

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

ITEM #2

DATE: NOVEMBER 10, 2014

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
EVAN LANGAN, AICP, ASSOCIATE PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP14-0023 TO ALLOW THE ADDITION OF 484 SQUARE FEET IN THE FORM OF A NEW, ATTACHED CASITA, OFFICE, PANTRY AND EXPANDED DWELLING ENTRYWAY AT 124 MONARCH BAY DRIVE

RECOMMENDATION: That the Planning Commission approve the attached resolution approving Coastal Development Permit CDP14-0023.

PROJECT APPLICANT: Stan Andrade (Andrade Architects)

PROPERTY OWNERS: Seth and Sherryl Brown

REQUEST: Approval of a Coastal Development Permit for additions to a single-family dwelling that will exceed 10 percent of existing square footage, on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

LOCATION: 124 Monarch Bay Drive (APN 670-151-59)

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 29, 2014, published within a newspaper of general circulation on October 30, 2014, and posted on October 31, 2014 at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the project is Categorical Exempt per Section 15301 (Class 1 – Existing Facilities) in that it proposes a nominal increase in square footage to an existing residential dwelling.

ISSUES:

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

BACKGROUND: The subject property measures 15,500 square feet (.36 acres) in area and is located within the Monarch Bay Homeowners Association (HOA), a built-out community of exclusively single-family dwellings. The lot is irregular in shape, mostly flat and presently developed with a conforming, single-story dwelling comprising 2,889 square feet of living area with an attached 908 square foot garage for a total gross floor area of 3,797 square feet.

The property is zoned "Residential Single-Family 4" (RSF-4) and is located within the City's Coastal Overlay District (the California Coastal Zone) as well as the Appeals Jurisdiction of the California Coastal Commission.

DISCUSSION: The proposed scope of work would add a total of 484 square feet to the dwelling in the form of a new, attached casita (containing a single bedroom, bathroom and closet space), as well as a new pantry and expanded and remodeled dwelling entryway. The aforementioned casita would be attached to the dwelling but would have its own entry and no internal connection to the rest of the floor-plan. As no kitchen facilities are proposed, this part of the structure is not considered a second unit.

With all proposed improvements, the dwelling would comprise 4,281 square feet. No alterations are proposed to the dwelling's existing, approximately 11 foot height. New exterior landscaping, decorative features (a fountain, fire-pits) as well as outdoor seating areas are proposed and are found to comply with the property's RSF-4 Zoning District.

Coastal Development Permit CDP14-0023

Additions to residential structures located in the City's Coastal Overlay District resulting in a square footage expansion of 10 percent or more shall require application for a CDP. The subject application proposes the addition of 484 square feet to 3,797 square feet of gross floor area, an increase of approximately 13 percent.

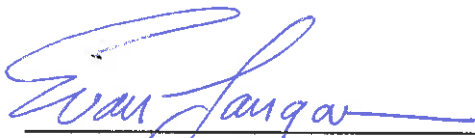
Section 9.69.070 of the DPZC stipulates a minimum of seven findings to approve a CDP, requiring that the project:

1. *Not encroach upon any public accessway;*
2. *Not obstruct any existing public views to and along the coast;*
3. *Not adversely affect marine resources;*
4. *Not adversely affect recreational or visitor-serving facilities or coastal scenic resources;*
5. *Be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources;*
6. *Minimize alterations of natural landforms;*
7. *Be visually compatible with the character of surrounding areas.*

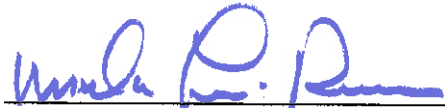
Supportive findings can be made for the CDP request and are enumerated in the project's draft resolution (Attachment 1).

CORRESPONDENCE: To date, correspondence for this project has been received only from the Monarch Bay HOA, notifying of that body's review and conditional approval of the proposed remodel and expansion.

CONCLUSION: Staff finds that the subject project is consistent with the policies and provisions of the City of Dana Point General Plan, Zoning Ordinance and Local Coastal Program. As the project has been found to comply with all standards of development, staff recommends the Planning Commission adopt the attached resolution, approving CDP14-0023 subject to findings and conditions of approval.



Evan Langan, AICP
Associate Planner



Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 14-11-10-xx

Supporting Documents

2. Vicinity Map
3. Site Photos
4. Project Plans (architectural only)
5. Approval Documentation, Monarch Bay HOA

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RESOLUTION NO. 14-11-10-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP14-0023 TO ALLOW THE ADDITION OF 484 SQUARE FEET IN THE FORM OF A NEW, ATTACHED CASITA, OFFICE, PANTRY AND EXPANDED DWELLING ENTRYWAY AT 124 MONARCH BAY DRIVE

Applicants and Property Owners: Seth and Sherryl Brown

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 allow for additions to an existing single-family dwelling at 124 Monarch Bay Drive (APN 670-151-59), and;

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15301 (Class 1 - Existing Facilities) and;

WHEREAS, the Planning Commission did, on the 10th day of November, 2014, hold a duly noticed public hearing as prescribed by law to consider said request, and;

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP14-0023.

