

**CITY OF DANA POINT  
M E M O R A N D U M**

---

**DATE:** JUNE 24, 2024

**TO:** PLANNING COMMISSION

**FROM:** BRENDA WISNESKI, DIRECTOR OF COMMUNITY DEVELOPMENT

**SUBJECT:** ITEM #4 – TENTATIVE PARCEL MAP TPM22-0001 AND MINOR SITE DEVELOPMENT PERMIT SDP24-0009(M) TO SUBDIVIDE ONE LOT INTO THREE RESIDENTIAL LOTS AND ONE LETTER LOT, CONSTRUCT ONE SINGLE-FAMILY RESIDENCE ON EACH LOT, AND A RETAINING WALL UP TO 6-FEET IN HEIGHT, AT 35372 DEL REY UNIT C

---

Please see the attached revised resolution (see underlined language) that includes additional findings to support the Class 32 CEQA exemption.

## **RESOLUTION NO. 24-06-24-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM22-0001 AND MINOR SITE DEVELOPMENT PERMIT SDP24-0009(M) TO SUBDIVIDE ONE LOT INTO THREE RESIDENTIAL LOTS AND ONE LETTER LOT, CONSTRUCT ONE SINGLE FAMILY RESIDENCE ON EACH RESIDENTIAL LOT, AND A RETAINING WALL UP TO 6-FEET IN HEIGHT, AT 35372 DEL REY UNIT C**

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

WHEREAS, Capo Beach Development LLC. ("Applicant") is the owner of real property commonly referred to as 35372 Del Rey, Unit C (APN: 691-441-20) (the "Property"); and

WHEREAS, the Applicant filed a verified application to subdivide one lot in the Residential Single Family 7 (RSF 7) zoning district into three residential lots and one lettered lot and a Minor Site Development Permit for the approval of three single-family residential structures and an overheight retaining wall; and

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Project is Categorically Exempt per Section 15315 (Class 15315 - Minor Land Divisions) and Section 15332 (Class 32 – In-Fill Development Projects) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the subdivision of one lot into three number lots and one lettered lot, three homes, and an over height retaining wall; and

WHEREAS, the Planning Commission did, on the 24<sup>th</sup> day of June, 2024, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Tentative Parcel Map TPM22-0001 and Minor Site Development Permit SDP24-0009(M).

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

- A. The above recitations are true and correct and incorporated herein by this reference.

- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Tentative Parcel Map TPM22-0001 and Minor Site Development Permit SDP24-0009(M), subject to conditions:

Findings:

Tentative Parcel Map TPM22-0001

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 a 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."** The proposed development is consistent with the density permitted for the development of a three single-family subdivision project, which is consistent with the RSF-7 land use designation.
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 of the project conforms to the applicable City standards and policies related to residential development for the General Plan Land Use Designation "Residential 3.5-7 DU/AC."** The project is consistent with the surrounding development in relation to the size of the units, height, and lot area. The proposed subdivision will provide individual and common interest, and responsibility areas as that will be required in the Conditions, Covenants and Restrictions (CCR's), and final condominium map required as conditioned in this Resolution.
3. That the site is physically suitable for the proposed type of development **in that, the proposed development is consistent with the density permitted for the three lot subdivision with single-family residential units, which is consistent with the RSF-7 zoning density.** The property is of a reasonable shape, size, and topography to accommodate a residential subdivision for the three dwelling units, in that the project design provides covered parking in garages, and the structures comply with the setback, height, lot coverage and landscape requirements for the RSF-7 zone. Additionally, the retaining and privacy wall would replace the existing wall with no increase in height and is in the same location.

