUCTURAL SECTION B
- L-1 LANDSCAPE PLAN
- G-1 GRADING PLAN

CONSULTANTS

STRUCTURAL ENGINEER  
STRUCTURES, A CONSULTING COMPANY  
2880 SOUTH COAST HIGHWAY  
LAGUNA BEACH, CA 92651  
TEL. 949-715-0775  
CONTACT  
NENO GRGURIC P.E.

CIVIL ENGINEER  
TOAL ENGINEERING ,INC.  
CIVIL ENGINEERS, LAND PLANNERS, LAND SURVEYORS  
139 AVENIDA NAVARRO  
SAN CLEMENTE, CA 92672  
TEL. 949-492-8586  
CONTACT :  
CALEB RIOS

LANDSCAPE ARCHITECT  
ANDRADE ARCHITECTS, INC.  
2880 SOUTH COAST HIGHWAY  
LAGUNA BEACH, CA 92651  
TEL. 949-715-7474  
CONTACT  
KAREN ANDRADE

BUILDING INFORMATION

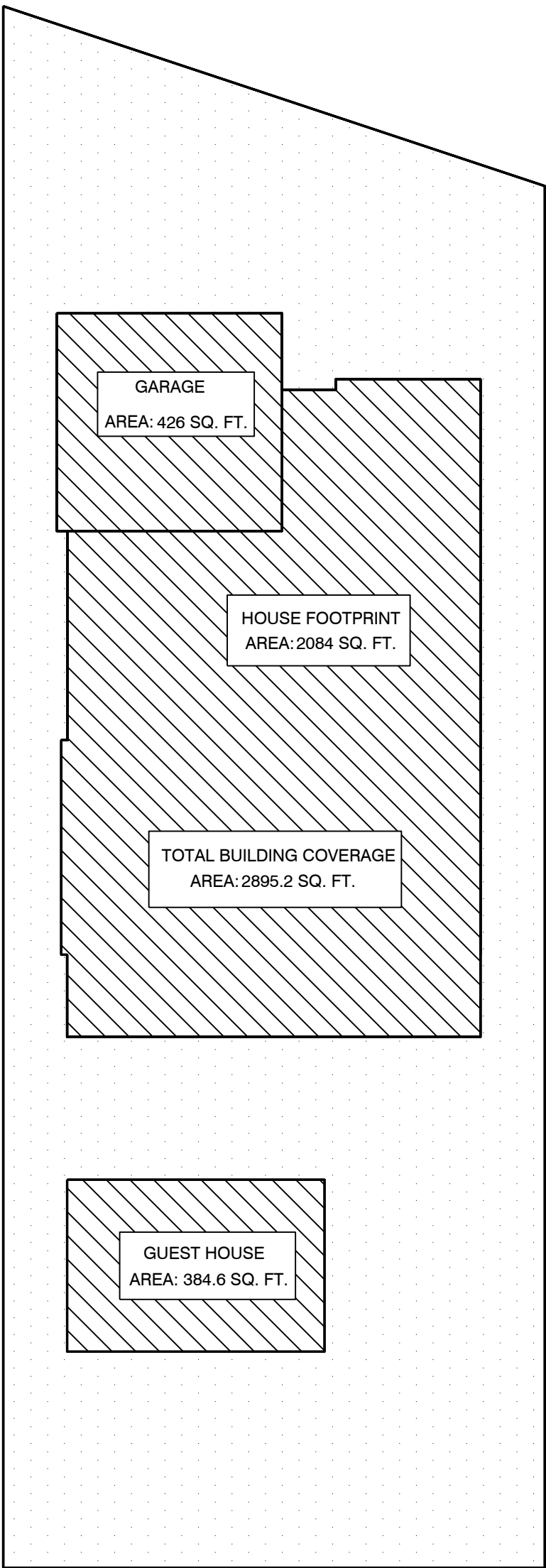
- RESIDENTIAL ZONING DISTRICT RSF7
- TOTAL LOT SIZE AREA: 6927.7 SQ. FT.
- MAX. LOT COVERAGE AT 60% AREA: 4156 SQ. FT.
- TOTAL BUILDING COVERAGE AREA: 2895.2 SQ. FT.
- TOTAL SQ FT. OF HOUSE: 4773.6 SQ. FT.
- MINIMUM LANDSCAPE COVERAGE AT 25% AREA: 1731SQ. FT.
- ACTUAL LANDSCAPE 4032.7 SQ.FT.
- FIRST FLOOR PLAN AREA: 2084 SQ.FT.
- UPPER GARAGE AREA: 426 SQ.FT.
- GUEST HOUSE FLOOR PLAN AREA: 384 SQ. FT.
- LOWER FLOOR PLAN + GARAGE AREA: 2237 SQ. FT.

LEGAL DESCRIPTION

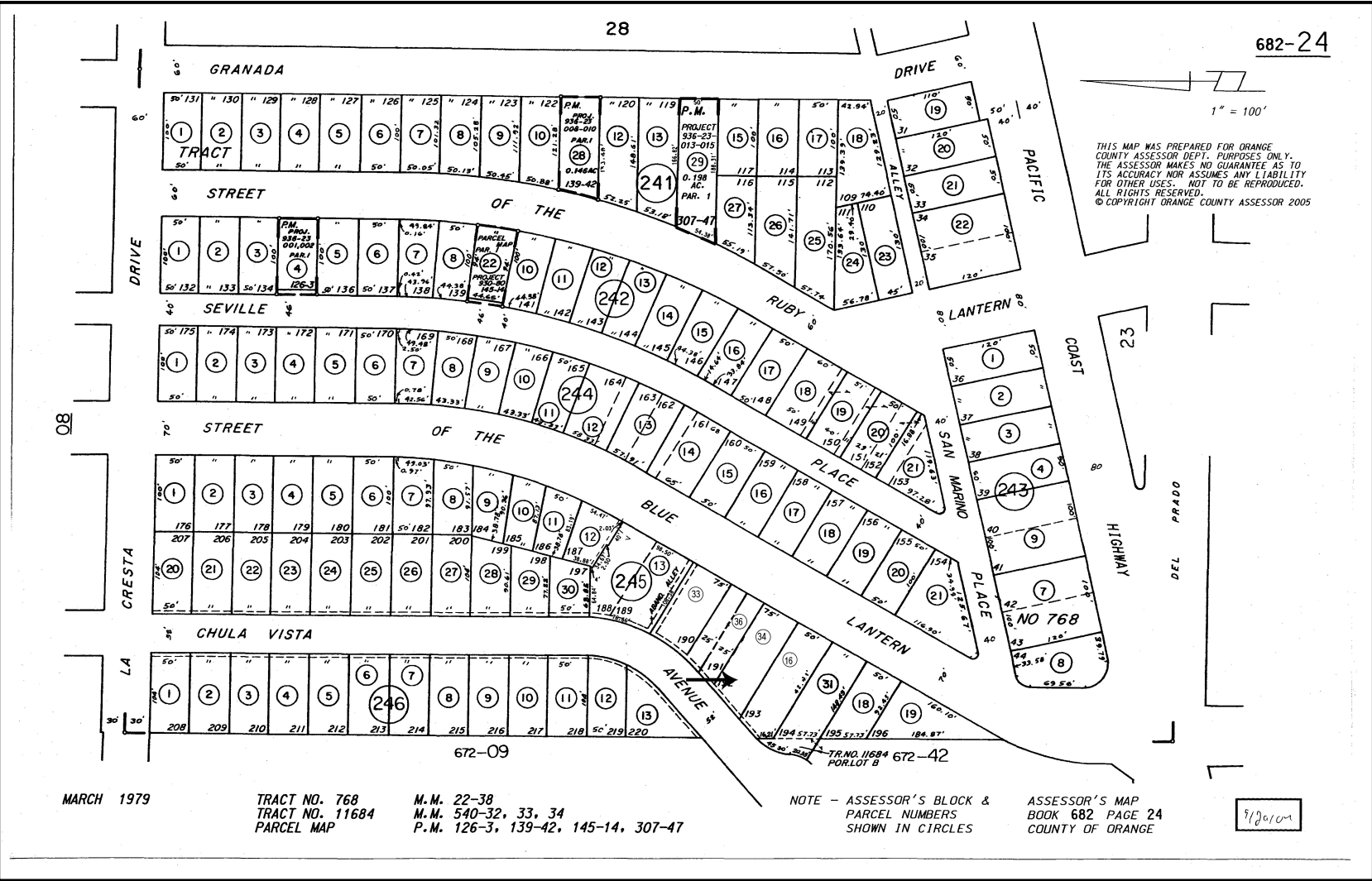
LOT 192., OF TRACT 768, IN THE CITY OF DANA POINT,  
COUNTY OF ORANGE  
STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK  
22,PAGE(S) 38,INCLUSIVE OF MISCELLANEOUS MAPS IN THE  
OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,  
TOGETHER WITH THAT CERTAIN PORTION OF CHULA VISTA  
AVENUE, WHICH WAS VACATED BY A RESOLUTION  
RECORDED NOVEMBER 7,1985, AS INSTRUMENT NO.  
85-432283, OFFICIAL RECORDS.