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

- A. That the above recitations are true and correct.
- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves CDP14-0023 subject to conditions:

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ATTACHMENT #1

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Findings:

Coastal Development Permit CDP14-0023

1. The proposed use is consistent with the General Plan and Local Coastal Program in that the site and architectural design of proposed improvements further Urban Design Element Goal No. 2 which states stating that development should “preserve the individual positive character and identity of the City’s communities” by fostering new, aesthetically pleasing residential development of the subject property that is both wholly compatible and complimentary to surrounding structures.
2. That the proposed development is located within the Coastal Overlay District and is in conformity with the Public Access and Public Recreation policies of Chapter Three of the Coastal Act in that the proposed development would not alter existing public access or public recreation in the vicinity.
3. That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) in that the subject project qualifies for a Categorical Exemption pursuant to Section 15301 (Class 1 – Existing Facilities) of the Guidelines in that it proposes nominal additions to an existing residential dwelling.
4. That the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area in that the subject project proposes additions to an existing single-family dwelling located where no public accessway exists, and so would not result in impacts to public access, nor public views of and along the coast.
5. 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 subject property is an already developed parcel containing no environmentally sensitive habitat area (ESHA) and accordingly, proposed improvements would not result in adverse impacts.

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6. 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 subject site is an already developed property located within an established residential subdivision with little to no natural landforms present and; in that the proposed development will be constructed in conformance with applicable regulations for flood and fire hazards, minimizing undue risks from flood, fire or other hazards.**
7. That the proposed development will be visually compatible with the character of surrounding areas and, where feasible, will restore and/or enhance visual quality **in that the architectural style and overall form of the expanded and remodeled dwelling would be consistent with other residential structures in the surrounding neighborhood and throughout the City.**
8. That the proposed development will conform to the General Plan, Zoning Code, Local Coastal Program, applicable Specific Plan(s), or other, applicable adopted plans and programs **in that the proposed project has been reviewed by the Planning and Building/Safety Divisions, as well as the Public Works/Engineering Department for conformance with applicable documents and, subject to conditions of approval, has been found consistent.**

Conditions:

A. General:

1. Approval of this application permits the addition of 484 square feet to an existing single-family dwelling located at 124 Monarch Bay Drive as per plans submitted to and on file with the Community Development Department. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan, Local Coastal Program and Zoning Code.
2. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.

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3. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location of, or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved site plan, he/she may approve the amendment without requiring a new public hearing.
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. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety Division for plan check.
6. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding.

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 fees, costs and expenses incurred concerning the claim, action, or proceeding. The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

The applicant and owner, and their successors in interest, shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

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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 project shall meet all water quality requirements including Low Impact Development (LID) implementation.
 9. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, cable television and telephone and internet services. The applicant is responsible to coordinate any potential conflicts or existing easements.
 10. The applicant shall provide sufficient evidence to the City of Dana Point that the applicant is the title holder and no easements exist within the area of proposed work prior to issuance of any permit.
 11. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control measures at all times. The applicant shall maintain the erosion and sediment control devices until the final approval of all permits.
 12. The applicant, property owner or successor in interest shall submit a standard Waste Reduction and Recycling Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The standard Waste Reduction and Recycling Plan shall be reviewed and approved and deposit posted prior to issuance of any permits.
 13. At no time shall the project's approved casita be converted to or utilized as a second dwelling unit (as defined in the Dana Point Zoning Code), unless made to comply with all applicable standards of development.
- B. Prior to Building Plan Check Submittal and/or prior to Issuance of a Building Permit or release on certain related inspections:**
14. Building plan check submittal shall include three sets of the following construction documents (as applicable):
 - a. *Building Plans*
 - b. *Energy Calculations*
 - c. *Structural Calculations*
 - d. *Soils/Geology Report*

15. Review of the project by the Orange County Fire Authority (OCFA) shall be required. The applicant shall submit three separate sets of plans directly to the OCFA for review and approval.
- D. Prior to Issuance of a Certificate of Occupancy (“C-of-O”) and/or Final Inspection by City Staff:**
16. 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 CDP14-0023. The City’s standard “Line & Grade Certification” form shall be obtained from the Project Planner at time of permit issuance, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
 17. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 10th day of November, 2014 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Liz Claus, Chairperson
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department

