

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

---

---

**DATE:** OCTOBER 27, 2014

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
URSULA LUNA-REYNOSA, DIRECTOR  
KURTH B. NELSON III, SENIOR PLANNER

**SUBJECT:** COASTAL DEVELOPMENT PERMIT CDP13-0010 TO CONSTRUCT A MIXED-USE RESIDENTIAL/COMMERCIAL DEVELOPMENT INCLUDING 168 CONDOMINIUM UNITS, 2,471 SQUARE FEET OF COMMERCIAL USES, AND APPROXIMATELY 0.5 ACRES OF PUBLIC PARKLAND AND SITE DEVELOPMENT PERMIT SDP13-0015 TO ALLOW DEVELOPMENT IN THE FLOODPLAIN OVERLAY DISTRICT (FP-2), AN INCREASE IN MAXIMUM STORIES, WALLS OVER THE HEIGHT LIMIT IN REQUIRED SIDE YARDS, AND TANDEM PARKING FOR 28 RESIDENTIAL UNITS WITH VESTING TENTATIVE TRACT MAP VTTM 17146 TO ALLOW FOR THE INDIVIDUAL SALE OF THE DWELLING UNITS AND THE PROPOSED COMMERCIAL AREA LOCATED AT 34202 DEL OBISPO STREET

---

---

**RECOMMENDATION:** That the Planning Commission:

- (1) Adopt a resolution certifying the Environmental Impact Report (SCH# 2014011030) for the 34202 Del Obispo Street Project and adopting the "Facts and Findings Related to the Environmental Impact Report for the 34202 Del Obispo Street Project", (Action Document 1);
- (2) Adopt the attached Draft Resolution approving Vesting Tentative Tract Map VTTM 17146, Coastal Development Permit CDP13-0010, and Site Development Permit SDP13-0015 and adopting the Mitigation Monitoring and Reporting Program (Chapter 7 of the Draft Environmental Impact Report) (Action Document 2).

**APPLICANT/OWNER:** Project Dimensions Inc./AG/A&M Doheny, LLC

**REQUEST:** Approval of Coastal Development Permit to develop two vacant parcels with a residential/commercial mixed-use project including 168 residential units, 2,471 square feet of commercial space and 0.5 acres of public parkland. Site Development Permits are requested to allow development within the Floodplain Overlay District (FP-2), an increase in maximum stories, walls over the height limit in required side

yards, and for tandem parking for 28 residential units. A Vesting Tentative Tract Map is requested to allow for the individual sale of the dwelling units as well as the proposed commercial area.

**LOCATION:** 34202 Del Obispo Street  
Assessor's Parcel Numbers 668-271-03 and 668-271-04

**NOTICE:** Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on October 15, 2014, published within a newspaper of general circulation on October 16, 2014, and posted on October 16, 2014 at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, Dana Point Library, as well as on the City of Dana Point website.

**ENVIRONMENTAL:** Pursuant to the provisions of the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH# 2014011030) was prepared for the proposed project.

**ISSUES:**

1. Does the EIR appropriately identify, mitigate or acknowledge an inability to mitigate the potential environmental impacts of the proposed project as modified?
2. Is the proposal consistent with the City's adopted General Plan/Local Coastal Program?
3. Is the project compatible with, and an enhancement to the site and surrounding neighborhood?
4. Does the project satisfy all required findings pursuant to the Dana Point Zoning Code and LCP for approval of a Vesting Tentative Tract Map, Coastal Development Permit (CDP) and Site Development Permit (SDP)?

**BACKGROUND:** The proposed development area of the project consists of the two vacant lots totaling slightly more than nine (9) acres. The site was previously developed as a 90-space mobile home park in 1965 until its closure in 2003/2004. The site has been vacant since the 2003/2004 closure. The project site is "U" shaped and surrounds an existing commercial development fronting Pacific Coast Highway (PCH). The site is bounded on the north by the South Orange County Wastewater Authority (SOCWA) sewage treatment facility and administrative offices; on the east by the San Juan Creek Bike Trail and the San Juan Creek Flood Control Channel; on the south by PCH, a

commercial retail center, and Doheny State Beach beyond PCH. The site, as currently configured, contains frontage on both Del Obispo Street and PCH.

Following the closure of the mobile home park, the sites subsequently received approval of a General Plan Amendment (GPA), Zone Text Amendment (ZTA), Zone Change (ZC), and Local Coastal Program Amendment (LCPA) from the City Council in June, 2011. The California Coastal Commission (CCC) subsequently certified the aforementioned approvals by the City in August, 2012 after the City accepted the suggested modifications proposed by the CCC. Certification by the CCC established the current Residential/Commercial-18 (RC-18) zoning and the Residential/Commercial (R/C) General Plan land use designations of the sites.

**DISCUSSION:** Based on the proposal submitted by the applicant and the site's location within the City's Coastal Overlay District, a Coastal Development Permit is required. A vesting tentative tract map is requested to allow development of the property according to the applicable regulations in existence at the time of approval, as well as to allow the dwelling units and commercial space to be sold individually. Pursuant to various chapters and sections of the Dana Point Zoning Code (DPZC), Site Development Permits are required to construct structure within the FP-2 district (Chapter 9.31), increase the maximum number of stories (Section 9.05.200), increase the height of the walls in required side yards (Section 9.05.120), and tandem parking for 28 residential units (Section 9.71.020).

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the project. The City's third-party environmental consultant, LSA Associates, Inc., worked together with City Staff to prepare the document.

A Notice of Preparation (NOP) and an associated Initial Study for the project was prepared and publicly circulated for 30-days beginning on January 14, 2014 and ending on February 13, 2014. The Initial Study indicated that the proposed project had the potential to cause a significant effect on the environment and that an EIR would be prepared. On January 29 2014, the City of Dana Point also conducted a Public Scoping Meeting to gather public input as well as provide information on the Initial Study that was prepared for the proposed project. The meeting was the first public step in gleaning information and concerns from the public related to the project. The Initial Study identified 11 environmental categories that may result in significant or potentially significant impacts to be further assessed in the Draft EIR.

The Draft EIR was completed in July 2014. Circulation for public comments began on July 29, 2014 and concluded on September 12, 2014. Analysis contained in the Draft EIR revealed that seven of the 11 environmental categories assessed therein would include mitigation to reduce the environmental impact to less than significant. The analysis of the

four remaining environmental categories concluded that impacts would be less than significant or have no impact on the environment. Those seven categories that included mitigation are:

- Aesthetics
- Biology
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Resources
- Hydrology and Water Quality
- Noise

Seven (7) comments were received from several agencies during the public review for the Draft EIR. Responses to those comments resulted in minor changes to the EIR which are memorialized in the Final EIR attached as Supporting Document 9 and presented to the Planning Commission for their consideration in certifying the EIR. Certification of the EIR is not to be construed as either approval or denial by the City of the subject application.

Based on the analysis, information, and mitigation measures (MM) included in the EIR, staff is recommending that the Planning Commission certify the EIR related to the project by adopting Action Document 1.

#### COASTAL DEVELOPMENT PERMIT

The applicant proposes to develop the subject sites with a mixed-use project in accordance with the R/C-18 zoning designation for the sites. The R/C-18 Zoning District allows a mixture of residential uses with commercial and office uses on the same building or parcel. Only projects that are residential/commercial mixed-use are allowed in the R/C-18 Zoning District.

#### Site Plan and Special Development Standards related to 34202 Del Obispo Street

The R/C-18 zoning district requires development to be placed in a manner that minimizes the resident's vehicle miles traveled (VMT) by encouraging development that is sited in proximity to existing or proposed transit stops, promotes walkability to commercial development, as well proximity to and/or provision of bicycle amenities (Supporting Document 4). The site plan is designed with a proposed visitor serving public park occupying the southern portions of the properties fronting PCH and extending 40 feet into the site. That land would be dedicated to the City after park related improvements were completed and prior to occupancy of any of the residential units or commercial areas associated with the project. This visitor serving park, in conjunction with the City's pedestrian bridge, will serve as a landmark and visual gateway to the City. The proposed park is also envisioned as a cultural use/outdoor museum that would feature artwork designed in the theme of the history the City of Dana Point's surfing heritage and would acknowledge/celebrate the commencement of State Highway 1 (PCH) at the eastern boundary of the project site.

Direct pedestrian and bicycle access is proposed from the residential portions of the development is provided to the proposed public park and the San Juan Creek Bike Trail. The east portion of the park will connect directly to the San Juan Creek Bike Trail and will include a new sidewalk at PCH. This area currently has no sidewalk and is unsafe for use by pedestrians. The west portion of the park provides direct connections to the Orange County Transit Authority bus stop at it's PCH frontage, as well the City's pedestrian bridge that crosses PCH and accentuates pedestrian linkages to the City's downtown Lantern District, the Orange County Dana Point Harbor, and Doheny State Beach.

The proposed visitor serving public park will provide five (5) bicycle racks and a bicycle storage facility with the capacity to store 12 bicycles. Additionally, 32 bicycle stalls will be provided in the residential portion of the development, consistent with the intent and purpose of the R/C-18 Zoning District.

Pursuant to Section 9.13.040 of the Mixed Use Districts Chapter of the DPZC, there are Special Development Standards required for projects in all mixed use zoning districts. Subsection 9.13.040(c) addresses design compatibility issues and sets standards for sound mitigation, lighting, integration of the non-residential and residential uses, and parking standards related to location and availability of residential parking stalls, hours of operation for nonresidential uses, creation of a joint owner's association and signage. Sound mitigation and lighting issues, parking, and owner's association requirements are further discussed below and the project will comply with the requirements contained through in inclusion of project mitigation measures included in the EIR, conditions of approval, by applying the requirements of the DPZC.

Residential parking, provided in enclosed garages, will meet the requirement for reserved residential parking in the special development standards of the Mixed Use Districts. Operating hours of nonresidential uses are permitted only between the hours of 7 a.m. and 10 p.m.

In addition to the Special Development Standards required for all mixed use zoning districts, the subject site must also follow the requirements outlined in Section 9.13.040(f). The four items identified there include:

- A 25 foot setback from the property line adjacent to the San Juan Creek Bike Trail;
- On-site public pedestrian and bicycle access to the San Juan Creek Bike Trail;
- Un-gated streets and pedestrian and bicycle accessways that shall remain available to the general public for parking, vehicular, pedestrian, and bicycle access; and
- Establishment of an adequate buffer between the South Orange County Wastewater Authority (SOCWA) parcel and development located on the subject parcel.

The proposed site plan includes the 25-foot setback on the eastern boundary adjacent to the San Juan Creek Bike Trail that is outfitted with landscaping and pedestrian walkways providing access to the fronts of the residential units and, as previously mentioned, the bike trail itself. There are no gates on the main vehicular access driveway located on Del Obispo Street nor on any pedestrian accessway within the development or connecting the site to adjacent properties or public areas. As mandated by the Orange County Fire Authority a second point of entry is required for emergency ingress and egress. Commensurate with the previous mobile home park use at the site, that emergency ingress and egress will be provided from PCH, which will include a gate that will allow first responders ingress and egress, and residents and visitors to the site egress only during an emergency event.

Buildings near the side property line, adjacent to the SOCWA parcel, have been sited so that they are setback a minimum of 15 feet from the common boundary where the R/C-18 district allows only a five (5) foot interior side yard setback. The landscape plan identifies a dense tree buffer edge treatment. The EIR identified Project Design Feature 4.9.2 calling for the use of mature landscaping within the setback area along the SOCWA property line. The setback and landscape design will establish the required buffer and along with other design features of the residential units (entries facing away from the SOCWA site, double paned windows, air-conditioning in all residential units) the and the increase in height of the wall between the two parcels enhance the buffer between the proposed development and the SOCWA site.

As illustrated on the vesting tentative tract map submitted for the project, the main lot (Lot 1) which includes all the residential and commercial buildings proposed for the project will provide vehicular access from Del Obispo Street: the only lot line with street frontage. Access to the residential portions of the site and commercial parking areas would be served by the privately maintained, but publicly accessible, main project driveway extending from the Del Obispo Street driveway, as well as several internal driveways. The single lot establishes a front lot line along the Del Obispo Street frontage, and the rear lot line as the eastern boundary adjacent to the San Juan Creek Bike Trail. All other lot lines are considered side lot lines. All buildings are located well beyond the setbacks for the R/C-18 Zoning District which five (5) feet for the front and sides and 15 for the rear. No structure is closer than 9.5 feet from any lot line.

The site is also designed with common open space areas including a community recreation area with a pool, spa and restrooms located in the northwestern portion of the project site. Additionally, common open space areas are located throughout the site and include walkways, fitness areas, gathering areas with seats, natural gas fire pits, water features, and landscaped areas. These common open space areas total approximately 71,600 square feet (sf) throughout the developed portion of the site north of the proposed parks (Lot 1), totaling 426 sf per unit: well above 100 sf per unit required

by the DPZC. Landscaping on the on Lot 1 totals 18 percent, above the 15 percent minimum landscape coverage required by the R/C-18 Zoning District.

The proposed project is planned for development in several phases, including site preparation; grading, installation and connection of utilities, street improvements, park landscaping and construction of the proposed residential and mixed-use buildings. It is anticipated that the first residential units to be constructed would be adjacent to the access road and would be used as model homes while the rest of the units are being constructed. Staff has included a condition requiring a project construction staging and phasing plan.

### Buildings and Architecture

Development of Lot 1 will include the construction of 35 buildings containing 168 residential units, 2,741 sf of commercial space and an approximate 400 sf restroom within the common pool/recreation area.

The buildings are all three stories with the first floor housing only non-habitable garages, storage areas, outdoor patios, and entry foyers due to the base flood elevation established for the site (see discussion in Site Development Permit section below). Second and third stories contain habitable living areas for the differing floor plans, which are either designed as flats (all living areas on a single floor) or stacked units (two-stories of habitable living area). Buildings vary in height from 33 feet to 35 feet accordance with the R/C-18 height limits and the City's height regulations. Some of the units with parapets of at least 18 inches and designed to the maximum height of 33 feet, include architectural projections 1.5 feet above the height limit in accordance with the permitted encroachments for architectural projections and accessways to roof decks outlined in the height regulations of Section 9.05.110 of the Zoning Code. In accordance with the Mitigation Measure-2a contained in the Mitigated Negative Declaration (MND) approved for the GPA, ZTA, ZC, and LCPA of the subject sites, none of the 34 buildings utilize more than 30 inches of fill to establish building pads. A table on sheet C-8 of the project civil engineer's plan set provides the amount of fill for each structure that ranges from no fill to a maximum of 19 inches used to establish building pads.

The buildings are located throughout Lot 1 and consist of three different building types (A, B and C) as illustrated in the architectural plan set. A variety of floor plans are provided within each of the different building types. These floor plans are then pieced together creating buildings that have as few as two units (building Type C -Building A) and as many as 12 units (building Type A -Building F). Please refer to the table on the following page for a breakdown of the floor plans associated with the project.

UNIT FLOOR PLANS																			
PLAN	Total	BD	BA	Residential Habitable		Foyer/Circulation		Storage/Utility (L1)		Extra Garage Space		Private Outdoor (L1)		Private Outdoor (L2/L3)		Roof Deck		Garage	
				Units	Per Unit	Project Total	Per Unit	Project Total	Per Unit	Project Total	Per Unit	Project Total	Per Unit	Project Total	Per Unit	Project Total	Per Unit	Project Total	Per Unit
A1-A*	28	3	2	1,462	40,936	199	5,572	21	588	0	0	0	0	137	3,836	260	7,280	400	11,200
A1-B**	18	2	2	1,229	22,122	96	1,728	367	6,606	39	702	116	2,088	195	3,510	0	0	400	7,200
A1-X	10	2	2	1,229	12,290	151	1,510	34	340	236	2,360	233	2,330	195	1,950	0	0	400	4,000
A2-A*	16	2	2.5	1,855	29,680	175	2,800	63	1,008	44	704	180	2,880	290	4,640	328	5,248	400	6,400
B1-A	15	1	1.5	755	11,325	156	2,340	32	480	42	630	100	1,500	0	0	0	0	200	3,000
B1-B	15	1	1.5	724	10,860	171	2,565	32	480	42	630	100	1,500	0	0	0	0	200	3,000
B2-A	14	3	3	1,413	19,782	171	2,394	120	1,680	0	0	88	1,232	123	1,722	0	0	400	5,600
B3-A	16	2	2	1,315	21,040	179	2,864	198	3,168	68	1,088	160	2,560	106	1,696	0	0	400	6,400
B3-B*	16	3	2	1,469	23,504	223	3,568	0	0	112	1,792	116	1,856	124	1,984	120	1,920	400	6,400
C1-A*	10	3	4	1,900	19,000	105	1,050	236	2,360	44	440	208	2,080	178	1,780	300	3,000	400	4,000
C1-B*	10	3	4	1,840	18,400	106	1,060	232	2,320	36	360	138	1,380	180	1,800	300	3,000	400	4,000
<b>Totals</b>	<b>168</b>				<b>228,939</b>		<b>27,451</b>		<b>19,030</b>		<b>8,706</b>		<b>19,406</b>		<b>22,918</b>		<b>20,448</b>		<b>61,200</b>

\* Plan includes Roof Deck (as applicable)

\*\* +/- 350 SF of Storage/Utility to be Retail/Commercial per site location



---

Each of the units contain the minimum 100 sf of private open space through either the first floor patios already mentioned, patios on upper living stories, or roof decks. Also included in the floor plans are the required 250 cubic sf of lockable storage space. The buildings cover 35 percent (3.44 acres) of the total project area, where a maximum lot coverage of 40 percent is permitted in the R/C-18 zone.