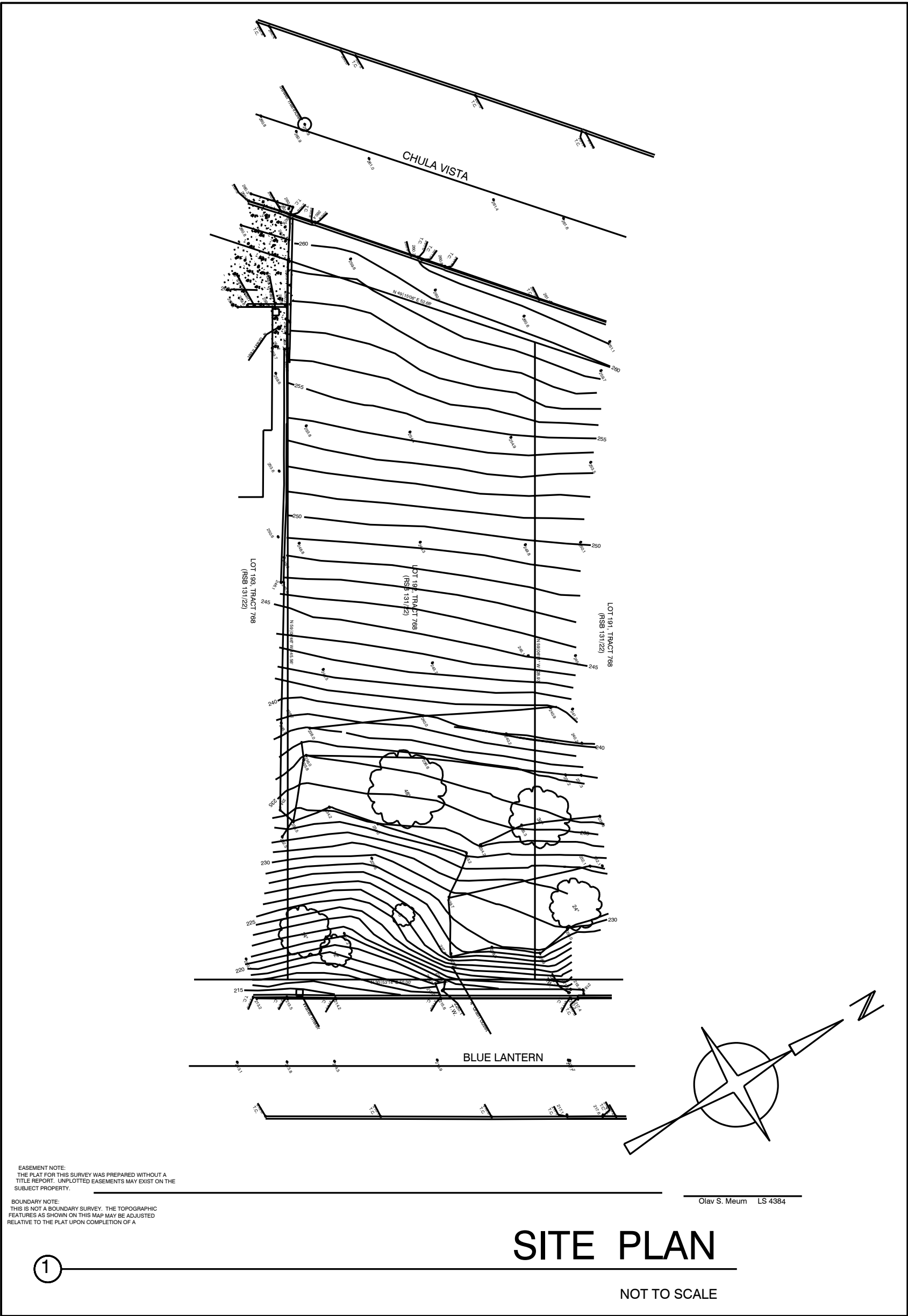
RENDERING NTS



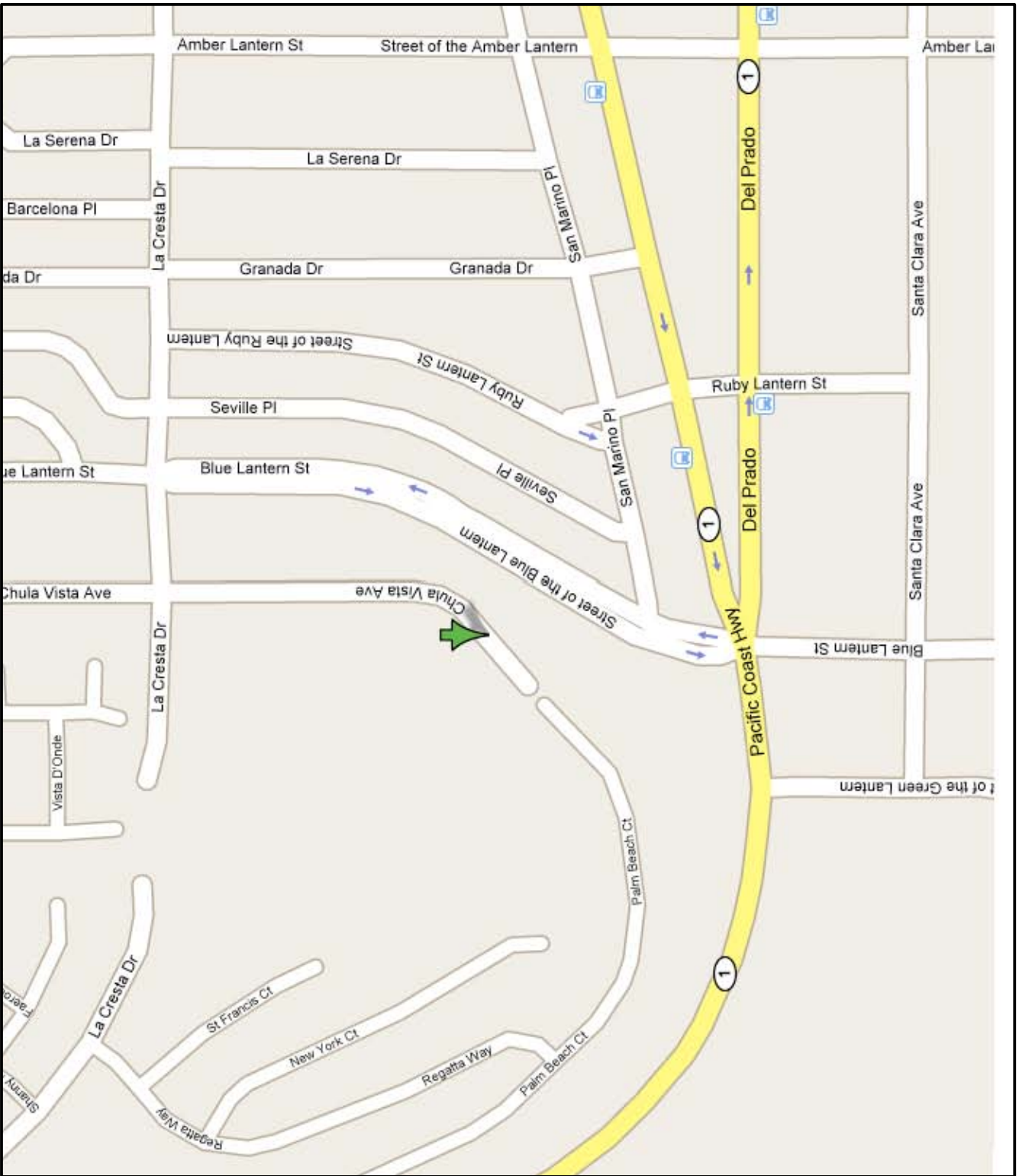
SATELLITE MAP NTS



TRACT MAP NTS



TOPO NTS



AREA MAP NTS

Date:	January 21, 2008	Job No.:	
	January 30, 2008	Drawn:	
	January 31, 2008	Checked:	
	February 26, 2008	Approval:	
		Approval:	
		Bid Date:	
		Scale:	

DESIGNER:  
**GDA** Green Design Associates  
Commercial • Retail • Residential  
3578 Eastham Drive Ste. D, Culver City, CA 90232  
Tel: 310.839.2133 Fax: 310.839.2676  
email: jon.green@verizon.net

TITLE SHEET

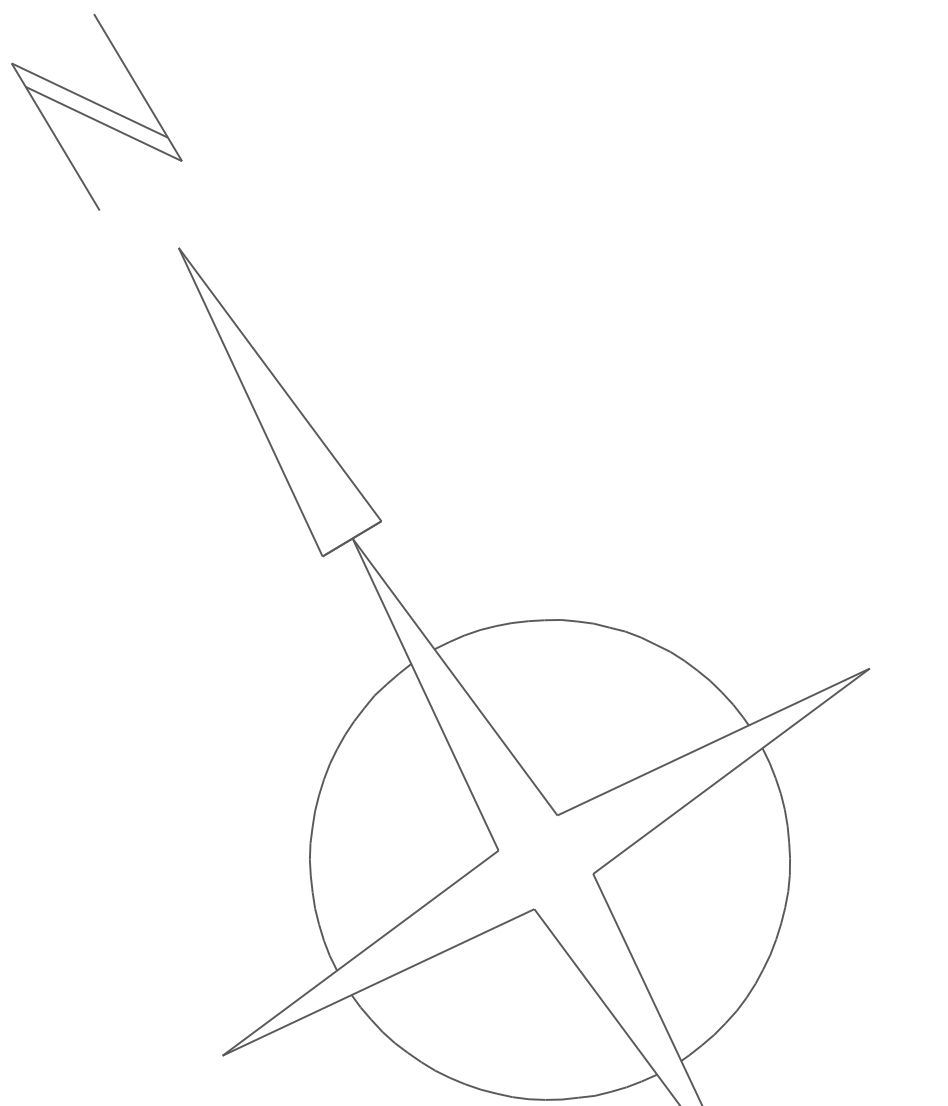
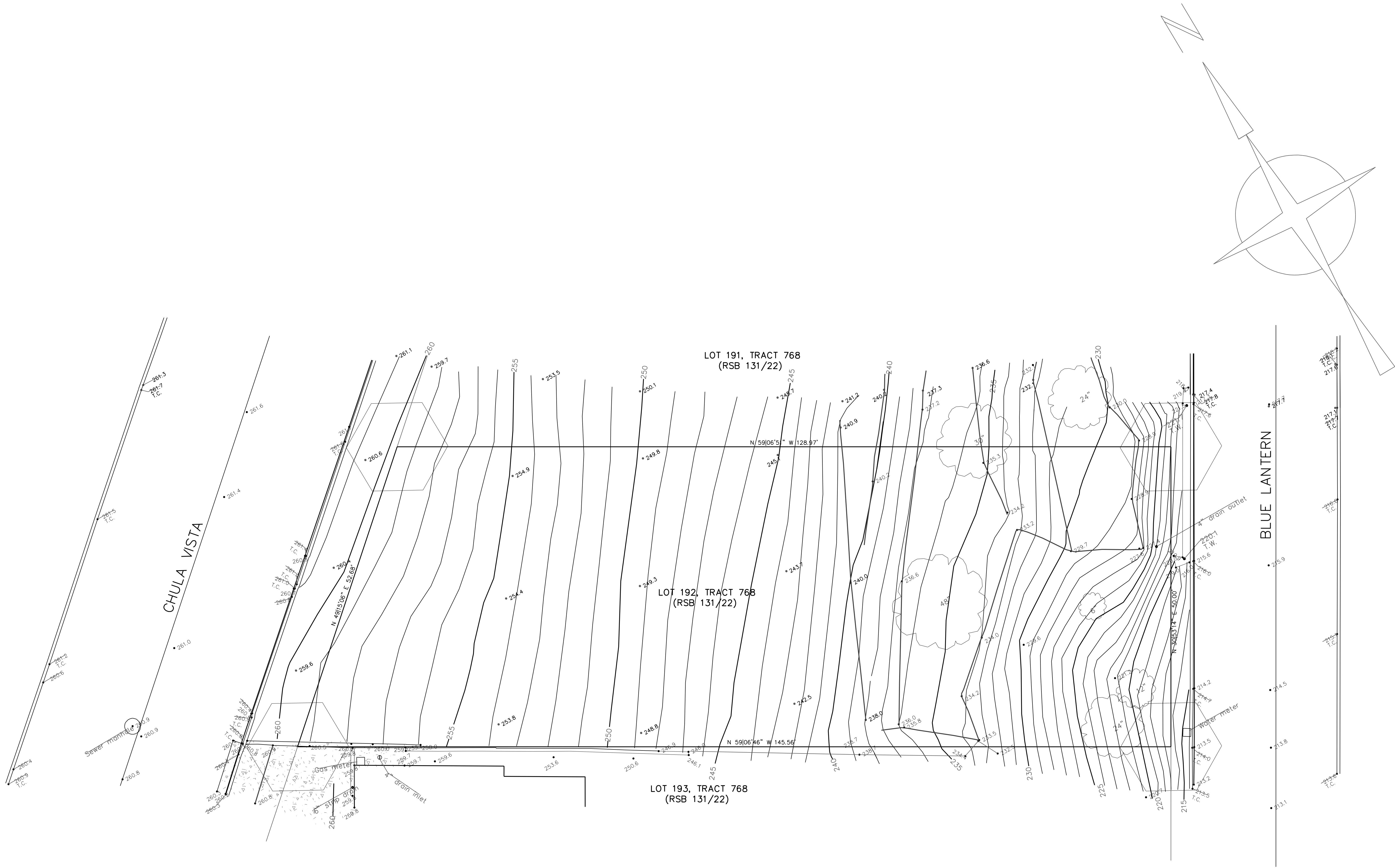
OWNER  
John & Deborah Sullivan  
23941 Bessemer St.  
Woodland Hills, CA 91367

SULLIVAN RESIDENCE  
34152 Chula Vista  
Dana Point, CA 91364

SHEET NO.

T-1





1 SURVEY INSIDE OF PROPERTY LINES  
SCALE: 1/8" = 1' - 0"

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SURVEY

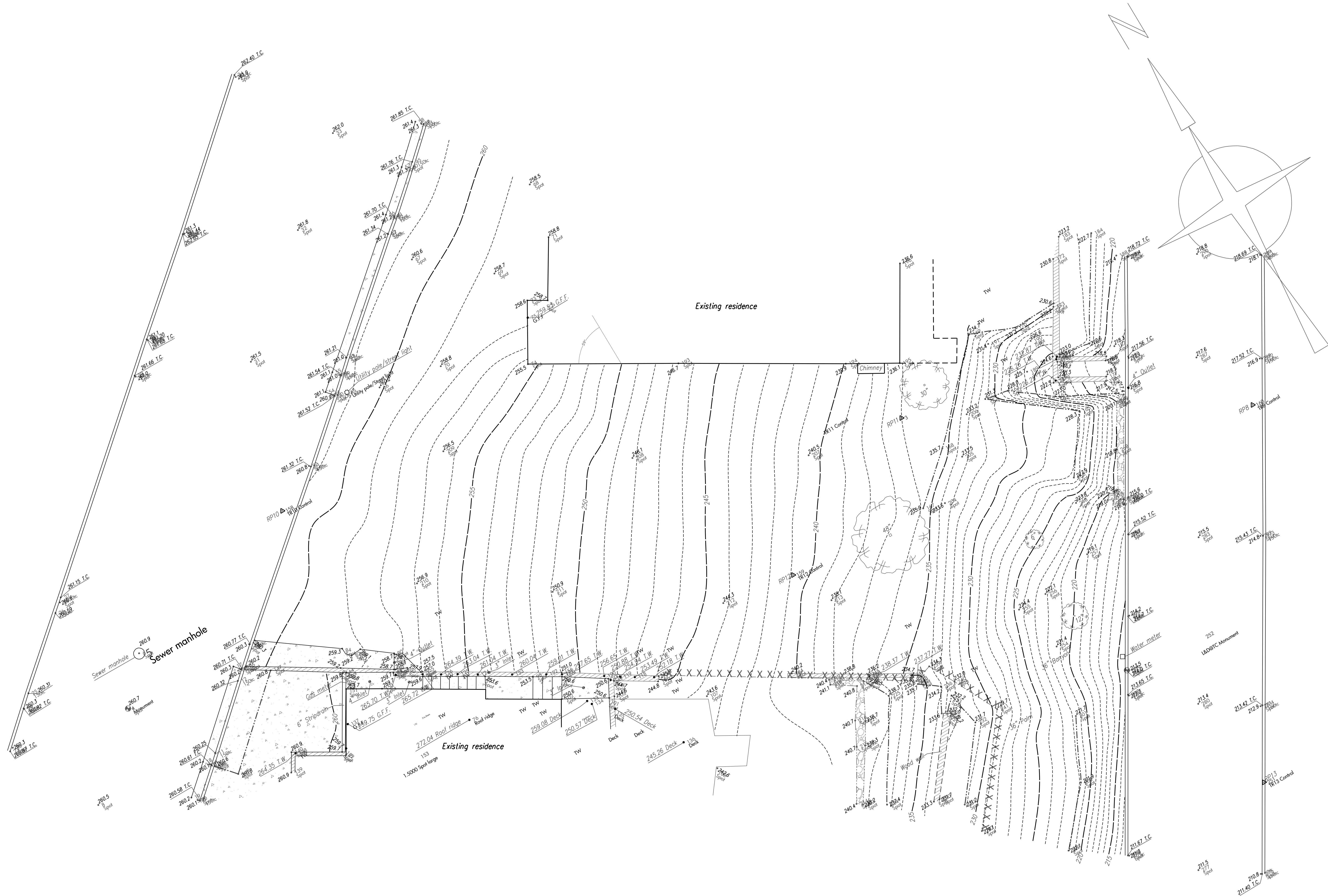
OWNER  
John & Deborah Sullivan  
23941 Bessemer St.  
Woodland Hills, CA 91367

SULLIVAN RESIDENCE  
34152 Chula Vista  
Dana Point, CA 91364

SHEET NO.