4. That the requirements of the California Environmental Quality Act have been satisfied **in that, as set forth in subsection C of this Resolution, the requirements of the California Environmental Quality Act have been satisfied in that the project is Categorically Exempt pursuant to Section 15315 (Class 15315 - Minor Land Divisions) and Section 15332 (Class 32 – In-Fill Development Projects) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the subdivision of one lot into three number lots and one lettered lot, three houses with one on each numbered lot, and an over height retaining wall.**
5. That the site is physically suitable for the proposed density of development **in that, the property is generally flat and the project complies with the density for the RSF-7 zone, which permits one unit per 5,000 square feet of lot area per unit and each of the three residential lots exceeds 5,000 square feet. The site is large enough to accommodate the proposed density and land area requirements for the three dwelling units, garages, and residential structures while still complying with the applicable development standards of the RSF-7 zoning district.**
6. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife habitat **in that, the subdivision is located within an urbanized area within the Capistrano Beach community of the City, on a site that was previously developed and does not contain special status habitat.**
7. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems **in that, the proposed development and land subdivision conform to their requisite development standards and subdivision code requirements, respectively. Additionally, best management practices (BMP's) will be implemented before, during, and after construction activities take place. Therefore, the design of the project is not likely to cause serious public health problems.**

8. That the design of the subdivision and the proposed improvements will not conflict with easements of record or established by court judgment or acquired by the public at large for access through or use of property within the proposed subdivision **in that, through review of the application the project has been designed and conditioned to not be in conflict with any easements of record.**
9. That the design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations **in that, the subdivision creates individual ownership opportunities for the three-unit development, which is designed in conformance with the RSF-7 Zoning District, with the exception of the Minor Site Development Permit to increase the retaining wall over 30 inches.**
10. That the subdivision is not located in a fee area, or if located in a fee area, the subdivider has met the requirements or payment of the applicable fees or the subdivision would not allow development of a project which would contribute to the need for the facility for which a fee is required **in that, all applicable fees will be collected prior to issuance of construction permits for the project or will be collected prior to issuance of a certificate of occupancy for any of the units, and the creation of the land subdivision will not create the need for additional public facilities.**
11. That the subdivision is located in an area which has access to adequate utilities and public services to support the development proposed within the subdivision or that the subdivision includes the provisions and improvements necessary to ensure availability of such utilities and services **in that, public utilities and services are currently provided to adjacent improved properties and the applicant shall furnish a "Will Serve" letter from each of the requisite utility and public service companies prior to building permit issuance.**

Minor Site Development Permit SDP24-0009(M)

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code **in that, the subject Project complies with the density, setback, lot coverage, parking, and landscape standards for the RSF-7 zoning district, with the exception of the SDP(M) for the increased retaining wall height. The development complies with the density requirements of the RSF-7 zoning district in that each residential lot will be a minimum of 6,586.**

The disrepair of the existing retaining wall along the southwest property line must be reconstructed in the same location and at the same height as the existing wall with the retaining portion ranging in height from three to six feet and freestanding component that is six feet tall. The increased height for the retaining wall is allowed with the approval of a Minor Site Development Permit.

2. That the site is suitable for the proposed use and development in that, the proposed subdivision of the property to three number lots one letter lot, three single-family residential units, and the replacement of an existing retaining and privacy wall with a new retaining and privacy wall complies with the allowed residential use for the RSF-7 zoning district and the minimum lot area requirements of one unit per 5,000 square feet of lot area given the property is 23,578 square feet and has sufficient area to accommodate the three units. The units comply with the allowed setbacks, parking, lot coverage, and landscape standards for the RSF-7 zoning district. The size and scale of the development is consistent and compatible with the neighborhood as there are several residential structures that are of similar height and size. The increased height of the retaining walls is justified as it will replace an existing deteriorated retaining wall that will be the same height and in the same location.
3. That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines in that, the proposed density and design of the project conforms to the applicable City standards and policies related to residential development for the General Plan Land Use Designation "Residential 3.5-7 DU/AC." The project is consistent with the surrounding development in relation to the size of the units, height, and lot area. Additionally, the coastal contemporary design of the project is in character and scale with the neighborhood. The project complies with Section III.A Residential Development of the City's Design Guidelines in that, the mass of the residential buildings is divided into smaller parts with a lower roof feature at the front entry. The project also allows for private open space with backyard areas to provide the potential for outdoor living area including second floor decks, cabana, and pool.

4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style in that, the proposed density and design of the project conforms to the applicable City standards and policies related to residential development for the General Plan Land Use Designation "Residential 3.5-7 DU/AC." The project is consistent with the surrounding development in relation to the size of the units, height, and lot area. The project is a coastal contemporary design that is consistent with the mix of architectural styles in the neighborhood. The design of the project complies with the density and setback requirements of the Zoning Ordinance and General Plan. The project mass of the residential buildings is divided into smaller parts with a lower roof feature at the front entry located at the center of the front façade.