The buildings are designed predominately in a modern architectural style, with some elements of Spanish Revival architecture that has historically been used throughout the City of Dana Point. The buildings incorporate high quality finish materials including stucco, fiber cement siding, concrete tile and metal roofs, metal garage doors, metal, wood, and glass railing, and metal trim for the three architectural styles utilized in the development. The architectural scale is broken down through the use of openings, and the incorporation of recessed patio elements and architectural projections on upper floors that break down the massing of the buildings and creating the residential character required for mixed use projects articulated in Section 9.13.040(c)(3) of the Mixed Use Districts Chapter of the DPZC. Color options for the different architectural styles are included in the elevations drawings throughout the architectural plan set.

Mitigation Measures included in the project EIR and incorporated into the draft resolution for the project will ensure that design issues addressing noise and lighting related to the requirements of mixed use projects in Section 9.13.040 of the DPZC as well as the Noise Element of the City's General Plan will be addressed in the final structural drawings for the project.

#### Affordable Units

Pursuant to the requirements of the R/C-18 Zoning District for properties located within the City's Coastal Overlay District, projects that construct more than ten (10) residential units are required to provide ten (10) percent of the units as affordable units in accordance with the County of Orange income limits. Seventeen (17) units have been identified on the site plan as being affordable. Those units and the level of affordability (very low, low, or moderate) shall be provided in perpetuity and the location of the affordable units shall be identified in the Covenants Conditions and Restrictions (CC&Rs) and associated condominium plan prepared and recorded for the property with the California Department of Real Estate. After recordation of the CC&Rs and condominium plan and prior to issuance of Certificates of Use and Occupancy for the affordable units, a deed restriction shall be recorded against the individual units via the assessor's parcel numbers issued to those affordable units. Additionally, those units identified as affordable shall be recorded with a covenant once the final map and condominium plan is recorded and the County has issued the individual assessor's parcel numbers associated with the affordable units identified on the condominium plan. The affordable housing requirement will be monitored by the City annually to ensure compliance with the affordability requirement. Staff is recommending that all affordable units be offered as low income units, in accordance with the thresholds established the County of Orange (Supporting Document 7). It should be noted that pursuant to the special development standards for projects in the R/C-18 Zoning District, affordable

units are not counted in the density calculations for the project.

### Commercial Area

Commercial areas for the mixed use project are provided on the ground floor of the two buildings adjacent to the proposed park on the southwestern portion of the development identified as Buildings 31 and 32 on the architectural site plan. Commercial area in the R/C-18 Zoning District is limited to a maximum of ten (10) percent of the total site area. During the review of the new zoning district for the subject site a theoretical maximum level of traditional commercial space was assessed in the MND. Applying the current R/C-18 requirements would allow 39,240 sf of commercial area. In assessing potential mixture of land uses for the sites, key factors including the following led to the current design:

- No opportunity for shared vehicular access with bordering properties;
- No direct vehicular access to the portion of the site located adjacent to San Juan Creek due to configuration of the PCH bridge, existing street alignment, and median;
- Vehicular access to the site from the western PCH frontage not possible due to the location of existing intersections, the pedestrian bridge structure and bus turnout and associated bus stop bench and shade structure;
- Federally adopted changes to Flood Zone designations;
- The existing vertical change in topography of the site creates access limitations to pedestrian paths of travel along the southeastern portion of the property fronting PCH;
- Parking provided for commercial uses not permitted to front PCH prompting locations behind the buildings, severely limiting visibility; and
- Existing buildings along PCH (restaurants, pedestrian bridge structure, and bus stop benches/shade structures) screen visibility of commercial frontage.

For these reasons the applicant is proposing smaller commercial spaces on the ground floor that would allow visitor serving uses that could also serve the residential uses on the sites. It should also be noted that the proposed park area is a permitted visitor serving use that occupies a minimum of the first 40 feet of frontage along PCH while meeting the goals of the R/C-18 Zoning District to creating pedestrian and bicycle linkages and thereby reducing residents VMT a promoting walkability to other commercial areas of the City. Coupled with the park (approximately 21,857 sf), the 2,741 sf of commercial area provided for the project is more than sufficient for the site design to meet the requirements of R/C-18 Zoning District related to visitor serving and commercial uses associated with this mixed use project.

### Parking

The proposed project has been designed to meet the City's off-street parking

requirements based on the three uses identified in City's parking ordinance, given there is no mixed use parking rate identified therein. Parking demand associated with the residential uses is based on multiple family units (structures designed to contain three or more dwelling units on one lot under a single or separate ownership – Building Types A & B), and single-family attached units (less than three units – Building Type C). Code required parking demand for the residential units is as follows:

DPZC Section 9.35.080(e)(8) Multiple family units			
	Covered <sup>(1)</sup>	Uncovered <sup>(1)</sup>	Visitor
1 bedroom or less	1	0.5	0.2
2 bedrooms	1	1	0.2
3 bedrooms	2	0.5	0.2

<sup>1</sup> Covered stalls shall be assigned; uncovered stalls shall not be assigned.

DPZC Section 9.35.080(e)(11) requires that single-family, attached units provide two (2) assigned and covered parking stalls within a garage or parking structure, plus .3 stalls unassigned per dwelling unit.

Total required parking for residential uses is as follows:

Residential Parking Calculations DPZC Section 9.35.080					
# of Units	Multiple Family: Unit type	Covered	Uncovered	Visitor	Total
30	1 bedroom or less	30	15	6	51
60	2 bedrooms	60	60	12	132
58	3 bedrooms	116	29	11.6	157
		206	104	30	340
		Garage stalls		Unassigned stalls	
20	SF- Attached	40		6	46
Total Units		Total Covered/Garage		Total Uncovered/Unassigned/Visitor	
168		246		140	
		<b>Total Residential Parking Required</b>			<b>386</b>

Commercial uses are parked at the general retail rate for multi-tenant properties with less than 25,000 sf of gross floor area (gfa) of one stall for each 220 sf gfa. The 2,471 sf of commercial area requires a total of 11 parking stalls.

Therefore, the total parking demand for the project is 397 stalls.

When a project has a minimum parking requirement of 50 or more parking stalls, the DPZC allows eight (8) percent of the required parking stalls to be provided as bicycle

stalls. Accordingly, the off-street parking requirement is reduced by 32 vehicular stalls and 32 bicycle stalls have been provided throughout the residential portion of the development. This provision meets the parking requirement and further enhances the projects ability to meet the intent and purpose of the R/C-18 district by providing bicycle amenities on the project site.

Consequently parking provided at the site includes 322 single car, side by side, or tandem stalls located in garages, 109 uncovered/unassigned/visitor standard parking stalls, 32 bicycle parking stalls, and 12 commercial stalls. The total parking provided on Lot 1 totals 475 stalls with the additional stalls being captured in garages associated with the residential uses. It should be noted that the City's parking ordinance, similar to many adjacent and nearby jurisdictions, does not have a parking rate for parks. No additional parking was assigned to the visitor serving park use as it is expected that visitors to the park would primarily be pedestrians coming from the proposed residential uses associated with the project, other areas of the City, the OCTA bus stop, and bicyclists accessing the park from the San Juan Creek Bike Trail.

#### Landscaping

A conceptual landscape plan has been provide and included as Supporting Document 5. The conceptual landscape plan identifies a variety of trees, shrubs, and groundcovers that could be used in the final landscape plan for the project. Proposed wall locations and treatments, and features and improvements related to the proposed visitor serving park uses fronting PCH are also illustrated and identified.

Included on Lot 1 is an enhanced tree-lined entry with decorative paving on the main driveway from Del Obispo Street to the first driveway intersection, walls facing the street and large entry pilasters. The conceptual landscape plan also provides specifications for potential pedestrian and vehicular area lamp posts and outdoor furniture for the gathering area associated with the residential units. Perimeter wall and fence locations are provided and finishes including tubular steel fencing around the pool and atop the retaining wall adjacent to the San Juan Creek Bike trail, new stucco finished masonry walls between the project site and the Denney's restaurant site and at the Del Obispo Street entry, and the increased height for the wall separating the subject and SOCWA sites.

The conceptual landscape plan also provides enlarged plans illustrating the proposed improvements associated with the visitor serving park along PCH referred therein as the Coast Highway Commons-West and East parcels. These illustrations show the use of enhanced paving extending from the curb line through the right-of-way and 40 feet into the sites. Bike racks and the bike storage facility, a storage structure adjacent to the pedestrian bridge, mounded planter areas, pedestrian walkways, and a living wall separating the park from the buildings are identified on the West parcel. The East parcel identifies the same enhanced paving, direct connection to the San Juan Creek Bike Trail, and landscape areas buffering the park from the adjacent residential units.

There is also an enlargement of the planter area in front of the existing ARCO station that will be improved with trees to match those of the West and East park parcels.

Final approval of landscape species is required to comply with the City's Water Efficient Landscape Ordinance that ensures the requirements of California State Assembly Bill 1881 related to water conservation, which will be confirmed during the plan check process. Final design of the parks and associated improvements will be reviewed by City Staff. Public art associated with the parks and required as part of the City's "Art in Public Places" Program will be reviewed by the Arts & Culture Commission and/or the Planning Commission. The themes identified in this report are suggestive only but serve to provide direction for these significant gateway improvements that can act as landmarks to the City's most used entry point.

The project, when viewed in totality of all the uses, structures, and amenities proposed meets the requirements of the R/C-18 Zoning District and then City Local Coastal Program through the provision of pedestrian and bicycle amenities, creation of or enhancement to pedestrian and bicycle linkages from and adjacent to the project. The proposal also results in the creation of a public promenade that fosters these linkages and that will serve as a gateway in conjunction with the pedestrian bridge that will create better access to the commercial areas in the City's downtown and the Dana Point Harbor, as well as to Doheny State Beach resulting in greater connectivity and walkability and enhanced coastal access near the City's primary southern arterial entrance PCH.

#### SITE DEVELOPMENT PERMITS

Several Site Development Permits are requested in conjunction with the proposed development. As outlined previously they include the following:

#### Construction in Floodplain (FP-2)

The project area, as identified on the United States Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) is located within a special flood hazard area: Flood Zone A. The project area is also located in an "other flood area": Zone X-shaded as identified on the applicable FIRM. Flood Zone A, according to Chapter 31 (Floodplain Overlay District) is identified as the FP-2 district. Flood Zone A does not identify a base flood elevation (BFE) and since FEMA decertified the San Juan Creek Levee, the modeling for flows from San Juan Creek and its tributaries, modeling to establish the BFE had to make certain assumptions including that the levee was not in place.

Staff worked with the applicant's consultant team and FEMA representatives to ensure that modeling the 100-year storm event required to establish the BFE, was prepared in accordance with accepted FEMA practices. As a result the applicant's consultant prepared a hydraulic study titled *Floodplain and Base Elevation Analysis for San Juan*

*Creek* which was used in the preparation of the EIR for the project and established a BFE for the site. The study established a BFE of 21.2' NAVD 88 for the site. The existing elevations on the site range from a low point of 13.7' NAVD 88 at the northeastern corner the project area to a spot elevation high point of 20.7' NAVD 88 near the projects southern border adjacent to the existing commercial center the subject sites surround. This study was adopted at the City Council at their October 21, 2014, meeting for use in implementing the requirements of DPZC Chapter 9.31.

In addition to the above-mentioned study, a post-construction floodplain analysis was prepared to assess the impacts of the construction of the proposed project on the adjacent properties. The *Post-Project Floodplain Analysis for San Juan Creek* identified that the proposed project could impact adjacent properties if certain design features were not included for three of the buildings and the wall proposed along the Del Obispo Street frontage north of the entry driveway, and slightly higher BFEs for the "Ineffective Flow" area identified therein. These design features required that Buildings 1, 2, and 34 be outfitted with breakaway walls on the garage floors and sensors to open the garage doors in a flood event thereby allowing floodwaters to pass through. An additional design feature requires the site wall north of the entry driveway to be designed and constructed to fail under hydrostatic pressure or with openings/breakaway panels to allow flood water conveyance in accordance with the *Post-Project Floodplain Analysis for San Juan Creek*. Buildings on the western side of the project area near Del Obispo Street have BFE's as high as 23.5' NAVD 88.

The remaining buildings on site must be equipped with flood openings on the garage floors to flood waters to flow through the garages. The habitable areas on the second floors of the building are located at a vertical elevation above the BFE established by either the *Floodplain and Base Elevation Analysis for San Juan Creek* or the *Post-Project Floodplain Analysis for San Juan Creek* prepared for the project area. The aforementioned requirements have been included as mitigation measures in the EIR prepared for the project and the City's standard conditions related to the certification of habitable finish floors above BFEs have been included in the draft resolution for the project.

#### Increase in Maximum Number of Stories

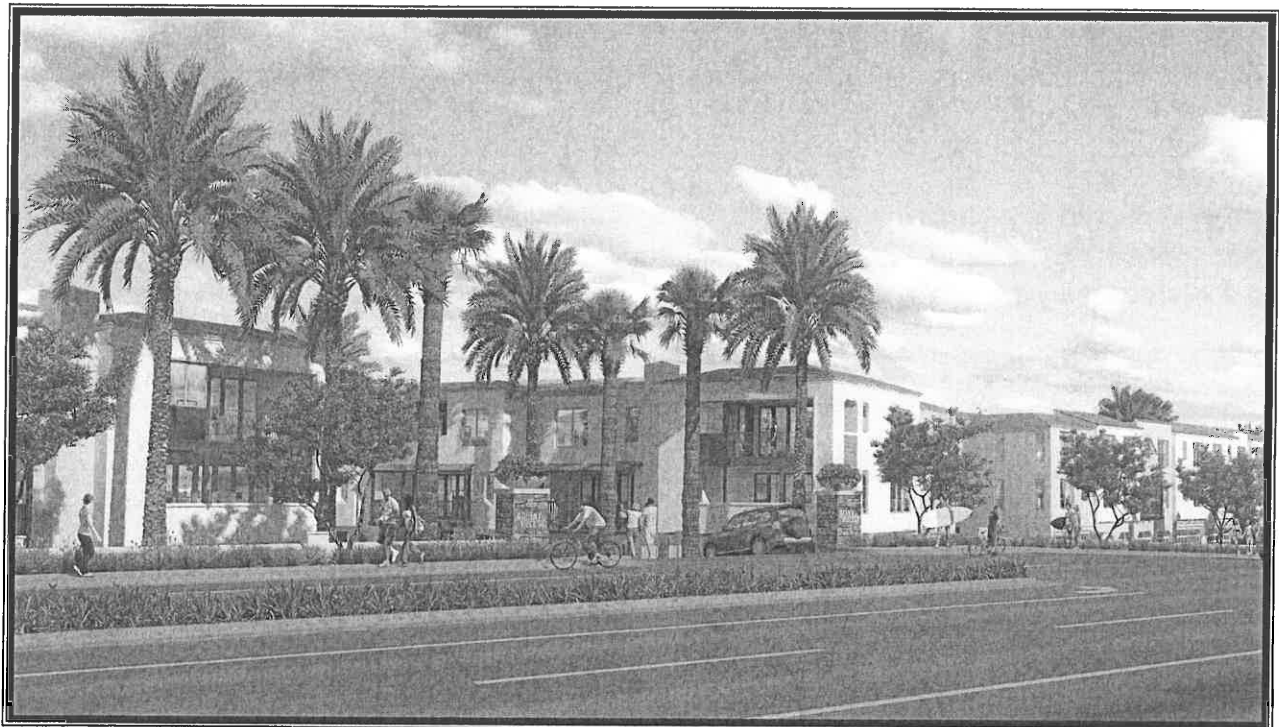
Section 9.05.200 of the DPZC permits a third story in mixed use districts through the approval of a Site Development Permit. The third story is permitted when setback at least 20 feet from the required yard adjacent to a street or alley, 20 feet from the minimum yard adjacent to a residential district, five feet from an interior side yard. Additionally, a third story must be set back from a street at least ten (10) feet greater than both the first and second stories.

Only two buildings (1 and 34) have street frontage on Del Obispo Street and all other vehicular access areas are driveways contained within Lot 1, and designated as

easements for public vehicular parking and pedestrian access and for public emergency vehicle ingress and egress. Buildings 1 and 34 fronting Del Obispo Street are at their closet point, setback 20 feet from the proposed front property line. Those points are at an angle and only the corner of those structures is at the 20-foot mark. On Building 34 the third story at the 20 foot setback consists of a patio and the habitable portion of the structure meets the additional setbacks identified in Section 9.05.200.