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City of Dana Point
Coastal Development Permit CDP14-0023
Community Development Department
33282 Golden Lantern (Evan Langan, AICP, Associate Planner)
Dana Point, CA 92629-1805

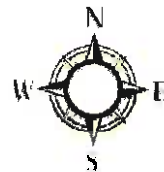
VICINITY MAP



Project: *CDP14-0023*

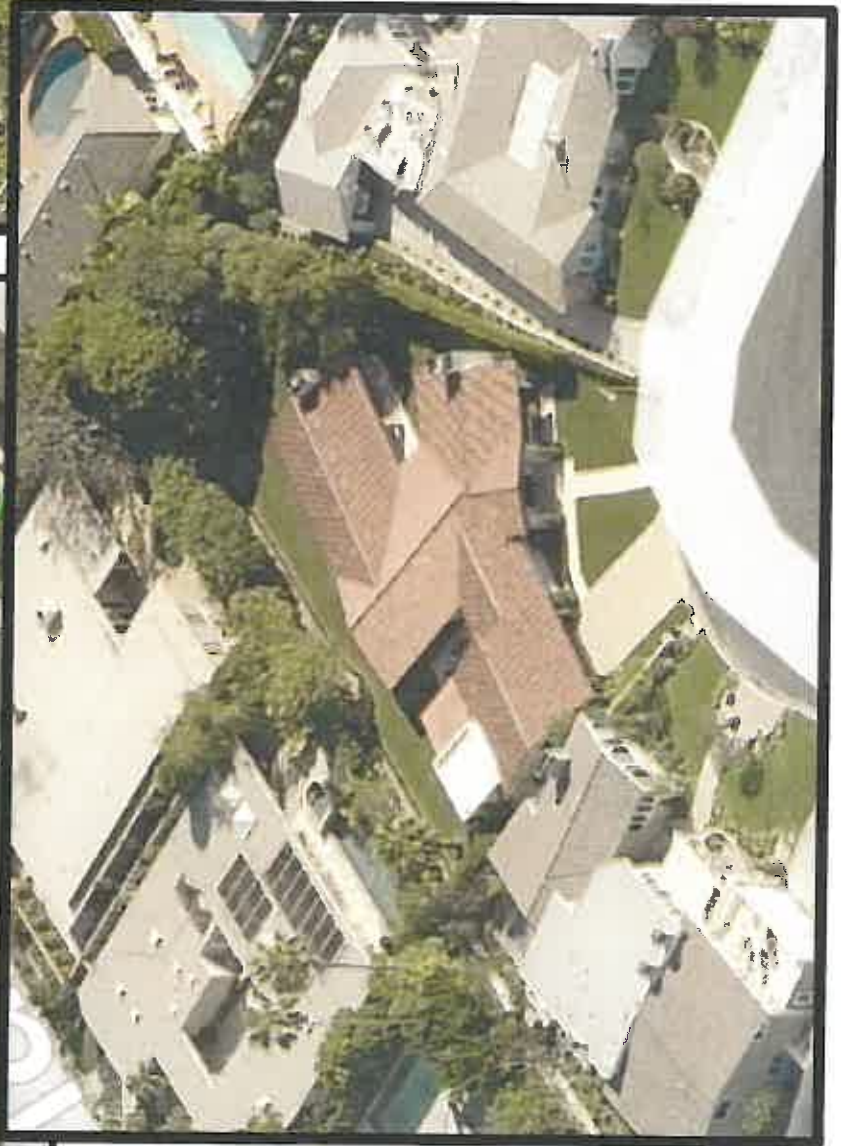
Owner and Applicant: *Seth and Sheryl Brown*