C. Based on the foregoing, the City of Dana Point Planning Commission determines that this project is Categorically Exempt pursuant to Section 15332 Class No. 32, (Infill Development Project) of the California Environmental Quality Act (CEQA), based on the following:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations in that, The project qualifies for the Categorical Exemption Section 15332, Class 32 In-Fill Development Projects, in that the project is consistent with the Residential 3.5-7 DU/AC General Plan designation, applicable General Plan Policies, and Residential Single-family 7 (RSF 7) zoning designation and standards as single-family residential uses are permitted by right and the project will comply with the General Plan land use and zoning district's density and development standard requirements for the project as the site will be developed with one single-family residence on each of the three numbered lots that complies with the setbacks, height, lot coverage, parking, and landscape requirements. Furthermore, the project is surrounded by residential uses. Additionally, the project complies with the General Plan and Urban Design Guidelines and the overall design is appropriate for the site and function of the three residential unit subdivision as the overall goal of the RSF 7 zone is to permit residential development that complies with the density and development standards. The project has no impact on public access, environmentally sensitive habitats and scenic resources and will not only be compatible, but a visual enhancement to the area it will be located in;

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses in that, the subject project is located with the Dana Point City limits with a total area of 23,578 and substantially surrounded by urban uses that consist of single-family residential and a medical care facility.
3. The project site has no value, as habitat for endangered, rare or threatened species in that the property was previously developed with a single-family residence with no habitat. Additionally, the property is generally flat with no water source and was managed for weed abatement within the last two years. Therefore, the site has no value as habitat for endangered, rare or threatened species;
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that, the project will be comprised of a subdivision that will create one lettered lot and three numbered lots, one single-family residence on each of the numbered lots, and a retaining wall that is up to six feet tall. The project will have a low intensity use, resulting in minimal traffic. The noise generated by the residential uses will be minimal and consistent with the levels generated by the surrounding residential uses. Additionally, the residential buildings will not produce any effects to air or water quality. Furthermore, the proposed use is located on parcels that allow single-family residential uses by-right and are surrounded by single-family residential uses. Therefore, the proposed project would not have a significant effect on the environment due to unusual circumstances;
5. The site can be adequately served by all required utilities and public services in that, the site can be adequately served by all required utilities and public services as the project site is served by SDG&E (gas and electricity), CR&R (trash), South Coast Water District water and sewer system;
6. There are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2 in that, the project site is located on a previously developed parcel and the subdivision is average in size to other parcels in the Capistrano Beach area and the application includes a residential use that is permitted by-right, is bordered by other residential uses.



Conditions:

**A. General:**

1. Approval of this application permits the subdivision of one lot in the Residential Single Family 7 (RSF 7) zoning district into three residential lots and one lettered lot and a Minor Site Development Permit for the approval of three single-family residential structures and an over height retaining wall.
2. This conditionally approved tentative map shall expire two (2) years after its conditional approval unless the Applicant/subdivider requests an extension in writing prior to the expiration date, and the Subdivision Committee/Planning Commission grants the extension request in accordance with all provisions outlined in Subdivision Code Section 7.05.075.
3. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.
4. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, the Director may approve the amendment without requiring a new public hearing.
5. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
6. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory

agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

7. The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.
8. The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.
9. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
10. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
11. The applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.
12. The project shall meet all water quality requirements.
13. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
14. The applicant shall obtain all applicable permits for the proposed improvements, including any that may be required from outside agencies.

15. The applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.
16. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.
17. Prior to any submittal to the City of Dana Point, an address assignment shall be submitted to the Public Works Department for the addresses of the proposed development units.
18. The Applicant and its successors (including the to-be-formed Homeowners' Association) shall be responsible for ensuring that the access lane to the project site shall remain free of parked vehicles, thereby ensuring a 20-foot-wide unobstructed access. Arrangements shall be made with a towing company so that cars parked within the access lane can be towed when necessary at the request of the Homeowner's Association or any public agency responsible for enforcement, including the City, OCSD or OCFA, such that the expense of such towing shall not be borne by the City or other public agency charged with enforcement.