Building 1 does not meet either the additional 20 foot setback from the required five (5) foot) front yard nor the additional ten (10) foot setback greater than the both the first and second stories.

Although the first stories of both of these buildings are set four and five feet lower than the curb elevation on Del Obispo Street, and the view simulations prepared for the project illustrate that slightly more than two stories will be visible from the street, the findings required of Section 9.05.200 cannot be made for Building 1 (see photo below – Building 1 on the left). Staff recommends that the project be conditioned, requiring Building 1 to be revised limiting the third story within 10 feet of the corner of the building adjacent to the street to maintain the required setback from the floors below and if utilized contain only non-habitable patio space.



Based on the configuration of Lot 1 for the proposed subdivision, all of the remaining buildings located thereon meet the applicable requirements of Section 9.05.200 and findings approving the increase in three stories can be made.

### Increased Height of Walls in Required Side Yards

Several walls are proposed in conjunction with the proposed project. However, there is an existing wall proposed to have its overall height increased and a few new walls proposed at heights above the six (6) foot maximum in required side yards.

An existing block wall exists between the subject site and the existing SOCWA facility. In an effort to enhance the buffer between the site as required in Section 9.13.040 of the R/C-18 Zoning District, the applicant will increase the height of the wall to seven feet facing the subject site and as high as 11 feet facing the SOCWA facility. Given the difference in the nature of the uses at both sites, and the creation of the required buffer between the two sites, findings can be made supporting this increase in wall height.

Seven (7) foot high walls are proposed side lot lines between the two proposed park areas at the southernmost portions of the project area and the proposed Lot 1. On each side of the park the proposed block wall is seven (7) feet high. On the western park area the block wall is proposed to be a living wall capable of sustaining plants to screen the wall from the adjacent PCH. The wall on the eastern park area is seven (7) feet facing the proposed building and approximately 4-5 feet facing PCH due to the change in grade previously mentioned on this side of the project area nearest the San Juan Creek. Both sides of the wall have landscaped areas at their base and will be screened to buffer the appearance to the adjacent PCH Scenic Roadway and the proposed residential building on Lot 1. Findings can be made supporting both requests and conditions have been included in the draft resolution regarding the screening of the proposed walls.

### Tandem Parking

Section 9.71.020 of the DPZC allows that the Community Development Director may require the filing of a Site Development Permit for any proposal determined by the Director not to be in clear compliance with General Plan policies. Additionally, Section 9.35.110 requires a Site Development Permit to modify the location of parking stalls. Twenty-eight of the proposed three bedroom units within Building Type A, and identified as "A1-A" Unit Plan sheets or "PA1-A" on the Building Composite Sheets in the architectural plan set require a second covered parking stall. The garage floor plans for these units indicate a tandem arrangement is proposed to satisfy this second covered stall requirement within a garage.

The City's parking code only allows tandem parking for the following circumstances:

- Duplexes pursuant to Section 9.35.080(e)(4) and Exhibit 9.35-10; or
- "Employee only" parking areas of existing commercial structures; or
- Valet parking areas of existing commercial structures.



However, the proposed project has unusual circumstances for the proposed first floors related to the project site's location in a special flood hazard area, as discussed above. The high BFE for the sites and the design of the structures made to conform to the requirements of the City's FP-2 District and the associated floodplain studies, preclude the use of the first floor for habitable living space. In fact MM 4.8.7 limits the use of garages to vehicle parking and storage only, and prohibits the use of garages for any habitable uses. MM 4.8.7 further requires annual inspections by the HOA and subsequent documentation to the Community Development Director. In conjunction with those annual HOA flood inspections, a conditions could be added to simultaneously inspect the garages ensuring that tandem spaces are available as required parking stalls for those 28 units. As is often the case, garages are often used for purposes other than the required parking requirement they are intended to satisfy. The annual inspections could reinforce the tandem stalls are available for parking. The R/C-18 Zoning District is intended to reduce residents VMT through the provision of pedestrian and bicycle amenities and linkages that intuitively would lead to less reliance on cars and justify a portion of the parking stalls in a tandem location.

Although it would not completely eliminate the need for tandem parking stalls in the "A1-A" three bedroom units, there is an option to use the unassigned garage stalls located next to 16 of the "A1-A" units. This would eliminate the tandem arrangement for all but 12 of the "A1-A" three bedroom units.

Should the Planning Commission be inclined to approve the tandem location for any or all of the "A1-A" units given the unique limitations on the first floor garages related to flood hazards, the intent and purpose of encouraging a site design that minimizes the residential development resident's VMT, staff believes findings supporting this request can be made.

#### VESTING TENTATIVE TRACT MAP:

The applicant also proposes a vesting tentative tract map (VTTM) that conveys a vested right to proceed with development for a specified time after recordation of the final map (Supporting Document 6). A VTTM limits development of the property pursuant to the applicable regulations in existence at the time of approval of the vesting tentative map. The City's Subdivision Ordinance establishes that tentative maps expire two years after conditional approval, but can be extended for up to one (1) year. More than one extension may be granted, but the total time for extensions may not exceed three (3) years beyond the original date of expiration. Once recorded, the rights vested through the tract map are valid for a period of one (1) year from the recording date of the final map. The vested rights may be extended once if the owner/developer files a request prior to the expiration of the initial one-year period.

The tentative tract map also allows the owner to individually sell the residential units and commercial areas as condominiums. As with all tract maps proposing condominiums, the

owner/developer submits a condominium plan and documents establishing a homeowner's association when submitting the tract map for review by the City prior to final tract map recordation. The condominium plan and the documents (referred to as Covenants, Conditions & Restrictions - CC&R's), define the airspace controlled within the walls of the residential and/or commercial spaces, and outline responsibility for the common areas of the development. Conditions of approval have been included requiring review of the condominium plan and CC&R's to ensure that the responsibilities for common areas are clearly defined, that parking areas dedicated to the commercial uses and visitor residential stalls are always available, affordable units are identified, and that a joint owner's association, in accordance with the requirements for mixed use projects required of DPZC Section 9.13.040(c)(6), is established.

The VTTM proposes to subdivide the lot into seven different lots: one (1) numbered lot and six (6) lettered lots. Lot 1 is the largest lot which would contain all the buildings associated with the proposed project. Lot 1 has been configured in accordance with the development standards of the R/C-18 Zoning District. As discussed in the sections above, the location of the buildings, lot and landscape coverage percentages, private and common open space requirements of the R/C-18 Zoning District have all been satisfied. The calculated density of 16 dwelling units/acre, excluding the 17 affordable units, are well within the 18 du/ac allowed in the district. Interest in Lot 1 would be further divided through the creation of the joint owner's association mentioned above and recordation of a condominium plan defining the joint and private ownership areas of Lot 1 and the buildings constructed therein. The numbered lots are not considered building sites and are not required to meet the requirements for a building site or the zoning designation of the lot. The six remaining lots are dedications to the City or an adjacent property. Five lettered lots are for dedication to the City to clean up boundaries along the Del Obispo and PCH rights-of-way, and for parkland purposes.

Easements are proposed for the project for storm drain purposes to the City and from the SOCWA site in favor of VTTM 17146 for storm drain purposes for shared use of the pump station for storm drain runoff. Other easements are proposed for emergency ingress and egress and for public vehicle parking and pedestrian access in the driveway areas of Lot 1, public sidewalks. A sewer and water easement in favor of the South Coast Water District are also proposed within driveway areas of Lot 1. Public sidewalk easements are also proposed within Lot 1 between both the proposed park and the existing San Juan Creek Bike Trail and Lot 1. An easement for trail and flood control purposes is proposed to the County of Orange for portions of the San Juan Creek Bike Trail and levee located in the boundaries of the existing site.

Although, the applicant is providing public parkland in conjunction with development of the project, the 0.5 acres proposed is insufficient to meet the total parkland dedication requirement of approximately two (2) acres. The applicant has chosen to pay the park in-lieu fee, and the project is conditioned to require payment of park in-lieu fees in accordance with Chapter 7.36 of the City's Subdivision Ordinance and prior to recordation

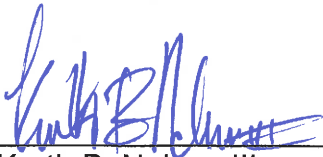
of the final tract map.

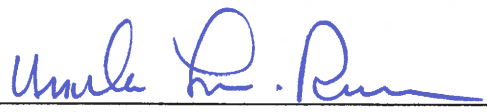
Section 7.36.040 of the Subdivision Code requires that improvements to dedicated park facilities and adjoining rights-of-way be a condition of such approval. Improvements include infrastructure related to stormwaters over dedicated parkland, fencing between the park and adjacent properties and improvements within the right-of-way, and any other public improvements the advisory agency determines necessary to make the parkland suitable for development as a park facility. Staff has included a condition requiring the improvements identified and illustrated on the Conceptual Landscape Plans submitted as part of the project on the Sheets titled "Coast Highway Commons-West Parcel" and "Coast Highway Commons-East Parcel" be included as improvements necessary to implement the park in accordance with the intent and purpose, and requirements of the R/C-18 Zoning District and the City's Local Coastal Program.

Section 7.05.060 of the Dana Point Subdivision Code establishes findings required to approve a subdivision. These findings relate to consistency with the General Plan and Zoning Code, adequacy of the site to accommodate the development and density, potential environmental impacts, and that there are adequate utilities and improvements proposed to serve the subdivision. Overall, the vesting tentative tract map meets the submittal requirements for such type of maps, and of the City's Subdivision Ordinance and is consistent with the R/C General Plan Land Use designation and R/C-18 Zoning designation for the property. The site is suitable for the proposed type and density of development, and Staff believes the proposed findings supporting approval of the VTTM can be made.

**CONCLUSION:**

Based on the above analysis, Staff has determined that the required findings can be made supporting certification of the EIR prepared for the project area as well as the VTTM 17146, CDP13-0010, and SDP13-0015 related to development of the subject sites and recommends that the Planning Commission certify the EIR for the 34202 Del Obispo Street Project and approve the discretionary actions related to the subdivision and development of proposed project.

  
\_\_\_\_\_  
Kurth B. Nelson III  
Senior Planner

  
\_\_\_\_\_  
Ursula Luna-Reynosa, Director  
Director of Community Development

**ATTACHMENTS:**

Action Documents

1. Draft Planning Commission Resolution Certifying EIR
2. Draft Planning Commission Resolution for VTTM 17146, CDP13-0010, & SDP13-0015

Supporting Documents

3. Vicinity Map
4. Architectural Plans
5. Conceptual Landscape Plan
6. Vesting Tentative Tract Map No. 17146
7. County of Orange Housing Affordability Table
8. Draft EIR (Available electronically: <http://www.danapoint.org/index.aspx?page=281>)
9. Final EIR

**RESOLUTION NO. 14-10-27-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR SCH# 2014011030) FOR A VESTING TENTATIVE TRACT MAP VTTM (17146), COASTAL DEVELOPMENT PERMIT (CDP13-0010), AND SITE DEVELOPMENT PERMIT (SDP13-0015); ADOPTING FINDINGS OF FACT**

**Applicant/Owner:** Project Dimensions Inc./AG/A&M Doheny, LLC

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

WHEREAS, the applicant, Project Dimensions Inc., filed a verified application for a Coastal Development Permit to construct a mixed-use residential/commercial development including 168 condominium units, 2,471 square feet of commercial uses, and approximately 0.5 acres of public parkland and Site Development Permit SDP13-0015 to allow development in the Floodplain Overlay District (FP-2), an increase in maximum stories, walls over the height limit in required side yards, and tandem parking for 28 residential units with Vesting Tentative Tract Map VTTM 17146 to allow for the individual sale of the dwelling units and the proposed commercial area located at 34202 Del Obispo Street ("Project"). The subject site, Assessor Parcel Nos. 668-271-03 and 668-271-04, is located near the northwest corner of Del Obispo Street and Pacific Coast Highway in the Residential/Commercial-18 (RC-18) district of the Dana Point Zoning Code; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's local CEQA Guidelines, the City prepared a Draft and Final Environmental Impact Report (EIR), SCH# 2014011030; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on October 27, 2014; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments of all persons desiring to be heard, the Commission considered all factors relating to Vesting Tentative Tract Map VTTM 17146, Coastal Development Permit CDP13-0010, and Site Development Permit SDP13-0015, including potential environmental impacts; and

WHEREAS, the Planning Commission has prior to its approval, received, reviewed and considered the Final EIR as the supporting environmental documentation for the Project.

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

- A. That the above recitations are true and correct; and
- B. The Commission has reviewed and considered the Final EIR with regard to the analysis of the Project. Based on this review, and pursuant to CEQA Guidelines section 15090, the Commission hereby certifies the Final EIR and finds that
  - (i) as the decision making body for the Project, the Commission has reviewed and considered the information contained in the EIR, and finds that the EIR was prepared in compliance with CEQA;
  - (ii) the City complied with CEQA's procedural and substantive requirements;
  - (iii) the Commission has independently reviewed and analyzed the EIR and finds that the EIR is an accurate and objective statement that fully reflects the independent judgment of the Commission; and
  - (iv) the EIR was presented to the Commission, and the Commission reviewed and considered the information contained in the EIR prior to taking any approval actions concerning the Project.
- C. Based on the evidence presented at the public hearing and in accordance with CEQA Guidelines Section 15093, the Commission hereby adopts the "Facts and Findings Related to the Environmental Impact Report for the 34202 Del Obispo Street Project" attached to this resolution and incorporated herein as Exhibit "A".

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 27<sup>th</sup> day of October, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Liz Claus, Chairwoman  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ursula Luna-Reynosa, Director  
Community Development Department

**CEQA Findings  
City of Dana Point  
Facts and Findings Related to the Environmental Impact Report  
for the 34202 DEL OBISPO STREET PROJECT  
(State Clearinghouse No. 2014011030)**

**I. INTRODUCTION**

The Project is a mixed-use residential condominium-commercial project near the intersection of Del Obispo Street and the Pacific Coast Highway. The Project will not result in any unavoidable adverse impacts. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15090 and 15091, the City of Dana Point ("City"), hereby makes the following Findings regarding the Project.

**A. Project Summary**

The proposed project is located at 34202 Del Obispo Street, near the intersection of Del Obispo Street and Pacific Coast Highway (PCH), in the City of Dana Point (City). The project site is "U" shaped and surrounds a commercial retail center fronting PCH. The project site is bordered by Del Obispo Street on the west, the San Juan Creek Bike Trail and the San Juan Creek on the east, the South Orange County Wastewater Authority (SOCWA) sewage treatment facility on the north, and PCH and a commercial center on the south. An existing pedestrian bridge over PCH that serves as a gateway to the City and the City's Town Center areas is located in the PCH right-of-way immediately adjacent to the western "U" portion of the project site.

The proposed project would include the development of a mixed-use development consisting of 168 residential condominium units, approximately 2,471 square feet (sf) of commercial uses, approximately 0.5 acre (ac) of parkland fronting PCH, and a total of 475 parking stalls. Primary access to the project site would be provided by a driveway on Del Obispo Street.

The proposed condominium residential units would be located in 34 separate buildings throughout the project site. The majority of these units would consist of two- and three-bedroom units (i.e., 60 and 78 units, respectively); however, the proposed project also includes the development of 30 one-bedroom units. In addition, of the total 168 residential condominium units, 17 units would be deed-restricted affordable housing units. All residential structures proposed as part of the project would be developed in a predominantly modern architectural style, with some elements of the Spanish Revival architecture that has historically been used throughout the City.

**B. Discretionary Approvals**

The proposed project would require the following discretionary approvals by the City: a Tentative Tract Map (Vesting Map proposed), a Coastal Development Permit, and a Site Development Permit.

**C. Project Goals and Objectives**

The City and the project Applicant have established the following intended specific objectives, which would aid decision-makers in their review of the project and its associated environmental impacts:

**ACTION DOCUMENT 1  
Exhibit A**



## 7.0 MITIGATION MONITORING AND REPORTING PROGRAM

### 7.1 MITIGATION MONITORING REQUIREMENTS

Public Resources Code (PRC) Section 21081.6 requires that agencies adopt a mitigation monitoring and reporting program for any project for which findings had been made pursuant to PRC Section 21081. The Mitigation Monitoring and Reporting Program included in this Section provides a list of all proposed project mitigation measures; assigns responsibility for implementation, review, and/or approval; and identifies the timing for implementation of each control measure.