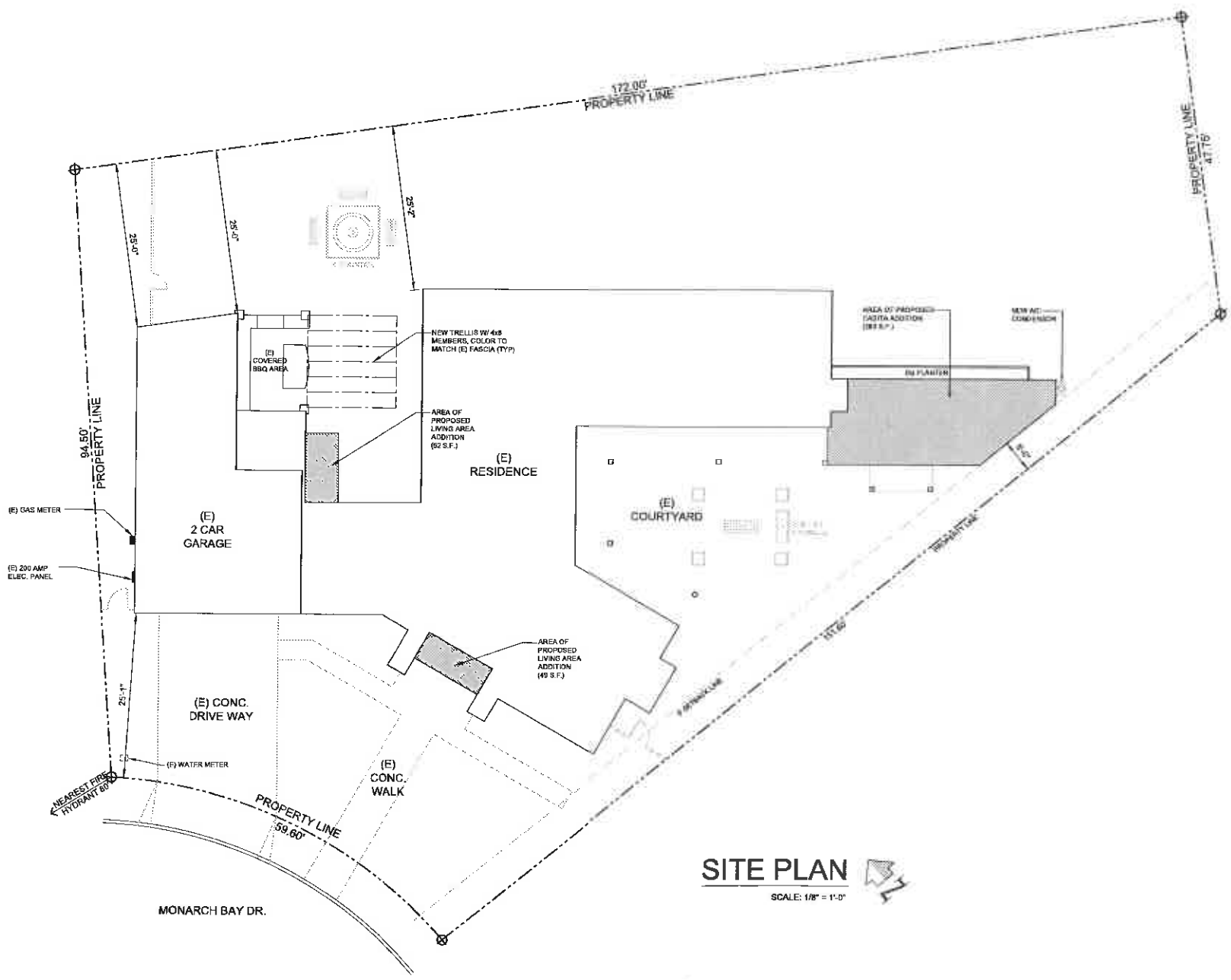
Location: *124 Monarch Bay Drive*



ATTACHMENT #2

SITE PHOTOS





SITE PLAN
SCALE: 1/8" = 1'-0"

PROJECT DATA

LOT:	82
TRACT:	3748
APN:	670-151-59
ZONE:	RSF-4
OCCUPANCY:	R-3U-1
CONSTRUCTION TYPE:	VB NON SPRINKLED
NUMBER OF STORIES:	1

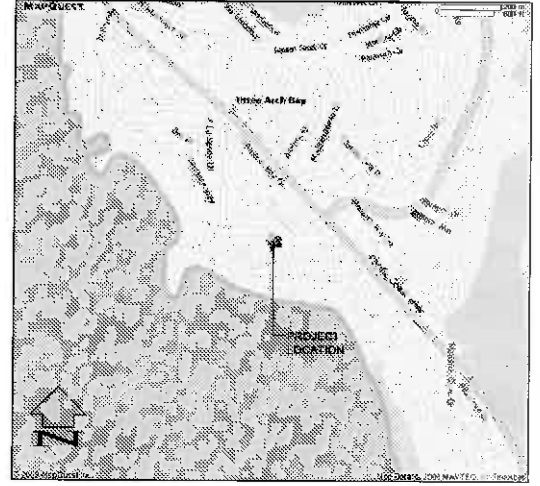
PROJECT DESCRIPTION

- NEW PANTRY ROOM ADDITION
- NEW ENTRY EXTENSION
- NEW CASITA W/ BATH & CLOSET
- NEW TRELLIS AT BBQ AREA

SQUARE FOOTAGES

	EXISTING	PROPOSED	TOTAL
LIVING AREA:	2,889 S.F.	484 S.F.	3,373 S.F.
TOTAL:	2,889 S.F.	484 S.F.	3,373 S.F.
GARAGE:	908 S.F.	0 S.F.	908 S.F.
BUILDING AREA:	3,797 S.F.	484 S.F.	4,281 S.F.
LOT AREA:			15,500 S.F.
LOT COVERAGE:			4,281 = 27.5%