S-1

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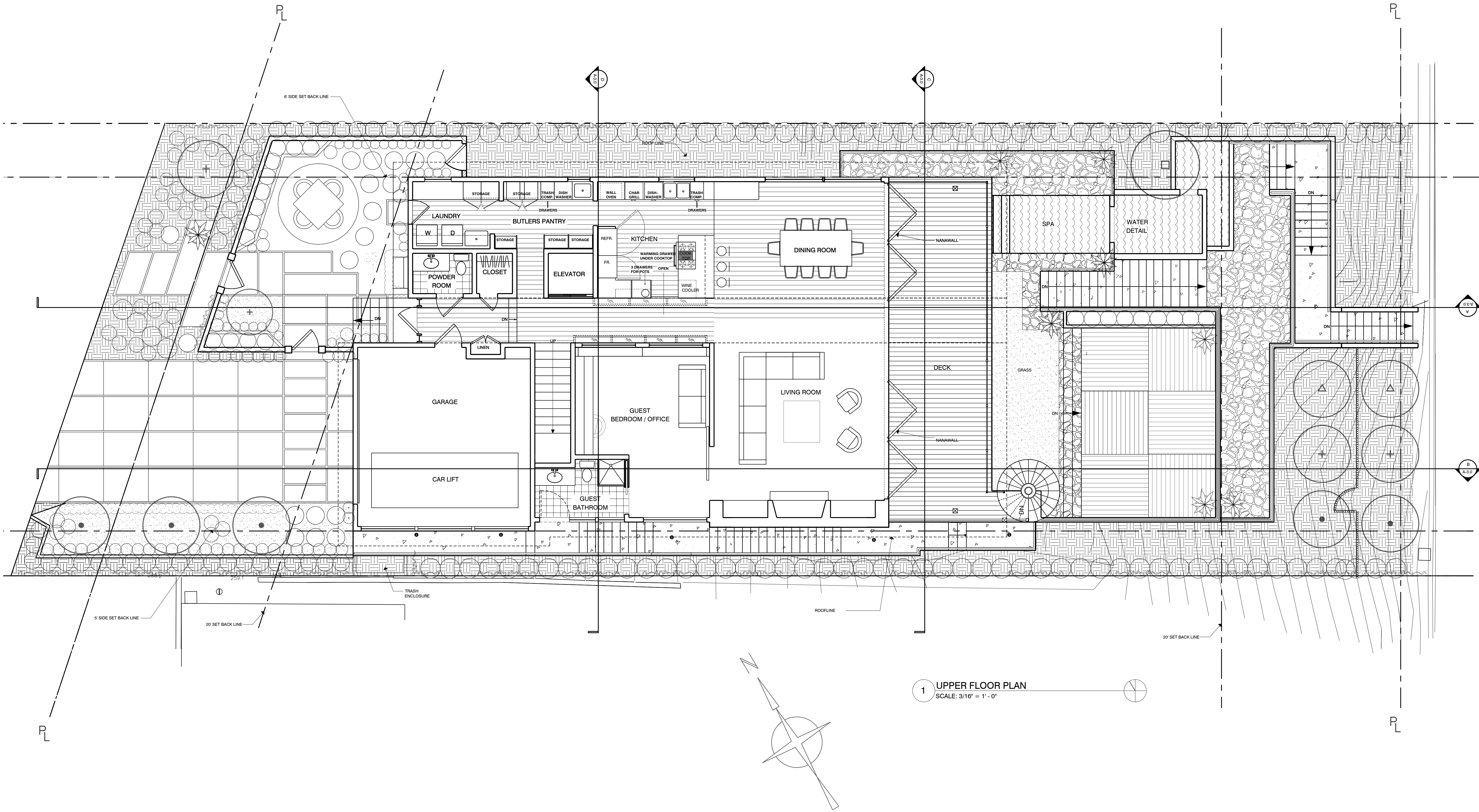
SURVEY

SULLIVAN RESIDENCE  
34152 Chula Vista  
Dana Point, CA. 91364

OWNER  
John & Deborah Sullivan  
23941 Bessemer St.  
Woodland Hills, CA 91367

DESIGNER:  
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Tel: 310.839.2133 Fax: 310.839.2676  
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	February 26, 2008	Approval:	
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		Scale:	



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

FIRST FLOOR PLAN

SULLIVAN RESIDENCE

34152 Chula Vista  
Dana Point, CA 91364

OWNER  
John & Deborah Sullivan  
23941 Bessener St.  
Woodland Hills, CA 91367

DESIGNER:

**GDA** Green Design Associates

Commercial • Retail • Residential

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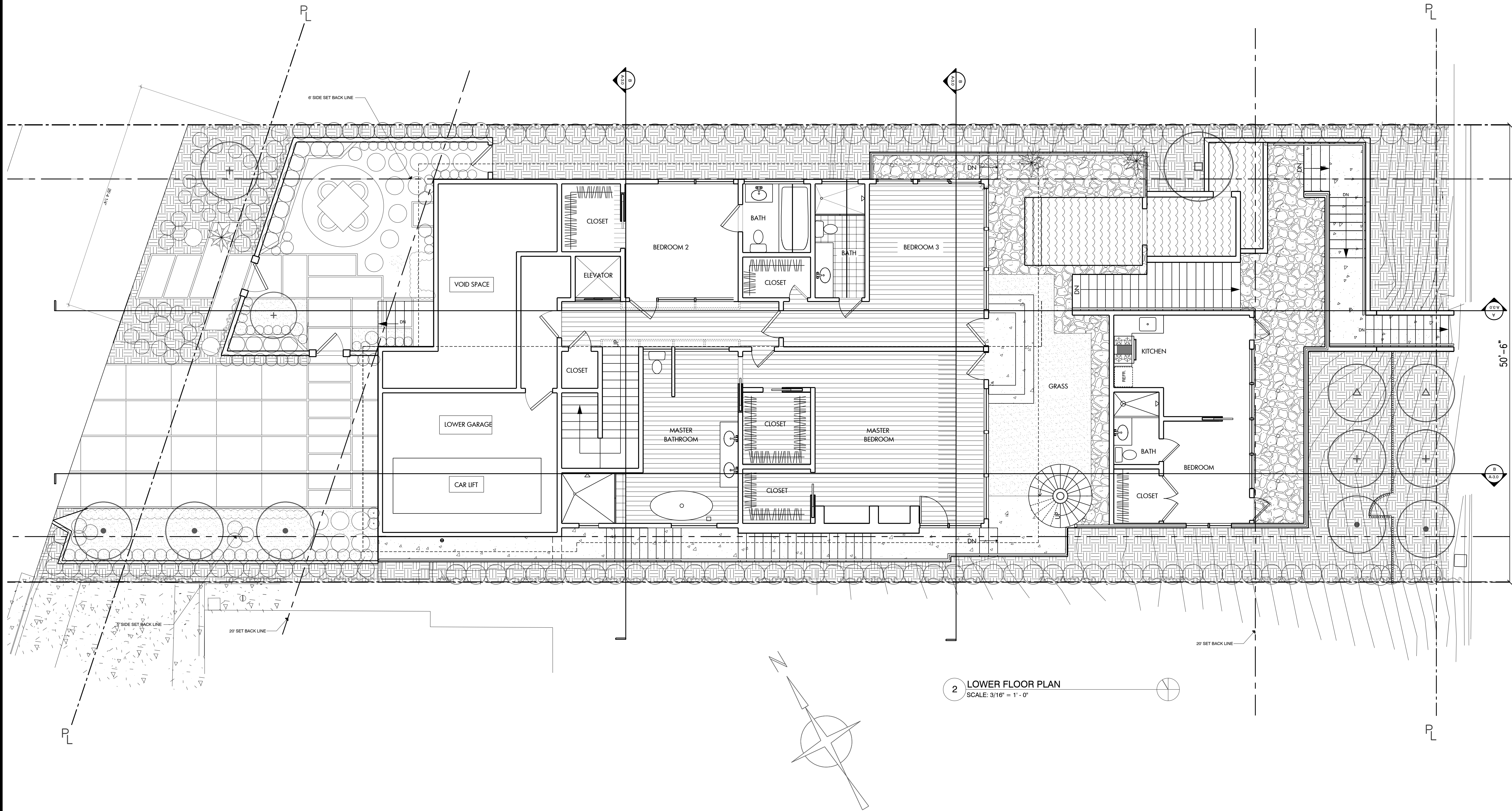
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A-1

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2 LOWER FLOOR PLAN  
SCALE: 3/16" = 1' - 0"

LOWER FLOOR PLAN

**SULLIVAN RESIDENCE**  
34152 Chula Vista  
Dana Point, CA 91364

OWNER  
**John & Deborah Sullivan**  
23941 Bessemer St  
Woodland Hills, CA 91367

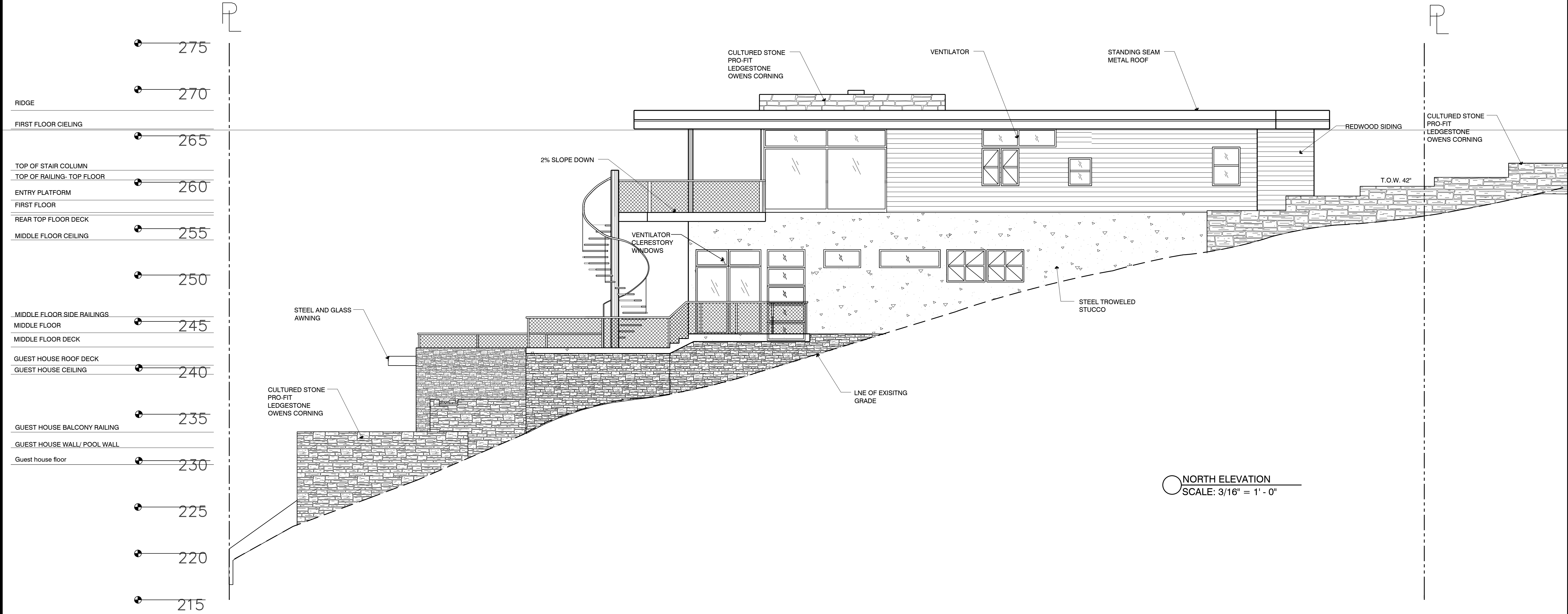
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A-2

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	275
	270
RIDGE	
FIRST FLOOR CIELING	265
TOP OF STAIR COLUMN	
TOP OF RAILING- TOP FLOOR	260
ENTRY PLATFORM	
FIRST FLOOR	
REAR TOP FLOOR DECK	
MIDDLE FLOOR CEILING	255
	250
MIDDLE FLOOR SIDE RAILINGS	
MIDDLE FLOOR	245
MIDDLE FLOOR DECK	
GUEST HOUSE ROOF DECK	
GUEST HOUSE CEILING	240
	235
GUEST HOUSE BALCONY RAILING	
GUEST HOUSE WALL/ POOL WALL	
Guest house floor	230
	225
	220
	215

Job No.:	January 21, 2008
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NORTH ELEVATION

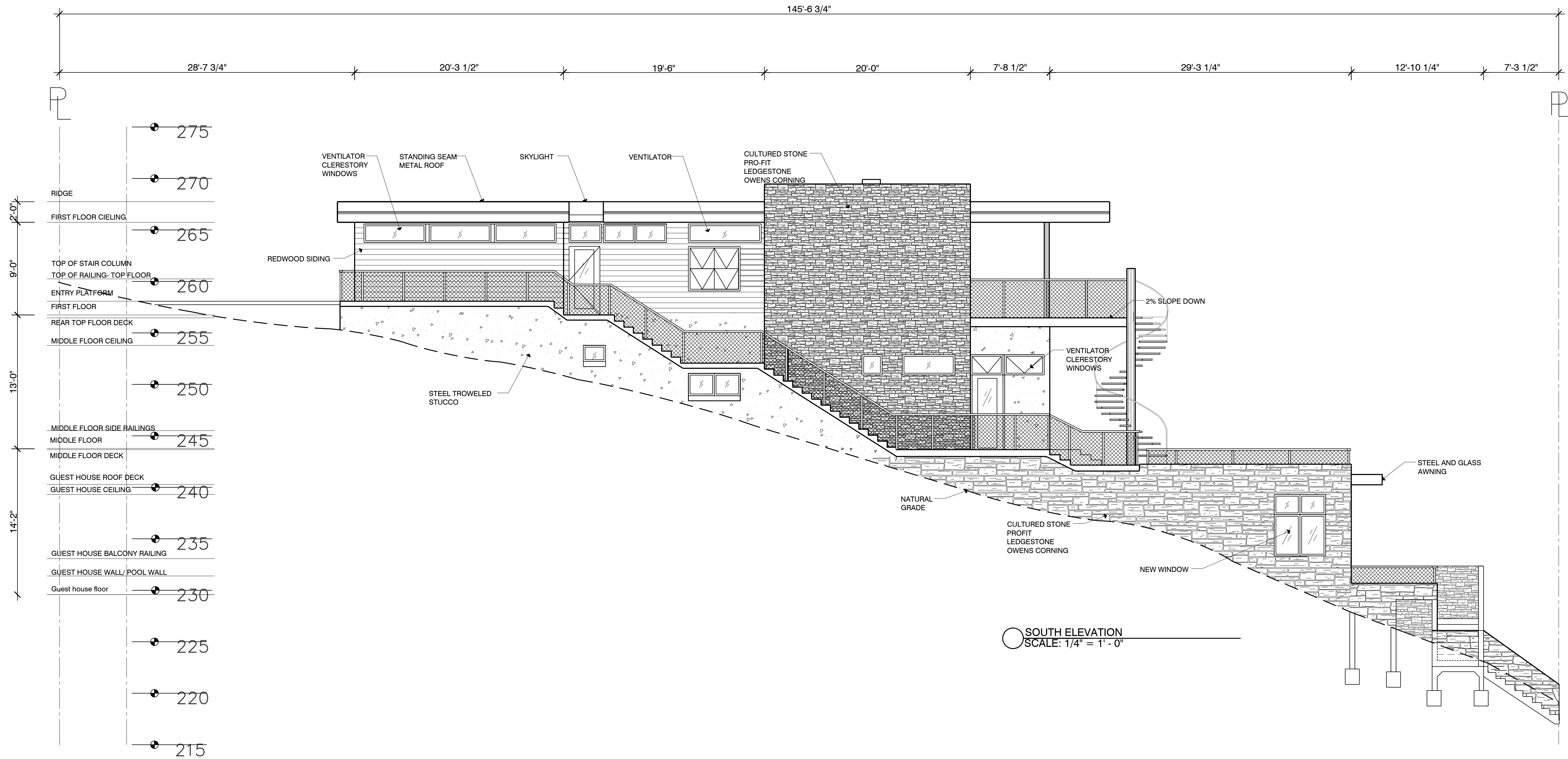
OWNER  
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SULLIVAN RESIDENCE  
34152 Chula Vista  
Dana Point, CA. 91364