PRC Section 21081.6 mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes that have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.
- The lead agency shall specify the location and custodian of the documents or other materials that constitute the record of proceedings upon which its decision is based.
- A public agency shall provide measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents that address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a Draft Environmental Impact Report (EIR), a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either (1) submit to the lead agency complete and detailed performance objectives for mitigation measures that would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or (2) refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures that mitigate impacts to resources that are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance with that requirement by a responsible agency or agency having jurisdiction over natural resources affected by a project shall not limit the authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

**RESOLUTION NO. 14-10-27-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP13-0010 TO CONSTRUCT A MIXED-USE RESIDENTIAL/COMMERCIAL DEVELOPMENT INCLUDING 168 CONDOMINIUM UNITS, 2,471 SQUARE FEET OF COMMERCIAL USES, AND APPROXIMATELY 0.5 ACRES OF PUBLIC PARKLAND AND SITE DEVELOPMENT PERMIT SDP13-0015 TO ALLOW DEVELOPMENT IN THE FLOODPLAIN OVERLAY DISTRICT (FP-2), AN INCREASE IN MAXIMUM STORIES, WALLS OVER THE HEIGHT LIMIT IN REQUIRED SIDE YARDS, AND TANDEM PARKING FOR 28 RESIDENTIAL UNITS WITH VESTING TENTATIVE TRACT MAP VTTM 17146 TO ALLOW FOR THE INDIVIDUAL SALE OF THE DWELLING UNITS AND THE PROPOSED COMMERCIAL AREA LOCATED AT 34202 DEL OBISPO STREET; ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM**

**Applicant/Owner:** Project Dimensions Inc./AG/A&M Doheny, LLC

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

WHEREAS, the applicant filed a verified application for a Coastal Development Permit to construct a mixed-use residential/commercial development including 168 condominium units, 2,471 square feet of commercial uses, and approximately 0.5 acres of public parkland and Site Development Permit SDP13-0015 to allow development in the Floodplain Overlay District (FP-2), an increase in maximum stories, walls over the height limit in required side yards, and tandem parking for 28 residential units with Vesting Tentative Tract Map VTTM 17146 to allow for the individual sale of the dwelling units and the proposed commercial area located at 34202 Del Obispo Street (APN: 668-271-03 and 668-271-04); and

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

WHEREAS, the Planning Commission did, on the 27<sup>th</sup> day of October, 2014, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, A Final Environmental Impact Report (EIR SCH# 2014011030) has been prepared for the Project in accordance with Section 15081 of the California Environmental Quality Act; 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 Vesting Tentative Tract Map VTTM 17146, Coastal Development Permit CDP13-0010, and Site Development Permit SDP13-0015.

- A) The above recitations are true and correct.

Findings:

- B) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Vesting Tentative Tract Map VTTM 17146, subject to conditions

1) That the proposed map is consistent with the City's General Plan **in that it satisfies the intent of the Goal 1 of the City's Land Use Element to 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 by providing a mixed use development with a mixture of residential, commercial, and visitor serving park uses that establishes direct connections to existing pedestrian and bicycle linkages facilitating access to nearby commercial uses in City's downtown and the Dana Point Harbor and coastal areas of the City thereby promoting walkability and bicycle ridership from, to and through the proposed development at a major entry point to the City, and maximizing use and access to the City's important coastal resources.**

2) That the design and improvement of the proposed subdivision is consistent with the City's General Plan **in that the proposed vesting tentative tract map establishes a mixed use development in an area where multiple activities and pedestrian orientation is a desirable objective consistent with the Residential/Commercial land use category created as part of previously approved general plan amendment for the site, by creating both pedestrian and bicycle connections from the development to pedestrian and bicycle linkages and providing housing near sources of commercial and professional services that can be accessed via the pedestrian and bicycle connections established with project implementation and thereby minimizing vehicle miles traveled for the project.**

3) That the site is physically suitable for the proposed type of development **in that it is of a reasonable shape, size, and topography to accommodate the proposed mixed-use development, on-site parking and recreation facilities, while fostering the connections between the proposed development and adjacent pedestrian and bicycle linkages from the site and through the proposed visitor**

serving parkland adjacent to Pacific Coast Highway.

- 4) That the requirements of the California Environmental Quality Act have been satisfied **in that an Environmental Impact Report (EIR) was prepared assessing the impacts of the project on the environment and as determined therein implementation of the proposed project would not result in any significant and unavoidable adverse impacts, and all potentially significant impacts have been effectively mitigated to a less than significant level.**
- 5) That the site is physically suitable for the proposed density of development **in that the proposed project is designed within the appropriate residential unit mix and provides visitor serving commercial and parkland uses while establishing lot and landscape coverage percentages within the development standard limitations of the site, while providing appropriate off-street parking for all uses and on-site recreational opportunities for residential uses in accordance with limitations for the site.**
- 6) That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife habitat **in that the subject site is located in an area near completely built-out urban environment, that contains very little vegetation or water sources that could be considered to support fish or wildlife habitat and mitigation measures are included in the EIR for the project for bird and bat surveys prior to disturbance of the site as well as submittal of a Final Water Quality Management Plan ensuring stormwater runoff from the site will not impact any fish 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 subdivision is primarily for condominium purposes to allow individual sale of the dwelling units and commercial areas, and to confer the owner the right to develop the property to the applicable regulations in existence at the time of approval and the EIR prepared for the project has identified that the proposed project with included mitigation measures as well as conditions of approval including the additional setback, increased site wall height, and orientation of unit entries facing away from and buffering the residential uses from the adjacent South Orange County**

**Wastewater Authority (SOCWA) parcel 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; or, if such easements exist, that alternate easements for access or for use will be provided and these will be substantially equivalent to ones previously acquired by the public **in that no easements of record exist or have been established by court judgment or acquired by the public at large for access through or use of property within the proposed subdivision, however new easements are proposed ensuring public vehicle parking and pedestrian access in the driveway areas associated with the development and public sidewalk easements are also proposed on the building site identified as Lot 1 on the tentative tract map and no gates are proposed in association with the projects except the emergency access gate as the Orange County Fire Authority requires two points of access and the gate is provided for emergency ingress and egress only.**
- 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 and associated mixed-use project has been designed in conformance with the Residential/Commercial-18 (R/C-18) Zoning District for site, which contains the zoning regulations for the subject property and the design of the proposed structures associated with the subdivision is suitable for the proposed uses (mixed-use – residential/commercial) and are designed in compliance with the requirements of the R/C-18 district and special development standards related to the site, including setbacks, buffer areas between the subject site and the SOCWA, pedestrian and bicycle access to the San Juan Creek Bike Trail, off-street parking, common and private open space areas, and building height limitations.**
- 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 permits and/or certificates of occupancy including park in-lieu and related development and transportation fees.**

- 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 the applicant has already received will serve letters from the sewer, water, and power (electricity) utility providers, and the project has been reviewed and given conditional approval from the Orange County Fire Authority.**
- C) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP13-0010, subject to conditions:
- 1) That the proposed development is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 California Code of Regulations/13096) **in that, the proposed project is designed in conformance with the requirements of the R/C-18 Zoning District and special development standards therein related to the subject sites by providing a residential/commercial mixed-use development with residential and commercial uses, private recreational uses, and visitor serving park uses fronting Pacific Coast Highway and meets the additional 25-foot setback adjacent to the San Juan Creek Bike Trail, the buffer area between the subject site and the SOCWA, and provides pedestrian and bicycle access to the San Juan Creek Bike Trail leading to the nearby Doheny State Beach. The project also reduces vehicle miles traveled by creating and enhancing pedestrian and bicycle connectivity to the pedestrian bridge crossing Pacific Coast Highway and the San Juan Creek Bike Trail promoting use of these modes of travel from, to, and through the site to commercial and coastal areas of the City. The project also provides 17 affordable dwelling units in accordance with the State Mello Act and as required in R/C-18 district. Visual and circulation linkages will be enhanced through the creation of the visitor serving park fronting Pacific Coast Highway and acting as visual gateway to the City in conjunction with the pedestrian bridge creating pedestrian opportunities**

for the residents of the development and visitors using the Orange County Transportation Authority bus stop adjacent to the project on Pacific Coast Highway.

- 2) That the proposed development is not located between the nearest public roadway and the sea or shoreline of any body of water, and **is therefore not subject to conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. However, as a result of the General Plan Amendment (GPA), Zone Text Amendment (ZTA), Zone Change (ZC), and Local Coastal Program Amendment (LCPA) previously approved for the site, the project provides pedestrian and bicycle access to the San Juan Creek Bike Trail and the City's pedestrian bridge facilitating indirect access to the coast to pedestrians and bicyclists to Doheny State Beach across Pacific Coast Highway from the project site and the Orange County Dana Point Harbor located nearby.**
- 3) That the proposed development conforms with Public Resources Code Section 21000 (the California Environmental Quality Act) **in that an Environmental Impact Report (EIR) was prepared assessing the impacts of the project on the environment and as determined therein implementation of the proposed project would not result in any significant and unavoidable adverse impacts, and all potentially significant impacts have been effectively mitigated to a less than significant level.**
- 4) That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that the site is located adjacent to the San Juan Creek Bike Trail and the minimum 25-foot setback from the trail to proposed development has been provided on the plans related to the project although the trail itself does not contain environmentally sensitive habitat the San Juan Creek does and the setback will provide adequate buffer between the built environment of the project and the San Juan Creek.**
- 5) That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that the proposed project will not significantly alter the**

existing landform and will result in a balanced movement of soil on and off the project area and although the site is located in a special flood hazard area as identified in the United States Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM), a hydraulic study was prepared for the site establishing a base flood elevation for the site and a post-construction floodplain study identified design elements that must be implemented for structures to allow the conveyance of floodwater through ground floor garages, as well as the use of breakaway walls for some of the structures and freestanding walls near the Del Obispo Street vehicular entrance to the site that have been identified as mitigation measures the EIR for the site and included as conditions of approval for the project. Similarly, a EIR level geotechnical report was prepared for the site identifying liquefaction and lateral spreading issues as potential hazards and mitigation measures have been incorporated as conditions of approval requiring a design-level geotechnical report prior to issuance of requisite grading permits. The project has been reviewed and conditionally approved by the Orange County Fire Authority thereby reducing risks from fire hazards.

6) That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas in that, the proposed development will improve an undeveloped lot with a mixed-use (residential/commercial) development meeting the current development and design standards contained in the R/C-18 Zoning District for the subject sites and create a visual gateway and pedestrian promenade through the creation of the visitor serving parks at the southern end of the subject sites adjacent to Pacific Coast Highway.

7) That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs in that, the subject project has been reviewed by the Planning and Building/Safety Division staffs, and the Public Works/Engineering Department, and conforms with the applicable requirements of the R/C-18 Zoning District related to the subject site. The proposal provides and pedestrian and bicycle amenities and creates linkages to facilitate their use through from and to the property enabling access to nearby coastal recreational areas and



commercial areas of the City, while providing on-site passive and active recreational areas and adjacent new parkland so as to not overload nearby coastal recreation areas consistent with Policy 2:11 of the Land Use Element of the General Plan and the intent and purpose of the R/C-18 Zoning District, and provides visitor serving uses on the .

D) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Site Development Permit SDP13-0015, subject to conditions:

- 1) That the site design is in compliance with the development standards of the Dana Point Zoning Code...

Floodplain (FP-2)

in that a hydraulic floodplain study was prepared for the site establishing a base flood elevation for the site and a corresponding post-construction flood study identified design elements that must be implemented for structures to allow the conveyance of floodwater through ground floor garages, as well as the use of breakaway walls for some of the structures and freestanding walls near the Del Obispo Street vehicular entrance to the site that have been identified as mitigation measures the EIR for the site and included as conditions of approval for the project. The hydraulic floodplain study was adopted by the City Council and is now included as part of Chapter 9.31 of the Dana Point Zoning Code (DPZC) and the buildings and walls located at the Del Obispo Street entry are required the meet the design features to ensure the flow of flood waters through the property.

Increase in Maximum Number of Stories

in that the proposed design of the buildings meet the additional setback requirements of Section 9.05.200 of the DPZC, where applicable, with the exception of Building 1 identified on the architectural site plan for the site, which as conditioned, must be revised during the plan check process to ensure compliance with the increase in additional stories allowed in the R/C-18 Zoning District.

Increased Height of Walls in Required Side Yards

in that the proposed wall along the northern property boundary are increased in response to the special development standard for the 34202 Del Obispo Street site contained in Section 9.13.040(f)(4) of the Mixed Use District regulations, creating a buffer between the site and the existing SOCWA parcel and along with design features of the dwelling units and the inclusion of trees between the proposed residential buildings and the northern property line achieve the mandated buffer and increase in wall height is permitted via a Site Development Permit in compliance with Section 9.05.120(c) of the DPZC. Additionally, site walls proposed between the proposed visitor serving park areas and the Lot 1 containing the buildings associated with the development are proposed at seven (7) feet, and will include a living wall or landscape screening to soften visual impacts to Pacific Coast Highway or the residential units which they face.

#### Tandem Parking

in that the building designs include tandem parking for 28 three-bedroom units in the proposed development that is related to building design rather than site design and Section 9.71.020 of the DPZC allows the Community Development Director to require a Site Development Permit for any proposal that is deemed not to be in compliance with the General Plan. Although the DPZC only allows specific tandem arrangements, the ability to annually inspect the tandem garages for the 28 three-bedroom units will ensure that they are used for their intended use of parking cars and not storage of personal belongings.

- 2) That the site is suitable for the proposed use and development...

#### Floodplain (FP-2)

in that design features for the proposed buildings have been conditioned and identified through the preparation of both a hydraulic floodplain study and a post-construction floodplain study establishing a base flood elevation for the site and corresponding design elements that must be implemented for structures to allow the conveyance of floodwaters through ground

floor garages, and all habitable floors of the proposed residential structures are elevated a minimum of 3.5 feet above the mandated base flood elevation of any structure proposed for the site, as well as the use of breakaway walls for some of the structures and freestanding walls near the Del Obispo Street vehicular entrance to the site that which allows a site design that complies with the requirements of Chapter 9.31 and the FP-2 district in which the site is located.

Increase in Maximum Number of Stories

in that the proposed buildings have been located in accordance with the additional setback requirements of Section 9.05.200 of the DPZC, where applicable, with the exception of Building 1 identified on the architectural site plan for the site which, as conditioned, must be revised during the plan check process to ensure compliance with the increase in additional stories allowed in the R/C-18 Zoning District, and the large project site and architectural building features assist in reducing the scale of the proposed buildings creating a site design that is suitable for the proposed use and development.

Increased Height of Walls in Required Side Yards

in that the proposed wall height along the northern property boundary is increased in response to the special development standard for the 34202 Del Obispo Street site contained in Section 9.13.040(f)(4) of the Mixed Use District regulations, creating a buffer between the site and the existing SOCWA parcel and, along with design features of the dwelling units and the inclusion of trees between the proposed residential buildings and the northern property line, achieve the mandated buffer and an increase in wall height is permitted via a Site Development Permit in compliance with Section 9.05.120(c) of the DPZC. The walls adjacent to the proposed park are suitable for the proposed uses and development in that they address the change in grade on the east park site and provide a visual separation between the visitor serving park use and the residential/commercial uses adjacent to the west park site.

Tandem Parking

in that the tandem parking is for 28 three-bedroom units in the proposed development and the project provides more than the required covered parking and, although the DPZC only allows tandem parking arrangements in specific scenarios, the tandem arrangement can work given the pedestrian and bicycle enhancements that the R/C-18 Zoning District promote and are included in the site design for the project. For this reason, coupled with the annual inspections of the tandem garages for the 28 three-bedroom units the site is suitable for the proposed use and development.

- 3) That the project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines ...

Floodplain (FP-2)

in that the proposed project implements Goal 2 of the City's Public Safety Element to *"Reduce the risk to the community's inhabitants from flood hazards"* through the preparation of floodplain studies associated with proposed project that have identified the flood hazard and established base flood elevations for the 100-year storm event and the previously identified design features for the project that will reduce the risks from flood hazards to the occupants of the proposed buildings.

Increase in Maximum Number of Stories

in that the proposed buildings meet the additional setback requirements of Section 9.05.200 of the DPZC, where applicable, with the exception of Building 1 identified on the architectural site plan for the site which, as conditioned, must be revised during the plan check process to ensure compliance with the increase in additional stories allowed in the R/C-18 Zoning District. The proposed design of the buildings implement Policy 5.2 of the City's Urban Design Element to *"Encourage site and building design that takes advantage of the City's excellent climate to maximize indoor-outdoor spatial relationships"* through the use of patios on the third stories of the proposed buildings reducing their massing. The third stories also meet the intent of the Urban Design Guidelines by segmenting

portions of the building into smaller parts through the use of the aforementioned third story recessed patios as well as projections used for patios, and to provide architectural relief for larger wall segments.

Increased Height of Walls in Required Side Yards

in that the proposed wall along the northern property boundary is increased in response to the special development standard for the 34202 Del Obispo Street site contained in Section 9.13.040(f)(4) of the Mixed Use District regulations, creating a buffer between the site and the existing SOCWA parcel and along with design features of the dwelling units and the inclusion of trees between the proposed residential buildings and the northern property line achieve the mandated buffer and the increase in wall height is permitted via a Site Development Permit in compliance with Section 9.05.120(c) of the DPZC. The request to increase height for walls adjacent to the proposed parks complies with the applicable elements of the General Plan and Urban Design Guidelines by providing aesthetic landscaping screening to address visual impacts to the adjacent Pacific Coast Highway and residential uses which they face as a living wall on the west park site and landscape screening on the east park site.