VICINITY MAP



PROJECT DIRECTORY

PROPERTY OWNER:
SETH & SHERRYL BROWN
124 MONARCH BAY DR.
DANA POINT, CA 92629
PH: 480-365-8413

ARCHITECT:
ANDRADE ARCHITECTS, INC.
2880 SOUTH COAST HWY
LAGUNA BEACH, CA 92651
P: 949-715-7474, F: 949-715-7475

SHEET INDEX

ARCHITECTURAL:	
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A.101 FLOOR PLAN	
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ANDRADE ARCHITECTS, INC.
2880 SOUTH COAST HWY
LAGUNA BEACH, CA 92651
PHONE: 949-715-7474
FAX: 949-715-7475
WWW.ANDRADEARCHITECTS.COM
REGISTERED ARCHITECTS
STATE OF CALIFORNIA
NO. C-918971
EXPIRES 12/31/2015

BROWN RESIDENCE
124 MONARCH BAY DRIVE
DANA POINT, CA. 92629

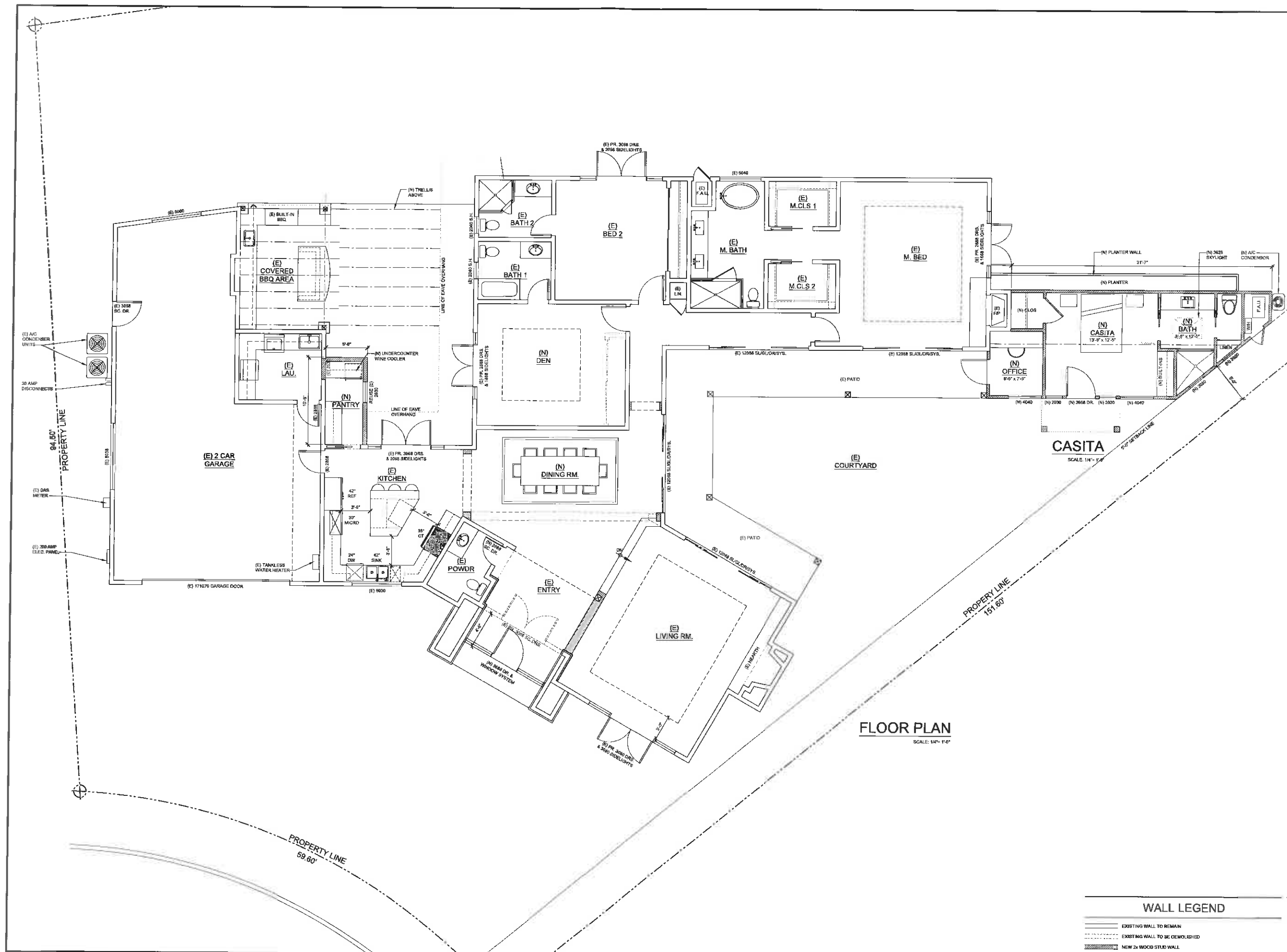
SITE PLAN
PROJECT DATA

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ANDRÁDE ARCHITECTS, INC.
 288 SOUTH COAST HIGHWAY
 LAJUNAS BEACH, CA 92037
 (949) 499-1111
 ANDRADEARCHITECTS.COM