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SOUTH ELEVATION

SULLIVAN RESIDENCE  
34152 Chula Vista  
Dana Point, CA 91364

OWNER  
John & Deborah Sullivan  
23941 Bessemer St  
Woodland Hills, CA 91367

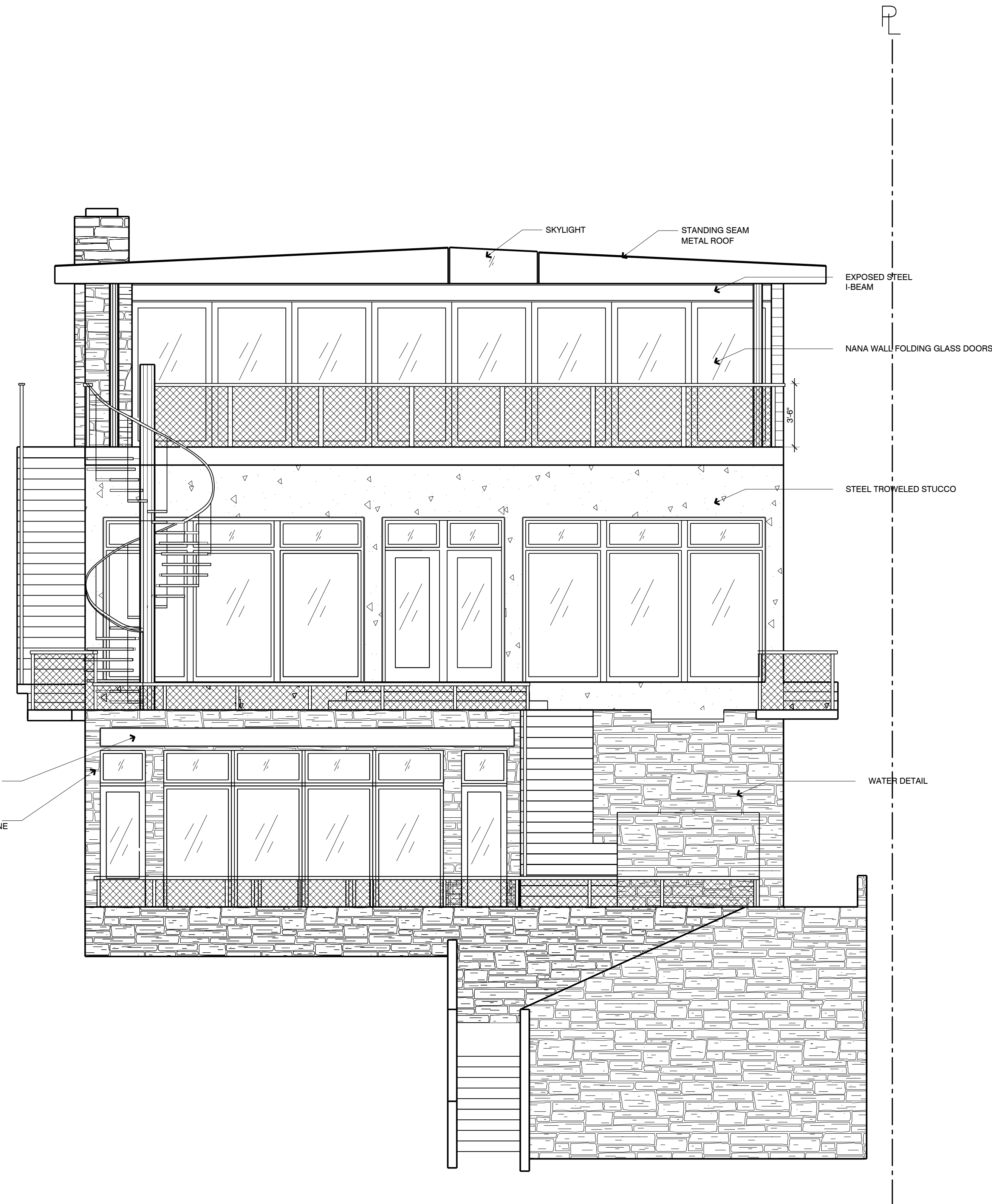
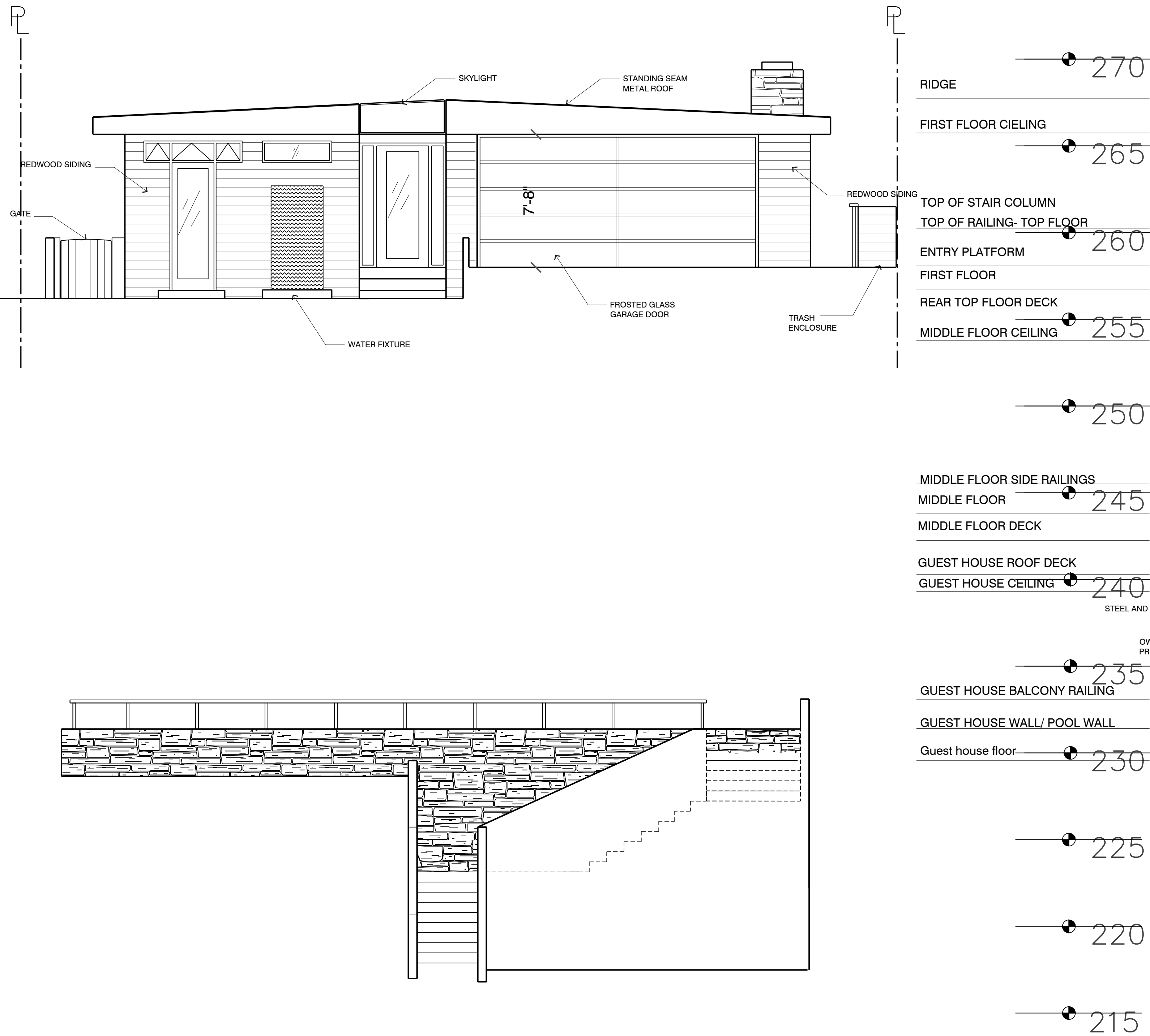
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DETAIL THROUGH WALL  
SCALE: 1/8" = 1' - 0"

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

EAST & WEST ELEVATION

SULLIVAN RESIDENCE  
34152 Chula Vista  
Dana Point, CA 91364

OWNER  
John & Deborah Sullivan  
23941 Bessemer St  
Woodland Hills, CA 91367

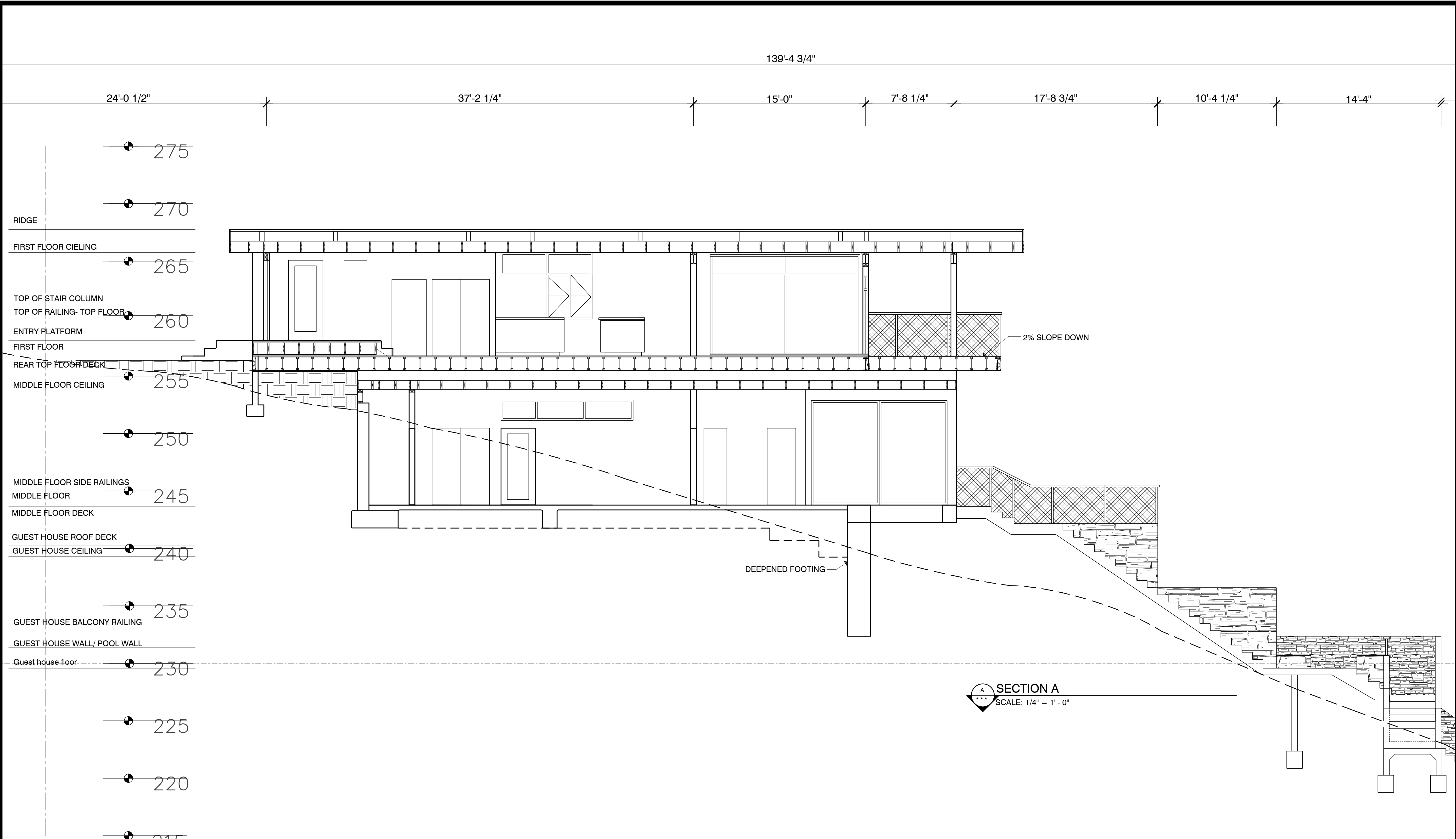
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Commercial • Retail • Residential  
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SHEET NO.