Tandem Parking

in that the building designs include tandem parking for 28 three-bedroom units in the proposed development that is related to building design rather than site design and the Section 9.71.020 of the DPZC allows the Community Development Director to require a Site Development Permit for any proposal that is deemed not to be in compliance with the General Plan. Although the DPZC only allows specific tandem arrangement, the ability to annually inspect the tandem garages for the 28 three-bedroom units will ensure that they are used for their intended use of parking cars and not storage of personal belongings.

- 4) That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture ...

Floodplain (FP-2)

in that a hydraulic floodplain study was prepared for the site establishing a base flood elevation for the site and a corresponding post-construction flood study identified design elements that must be implemented for structures to allow the conveyance of floodwater through ground floor garages, as well as the use of breakaway walls for some of the structures and freestanding walls near the Del Obispo Street vehicular entrance to the site. Although these design features are required to ensure that floodwaters are able to be conveyed through the property, they do not require any particular style or type of architecture and the design is appropriate for the site and the proposed use.

Increase in Maximum Number of Stories

in that the proposed buildings incorporate various architectural styles and designs that meet the additional setback requirements of Section 9.05.200 of the DPZC, where applicable, with the exception of Building 1 identified on the architectural site plan for the site which, as conditioned, must be revised during the plan check process to ensure compliance with the increase in additional stories allowed in the R/C-18 Zoning District. Consequently the additional setbacks for the third floor required by Section 9.05.200 of the DPZC can be met without requirement of a particular type or style of architecture and the design is appropriate for the site and the proposed use.

Increased Height of Walls in Required Side Yards

in that the proposed wall along the northern property boundary is increased to address the buffer required between the subject site and the existing SOCWA parcel and, along with design features of the dwelling units and the inclusion of trees between the proposed residential buildings, and the walls located on the southern portion for the development at the east and west park sites are included to provide visual separation between the visitor serving parks and the development and are appropriate for the site and function of the proposed uses without requiring a particular style of architecture.

Tandem Parking

in that building designs include tandem parking for 28 three-bedroom units in the proposed development and Section 9.35.110 of the DPZC allows the filing of a Site Development Permit to modify the location of parking stalls. The location of garage stalls in a tandem arrangement is appropriate for the site and function of the proposed uses in the R/C-18 Zoning District that encourages and mandates the creation of pedestrian and bicycle amenities, and walkability along with the use of bicycles. The proposed project will provide pedestrian and bicycle amenities and encourage those activities on- and off-site and less reliance on automobiles that when coupled with the annual inspections to ensure tandem garages are used for their intended use provides justification to allow the tandem location arrangement and does so without requiring a particular style of architecture.

- E) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings in accordance with Section 9.05.200) of the DPZC and approves an Increase in Maximum Stories, subject to conditions:
- 1) The proposed third story has been designed in accordance with the provisions of Section 9.05.200(b) **in that it meets the additional setback requirements of Section 9.05.200 of the DPZC, where applicable, with the exception of Building 1 identified on the architectural site plan for the site which, as conditioned, must be revised during the plan check process to ensure compliance with the increase in additional stories allowed in the R/C-18 Zoning District**
  - 2) The proposed third story demonstrates exceptional design quality **in that the third stories are designed with patios stepped back from the floors below them, segmented wall portions that provide architectural relief as well as openings that break down the scale of the third story and create residential character for the development.**
  - 3) The proposed third story allows the project to incorporate public spaces at the ground level **in that the ground levels of the buildings are structures predominately open and incorporate open patio areas at the ground floor for each resident that open up to common sidewalks throughout the development connecting to the proposed parks fronting Pacific Coast Highway, common gathering and**

**recreations areas on-site, and sidewalks that connect to the San Juan Creek Bike Trail.**

- F) Based on the evidence presented at the public hearing and in accordance with CEQA Guidelines Section 15093, the Commission hereby adopts the Mitigation Monitoring and Reporting Program (Chapter 7 of the Draft Environmental Impact Report) attached to this resolution and incorporated herein as Exhibit "A"

**Conditions:**

**A. General:**

1. Approval of this application is to allow development of vacant parcels with a mixed-use residential/commercial development including 168 condominium units, 2,471 square feet of commercial uses, and approximately 0.5 acres of public parkland and Site Development Permits to allow the development in the Floodplain Overlay District (FP-2), an increase in maximum stories, walls over the height limit in required side yards, and tandem parking for 28 residential units with a Vesting Tentative Tract Map to allow for the individual sale of the dwelling units and the proposed commercial area located at 34202 Del Obispo Street (APN: 668-271-03 and 668-271-04). Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan, the Local Coastal Program, the Dana Point Zoning Code, and the Dana Point Town Center Plan.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved and such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable, grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions and in accordance with the appropriate sections of the Dana Point Zoning and Subdivision Ordinances. Extension of the vested rights approved as part of the vesting tentative tract map shall conform to the requirements of Section 7.03.070 of the City's Subdivision Ordinance.
3. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this



approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, the Director may approve the amendment without requiring a new public hearing.

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

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its 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.

The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

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

conditions.

8. The Mitigation Monitoring and Reporting Program (MMRP) included in this Resolution as Exhibit A (Chapter 7 of the Draft Environmental Impact Report) shall be conditions of approval by reference. Where there is a conflict between these conditions and the MMRP, the more restrictive shall apply as determined by the Community Development Director.
9. Deliveries to the commercial uses on the site shall only occur between the hours of 7 a.m. to 8 p.m.
10. In accordance with section 7.36.040 of the Subdivision Code the applicant shall construct and install of the following public improvements within the dedicated parkland and adjoining public rights-of-way:
  - (a) Storm drainage facilities necessary for the conveyance and disposal of stormwaters generated within or flowing through the dedicated parkland;
  - (b) Fencing necessary in order to provide an appropriate barrier between the dedicated parkland and adjoining properties;
  - (c) Street improvements within the adjoining public rights-of-way including, but not limited to, street paving, sidewalks, curbs, gutters, street trees and traffic control devices; and
  - (d) Improvements identified and illustrated on the Conceptual Landscape Plans submitted as part of the project on the Sheets titled "Coast Highway Commons-West Parcel" and "Coast Highway Commons-East Parcel" be included as improvements necessary to implement the park in accordance with the intent and purpose, and requirements of the R/C-18 Zoning District and the City's Local Coastal Program.
11. The applicant shall process a Sign Program permit in accordance with the provisions of the Dana Point Zoning Code. Any sign program proposed for the site shall provide adequate signage directing residents, guests and business patrons to the on-site parking facilities on Lot 1 of the VTTM, including signage directing bicyclists to the required on-site bicycle stalls, signage directing bicyclists to the accesssway to the San Juan Creek Bike Trail, in addition to identifying the development name and/or individual businesses on the site. The Sign Program shall be approved and directional signage related to the on-site parking facilities shall be installed prior to issuance any Certificates of Use and Occupancy for the site.
12. Applicant shall obtain written approval for any work proposed on

adjoining property.

13. The applicant shall be responsible for coordination with SDG&E, AT&T California, SCWD, Southern California Gas Company, and Cox Communication Services for the provision of all utility services.
14. All utilities shown to be relocated or required to be relocated per the development shall be relocated underground. An Approved SDG&E Work Order and Undergrounding Plan is required prior to building permit issuance.
15. All proposed utilities within the project shall be installed underground.
16. All public right-of-way improvements require advanced approval by the City Engineer. All proposed improvements within the City of Dana Point streets right-of-way require an approved encroachment permit, prior to commencement of work.
17. All improvements within the public right-of-way shall be constructed per the City Standards, the City Standard Encroachment Permit Conditions, and as indicated by the City Engineer.
18. Building materials, unlicensed vehicles, construction equipment, portable toilets, and related items shall not be placed in the public right-of-way.
19. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation or dust. The applicant shall provide erosion control measures and temporary desiltation/detention basins as required, and use water or other measures to control dust. The applicant shall maintain the temporary basins and erosion control devices until the Director of Public Works and/or City Engineer approves of the removal of said facilities. Failure to do so shall obligate the City to repair/replace as appropriate and charge the applicant.
20. Prior to the issuance of any grading or building permits, the applicant shall demonstrate that coverage has been obtained under state of California's General Permit for Stormwater Discharges Associated with Construction Activity.
21. A Water Quality Management Plan (WQMP) is required as a part of all phases of this project. Applicant shall meet all current NPDES Permit requirements, including a construction SWPPP.
22. The applicant shall submit a haul route plan and secure City Engineer approval and a separate Encroachment permit before any trucking

commences on the Project. The City Engineer may restrict the number of daily trucks allowed to avoid traffic impacts. Further, the applicant shall only truck during weekday, non-peak hour traffic periods, excluding weekends and holidays.

23. Any damage to existing public or adjacent private property facilities shall be repaired or replaced to the satisfaction of the City Engineer, and per City Standards.
24. All proposed work within the Orange County Flood Control District (OCFCD) right-of-way will require an encroachment permit for OC Public Works / County Property Permits section.
25. All work within or adjacent to OCFCD's right-of-way and/or San Juan Creek (Facility L01) should be constructed so as not to adversely impact OCFCD facility and its structural integrity, hydraulic flow conditions, and accessibility.
26. Temporary 6 foot or higher screening fencing with green/black screening shall be provided around work areas for each construction phase, unless otherwise approved by the City Engineer.
27. Prior to the issuance of any permits the applicant shall submit construction staging and phasing plan from the rough grading phase until full build out of the site including the parkland adjacent to Pacific Coast Highway for review and approval by the Community Development and Public Works & Engineering Service Directors, prior to issuance of any permits. The plan shall incorporate the requirements of any mitigation measures included in the EIR associated with the project. It shall also include (at minimum) all stockpile locations, entrances, erosion and sediment controls as well as construction staging areas. The staging plan shall take into account all noise regulations and the separation of construction activities to neighboring residences. Any revisions to the timeline or staging areas shall be reviewed and approved by the City prior to implementation.
28. Construction Management Plan. Prior to issuance of demolition, grading, or other construction permits, the project Applicant shall submit a Construction Management Plan for review and approval by the City Engineer. The Construction Management Plan shall include, at a minimum, the following measures, which shall be implemented during all construction activities as overseen by the construction contractor (Final EIR Standard Condition 4.11.3):
  - Establish traffic control for any street closure, detour, or other disruption to traffic and circulation;

- Identify key routes that construction vehicles will utilize to access the project site for delivery of construction materials and other project-related hauling;
  - Prohibit use of local streets during project construction;
  - Prohibit construction-related parking and staging of vehicles in public roadways and encourage both parking and staging on the project site;
  - Require that haul trucks entering or exiting a public street yield at all times to public vehicle, bicycle, and pedestrian traffic; and
  - Secure a City permit and follow all City Standard Permit Conditions.
29. Construction Hours. Prior to issuance of any clearing and grubbing or grading permits, the project Applicant shall provide proof to the City of Dana Point's (City) Director of Public Works, City Engineer, or designee, that the final construction plans require that the project construction contractor limit construction activities to the hours between 7:00 a.m. and 5:00 p.m. on weekdays, although the City may further restrict said hours based on the planned work. Further, the project construction contractor shall require that construction workers arrive at and depart from the project site during off-peak hours (i.e., arrive prior to 7:00 a.m. and depart prior to 4:00 p.m. or after 6:00 p.m.). No construction activities shall occur on Saturdays, Sundays, or City holidays. (Final EIR Standard Condition 4.11.1)
30. The City may further restrict construction hours. The construction site shall be posted with signage indicating the site's construction hours.
31. Construction Hauling. Prior to issuance of any demolition, grading, or other construction permits, the project Applicant shall provide proof to the City's Director of Public Works, City Engineer, or designee, that the final construction plans require the project construction contractor to ensure that all hauling activities and deliveries to the project site are limited to off-peak hours (i.e., prior to 7:00 a.m., between 9:00 a.m. and 4:00 p.m., or between 6:00 and 8:00 p.m.), excluding weekends and City holidays. Additionally, the construction plans shall require the project construction contractor to identify a haul route prior to any demolition, material delivery activities, or site preparation phases. Further, the project construction contractor shall take all measures required, including, but not limited to, use of a construction street sweeper to ensure that all haul routes are clean and free of debris at all times. In the event that hauling operations cause damage to existing pavement, streets, curbs, or gutters, the Applicant shall be responsible for the repairs and shall complete such repairs to the satisfaction of the City Engineer within 7 days of the damages. (Final EIR Standard

Condition 4.11.2)

32. Construction and Demolition Waste Ordinance (No. 03-17). The proposed project is required to prepare a Waste Management Plan outlining the estimated quantities of material to be recycled and the location where these materials would be taken for recycling. In addition, the proposed project would be required to comply with the City's Construction and Demolition Waste Ordinance (No.03-17), which requires contractors and other construction personnel to obtain a permit and haul at least 75 percent of their construction waste to a recycling facility certified by the City Community Development Director, or designee. The City requires a construction and demolition deposit in the amount of 1 percent of the project valuation in order to encourage compliance with the ordinance. (Final EIR Standard Condition 4.10.3)
33. Notification of Potential Odors. Escrow instructions provided to prospective residential and commercial owners shall include a notification to the purchasers of the proposed residential and commercial development of the potential exposure to odors emanating from the J.B. Latham Sewage Treatment Plant located along the northern property boundary. (Final EIR Standard Condition 4.2.1)
34. The project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below. The proposed project would be required to implement the following SCAQMD measures (Final EIR Standard Condition 4.2.2):
  - Nontoxic chemical soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 10 days or more) according to manufacturer's specifications.
  - Active sites shall be watered at least three times daily (locations where grading is to occur will be thoroughly watered prior to earthmoving).
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet (ft) of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard refers to vertical space between

the top of the load and the top of the trailer).

- Construction access roads shall be padded at least 30 meters (100 ft) onto the site from the main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 miles per hour (mph) or less.
- Prepare a high-wind dust control plan, implement plan elements, and terminate soil disturbance when winds exceed 25 mph.
- Stabilize previously disturbed areas if subsequent construction is delayed.
- Replace ground cover in disturbed areas quickly.
- Wash/sweep site access points within 30 minutes of any observed visible dirt spilling on public streets at the end of the workday.
- Require 90-day low-nitrogen oxide (NO<sub>x</sub>) tune-ups for off-road equipment.
- Limit allowable idling time to 5 minutes for trucks and heavy equipment.
- Utilize diesel oxidation catalysts on heavy equipment where feasible.
- Utilize a diesel particulate filter on heavy equipment where feasible.
- Use low-volatile-organic-compound (VOC) coatings and low-pressure/high-volume sprayers.

35. To ensure that the proposed project complies with and would not conflict with or impede the implementation of reduction goals identified in Assembly Bill (AB) 32, the Governor's Executive Order (EO) S-3-05, and other strategies to help reduce greenhouse gases (GHGs) to the level proposed by the Governor, the project shall implement a variety of measures that will further reduce its GHG) emissions. To the extent feasible, and to the satisfaction of the City of Dana Point (City), the following measures shall be incorporated into the design and construction of the project (Final EIR Project Design Feature 4.6.1):

- Construction and Building Materials. Divert at least 50 percent of the demolished and/or grubbed construction materials (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) to a nearby recycling facility.
- Energy Efficiency Measures. Design all project buildings to exceed the California Building Code's (CBC) Title 24 energy standard by 15 percent, such as installing energy-efficient heating and cooling systems, appliances and equipment, and control systems.
- Water Conservation and Efficiency Measures. Devise a comprehensive water conservation strategy appropriate for the

project and its location. The strategy may include the following, plus other innovative measures that may be appropriate:

- Create water-efficient landscapes within the development.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff.

36. Orientation of dwelling units. Those residential units located along the South Orange County Wastewater Authority (SOCWA) property line will be designed with primary entrances and building features facing away from the SOCWA facility. (Final EIR Project Design Feature 4.9.1)
37. Landscaping. Mature landscaping will be installed within the setback area along the SOCWA property line. (Final EIR Project Design Feature 4.9.2)
38. Windows. Double paned windows will be installed in all residential units. (Final EIR Project Design Feature 4.9.3)
39. Mechanical Ventilation. The proposed project includes air-conditioning systems in all residential units, including all frontline dwelling units along Del Obispo Street and Pacific Coast Highway (PCH). (Final EIR Project Design Feature 4.9.4)
40. Perimeter Wall. The proposed project will include construction of a concrete masonry wall with a minimum height of 6 feet (ft) along the perimeter of the site adjacent to Del Obispo Street, as well as a 7 ft concrete masonry wall along the southern perimeter of the project along PCH, near the proposed parkland and adjacent to Building 15. (Final EIR Project Design Feature 4.9.5)
41. The applicant shall obtain all applicable permits for the proposed improvements, including any that may be required from outside agencies.
42. A separate site wall plan shall be required for all site walls and pilasters which shall include a site plan, and shall identify the finish materials and colors of all proposed walls. Final review of the finish materials and colors shall be reviewed and approved by the Director of Community Development. The walls proposed between the proposed parks adjacent to Pacific Coast Highway shall be designed structurally to accommodate any elements of public art that may be proposed on the walls.