BROWN RESIDENCE
 124 MONARCH BAY DRIVE
 DANA POINT, CA. 92629

FLOOR PLAN

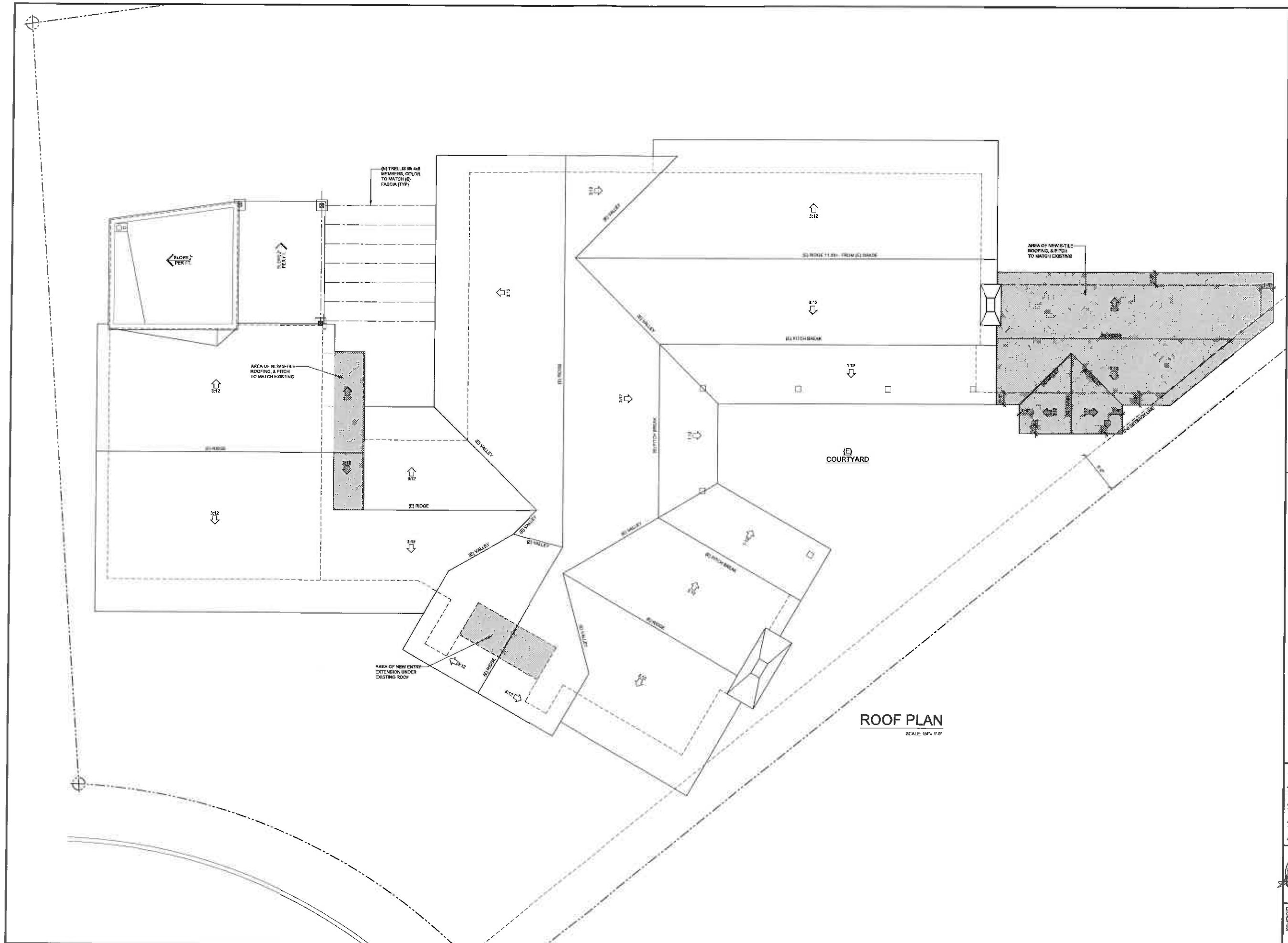
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WALL LEGEND

---	EXISTING WALL TO REMAIN
---	EXISTING WALL TO BE DEMOLISHED
---	NEW 2x WOOD STUD WALL

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A.101



ANDRADE ARCHITECTS, INC.
 2886 SOUTH CLAYTON AVENUE
 LAGUNA BEACH, CA 92653
 TEL: 949.761.1111
 FAX: 949.761.1111
 WWW.ANDRADEARCHITECTS.COM
 ANDRADE ARCHITECTS, INC.