A-5

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SECTION 'A'

OWNER  
John & Deborah Sullivan  
23941 Bessmer St.  
Woodland Hills, CA 91367

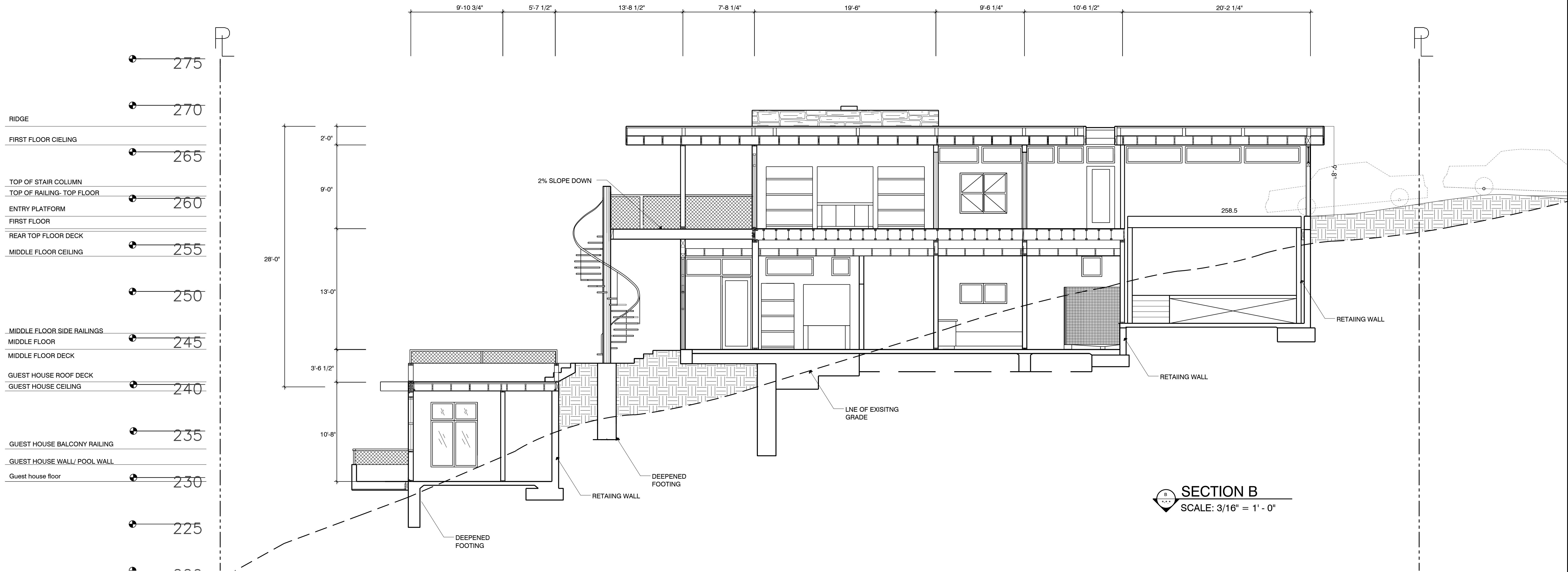
SULLIVAN RESIDENCE  
34152 Chula Vista  
Dana Point, CA, 91364

SHEET NO.

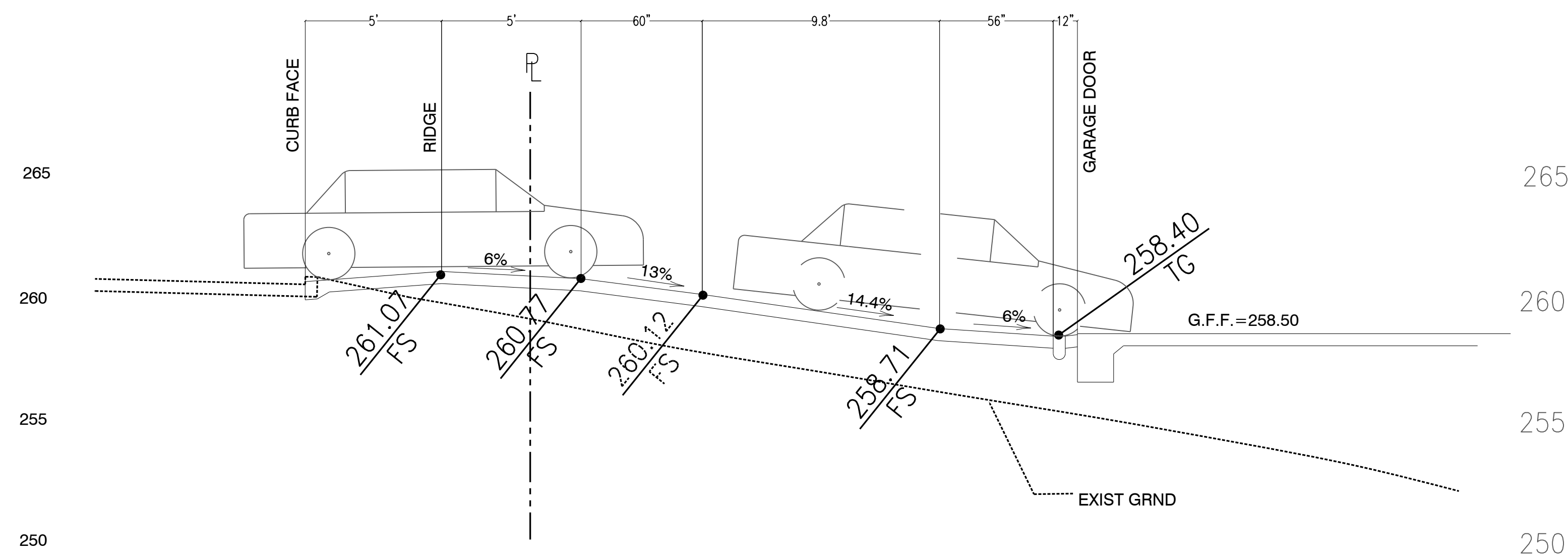
**A-6**

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**SECTION B**  
SCALE: 3/16" = 1' - 0"



**DRIVEWAY DETAIL**  
SCALE: 1/4" = 1' - 0"

RIDGE	275
FIRST FLOOR CIELING	270
TOP OF STAIR COLUMN	265
TOP OF RAILING- TOP FLOOR	260
ENTRY PLATFORM	255
FIRST FLOOR	250
REAR TOP FLOOR DECK	245
MIDDLE FLOOR CEILING	240
MIDDLE FLOOR SIDE RAILINGS	235
MIDDLE FLOOR	230
MIDDLE FLOOR DECK	225
GUEST HOUSE ROOF DECK	220
GUEST HOUSE CEILING	215
GUEST HOUSE BALCONY RAILING	210
GUEST HOUSE WALL/ POOL WALL	205
Guest house floor	200

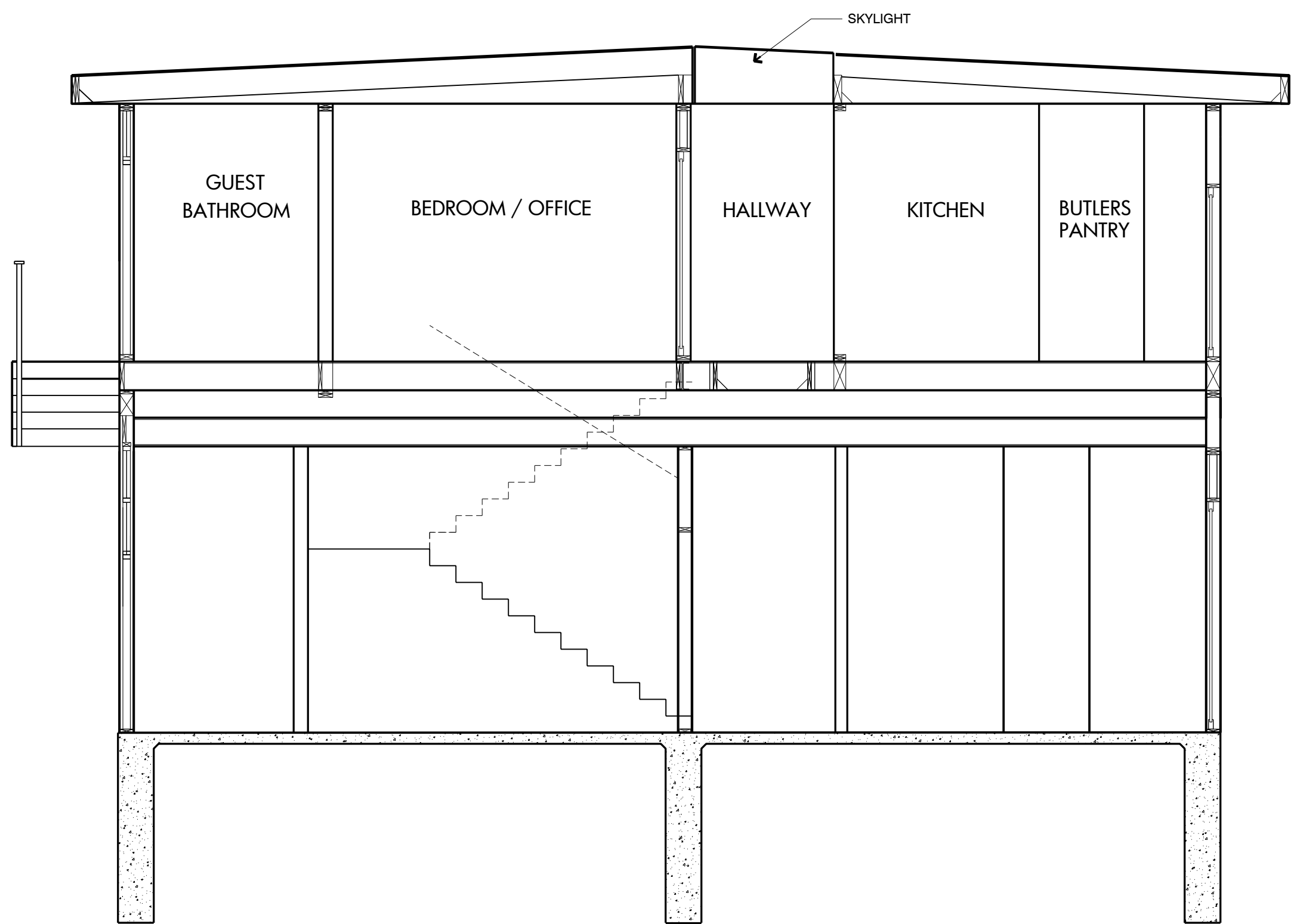
Date:	January 21, 2008	Job No.:	
Drawn:	January 30, 2008	Checked:	
Checked:	January 31, 2008	Approval:	
Approval:	February 26, 2008	Bid Date:	
Bid Date:		Scale:	

DESIGNER:  
**GDA** Green Design Associates  
Commercial • Retail • Residential  
3578 Eastham Drive Ste. D, Culver City, CA 90232  
Tel: 310.839.2133 Fax: 310.839.2676  
email: jon.green@verizon.net

SECTION 'B'  
**SULLIVAN RESIDENCE**  
OWNER:  
John & Deborah Sullivan  
23941 Bessmer St.  
Woodland Hills, CA 91367

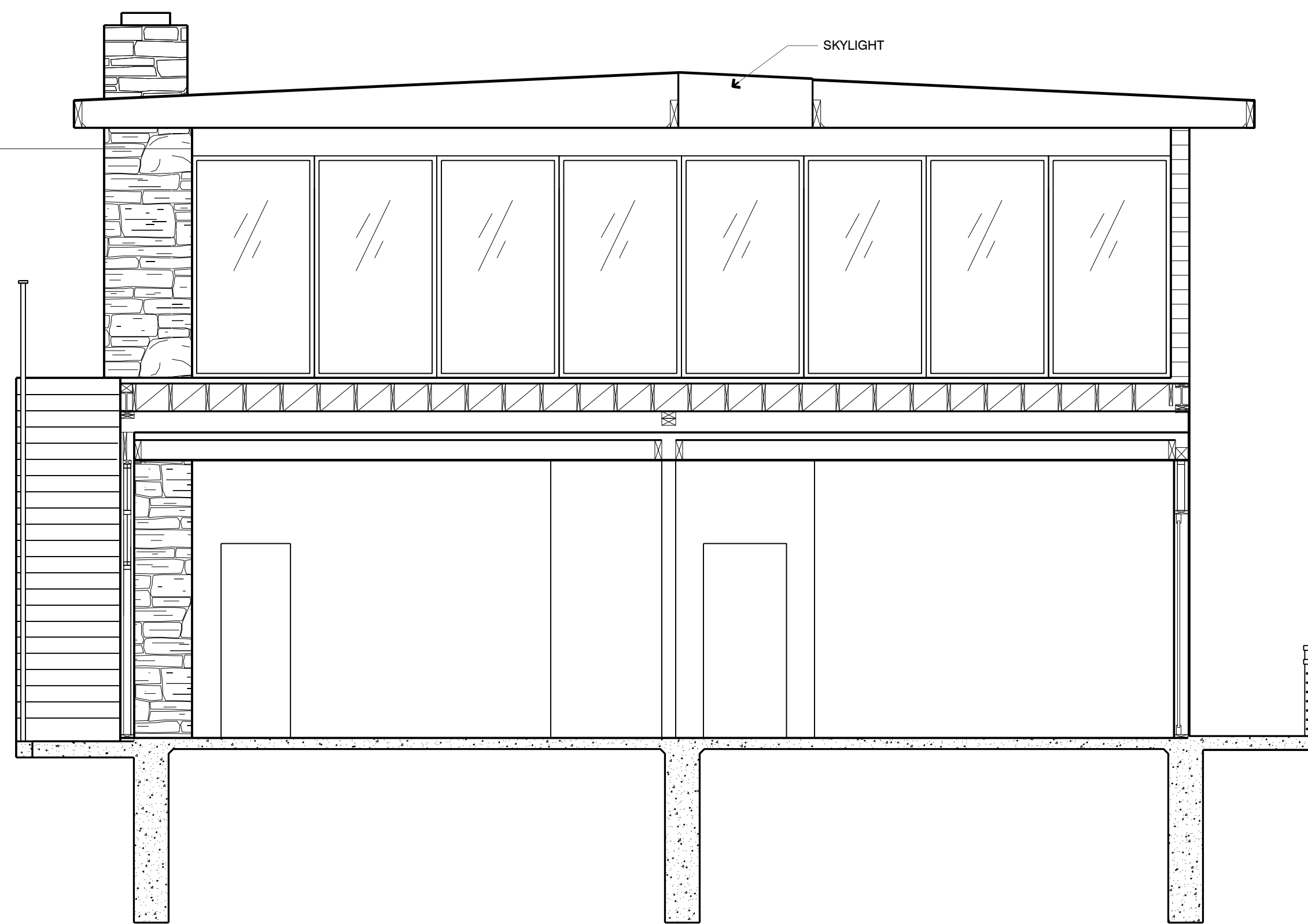
SHEET NO.  
**A-7**

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



**SECTION D**  
SCALE: 1/4" = 1' - 0"

- 275
- 270
- RIDGE
- FIRST FLOOR CIELING
- 265
- TOP OF STAIR COLUMN
- TOP OF RAILING- TOP FLOOR
- 260
- ENTRY PLATFORM
- FIRST FLOOR
- REAR TOP FLOOR DECK
- MIDDLE FLOOR CEILING
- 255
- 250
- MIDDLE FLOOR SIDE RAILINGS
- MIDDLE FLOOR
- 245
- MIDDLE FLOOR DECK
- GUEST HOUSE ROOF DECK
- GUEST HOUSE CEILING
- 240
- 235
- GUEST HOUSE BALCONY RAILING
- GUEST HOUSE WALL/ POOL WALL
- 230
- Guest house floor
- 225
- 220
- 215



**SECTION C**  
SCALE: 1/4" = 1' - 0"

SECTION 'C' & 'D'

**SULLIVAN RESIDENCE**  
34152 Chula Vista  
Dana Point, CA, 91364

OWNER  
**John & Deborah Sullivan**  
23941 Bessemer St.  
Woodland Hills, CA 91367