43. Separate review, approval, and permits are required for:
- Separate Structures
  - Retaining Walls
  - Fire Sprinklers
  - Demolition of Structures
  - Site walls over 3'
  - Swimming Pool/Spa

**B. Prior to recordation of the final tract map for any phase or combination thereof the applicant shall meet the following conditions:**

44. 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 Vesting Tentative Tract Map No. 17146, as determined by the Director of Community Development, the Director of Public Works, and the City Engineer. Said map shall be prepared as required by the City of Dana Point Subdivision Code and OC Public Works.
45. All taxes and fees shall be paid to the County of Orange and the County Treasurer-Tax Collector's Certificate shall be signed.
46. 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.
47. All easements vacated, relocated, or released per separate instrument shall be noted on the map. The separate instrument or quit-claim documents from the governing utility shall be submitted.
48. Utility easements shall be provided to the specifications of the appropriate utility companies and subject to review and approval by the City Engineer.
49. 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.
50. The Final Map shall clearly state the subdivision is for condominium conveyance purposes.
51. 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.

52. The applicant shall submit a copy of the proposed CC&Rs and Articles of Incorporation of the Homeowners' Association for review and approval by the Directors of Public Works and Community Development, the City Engineer, and the City Attorney. The CC&Rs shall be recorded with the Final Map and shall include:
- a. A statement that prohibits amendment of the document without review and approval by the City Attorney, the Director of Public Works and Community Development, and the City Engineer at any time prior to or preceding recordation of the Final Tract Map.
  - b. A method to ensure resolution of any disputes regarding maintenance of any commonly held portions of the subdivision, any common walls, or disputes regarding the maintenance of the proposed units 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. Provisions that prohibit any obstructions within any fire protection access easement and shall also require approval of the Fire Chief for any modifications; such as speed bumps, control gates, or changes in parking plans within said easement.
  - f. An acceptable means for the separation of ownership for the residential and commercial spaces in buildings 31 and 32.
  - g. Clear delineation by map of the maintenance responsibility of all commercial tenants, commercial common walls, commercial access ways, commercial parking areas, landscaping and grounds by the parties' common to the CC&Rs and lease agreements.
  - h. Clear assignment of maintenance responsibility by map of the Homeowners' Association for landscaping, irrigation and other improvements installed on City property for the benefit of the Project, if any.

- i. The Approved Final Water Quality Management Plan (WQMP), which will be recorded as part of the CC&R's.
- j. Implementation and maintenance of all structural and non-structural improvements and Best Management Practices (BMPs) indicated in the Final WQMP.
- k. The garage doors shall incorporate moisture sensors that will open the garage doors should flood occur. The maintenance and inspection testing of the garage doors openers will be a part of the annual HOA conducted inspection.
- l. The garages shall be restricted to vehicle parking and storage uses only. The use of garages and ground floor spaces for any habitable uses shall be prohibited.
- m. The HOA shall have annual inspections conducted to verify that the garages and ground floor spaces have not been converted to a prohibited use. The HOA shall provide annual documentation to the Director of Community Development that all garages and ground floors comply with the allowable uses. The inspections shall also verify that the 3-bedroom units that have a tandem parking arrangement garages are clear to park vehicles in the two required covered parking stalls mandated by 9.35.080(e)(8) of the Dana Point Zoning Code, and not used as storage. Said 3-bedroom units with a tandem parking arrangement shall be identified in the project CC&Rs
- n. The flood openings and breakaway walls shall not be altered at any time. The HOA shall have annual inspections conducted to verify that flood openings or break away walls located in all residences have not been altered or covered. Documentation of this annual inspection shall be provided to the Director of Community Development annually.
- o. All homeowners (in FEMA Zone X or A) shall be required to obtain Flood insurance from the National Flood Insurance Program (NFIP) to Zone X requirements unless and until the San Juan Creek Levee is accredited and FEMA removes all flood zones (Zone X or A) from the property.
- p. The CC&Rs shall include a description of the flood zone and the various aspects of the structures to prevent damage to the property and habitable space. The description should also include the aspects of the development as a whole to prevent flood damage and the status of the San Juan Creek levee.

- q. All homeowners shall be required to notify any lessee of the flood zone and the aspects of the property designed to prevent damage during a flood event.
  - r. Vacation Rentals for less than 30 days shall be prohibited.
  - s. The CC&R's shall include provisions contained in Section 9.13.040 of the Dana Point Zoning Code for Mixed Use Development.
  - t. The CC&R's and associated condominium plan shall specifically identify the 17 units to be maintained as affordable housing units illustratively and in text. The CC&R's shall further state that all affordable housing units shall be provided and the Low Income units as defined by the City of Dana Point and the County of Orange as being 80% and below of the County median income.
- 53. The applicant/owner shall submit a preliminary Condominium Map to the Public Works Department and Community Development Department for review and approval in conjunction with the CC&Rs.
  - 54. The applicant shall reimburse the City for staff time and City Attorney costs associated with the review of the CC&R's and associated condominium map, easement, and maintenance agreement documents.
  - 55. 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.
  - 56. The approved Fire Master Plan shall be submitted to the City of Dana Point Public Works Department.
  - 57. Prior to the recordation of a Final Map, a note shall be placed on the map stating that all residential structures shall be protected by an approved automatic fire sprinkler system.
  - 58. 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.
  - 59. Applicant shall enter into a Subdivision Improvement Agreement for the design, construction, and installation of the private and public improvements in accordance with plans and specifications, meeting the approval of the City Engineer. A security to guarantee the

performance of work described in the Subdivision Improvement Agreement will be required, up to 100% of the value of the work shall be posted to the satisfaction of the City Engineer and the City Attorney.

60. The applicant shall pay park in-lieu fees to the City in accordance with the provisions of Chapter 7.36 of the City's Subdivision Ordinance.

**C. Prior to issuance of a rough grading permit for any phase the applicant shall meet the following conditions:**

61. The applicant shall apply for a Rough Grading Permit. The application will include a rough grading plan, in compliance with City standards, for review and approval by the Director of Public Works and City Engineer. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies. All grading work must be in compliance with the approved plan and completed to the satisfaction of the Director of Public Works and City Engineer, and conform to the in progress design documents for the PCH/Del Prado Streetscape Improvement Project.
62. A detailed design level geotechnical report shall be prepared, submitted and reviewed by the City Engineer.
63. The Geotechnical report shall include all additional investigation outlined in the EIR Level Geotechnical Report including, additional shallow exploration, CPT soundings, additional laboratory testing, and ground mitigation coordination.
64. The hours of high noise level construction activities (over 90 A-weighted decibels (dBA)) shall be limited to between 10:00am and 4:00pm Monday through Friday. This is typically could occur during grading operations and grading plans shall be explicitly noted.
65. Surety to guarantee the completion of the project rough grading, including erosion control, up to 100% of the approved Engineer's cost estimate shall be posted to the satisfaction of the City Engineer and the City Attorney.
66. The Rough Grading Plan shall include the proposed modification of the upper 25 ft of the sub surface soil with stone columns, rammed aggregate piers, jet grouting, or soil mix columns along the area of the project site adjacent to the San Juan Creek.
67. The Rough Grading Plan include site specific soil remediation,

including over-excavation and re-compaction per the Geotechnical professional and approved reports, to a minimum of 7ft below existing grade or 5ft below the bottom of the proposed mat foundations (whichever is lower) with additional reinforcement as recommended.

68. Applicant shall maintain access by the public for adjoining businesses at all times or a reasonable alternative as approved by the City Engineer.
69. The City of Dana Point and/or applicant shall retain an archaeological monitor. The monitor shall be retained by the applicant and shall prepare a monitoring plan for construction activities in conformance with the project Mitigation Measures and State regulations. The monitor shall be present at the pre-grade meeting.
70. If excavations activities are anticipated to extend deeper than 15 feet below the existing pre-construction surface, the applicant shall retain a qualified paleontologist to prepare a Mitigation Program for the proposed project in conformance with the project Mitigation Measures and State regulations.
71. The applicant shall submit a site-specific survey by a qualified professional to determine whether the clarifier is still present on the project site. If the clarifier remains on the project site, the applicant shall submit a report in accordance with the recommendations of the Limited Phase II Environmental Site Assessment, dated January 2004 by LFR.
72. The applicant shall submit a report outlining the groundwater testing was determined the magnitude and extent of methyl tertiary-butyl ether (MTBE) contaminate in groundwater at the project site. The report shall include all mitigation required to reduce the contaminant presence to a less than significant level.
73. A site specific Human Health Assessment (HHRA) shall be conducted by the Applicant to determine the magnitude and extent of volatile organic compounds (VOCs) and other constituents of potential concern (COPCs) present in soil-gas vapor at the project site.
74. The applicant shall provide proof of coverage from the San Diego Regional Water Quality Control Board for the discharge of groundwater in compliance with the General Waste Discharge Requirements for Discharges of Groundwater Extraction and Similar Discharges to Surface Waters within the San Diego Region Except for San Diego Bay (Groundwater Discharge Permit).

- D. Prior to issuance of a precise grading permit for any phase the applicant shall meet the following conditions:**
75. The applicant shall obtain a Rough Grading Permit.
  76. An accessible route of travel shall be provided from public streets or sidewalks, accessible parking and bus stops to the accessible building entrances. An accessible route of travel shall also be provided between accessible buildings and elements on the same site. All entrances and exits shall be accessible.
  77. The applicant shall apply for an Improvement Permit. The application will include street improvement plans and utility improvement plans, in compliance with City standards, for review and approval by the City Engineer. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies. All improvements must be in compliance with the approved plan and completed to the satisfaction of the City Engineer and Director of Public Works.
  78. The improvement plan shall include a final utility plan as approved by South Coast Water District, San Diego Gas and Electric, and all other utilities identifying all improvements, including off-site improvements, required to provide adequate services to the proposed development, for each phase.
  79. The final utility plan(s) shall include the final approved location of all meters, backflow prevention devices, vaults, and other associate equipment for all utilities and fire prevention, for all phases. All fire prevention equipment, utility meters, utility equipment, etc, servicing the development (each phase) shall be within the proposed development and not in the public right-of-way.
  80. The final utility plans shall include the on-site irrigation system installed as "Purple Pipe" capable of using reclaimed water from SCWD as it becomes available to the site. The property will be required to tie into SCWD main line when it reaches PCH or Del Obispo adjacent to the property.
  81. No direct connections to catch basins will be allowed in the final utility plan(s). All storm drainage shall be directed to an approved outlet or directly connect to the City storm drain system via a main line connection with junction structure.
  82. A final Drainage Study will be submitted for review and approval to the Director of Public Works.

83. Prior to the issuance of the first improvement permit, the applicant shall submit evidence to the City Engineer of the terms for the continued shared use of the pump station facilities located on SOCWA property. Said agreement shall also contain any responsibilities for the ongoing maintenance and operation of the pump station.
84. The applicant shall construct all decorative paving proposed in the parks throughout the Pacific Coast Highway sidewalk, on public property. The decorative paving shall connect the two parks and continue along the existing businesses along PCH, replacing the existing concrete sidewalk.
85. Surety to guarantee the completion of the project street improvements and drainage improvements, including erosion control, up to 100% of the approved Engineer's cost estimate shall be posted to the satisfaction of the City Engineer and the City Attorney.
86. An as graded geotechnical report and certification shall be prepared by the project geotechnical consultant following Tract improvements of the subject site. The report should include the results of all field density testing, utility trench backfill testing, retaining wall backfill testing, and street subgrade testing, etc., as well as a map depicting the limits of work. The report should include conclusions and recommendations regarding applicable relevant geotechnical aspects of the site. The report shall state that improvements of the site, as being completed in conformance with the recommendations of the geotechnical report.
87. The applicant shall submit a final landscape and irrigation plan for review and approval by the Parks Department and Community Development Department. Three (3) sets of plans shall be submitted to the Building Department for plan check review. The plan shall be prepared by a State licensed landscape architect and shall include all proposed and existing plant materials (location, type, size, quantity), an irrigation plan, note wall/fence locations, a grading plan, an approved site plan and a copy of the entitlement conditions of approval. The plan shall be in substantial compliance with the applicable provisions of the Zoning Code, the preliminary plan approved by the Planning Commission and further, recognize the principles of drought tolerant landscaping especially within the bluff edge setback and no irrigation, temporary or otherwise, shall be permitted within the bluff edge setback. Landscaping and the corresponding Landscape Documentation Package shall comply with Chapter 9.55 (Water Efficient Landscape Standards and Requirements) of the Dana Point Zoning Code and the associated Submittal Requirements and Guidelines referenced therein.



The final landscape plan shall include specific plantings for the living wall and wall at the west and east park site that once mature will provide screening for the walls facing Pacific Coast Highway and the residential units on the east side of the Lot 1. The final landscape plan shall also include plantings to screen the proposed wall adjacent to the current Denney's restaurant site and facing Del Obispo Street. The landscaping plan shall include a growth schedule for the species used to screen the proposed walls. Failure to meet the growth schedule will require additional plantings and/or new species that will achieve the required screening and shall be the responsibility of the applicant.

**E. Prior to Building Plan Check Submittal for any phase:**

88. The cover sheet of the building construction documents shall contain the City's conditions of approval and the Adopted Mitigation Measures related to the Final EIR (SCH# 2014011030) and it shall be attached to each set of plans submitted for City approval or shall be printed on the title sheet verbatim.
89. The design of Building 1 as identified on the architectural site plan included as part of the approval of the project shall be revised so that the third story meets all setback requirements of Section 9.05.200 of the Dana Point Zoning Code. If the space on the third floor is utilized in the revised design it shall only be for non-habitable patio space.
90. Building plan check submittal shall include 2 sets of the following construction documents:
  - Building Plans (3 sets)
  - Energy calculations
  - Acoustical Report (consistent with recommendations in the Final EIR and in accordance with interior and exterior noise level standards of the General Plan)
  - Structural Calculations
  - Soils/geology report
  - Drainage Plan

All documents prepared by a professional shall be wet-stamped and signed.

91. Fire Department review is required. Submit three (3) separate sets of building plans directly to the Orange County Fire Authority for review and approval.

92. Plans shall clearly show compliance with CBC Chapter 11A Housing Accessibility for newly-constructed multifamily dwellings & CBC Chapter 11B for any proposed retail/offices. A Certified Access Specialist (CAsp) report is required to justify all findings.
93. Analysis and a summary matrix of the accessible and/or adaptable units shall be provided on the Title Sheet of the construction documents.
94. Plans should establish the ground floor for the different types of the dwelling units (for units served with elevators & units that do not have elevators) and the number of adaptable units.
95. Fire master plan (service code PR145)- the applicant shall submit a detailed fire master plan. This site requires 2 points of access. The secondary access point, which is on Pacific Coast Highway, will be utilized for emergency purposes only. It shall be incorporated into the fire master plan the details of the locking system and how it will operate in the event of an emergency.
96. Fire sprinkler system is required or waiver from the Fire Chief. (All new residential; all new commercial groups A, I, E & H and groups B, F, M & S exceeding 1,000 s.f. and U-1 exceeding 6, 000 s.f.)
97. Building(s) shall comply with 2013 California Code of Regulations Parts 1-12 and any local amendments thereto. Building(s) shall comply with 2013 T-24 Energy Conservation Regulations.
98. Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w.c. ratio of 0.45, F'c of 4,500 psi.
99. Minimum roofing classification of type "A" is required.
100. Building shall conform to State amendments for disabled accessibility, CBC Chapter 11A or B. Provide an Accessibility and Exit analysis for the building/development.

**F. Prior to issuance of a building permit or release on certain related inspections for any phase, the applicant shall meet the following conditions:**

101. The applicant shall Record the approved Final Tract Map and the City shall approve the CC&Rs and associated Condominium Map.
102. The applicant shall obtain a Precise Grading Permit.