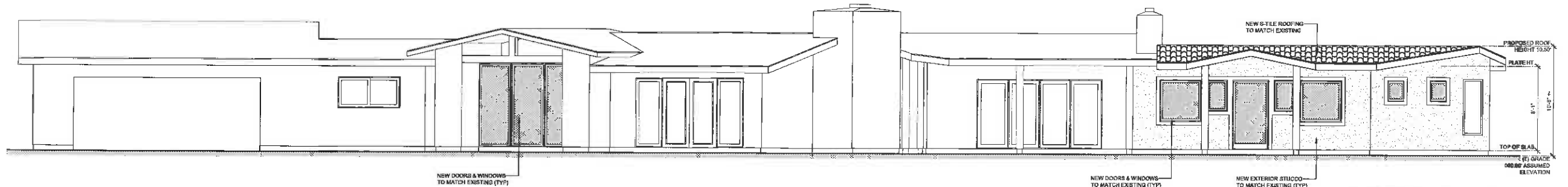
BROWN RESIDENCE
 124 MONARCH BAY DRIVE
 DANA POINT, CA. 92629

ROOF PLAN

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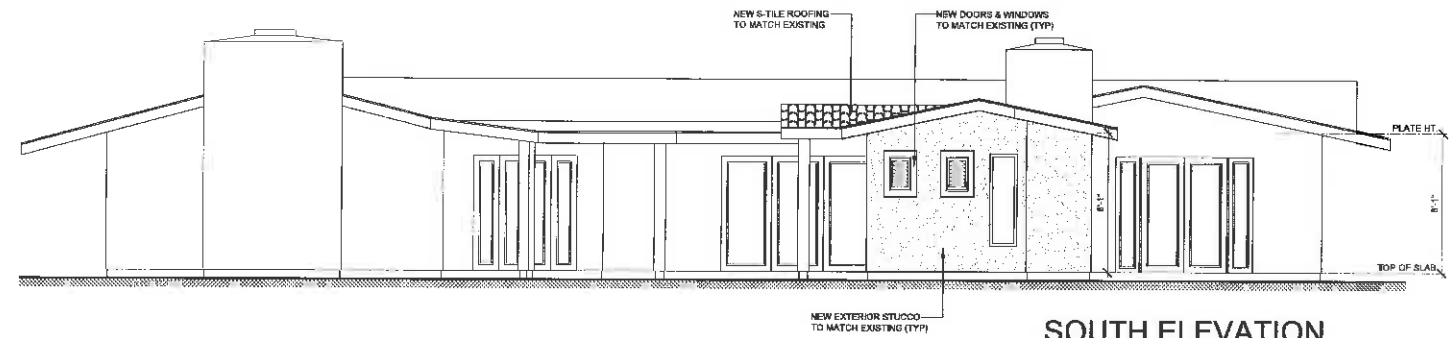


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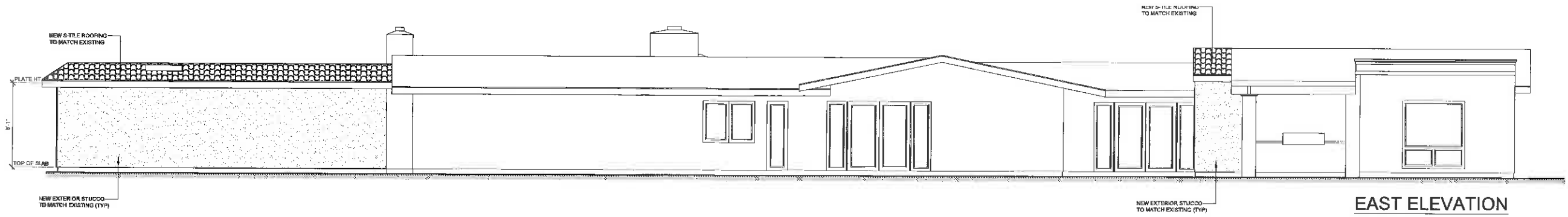
WEST ELEVATION