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

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, as determined by the Director of Community Development and the Director of Public Works/City Engineer. Said map shall be prepared as required by the City of Dana Point Subdivision Code.
20. The Final Map application shall include the owner information for the neighboring lots to confirm compliance with the subdivision map act and any historic/previous subdivision action.

21. All taxes and fees shall be paid to the County of Orange and the County Treasurer-Tax Collector's Certificate shall be signed. The Parcel Map signed by the County Treasurer-Tax Collector prior to final submittal to the City and prior to City Engineer and City Clerk signature. The Treasurer-Tax Collector signature will require additional coordination with the Title Company.
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. The Final Parcel Map shall clearly show the limits of the proposed public access and public utility easement per the Tentative Parcel Map.
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 applicant shall submit the Final Map to the County of Orange for review and Approval. A copy of the approval shall be submitted to the Public Works Department.
26. Applicant shall provide to the City a copy of a current title report not less than six months old and any other survey documentation in relation to the subject subdivision.
27. The applicant shall provide a subdivision guarantee from an insured Title Company prior to City Engineer signature.
28. The applicant shall submit a copy of the proposed CC&Rs and Articles of Incorporation of the Owners' Association for review and approval by the Director's of Public Works and Community Development, the City Engineer, and the City Attorney and shall include:
  - a. A statement that prohibits amendment of the document without review and approval by the City Attorney, the Director of Public Works and Community Development at any time prior to or preceding recordation of the Final Parcel Map.

- b. A method to ensure resolution of any disputes regarding maintenance of any commonly held portions of the lot, any common walls, or disputes regarding the maintenance of the proposed duplex shall be included in CC&R's.
  - c. Reflect common access easements, and maintenance responsibility of all recreation areas, common walls, access ways, parking areas, landscaping and grounds by the parties common to the CC&Rs.
  - d. An acceptable means for maintaining the easements within the subdivision and to distribute the cost of such maintenance in an equitable manner among the owners of the units within the subdivision.
  - e. Require a private drainage easement and maintenance agreement for all existing and proposed storm drain facilities and appurtenant structures. Said easement and agreements shall address existing drainage conditions and easement documents.
  - f. Provisions which prohibit any obstructions within any fire protection access and shall also require approval of the Fire Chief for any modifications; such as control gates, or changes in parking plans.
  - g. Clearly assign maintenance responsibility of the Homeowners' Association for landscaping, irrigation and other improvements installed on City property for the benefit of the Project.
  - h. Implement and Maintain all structural and non-structural improvements and Best Management Practices (BMPs).
  - i. Any proposed gate or restricted access shall be reviewed and approved by the City of Dana Point prior to installation.
29. The CC&Rs shall be approved by the City prior to Final Map approval and signatures.
30. The applicant shall be responsible for the payment of any City fees related to the review and approval of CC&Rs.
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. 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.
35. Prior to approval of the final map, the Applicant shall execute and record an instrument, in a form acceptable to the City Attorney, providing that the easements ensuring access to the project site shall not be relinquished or modified without the written consent of the City. This instrument will also include an assignment of the rights held by Applicant, and its successors, to enforce parking prohibitions within the access easements such that the City, and any other public agency responsible for enforcement of parking restrictions within the City, including without limitation Orange County Fire Authority and Orange County Sheriff, shall have the right (but not the obligation) to enforce such restrictions, or to require that Applicant, or its successors, enforce them.

**C. Prior to Issuance of a Grading Permit:**

36. The applicant shall submit an application for a grading permit. The application shall include a grading plan, in compliance with City standards, for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.
37. The applicant shall submit a geotechnical report for review and approval by the Director of Public Works. All reports shall recommend appropriate measures and provide a statement of the feasibility or approval of the project from a geotechnical standpoint. All reports shall be completed in the manner specified by the City of Dana Point Municipal Code, the City of Dana Point Grading Manual, and Orange County Grading Manual.