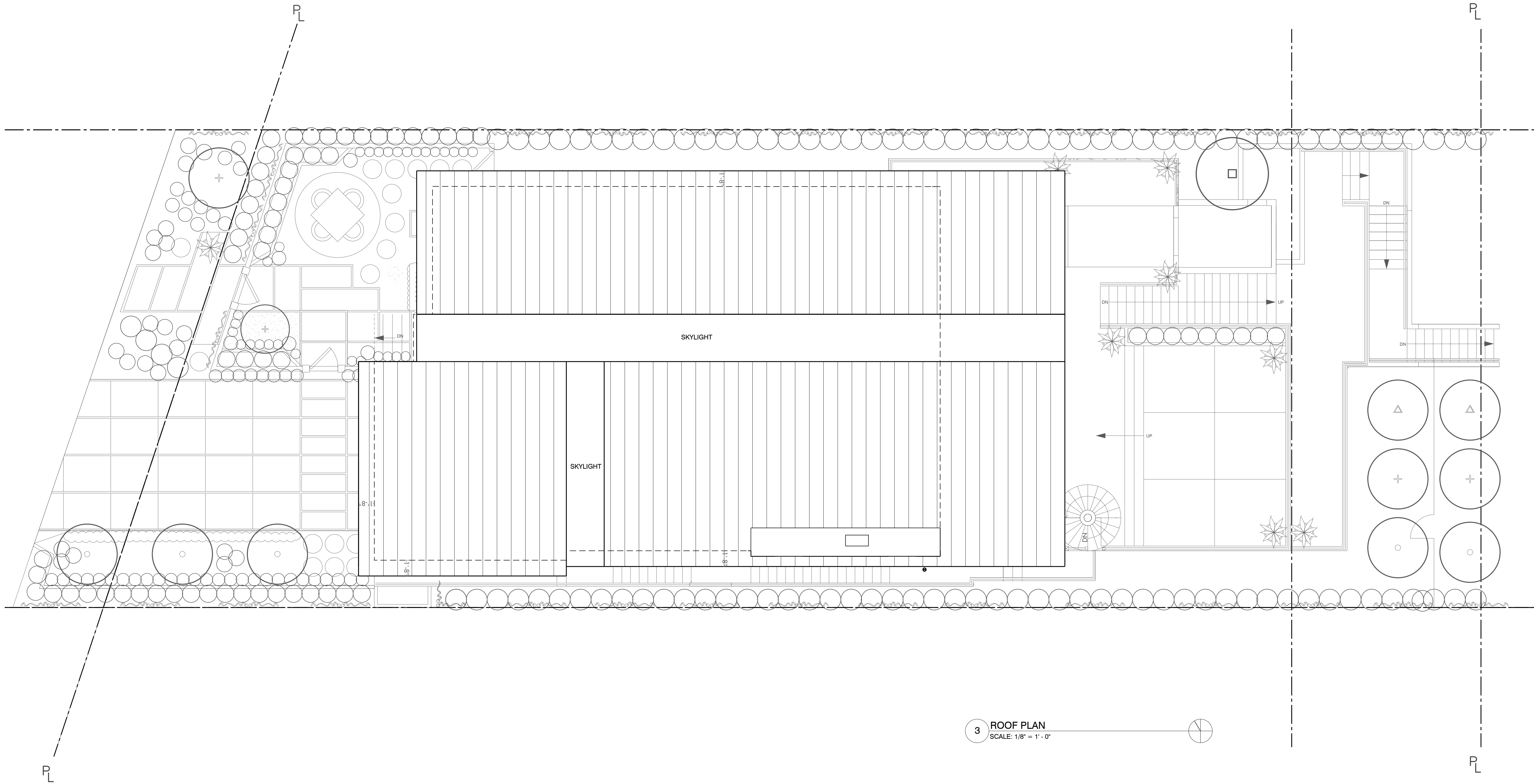
DESIGNER:  
**GDA** Green Design Associates  
Commercial • Retail • Residential  
3578 Eastham Drive Ste. D, Culver City, CA 90232  
Tel: 310.839.2133 Fax: 310.839.2676  
email: jon.green@verizon.net

Date:	January 21, 2008	Job No.:	
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	January 31, 2008	Checked:	
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		Scale:	

SHEET NO.

**A-8**

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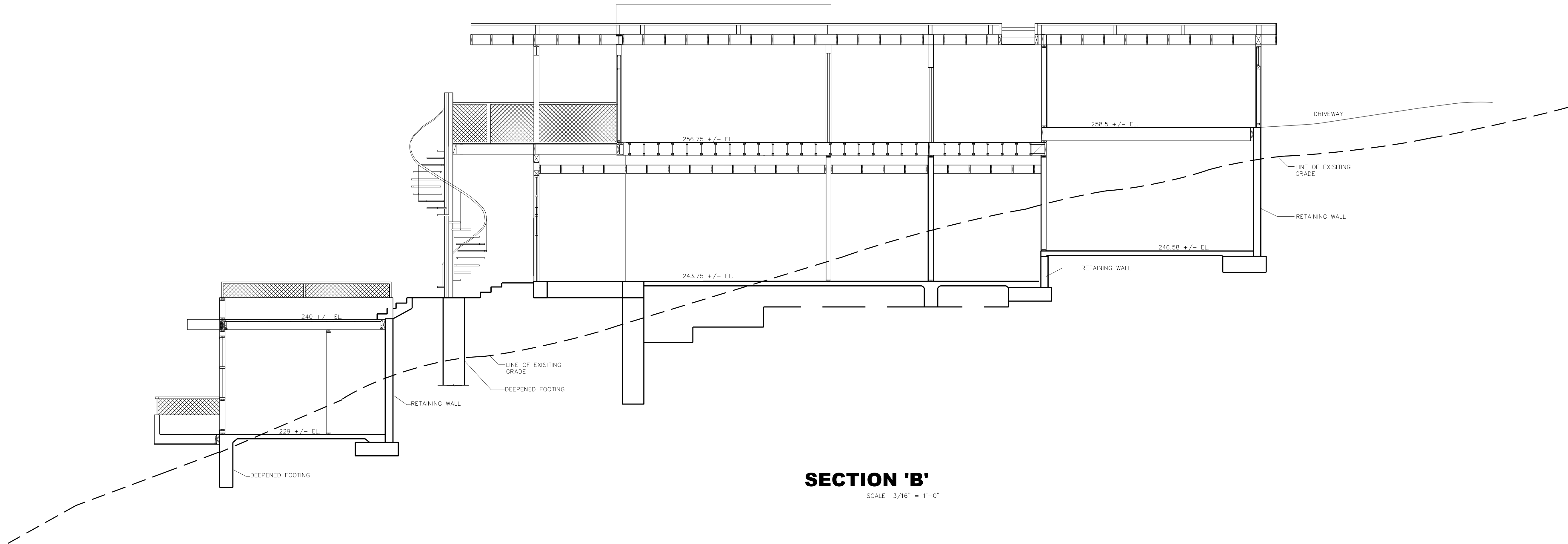


3 ROOF PLAN  
SCALE: 1/8" = 1' - 0"

ROOF	OWNER John & Deborah Sullivan 23941 Bessemer St. Woodland Hills, CA 91367	DESIGNER: <b>GDA</b> Green Design Associates Commercial • Retail • Residential 3578 Eastham Drive Ste. D, Culver City, CA 90232 Tel: 310.839.2133 Fax: 310.839.2676 email: jon.green@vertzon.net
	ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.	

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		Scale:	





SECTION 'B'

SCALE 3/16" = 1'-0"

SECTION 'B'

SULLIVAN RESIDENCE

34152 Chula Vista  
Dana Point, CA 91364

OWNER  
John & Deborah Sullivan  
23941 Bessmer St.  
Woodland Hills, CA 91367

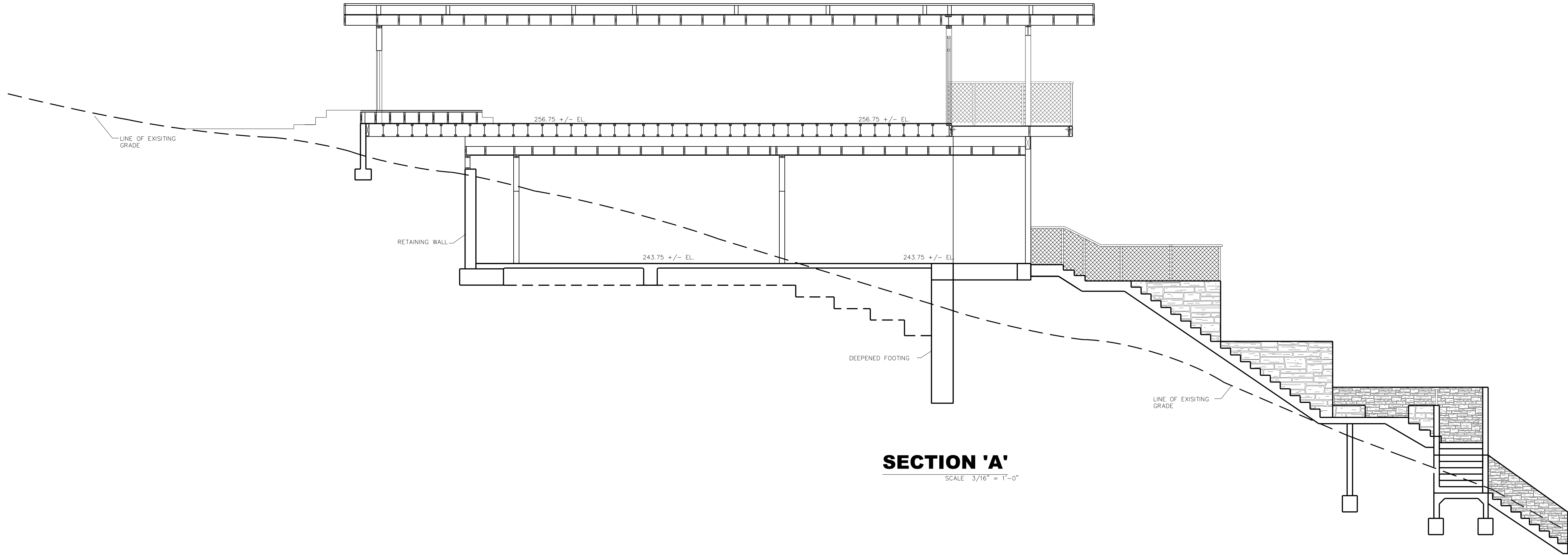
**STRUCTURES**  
A CONSULTING COMPANY  
2880 SOUTH COAST HIGHWAY  
SUITE 100  
WOODLAND HILLS, CA 91367  
PHONE NUMBER: 949-715-0775

DESIGNER:  
**GDA** Green Design Associates  
Commercial • Retail • Residential  
3578 Eastham Drive Ste. D, Culver City, CA 90232  
Tel: 310.839.2133 Fax: 310.839.2676  
email: jon.green@verizon.net

Date:	January 21, 2008	Job No.:	
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	January 31, 2008	Checked:	
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		Approval:	
		Bid Date:	
		Scale:	

SHEET NO.

St-1



**SECTION 'A'**  
SCALE 3/16" = 1'-0"

SECTION 'B'

**SULLIVAN RESIDENCE**  
34152 Chula Vista  
Dana Point, CA 91364

OWNER  
**John & Deborah Sullivan**  
23941 Bessemer St.  
Woodland Hills, CA 91367

**STRUCTURES**  
A CONSULTING COMPANY  
2880 SOUTH COAST HIGHWAY  
LAGUNA BEACH, CA 92651  
PHONE NUMBER 949-715-9773

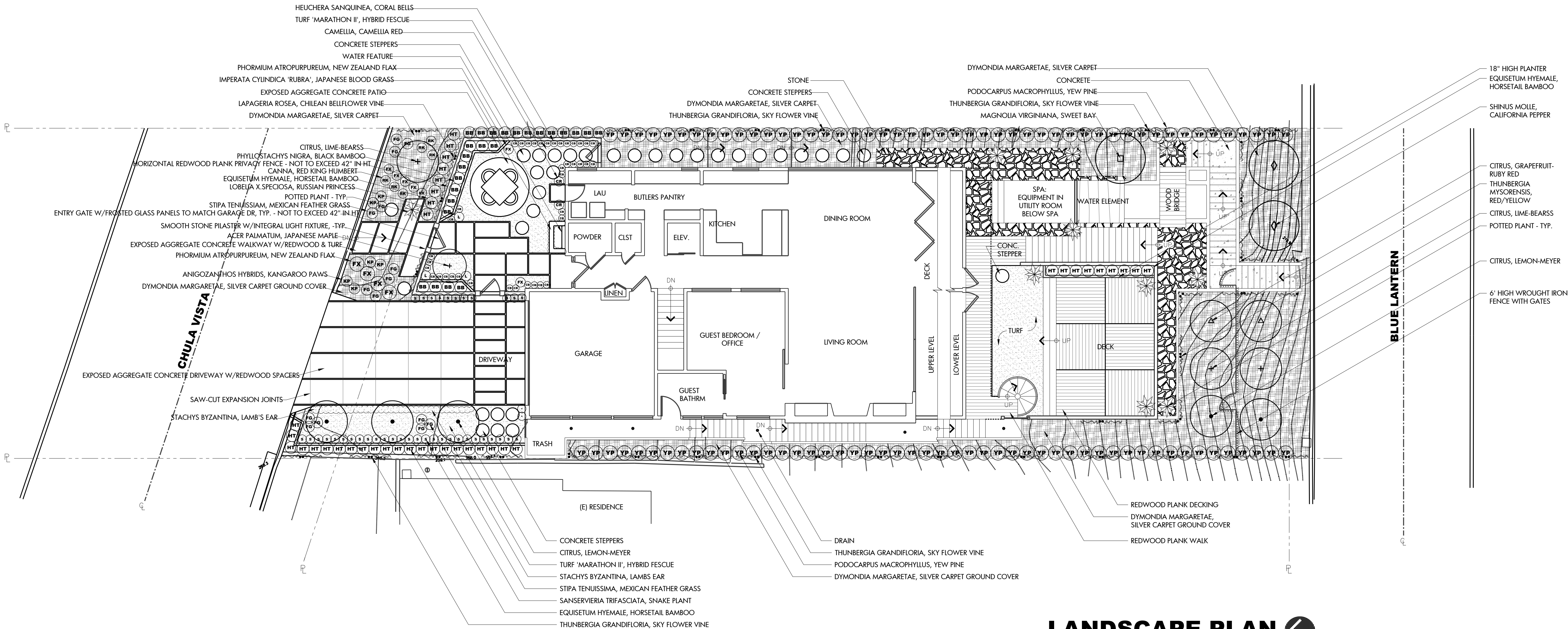
DESIGNER:  
**GDA** Green Design Associates  
Commercial • Retail • Residential  
3578 Eastham Drive Ste. D, Culver City, CA 90232  
Tel: 310.839.2133 Fax: 310.839.2676  
email: jon.green@verizon.net

Date:	January 21, 2008	Job No.:	
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		Scale:	

SHEET NO.