103. The rough grading proposed as a part of the Rough Grade Permit shall be completed and final approval issued or substantially constructed in accordance with plans and specifications meeting the approval of the Director of Public Works.
104. The improvements proposed as a part of the Improvement Plans shall be completed and final approval issued or substantially constructed in accordance with plans and specifications meeting the approval of the Director of Public Works.
105. The foundations for all structures shall be based on the differential and total settlement recommendations for design presented in the approved Geotechnical Report, Environmental Impact Report Level Geotechnical Report by GMU Geotechnical, Inc.
106. The foundations for all structures shall include site specific soil remediation, including over-excavation and re-compaction per the Geotechnical professional and approved reports, to a minimum of 7ft below existing grade or 5ft below the bottom of the proposed mat foundations (whichever is lower) with additional reinforcement as recommended.
107. The reinforcement of compacted fill under all building foundations shall extend at least 5ft horizontally beyond the perimeter edges of the mat foundations.
108. The foundations for all structures shall include a 9 to 14 inch this post tension mat slab for the proposed habitable structures.
109. The applicant shall submit a final construction plan for review and approval indicating that Buildings 1, 2, and 34 of the Conceptual Site Plan include breakaway walls on the garage level per the recommendations of the project flood study.
110. All approvals from outside departments and agencies are the responsibility of the applicant.
111. The applicant shall submit payment for any and all supplemental Development Impact Fees.
112. The applicant shall provide all required information and obtain necessary approvals to satisfy the requirements of 9.05.240 of the Dana Point Municipal Code regarding the "Art in Public Places" program.
113. The applicant shall process an addressing assignment plan for the project to the City for review and approval by the Public Work &

Engineering and Community Development Departments.

114. Secured Fire Protection Agreement. Prior to approval of any building plans or issuance of any building permits, the project Applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel as required to maintain adequate fire protection services in the area. (Final EIR Standard Condition 4.10.4)
115. Orange County Fire Authority (OCFA) Plan Check. Prior to the issuance of building permits, approval of final building design plans (including a fire master plan and suppression systems) by OCFA is required. Approval of the final building design plans would ensure that the development is constructed pursuant to California Fire Code (CFC) requirements. (Final EIR Standard Condition 4.10.1)
116. Building address shall be located facing street fronting property.
117. 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 CDP13-0010 and SDP13-0015. The City's standard "Line & Grade Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
118. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structures and any encroachments above the height limit are in compliance with plans approved by the Planning Commission and the structure heights included as part of CDP13-0010 and SDP13-0015. The City's standard "Height Certification" form shall be 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.
119. All plan check and building permit fees shall be paid to the City of Dana Point.
120. All supplemental Transportation fees shall be paid.
121. Capistrano Unified School District (CUSD) Developer Fee. Prior to the issuance of grading permits, the City of Dana Point (City)

Community Development Director, or designee, shall verify that the project Applicant has paid the proposed project's School Developer Fees in accordance with California Education Code Section 17620. (Final EIR Standard Condition 4.10.2)

**G. Prior to the issuance of a certificate of use and occupancy or during operation of the project for any phase the applicant shall meet the following:**

122. All landscaping and irrigation shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall certify that all plant and irrigation materials have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development. The Community Development Department shall inspect the site to ensure that the landscaping has been installed in accordance with the approved plans.
123. Prior to issuance of certificates of use and occupancy of any of 17 the Low Income units identified in the recorded CC&R's and required for the project the applicant shall recode a covenant against the unit identify it as an affordable low income housing unit the covenant shall further state that the unit shall remain affordable in perpetuity and that notice of affordability shall be included in the sales documents for the initial and subsequent sale of the units. The form of the covenant shall be prepared by the City or if prepared by the applicant the covenant shall be reviewed and approved by the City Attorney.
124. The recorded CC&R's and final Condominium Map related to the Final Tract Map shall be provided to the Public Works Department and Community Development Department prior to occupancy of any unit.
125. The proposed parks and right-of-way improvements shall be constructed and approved by the Parks Department and Public Works Department.
126. Improvements to the parkland to be dedicated to the City shall be completed and prior to occupancy of any of the residential units or commercial areas associated with the project.
127. The applicant shall provide a FEMA Elevations Certificate for each residence to verify that the elevations of the first floor of the completed building are located above the 100-year floodplain.
128. Mature landscaping, as acceptable and as approved by the City of

Dana Point, will be installed within the setback area along the SOCWA property line.

129. The commercial uses of the project shall not have trash containers stored or placed on the sidewalk. The applicant shall arrange with the City of Dana Point trash franchisee to collect trash in a manner to not impact the sidewalk, parking, or pedestrian activity.
130. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
131. A written certification per City standards and approval by the Geotechnical Engineer approving the precise grading as being substantially in conformance with the approved precise grading plan.
132. A written certification per City standards and approval by the Civil Engineer approving the precise grading as being substantially in conformance with the approved precise grading plan and which specifically approves construction of line and grade for all engineered drainage devices, utility work, retaining walls, and all other improvements.
133. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
134. 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.
135. The applicant shall obtain all utility agencies' final approval of the project improvement plans.
136. All works of improvements outlined in the Subdivision Improvement Agreement are completed and approved by the City of Dana Point.
137. A written certification per City standards and approval by the Civil Engineer approving any street improvements as being substantially in conformance with the approved street improvement plans including all improvements thereon.
138. The applicant shall provide a full WQMP which:
  - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved

plans and specifications.

- b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite.
  - d. Submit for review, and receive approval by the City for an Operations and Maintenance (O&M) Plan for all BMPs.
  - e. Certification from the project Civil Engineer that all BMPs and WQMP elements have been constructed and installed as designed with the approved plans and WQMP.
139. The roofs of the proposed structures shall be provided with finish materials and/or painted to that excessive light and glare do not impact properties within the vicinity of the site that could be impacted.
140. Prior to the issuance of a certificate of occupancy, the required automatic fire sprinkler system shall be operational in a manner meeting the approval of the Fire Chief.
141. Prior to the issuance of certificates of use and occupancy, the applicant/owner shall install the public art component that shall be installed in the proposed parkland dedication areas associated with the project and adjacent to Pacific Coast Highway to achieve the overall objectives of the R/C-18 Zoning District and as articulated in the Final EIR for the project, subject to the provisions of with Section 9.05.240 of the Dana Point Municipal Code.
142. Any ground mounted utility and mechanical equipment shall be screened and sound buffered to the satisfaction of the Director of Community Development and the Director of Public Works & Engineering.
143. The applicant shall schedule a final inspection with the Community Development Department 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.

**RESOLUTION NO. 14-10-27-XX**  
**VTTM 17146, CDP13-0010, AND SDP13-0015**  
**PAGE 39**

---

---

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 27<sup>th</sup> day of October, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Liz Claus, Chairwoman  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ursula Luna-Reynosa, Director  
Community Development Department



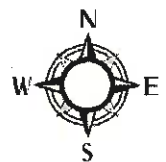
# VICINITY MAP



*Project: Vesting Tentative Tract Map VTTM 17146,  
Coastal Development Permit CDP13-0010, and  
Site Development Permit SDP13-0015*

*Applicant: Project Dimensions, Inc..*

*Location: 34202 Del Obispo Street*



**SHEET INDEX**

**ARCHITECTURAL**

A.SP.1.0	Architectural Site Plan		
A.SP.1.1	Architectural Site Plan - Open Space Areas		
A.AA.1.1	Building Perspectives - Building Type A, Building A	A.BD.1.1	Building Perspectives - Building Type B, Building D
A.AA.2.1	Building Elevations - Building Type A, Building A	A.BD.2.1	Building Elevations - Building Type B, Building D
A.AA.3.1	Building Composite - Building Type A, Building A	A.BD.3.1	Building Composite - Building Type B, Building D
A.AB.1.1	Building Perspectives - Building Type A, Building B	A.BD.3.2	Building Composite - Building Type B, Building D
A.AB.2.1	Building Elevations - Building Type A, Building B	A.BEA.1.1	Building Perspectives - Building Type B, Building E
A.AB.3.1	Building Composite - Building Type A, Building B	A.BEA.2.1	Building Elevations - Building Type B, Building E
A.AB.3.2	Building Composite - Building Type A, Building B	A.BEB.1.1	Building Perspectives - Building Type B, Building E
A.AC.1.1	Building Perspectives - Building Type A, Building C	A.BEB.2.1	Building Elevations - Building Type B, Building E
A.AC.2.1	Building Elevations - Building Type A, Building C	A.BE.3.1	Building Composite - Building Type B, Building E
A.AC.3.1	Building Composite - Building Type A, Building C	A.BE.3.2	Building Composite - Building Type B, Building E
A.AC.3.2	Building Composite - Building Type A, Building C	A.BP.4.1	Unit Plans - Building Type B
A.AD.1.1	Building Perspectives - Building Type A, Building D	A.BP.4.2	Unit Plans - Building Type B
A.AD.2.1	Building Elevations - Building Type A, Building D	A.BP.4.3	Unit Plans - Building Type B
A.AD.3.1	Building Composite - Building Type A, Building D	A.BP.4.4	Unit Plans - Building Type B
A.AD.3.2	Building Composite - Building Type A, Building D		
A.AE.1.1	Building Perspectives - Building Type A, Building E	A.CA.1.1	Building Perspectives - Building Type C
A.AE.2.1	Building Elevations - Building Type A, Building E	A.CA.2.1	Building Elevations - Building Type C
A.AE.2.2	Building Elevations - Building Type A, Building E	A.CA.3.1	Unit/Building Plans - Building Type C
A.AE.3.1	Building Composite - Building Type A, Building E	A.CA.3.2	Unit/Building Plans - Building Type C
A.AE.3.2	Building Composite - Building Type A, Building E		
A.AF.1.1	Building Perspectives - Building Type A, Building F	A.DA.3.1	Building Plans - Pool Building, Storage Room
A.AF.2.1	Building Elevations - Building Type A, Building F		
A.AF.2.2	Building Elevations - Building Type A, Building F		
A.AF.3.1	Building Composite - Building Type A, Building F		
A.AF.3.2	Building Composite - Building Type A, Building F		
A.AG.1.1	Building Perspectives - Building Type A, Building G		
A.AG.2.1	Building Elevations - Building Type A, Building G		
A.AG.3.1	Building Composite - Building Type A, Building G		
A.AG.3.2	Building Composite - Building Type A, Building G		
A.AP.4.1	Unit Plans - Building Type A		
A.AP.4.2	Unit Plans - Building Type A		
A.AP.4.3	Unit Plans - Building Type A		
A.AS.5.1	Unit Section - Typical Residential Unit		
A.AS.5.2	Unit Section - Typical Residential Unit		
A.BA.1.1	Building Perspectives - Building Type B, Building A		
A.BA.2.1	Building Elevations - Building Type B, Building A		
A.BA.3.1	Building Composite - Building Type B, Building A		
A.BA.3.2	Building Composite - Building Type B, Building A		
A.BB.1.1	Building Perspectives - Building Type B, Building B		
A.BB.2.1	Building Elevations - Building Type B, Building B		
A.BB.3.1	Building Composite - Building Type B, Building B		
A.BB.3.2	Building Composite - Building Type B, Building B		
A.BC.1.1	Building Perspectives - Building Type B, Building C		
A.BCA.2.1	Building Elevations - Building Type B, Building C		
A.BCB.1.1	Building Perspectives - Building Type B, Building C		
A.BCB.1.2	Building Perspectives - Color Blocking Option A*		
A.BCB.1.3	Building Perspectives - Color Blocking Option B*		
A.BCB.2.1	Building Elevations - Building Type B, Building C		
A.BC.3.1	Building Composite - Building Type B, Building C		
A.BC.3.2	Building Composite - Building Type B, Building C		

**CIVIL**

C-1	Preliminary Grading Plan
C-2	Preliminary Drainage Plan
C-3	Preliminary Utility Plan
C-4	Sections
C-5	Sections
C-6	Sections

**LANDSCAPE**

	Conceptual Landscape Plan
	Conceptual Wall and Fence Plan
	Conceptual Circulation & Amenities Plan

**\*COLOR BLOCKING OPTIONS**  
 NOTE: ONE SET OF TWO (2) ALTERNATES SHOWN PER BUILDING STYLE

A.AD.1.2	— Spanish (Building Type A, Building D Shown)
A.AD.1.3	— Spanish (Building Type A, Building D Shown)
A.BCB.1.2	— Modern (Building Type B, Building C Shown)
A.BCB.1.3	— Modern (Building Type B, Building C Shown)
A.BD.1.2	— Cottage (Building Type B, Building D Shown)
A.BD.1.3	— Cottage (Building Type B, Building D Shown)

**RECEIVED**  
 AUG 13 2014  
 CITY OF DANA POINT  
 COMMUNITY DEVELOPMENT  
 DEPARTMENT

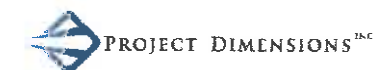


**34202 DEL OBISPO PROPERTY**

**AG/A&M Doheny, LLC**  
 2301 Rosecrans Avenue, Suite 2110  
 El Segundo, CA 90245

**COVER SHEET**

DANA POINT, CA  
 RTG # 2011-0451 07.09.2014



**Architecture+Planning**  
 17922 Fitch  
 Irvine, CA 949.851.21  
 ktgy.com

**PC SUPPORTING DOCUMENT 4**  
 10/27/14 — Item 5  
 VTTM17146CDP13-0010SDP13-0015  
 34202 Del Obispo Mixed Use Project

**A0.0**

# CONCEPTUAL LANDSCAPE PLANS

34202 DEL OBISPO  
AG/A&M DOHENY, LLC  
DANA POINT, CALIFORNIA

## SHEET INDEX

### SHEET DESCRIPTION

TITLE SHEET  
CONCEPTUAL PLANTING PLAN  
CONCEPTUAL SITE LANDSCAPE PLAN  
CONCEPTUAL WALL & FENCE PLAN  
COAST HIGHWAY COMMONS - WEST PARCEL  
COAST HIGHWAY COMMONS - EAST PARCEL & CONCEPTUAL  
COAST HIGHWAY LANDSCAPE PLAN - ARCO PLANTER AREA  
CONCEPTUAL LANDSCAPE DETAILS - SHADE STRUCTURES  
CONCEPTUAL LANDSCAPE DETAILS - WALL AND FENCE  
CONCEPTUAL LANDSCAPE DETAILS - WALL AND FENCE  
CONCEPTUAL LANDSCAPE DETAILS - SITE ELEMENTS  
CONCEPTUAL LANDSCAPE DETAILS - SITE ELEMENTS

**RECEIVED**

**AUG 13 2014**

**CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
DEPARTMENT**

### PC SUPPORTING DOCUMENT 5

10/27/14 — Item 5  
VTTM17146 CDP13-0010SDP13-0015  
34202 Del Obispo Mixed Use Project



**SUMMERS/MURPHY & PARTNERS, INC.**  
LANDSCAPE ARCHITECTS  
34197 COAST HIGHWAY, SUITE 200  
DANA POINT, CALIFORNIA 92629 (949) 443-1446

DATE: 08-12-2014 SMP#738-785

# VESTING TENTATIVE TRACT MAP NO. 17146 FOR CONDOMINIUM PURPOSES

RECEIVED

AUG 27 2014

CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
DEPARTMENT

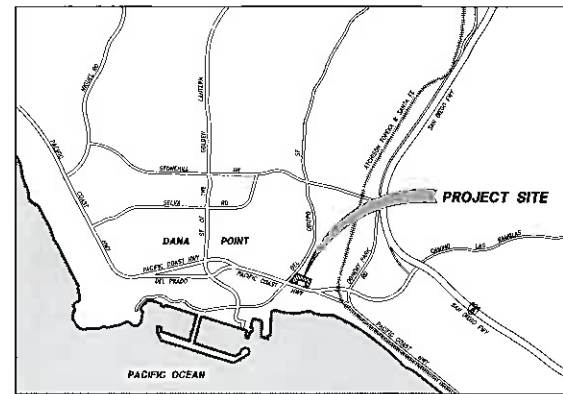
**LEGAL DESCRIPTION:**

REAL PROPERTY IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE RANCHO BOCA DE LA PLAYA, AS SHOWN ON A MAP RECORDED JUNE 29, 1987 IN BOOK 4, PAGES 118 AND 119 OF PATENTS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE CALIFORNIA STATE HIGHWAY, AS WIDENED, PER PARCEL 2 OF THE DEED TO THE STATE OF CALIFORNIA RECORDED IN BOOK 11046, PAGE 445 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITH THE NORTHWESTERLY LINE OF THE LAND DESCRIBED AS PARCEL 3 IN THE DEED TO CARSTRANO BEACH COMPANY RECORDED IN BOOK 862, PAGE 158 OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH 31° 29' 24" EAST ALONG SAID NORTHWESTERLY LINE 486.30 FEET TO THE SOUTHEASTERLY LINE OF DEL OBISPO STREET, 80 FEET WIDE, FORMERLY MCKINLEY AVENUE, AS DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE RECORDED IN BOOK 636, PAGE 383 OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH 42° 36' 18" EAST ALONG SAID SOUTHEASTERLY LINE 118.92 FEET; THENCE NORTH 35° 52' 01" EAST 5.20 FEET TO THE INTERSECTION OF SAID SOUTHEASTERLY LINE WITH A LINE PARALLEL WITH AND DISTANT SOUTHWESTERLY 950.00 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF VICTORIA AVENUE AS DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE RECORDED IN BOOK 324, PAGE 42 OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; SAID CENTERLINE BEING ALSO THE SOUTHERLY LINE OF THE PRYOR HOMESTEAD AS DESCRIBED IN THE DEED RECORDED IN BOOK 7, PAGE 31 OF HOMESTEADS, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF LOS ANGELES; THENCE SOUTH 88° 34' 25" EAST ALONG SAID PARALLEL LINE 950.00 FEET TO THE NORTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO ORANGE COUNTY FLOOD CONTROL DISTRICT RECORDED IN BOOK 8134, PAGE 78 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 17° 58' 00" WEST ALONG THE WESTERLY LINE OF SAID LAND 274.11 FEET; THENCE NORTH 72° 04' 00" WEST 18.00 FEET; THENCE SOUTH 17° 56' 00" WEST 174.73 FEET TO THE NORTHWESTERLY LINE OF SAID CALIFORNIA STATE HIGHWAY, AS WIDENED, PER PARCEL 1 OF SAID FIRST ABOVE MENTIONED DEED; THENCE SOUTH 54° 15' 57" WEST ALONG SAID NORTHWESTERLY LINE 25.66 FEET TO A POINT IN A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1,450.00 FEET, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT BEARS SOUTH 0° 45' 57" WEST; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7° 51' 52" AN ARC DISTANCE OF 180.59 FEET TO THE EASTERLY LINE OF THE LANDS DESCRIBED IN THE DEEDS TO W.J. VAUGHN, AND WIFE, RECORDED RESPECTIVELY IN BOOK 1820, PAGE 193 OF OFFICIAL RECORDS, BOOK 1803, PAGE 138 OF OFFICIAL RECORDS, AND BOOK 2263, PAGE 485 OF OFFICIAL RECORDS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH 17° 56' 00" EAST ALONG SAID EASTERLY LINE 289.54 FEET; THENCE NORTH 72° 04' 00" WEST 471.00 FEET; THENCE SOUTH 38° 44' 05" WEST 48.08 FEET; THENCE SOUTH 14° 21' 28" WEST 80.15 FEET; THENCE SOUTH 23° 58' 30" WEST 100.50 FEET; THENCE SOUTH 28° 45' 30" WEST 91.08 FEET TO SAID FIRST ABOVE MENTIONED NORTHEASTERLY LINE; THENCE NORTH 72° 04' 00" WEST ALONG SAID NORTHEASTERLY LINE 343.61 FEET TO THE POINT OF BEGINNING