38. The project shall submit a Water Quality Management Plan (WQMP) for review and approval. The WQMP shall be in accordance with the South Orange County model WQMP, South Orange County Technical Guidance Document.
39. The applicant shall submit a Landscape Plan, in compliance with City standards that provides 25 percent landscape coverage, for review and approval by the Director of Public Works and the Planning Division. The Landscape plan shall be in accordance with the approved grading plan, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.
40. Prior to any work or grading permit issuance, the applicant shall submit a Construction Management Plan that addresses the Grading and Excavation phase of construction. The Management Plan shall include construction worker parking, construction material deliveries, and mechanisms to avoid impacts to surrounding residential streets and neighborhoods. The management plan shall outline the parking needs for construction activities and limit the impact of construction employee parking and construction equipment parking on surrounding businesses and residents.
41. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
42. A performance bond shall be required for all grading activities up to 100% of the proposed improvements. A separate performance bond may be required for shoring activities to ensure completion of grading activities and protection of adjoining improvements.
43. Separate submittal for review, approval and permits are required for project walls. Separate applications shall be made to the Community Development Department for all project walls. The submittals shall be in accordance with the latest Community Development requirements.
44. Prior to OCFA clearance of a Final Map or issuance of a precise grading permit the Fire Master Plan must be approved.

**D. Prior to Issuance of a Building Permit:**

45. This resolution shall be copied in its entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Dana Point Building/Safety Division for plan check.

46. The private fire and protection system shall be provided and shown on plans submitted to SCWD and OCFA. The Point of Connection of the private fire protection system to the public water system shall be determined by SCWD. The fire service connection shall be designed and installed in accordance with the SCWD standards and approved aboveground backflow prevention assembly shall be installed.
47. The Parcel Map shall be recorded prior to the issuance of a Building Permit for condominium construction.
48. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
49. The applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the project.
50. The applicant shall submit a rough grade certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (the City's standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.
51. An as graded geotechnical report shall be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and recompaction, as well as a map depicting the limits of grading. Locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading



of the site, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report.

52. The building plans for the cabanas shall illustrate and identify the structures to not exceed 12 feet in height to comply with Section 9.05.080 of the DPZC.

**E. Prior to Issuance of a Certificate of Occupancy:**

53. The CC&Rs and all other subdivision documents shall be recorded with the County Recorder.
54. Lumber-drop Inspection: After installation and/or improvement of required fire access roadways and hydrants, the applicant shall receive clearance from the OCFA prior to bringing combustible building materials on-site. Call OCFA Inspection Scheduling at 714-573-6150 with the Service Request number of the approved fire master plan at least five days in advance to schedule the lumber drop inspection. The required fire lane may not be used for parking/staging of materials during construction.
55. Prior to concealing interior construction the Fire Sprinkler system per NFPA 13D shall be installed and inspected.
56. Temporary/Final Occupancy Inspections: Prior to issuance of temporary or final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least five days in advance by calling OCFA Inspection Scheduling at 714-573-6150.
57. The applicant shall submit, to the Public Works and Engineering Department, a copy of the recorded Final Map as approved by the City Council and recorded with the Office of the County Recorder.
58. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
59. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.

60. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction for all engineered drainage devices and retaining walls.
61. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
62. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
63. Prior to commencement of framing, the Applicant shall submit a foundation certification, by survey that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines included as part of TPM22-0001 and SDP24-0009(M). The City's standard "Setback Verification Certification" form shall be obtained at time of permit issuance, prepared by a licensed civil engineer/surveyor and delivered to the City of Dana Point Building and Planning Divisions for review and approval.
64. Prior to release of the roof sheathing inspection, the Applicant shall certify by a survey or other appropriate method that the height of the structure is in compliance with plans approved by the Planning Commission and the structure heights included as part of TPM22-0001 and SDP24-0009(M). The City's standard "Height Certification" form shall be obtained from the Project Planner at time of permit issuance, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted. A Final Geotechnical Report shall be prepared by the Project Geotechnical Consultant in accordance with the City's Grading Manual.
65. All Project landscaping within the subject property's front yard shall be installed (in accordance with the project's approved landscaping plan) prior to the scheduling of a final inspection by the Planning Division.

66. The Applicant shall schedule a final inspection with the Community Development Department (Planning, Building/Safety and Public Works/Engineering) at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding Project conditions of approval.

DRAFT

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, CA, held on this 24<sup>th</sup> day of June, 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mary Opel, Chair  
Planning Commission

ATTEST:

\_\_\_\_\_  
Brenda Wisneski, Director  
Community Development Department