**St-2**

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LANDSCAPE PLAN  
SCALE 1/8"=1'-0" NORTH

LIGHTING LEGEND / NOTES:

DESCRIPTION	MANUFACTURER / PRODUCT NUMBER	REMARKS
TREE UPLIGHT	FXL / MU SERIES	WIDE BEAM ON ALL PROPOSED TREES (40 TOTAL @ 2 PER TREE)
PATH LIGHT	FXL / CB SERIES	ORIENT TOWARD WALK (16 TOTAL)

NOTES

- FINISH: BRASS / COPPER PATINA FINISH
- MOUNTING: GROUND-MOUNTED FIXTURES TO BE MOUNTED ON AN 8" DIAMETER CONCRETE BASE WITH MOUNTING CANOPY
- FX LUMINAIRE: PHONE 800.688.1269
- ART MANUFACTURERS INC.: PHONE 949.294.7537

PLANTING LEGEND:

BOTANICAL NAME	COMMON NAME	SIZES
TREES AND LARGE SHRUBS		
ACER PALMATUM	JAPANESE MAPLE	24" BOX
CITRUS	GRAPEFRUIT - RUBY RED	24" BOX
CITRUS	LEMON - MEYER	24" BOX
CITRUS	LIME - BEARSS	24" BOX
MAGNOLIA VIRGINIANA	SWEET BAY	36" BOX
PHYLOSTACHYS NIGRA	BLACK BAMBOO	15 GAL
PODOCARPUS MACROPHYLLUS	YEW PINE	15 GAL
SHINUS MOLLE	CALIFORNIA PEPPER	36" BOX
MEDIUM SHRUBS / GROUND COVERS		
ANIGOZANTHOS HYBRIDS	KANGAROO PAWS	5 GAL
CAMELLIA	CAMELLIA 'RED'	15 GAL
CANNA	RED KING HUMBERT	5 GAL
EQUISETUM HYEMALE	HORSETAIL BAMBOO	5 GAL
HEUCHERA SANQUINEA	CORAL BELLS	1 GAL
IMPERATA CYLINDICA 'RUBRA'	JAPANESE BLOOD GRASS	5 GAL
LAVENDULA ANGUSTIFOLIA	ENGLISH LAVENDER	1 GAL
LOBELIA X SPECIOSA	LOBELIA 'RUSSIAN PRINCESS'	1 GAL
PHORMIUM ATROPURPUREUM	NEW ZEALAND FLAX 'PURPUREA'	15 GAL
SALVIA SPRENGER	SCARLET SAGE	1 GAL
SANSERVIERIA TRIFASCIATA	SNAKE PLANT	5 GAL
STACHYS BYZANTINA	LAMBS EAR	1 GAL
STIPA TENUISSIMA	MEXICAN FEATHER GRASS	5 GAL
LOW GROWING / GROUND COVERS / VINES (ETC.)		
CEANOOTHUS GLORIOSUS	'ANCHOR BAY'	1 GAL
DYMONDIA MARGARETAE	SILVER CARPET	FLATS / 6" O.C.
FRAGARIA CHILOENSIS	WILD STRAWBERRY	FLATS / 6" O.C.
LAPAGERIA ROSEA	CHILEAN BELLFLOWER	15 GAL
THUNBERGIA GRANDIFLORIA	'SKY FLOWER'	15 GAL
THUNBERGIA MYSORENSIS	RED/YELLOW	15 GAL
TURF 'MARATHON II'	HYBRID FESCUE	SOD - SF

Date:	January 21, 2008	Job No.:	
Drawn:	January 30, 2008	Checked:	
February 26, 2008		Approval:	
Approval:		Bid Date:	
		Scale:	

LANDSCAPE:

2880 S. COST HWY  
LAGUNA BEACH, CA 92653  
PH: (949) 765-6276  
FAX: (949) 765-6275  
ANDRDEARCHITECTS.COM

ANDRADE ARCHITECTS, INC.

DESIGNER:

**GDA** Green Design Associates  
Commercial • Retail • Residential  
3578 Eastman Drive Ste. D, Culver City, CA 90232  
Tel: 310.859.2133 Fax: 310.859.2676  
email: jmgreen@vizonet.net

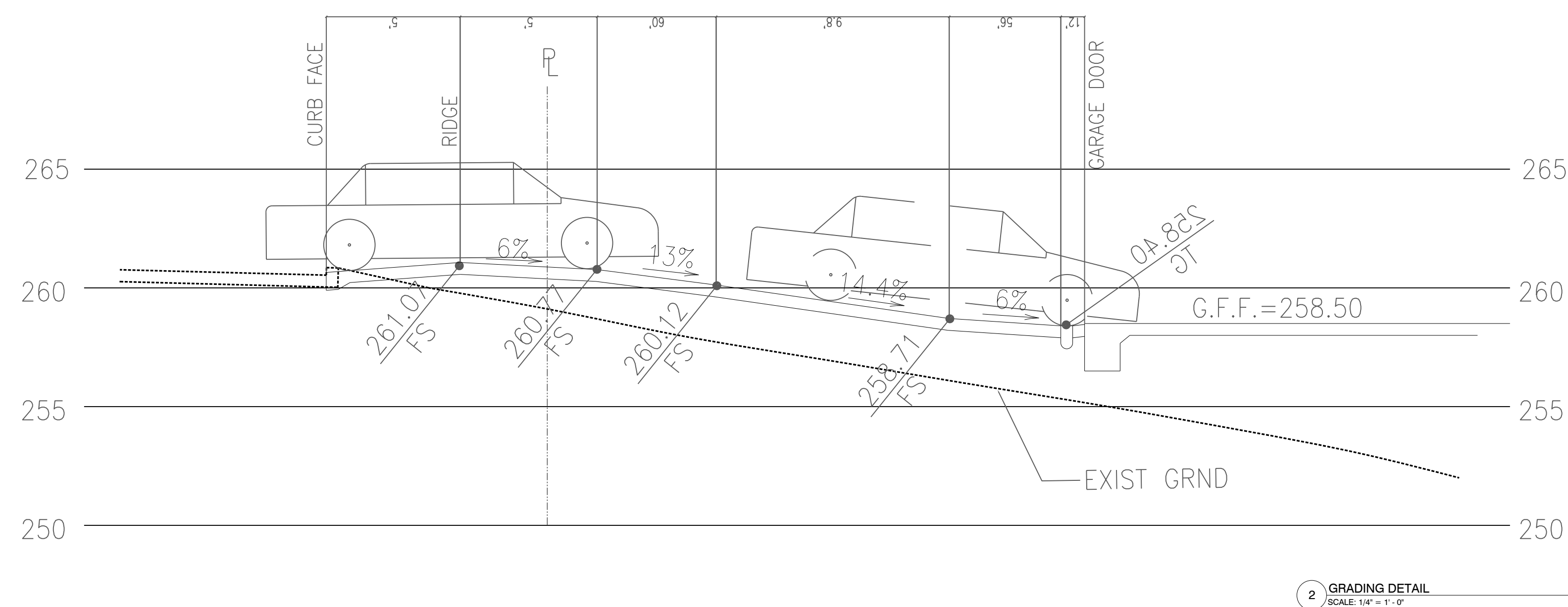
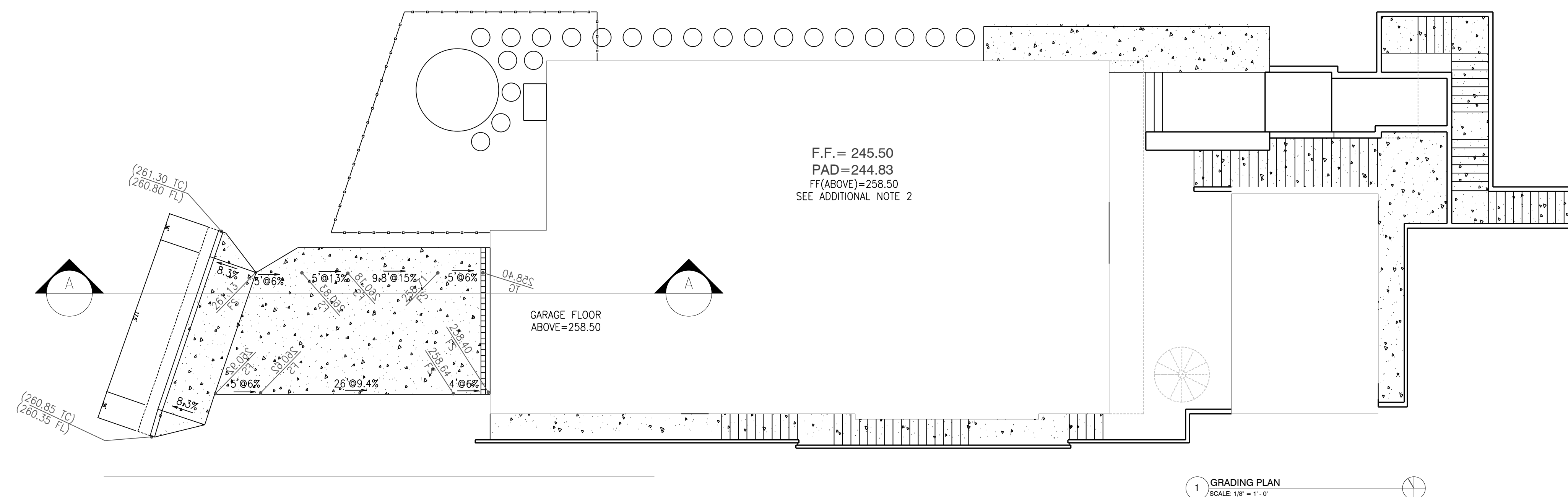
LANDSCAPE PLAN

OWNER  
**John & Deborah Sullivan**  
23941 Bessmer St.  
Woodland Hills, CA 91367

**SULLIVAN RESIDENCE**  
34152 Chula Vista  
Dana Point, CA 91364

SHEET NO.

L-1



DESIGNER:

DESIGNER: **GDA** Green Design Associates  
Commercial • Retail • Residential  
3578 Eastham Drive Ste. D, Culver City, CA 90232  
Tel: 310.839.2133 Fax: 310.839.2676  
email: jon.green@verizon.net

## GRADING PLAN

SULLIVAN RESIDENCE

34152 Chula Vista  
Dana Point, CA. 91364

**OWNER**  
**John & Deborah Sullivan**  
23941 Bessemer St.  
Woodland Hills, CA 91367

SHEET NO.

**G-1**

Date:	January 21, 2008	Job No.:
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## Sullivan Modification:

We are not suggesting that the Applicant build the house as shown in this example. Rather this example is to show that the applicant can build a suitable house similar to this with or without the ADU unit, but, specific point should be noted that towards the back of the house, the upper floor is should not be there.

This reduces the impact on the neighboring property.

Architect and Staff has overlooked the issue about the impact on the neighbor.

Additional Public Comments for the Planning Commission Meeting to be held on September 12, 2022 at 6PM for Item 2: CDP 21-0022,V22-0002 and SDP SD22-0041 meeting:

Supplement September 11, 2022

Created after I had access to full set of drawings and the staff Report on Thursday Morning, September 8, 2022.

1. 7 rooms are impacted in my house with this proposed house next door. I have met with the applicant and showed him that as a compromise, I will consider living with the 6 impacts if he can take care of the 1 major impact, which may require reduction of **at least 300 sf ft across from our bay window or rearranging internal layouts to accommodate that concern.** He said that he would discuss it with the architect. I even stressed that if it requires higher height variance or a front setback variance, I would consider supporting that as well. He has not got back to me yet. I suppose they need time.

Any house built without the Variance request, the ventilation, Daylight, sunlight would not be an issue. So, we are actually cooperating with his request of Variance.

Even if the house is reduced by 300 Sq.ft, the house will still be 4171 sq ft, very comparable.

Our house based on the permit issued is \$4292.

2. I reiterate per my report that the Notice is not posted conspicuously and not posted on the property. Rather its posted on an SDGE Pole under the "High Voltage" sign, easily confused to be a sign from the electric company. (first 2 pictures).

3. Applicant has failed to submit the items on the "**Variance application checklist**". I had asked the city for a copy of all applications made and it was not provided in it. I have printed the Variance application, and 2 pertinent pages are attached here to. (Next 2 Pictures)

4. A very important part, the Architect has danced around to try to get this approved by **offering a psychological 2 ft pull back of the house, but overlooked the impact on the neighboring properties based on codes. He has completely failed to pay any attention to the impact on the neighboring properties.** Staff is obviously misled by the Architect and has followed suit.

2 ft pull back does not address our concern or impact. It can be extended back again and even more in other areas. However, across from our Bay window, their proposed house wall blocking our Ventilation, Breeze, Sunlight, Skylight and daylight issue will be solved by eliminating the wall facing bay window, i.e., reducing the upper square footage by at least 300 sq ft, (15ft wide by 20ft pulled towards Chula Vista).

**That will a substantial compromise by us, especially, Neighbor (we) will consider living with the 6 additional rooms impacted, if this major impact can be minimized without having to go further with appeals etc. it's very critical and very harsh for us.**

Architect states, and staff had followed suit, that it is not a convenience. Fact is 300 sq ft smaller home or amending the proposed home to a different configuration, is possible. **So, it is a convenience, not a hardship.** Architect's own alternatives prepared can be used in combination and attain the results to take away a reasonable neighbor's one major impact, who is willing to consider living with 6 other impacts and reduced impact on the Major impact area.

- Please see the pictures in the report how it affects our Ventilation, breeze, Sunlight, daylight and the skylight.

Ideally, the Applicant should pull the entire upper floor full width by 20 ft towards Chula Vista to relieve the Neighbor's major impact, as shown by Sullivan Residence example, which made sure there won't be any obstruction across the Neighbor's Bay window for Ventilation, Sunlight, daylight and skylight.

5. By granting the Variance, the ventilation and lights that we enjoy now will be taken away from us and the same will be enjoyed by the applicant. With the modification to the proposed home, both can enjoy it, Applicant more than us.