APN: 668-271-03 & 668-271-04



VICINITY MAP  
NTS

**NOTES:**

- EXISTING LAND USE: VACANT (FORMER MOBILE HOME PARK)  
ADJACENT LAND USE:  
N- COMMERCIAL  
S- COMMERCIAL/PUBLIC STREET-PACIFIC COAST HIGHWAY  
E- SAN JUAN CREEK/FLOODWAY  
W- PUBLIC STREET-DEL OBISPO  
PROPOSED LAND USE: MIXED USE - RESIDENTIAL/COMMERCIAL
- EXISTING ZONING: RESIDENTIAL/COMMERCIAL-1B (R/C-18)
- GENERAL PLAN LAND USE DESIGNATION: RESIDENTIAL/COMMERCIAL
- PROPOSED DENSITY: 16.74 DU/AC
- ADJACENT ZONING:  
NORTH: COASTAL PUBLIC QUASI PUBLIC (C-POP)  
SOUTH: PUBLIC STREET - PACIFIC COAST HIGHWAY/COASTAL COUPLER COMMERCIAL (C-CPC)/DFSP  
EAST: OPEN SPACE (OS)/DANA POINT ZONING CODE  
WEST: PUBLIC STREET DEL OBISPO STREET/COASTAL PUBLIC QUASI PUBLIC (C-POP)/DFSP
- PUBLIC DOMESTIC WATER AND SANITARY SEWER SERVICE TO BE PROVIDED & MAINTAINED BY SOUTH COAST WATER DISTRICT.
- ALL PROPOSED UTILITIES TO BE UNDERGROUND  
ELECTRICAL: SAN DIEGO GAS AND ELECTRIC  
GAS: SOUTHERN CALIFORNIA GAS COMPANY  
TELEPHONE: PAC BELL  
CABLE TELEVISION: COX/CABLE
- THE DEVELOPER WILL COMPLY WITH ENERGY CONSERVATION MEASURE SET FORTH IN TITLE XXIV OF THE CALIFORNIA ADMINISTRATIVE CODE.
- DRAINAGE ON THIS SITE WILL BE CONVEYED BY MEANS OF A STORM DRAIN AND OFFSITE STORM DRAIN PUMP SYSTEM CONSISTING OF VARYING SIZES OF STORM DRAIN PIPES, CATCH BASINS AND AREA DRAINS. ONSITE SYSTEMS WILL BE PRIVATE & MAINTAINED BY THE H.O.A.
- PROPOSED WATER FACILITIES: STANDARD DOMESTIC CONNECTIONS TO EXISTING WATER SYSTEM SHALL BE IN ACCORDANCE WITH THE SOUTH COAST WATER DISTRICT'S STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF WATER, SEWER, AND RECLAIMED WATER FACILITIES.
- PROPOSED SEWER FACILITIES: STANDARD DOMESTIC CONNECTIONS TO EXISTING SEWER SYSTEM SHALL BE IN ACCORDANCE WITH THE SOUTH COAST WATER DISTRICT'S STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF WATER, SEWER, AND RECLAIMED WATER FACILITIES.
- DRAINAGE FACILITIES TO BE DESIGNED IN ACCORDANCE WITH DEPARTMENT OF PUBLIC WORKS, CITY OF DANA POINT.
- ALL EXISTING EASEMENTS ARE TO REMAIN IN THEIR CURRENT DESIGNATED LOCATIONS UNLESS OTHERWISE NOTED.
- TOTAL PROJECT ACREAGE IS 9.019 GROSS AC.
- PRIOR TO THE FINAL MAP RECORDING, THE CITY OF DANA POINT SHALL DETERMINE THAT THE MAP IS IN SUBSTANTIAL CONFORMANCE TO VTM 17146
- THE ASSESSOR'S PARCEL NUMBERS FOR THE PROJECT AREA ARE: 668-271-03 AND 668-271-04
- ALL EXISTING IRRIGATION LINES, SEWERS, CULVERTS, STORMDRAINS, SOLID OR LIQUID WASTE DISPOSAL SITES, AND UNDERGROUND STRUCTURES WITHIN THE TRACT WILL BE ABANDONED PER THE GOVERNING AGENCIES SPECIFICATIONS UNLESS OTHERWISE NOTED.
- THE PROJECT SITE IS WITHIN CARSTRANO UNIFIED SCHOOL DISTRICT
- TRASH WILL BE COLLECTED BY CR&R INCORPORATED.
- NUMBER OF CONDOMINIUMS PROPOSED IS 168.

**LAND AREA:**

392,852 S.F. OR 9.019 ACRES +/-

**BASIS OF BEARINGS:**

THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF PACIFIC COAST HIGHWAY, SHOWN AS "S 71°12'55" E" ON RECORD OF SURVEY NO. 87-1004 RSB 122/28-43

**BENCHMARK:**

CO. OR. YCD #3p-24-58 ELEV. 15.845 - LEVELED 1989 (NAVD 88)  
DESCRIBED BY OCS 2003-FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "3P-24-58"  
SET IN THE SOUTHWESTERLY CORNER OF A 4 FT. BY 4 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE NORTHEASTERLY CORNER OF THE INTERSECTION OF DEL OBISPO DRIVE AND PACIFIC COAST HIGHWAY, 88.1 FT. EASTERLY OF THE CENTERLINE OF DEL OBISPO AND 245.1 FT. NORTHERLY OF THE CENTERLINE OF PCH. MONUMENT IS SET LEVEL WITH THE SIDEWALK

**TOPOGRAPHY NOTE:**

THE TOPOGRAPHY SHOWN HEREON IS BY:  
EARTH GRAPHICS, INC.  
17 SPECTRUM POINTE DR., SUITE 508  
LAKE FOREST, CA 92650  
PHOTO DATE: 06/24/2004

**FLOOD HAZARD ZONE:**

THE PROPERTY SHOWN HEREON IS LOCATED ON FIRM (FLOOD INSURANCE RATE MAP) NUMBER 0605020001, REVISED DATE OF DECEMBER 3, 2009. THE ZONE DESIGNATIONS ARE "X" AND "A". BASE FLOOD ELEVATION FOR SITE HAS BEEN ESTABLISHED AS 21.2, WITH EXCEPTION OF CERTAIN BUILDINGS AS SHOWN IN THE POST-PROJECT FLOODPLAIN ANALYSIS FOR SAN JUAN CREEK VESTING TENTATIVE TRACT NO. 17146, PREPARED BY JLC ENGINEERING & CONSULTING, INC., DATED JULY 21, 2014.

**LEGEND:**

- PROP. PROJECT BOUNDARY
- PROP. TRACT BOUNDARY
- STREET CENTERLINE
- STREET RIGHT OF WAY
- EASEMENT

**ABBREVIATIONS:**

- BLDG BUILDING
- BW BACK OF SIDEWALK
- FL FLOW LINE
- FS FINISHED SURFACE
- GB GRADE BREAK
- GF GARAGE FLOOR
- GP GARAGE PAD
- HP HIGH POINT
- HWY HIGHWAY
- LP LOW POINT
- P.A. PLANTER AREA
- PAD BUILDING PAD
- PROP. PROPOSED
- R/W RIGHT-OF-WAY
- TC TOP OF CURB
- TO TOP OF ORATE
- (XX.XX) EXISTING GRADE

**UTILITY SUMMARY**

STORM DRAIN	
PIPE SIZE	LENGTH
12" LATERAL	210'
18" LATERAL	40'
24" MAIN	80'
39" MAIN	2,040'
60" WQ CHAMBER	760'

SEWER	
PIPE SIZE	LENGTH
8" MAIN	3,300'
6" LATERAL	2,700'
4" FORCE MAIN	900'

DOMESTIC WATER	
PIPE SIZE	LENGTH
8" MAIN	3,200'

**PRELIMINARY EARTHWORK VOLUMES:**

CUT (RAW)	4,600 CY	
FILL (RAW)		3,000 CY
SUBSIDENCE (ENTIRE SITE) (.1 FT)	-800 CY	700 CY
SHRINKAGE (OF OVER EXCAVATION) (10%)	-400 CY	
CLEARING AND DEMO (EST) 0.1 FT (ENTIRE SITE)		1,500 CY
SPOILS (FOOTINGS & UTILITIES) INCLUDES 10% SHRINKAGE	1,800 CY	
	CUT	IMPORT
TOTAL	5,200 CY	5,200 CY
BALANCE		0 CY

**PROJECT CONSULTANTS:**

**CIVIL ENGINEER**

FUSCOE ENGINEERING  
16795 VAN KAMM, AVE, SUITE 100  
IRVINE, CA 92614  
TEL: 949.474.1960  
FAX: 949.474.5310

**ARCHITECT**

KTGY  
17822 FITCH  
IRVINE, CA 92614  
TEL: 949.851.2133  
FAX: 949.851.5156

**LANDSCAPE ARCHITECT**

SUMMERS/MURPHY & PARTNERS INC.  
34197 PACIFIC COAST HIGHWAY, SUITE 200  
DANA POINT, CA 92629  
TEL: 949.443.1446  
FAX: 949.443.1631

**PROJECT MANAGER:**

PROJECT DIMENSIONS  
4 PARK PLAZA, SUITE 700  
IRVINE, CA 92614  
TEL: 949.478.2248 (P)  
TEL: 949.294.4417 (C)

**OWNER:**

AG/A&M DOHENY, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
9501 WILSHIRE BLVD, SUITE 700  
BEVERLY HILLS, CA 90210  
TEL: 310.883.8855

BY:

BRAD HALL  
MANAGING DIRECTOR

DATE

DATE OF MAP PREPARATION:

JUNE 2014

BY:

BRAD HALL  
MANAGING DIRECTOR  
AG/A&M DOHENY, LLC  
Authorized Signature

DATE

PLANNING PERMIT NO.'S: SDP13-0015  
CDP13-0010

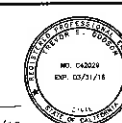
VESTING TENTATIVE TRACT NO. 17146  
TITLE SHEET  
34202 DEL OBISPO, DANA POINT  
AG/A&M DOHENY, LLC

SHEET  
C-1  
OF  
C-9

NO.	DATE	REVISIONS	APPROVED	CHECKED BY:	DATE

MAY 2014		PREPARED UNDER THE SUPERVISION OF:	
DRAWN BY:	JN		
DESIGNED BY:	MN		
		TREVOR S. DOBSON	RCE 42029 EXP. 03/31/16



PLAN SET: D  
08/25/14



**COUNTY OF ORANGE  
 HOUSING AFFORDABILITY TABLE  
 Effective February 28, 2014 – February 28, 2015**

**Cost Based Definition**

The monthly payment or rent does not exceed:	<u>For-Sale Units</u>	<u>Rental Units</u>
A. For LOW units	<u>\$1,918</u>	<u>\$1,744</u>
B. For MODERATE I units	<u>\$2,398</u>	<u>\$2,180</u>
C. For MODERATE II units	<u>\$2,878</u>	<u>\$2,616</u>

**Income Based Definition**

The household yearly income does not exceed:	<u>For-Sale Units</u>	<u>Rental Units</u>
D. For LOW units	<u>\$69,760</u>	<u>\$69,760</u>
E. For MODERATE I units	<u>\$87,200</u>	<u>\$87,200</u>
F. For MODERATE II units	<u>\$104,640</u>	<u>\$104,640</u>

**NOTES:**

- LOW = 80% and below of County median income  
 MODERATE I = 81 – 100% of County median income  
 MODERATE II = 101 – 120% of County median income  
 Note: **100 % Median Income** is shown in bold in E above. The annually updated Area Median Income for each county is provided by State of California, Housing and Community Development Department and is for a 4-person household.
- A, B or C above is applied to for-sale units, the payment should be: 1) calculated using a 30-year fixed interest rate, 2) based on a 10% down payment; 3) must include principal, interest, property taxes, insurance, and homeowners association dues. The monthly payment may increase by 10% if the unit to be certified meets at least one of the following criteria: a) has more than two bedrooms; b) has two bedrooms and is 1,400 square feet or more; or c) is a single family detached unit. Actual down payment may be higher, but payments must be reduced accordingly.
- This table is provided for use by those projects required to use the County of Orange Housing Affordability Table. It is not intended to replace income information provided by U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD).

For more information, contact Linda Smith, OC Planning Services, [linda.smith@ocpw.ocgov.com](mailto:linda.smith@ocpw.ocgov.com) (714) 667-8848.

  
 Ruby Maldonado, Manager  
 Advance Planning and Sustainable Development  
 OC Planning Services

DRAFT EIR (Available Electronically:

<http://www.danapoint.org/index.aspx?page=281>

The screenshot shows the City of Dana Point website. At the top, there is a navigation bar with links for Calendar, Meetings & Agendas, City Codes, Employment, Compensation, Contact Us, and Site Map. The main header features the City of Dana Point logo with the tagline 'Harboring the Good Life' and a search bar. Below the header is a secondary navigation bar with links for HOME, ABOUT US, CITY NEWS, SERVICES, RESIDENTS, VISITORS, BUSINESSES, and CITY GOVERNMENT. The left sidebar contains a menu for 'Community Development' with sub-items: Planning, Files, Planning Documents, Environmental Documents, Development Review, Long-Range Planning, Maps, Title Records, Staff Director, Historic Preservation, Current Planning, Planning Commission, Building & Safety, Economic Development, Code Enforcement, and Staff Directory. The main content area is titled 'Environmental Documents' and includes a breadcrumb trail: 'City Government > Community Development > Planning'. Below the title are two images: a landscape with green hills and a river, and an aerial view of a coastal area. To the right of the images are 'E-mail' and 'Print' icons. The section is titled 'Current Environmental Documents' and contains a paragraph of text: 'For more information on any currently circulating environmental documents as required by the California Environmental Quality Act (CEQA), please see the links below. For questions regarding any environmental documents listed, or for additional information on CEQA, please contact the Planning Division at 949-248-3563.' Below this text is a list of links for the '34202 Del Obispo Mixed-Use Project', including 'Project Draft Environmental Impact Report Volume I' and 'Project Draft Environmental Impact Report Volume II Appendix A' through 'Appendix K', as well as 'Project Draft Environmental Impact Report Volume III'. At the bottom of the page, there is a link for 'Notice of Preparation of a Draft Environmental Impact Report (PDF)'.

## PC SUPPORTING DOCUMENT 8

10/27/14 — Item 5

VTTM17146CDP13-0010SDP13-0015

34202 Del Obispo Mixed Use Project

FINAL ENVIRONMENTAL IMPACT REPORT

34202 DEL OBISPO STREET PROJECT

RESPONSE TO COMMENTS

AND ERRATA

CITY OF DANA POINT

SCH NO. 2014011030

LSA

October 2014

PC SUPPORTING DOCUMENT 9