**I, therefore, ask the planning commission to delay this hearing for 90 days and send them back to drawing board and workout the compromise so both parties will be satisfied amicably.**





## CITY OF DANA POINT

COMMUNITY DEVELOPMENT DEPARTMENT

33282 Golden Lantern, Suite 209

Dana Point, CA 92629

(949) 248-3564 | www.danapoint.org

## VARIANCE APPLICATION CHECKLIST

### JUSTIFICATION STATEMENT FOR VARIANCE REQUEST

#### PLANNING DIVISION

### APPLICANT MUST TYPE UP RESPONSES TO THE FOLLOWING QUESTIONS AND SUBMIT WITH VARIANCE APPLICATION

- I. The Planning Commission may grant a Variance, with such conditions as are found necessary to protect the public health, safety, and general welfare and assure compliance with the provisions and standards included in Title 9 of the Dana Point Municipal Code, provided the following findings can be made:

Briefly describe how your proposal complies with the following:

1. The strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of Title 9.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district.
3. That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints.
4. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints.
5. That the Variance request is made on the basis of a hardship condition and not as a matter of convenience.
6. That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
7. That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone.
8. For a Variance to regulations for off-street parking facilities of off-loading facilities, the following additional findings shall be made:
  - a. That neither the present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require the strict or literal interpretation and enforcement of the specified regulation(s).
  - b. That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
  - c. That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of Title 9 of the Dana Point Municipal Code.
9. That granting of the Variance would not result in adverse impacts, either individually or cumulatively, to coastal access, public recreation opportunities, or coastal resources, and the development would be consistent with the policies of the Local Coastal Program certified land use plan.

- II. Conditions imposed by the Planning Commission for a Variance may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:

- ☐ Open spaces and buffers areas.
- ☐ Fences and walls.
- ☐ Parking facilities, including vehicular ingress and egress, and the surfacing of parking areas and driveways.



## PLANNING DIVISION

### VARIANCE APPLICATION CHECKLIST

- ☐ Public facilities, dedications, and improvements.
- ☐ Landscaping maintenance.
- ☐ A specified time period within which the variance must be utilized or implemented.

III. To aid staff in determining that the findings can be made in this particular case please answer the following questions with regards to your requests:

1. What exceptional circumstances apply to the property, including size, shape, topography, location or surroundings?
2. Why is a variance necessary to preserve property rights?
3. Why will the proposal not be detrimental to the neighborhood?

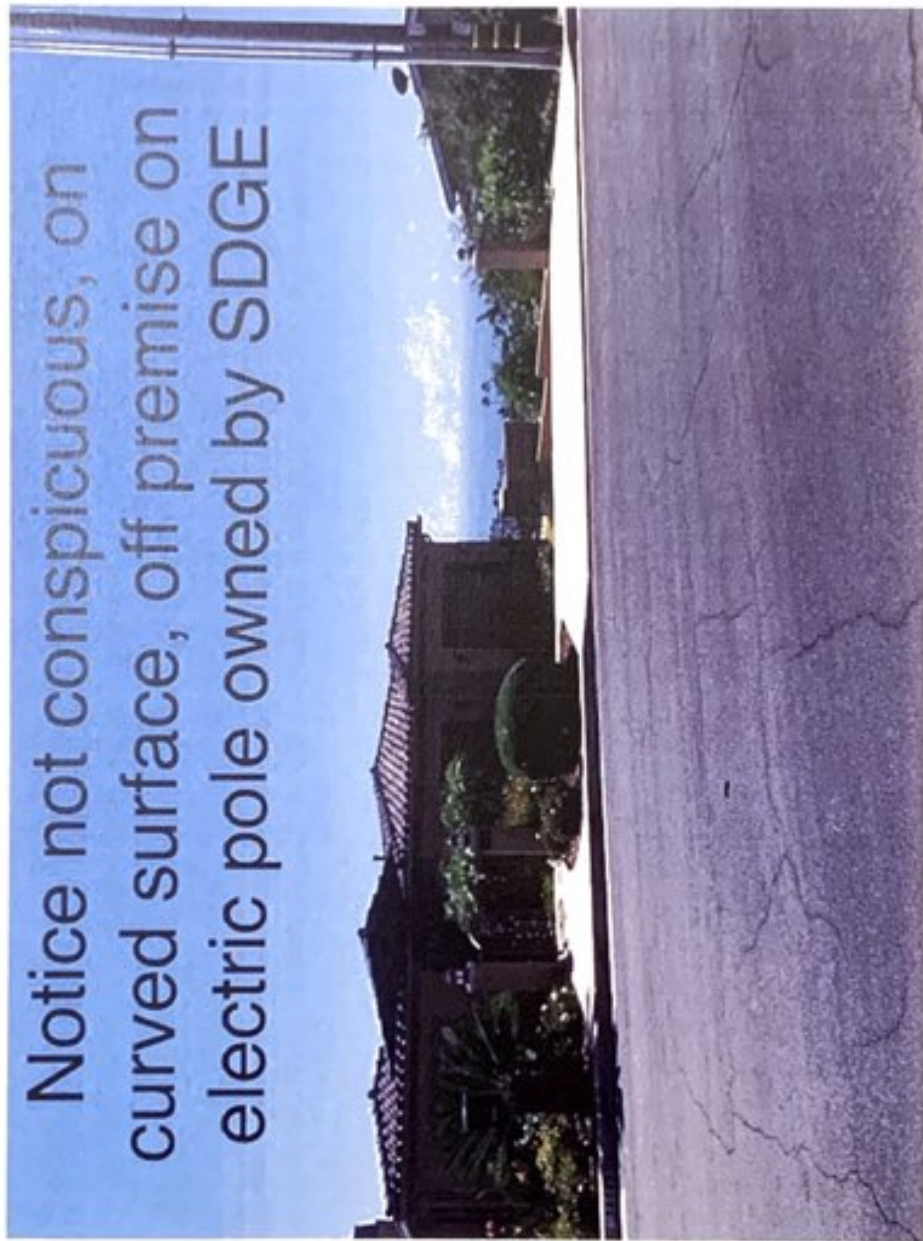
EXHIBIT 1

No Notice  
posted on the  
property



## EXHIBIT 2

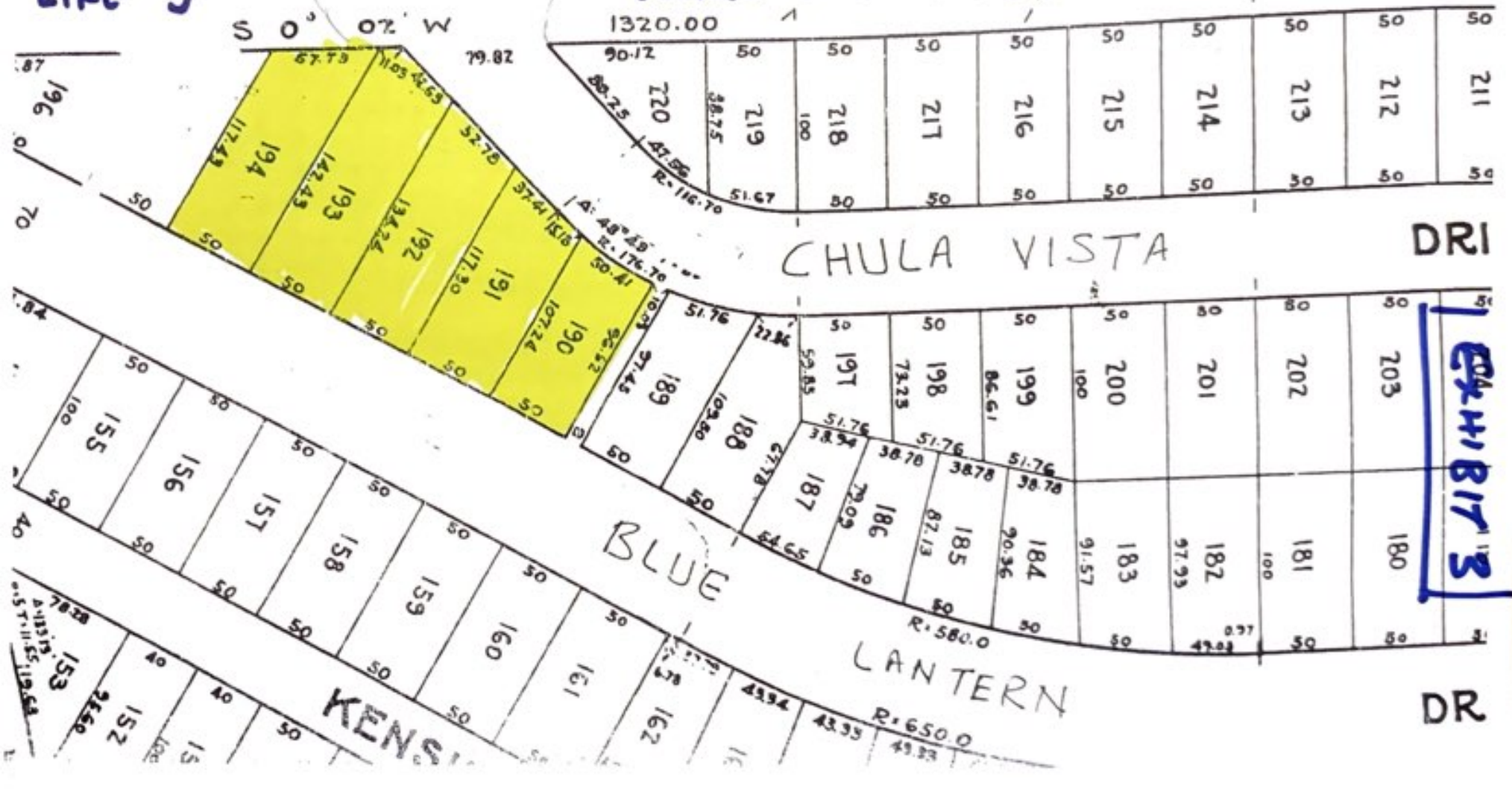
Notice not conspicuous, on  
curved surface, off premise on  
electric pole owned by SDGE





STREET IS  
LIKE 'J'

SAME PRESCRIPTION WON'T  
WORK FOR ALL  $\Delta = 30^\circ 00'$

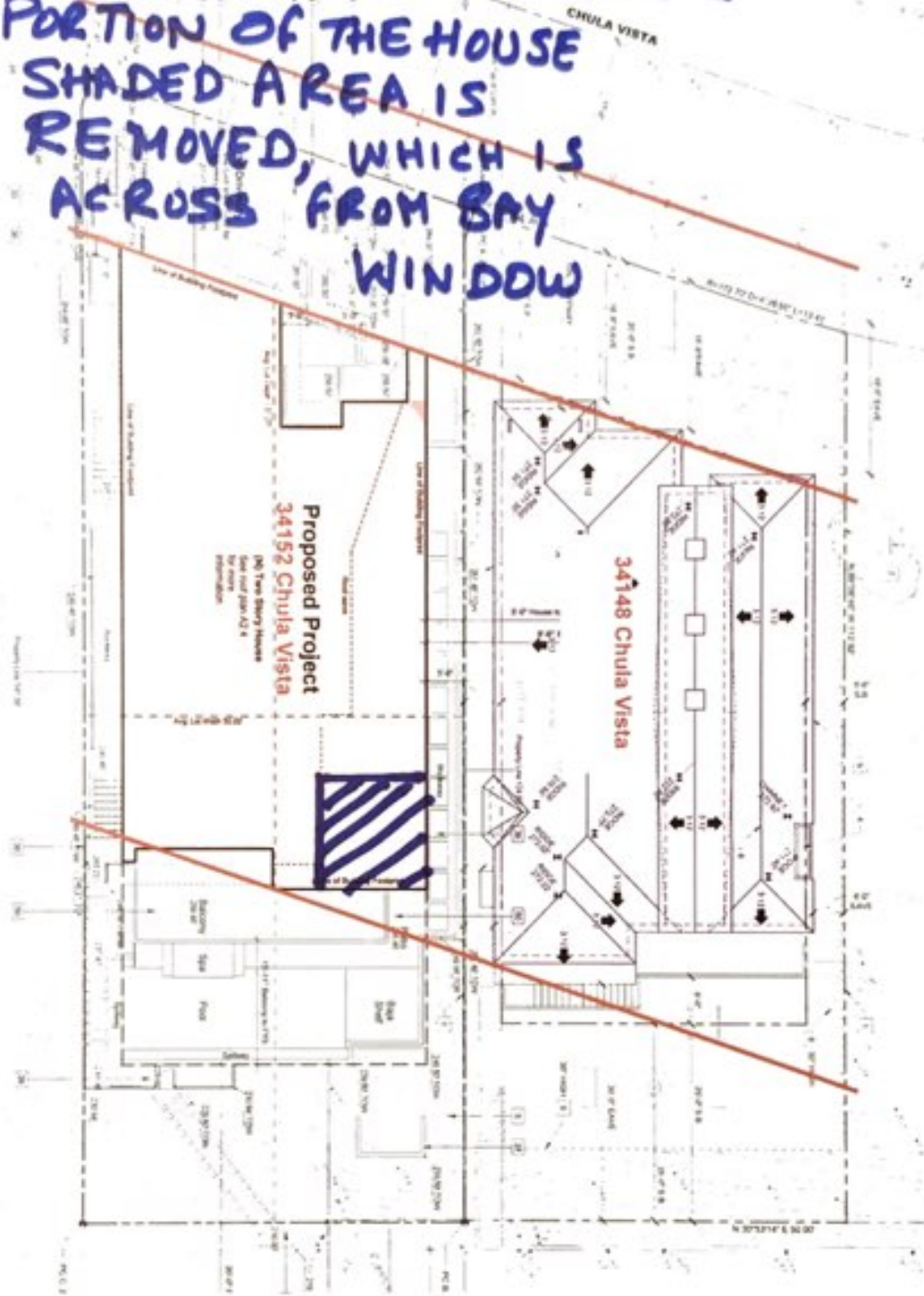






POSSIBLE  
COMPROMISE WHICH CAN  
ELIMATE PART OF THE  
MAJOR IMPACT IF UPPER  
PORTION OF THE HOUSE  
SHADED AREA IS  
REMOVED, WHICH IS  
ACROSS FROM BAY  
WINDOW

\*34148 Site plan elevation callouts are based on a different datum



**Mouchawar Residence**  
New Single Family Residence (#014-2021)  
34152 Chula Vista  
Dana Point, CA 92629



THESE PLANS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED ARCHITECT IN THE STATE OF CALIFORNIA. I HEREBY CERTIFY THAT I AM THE ARCHITECT OF RECORD FOR THE PROJECT DESCRIBED HEREIN.

DATE: 01/14/2021  
BY: [Signature]



Revisions	Issued	Printed
1. 01/14/2021	01/14/2021	01/14/2021
2. 01/14/2021	01/14/2021	01/14/2021
3. 01/14/2021	01/14/2021	01/14/2021
4. 01/14/2021	01/14/2021	01/14/2021
5. 01/14/2021	01/14/2021	01/14/2021