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



SOUTH ELEVATION

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

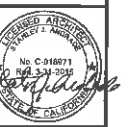


EAST ELEVATION

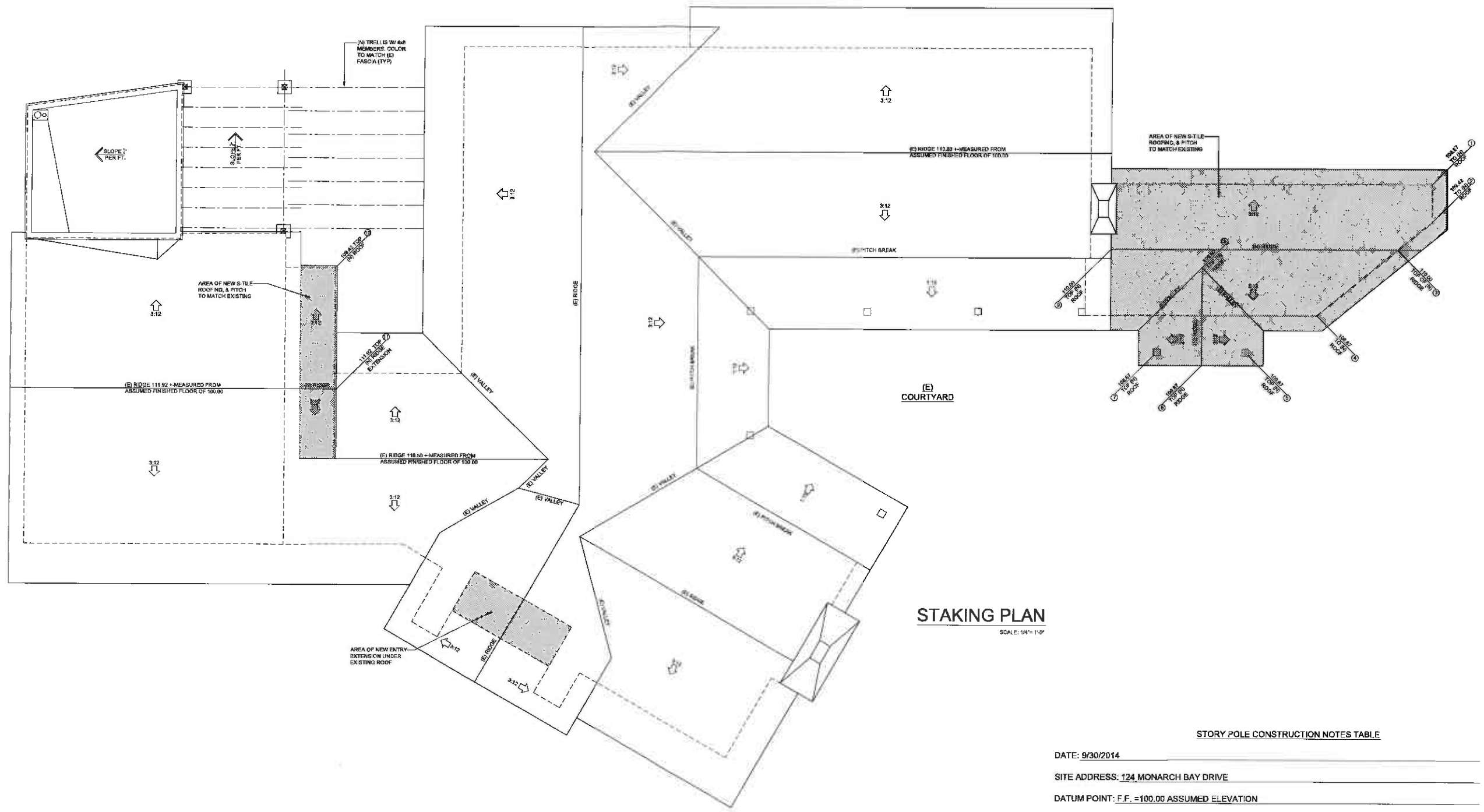
SCALE: 1/4" = 1'-0"

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

STORY POLE CONSTRUCTION NOTES TABLE

DATE: 9/30/2014

SITE ADDRESS: 124 MONARCH BAY DRIVE

DATUM POINT: F.F. = 100.00 ASSUMED ELEVATION

NAME OF SURVEYOR OR ENGINEER:

POLE NUMBER	ASSUMED (E) F.F.	HEIGHT OF STORY POLE FROM BASE ELEVATION	PROPOSED MAXIMUM ELEVATION
1	100.00	8.67	108.67
2	100.00	9.42	109.42
3	100.00	10.00	110.00
4	100.00	8.67	108.67
5	100.00	8.67	108.67
6	100.00	9.67	109.67
7	100.00	10.00	110.00
8	100.00	9.83	109.83
9	100.00	10.00	110.00
10	100.00	9.42	109.42
11	100.00	11.92	111.92

• IF STANDARD BASE GRADE ELEVATION NAILS ARE NOT FEASIBLE BECAUSE OF THE EXISTENCE OF ROCKS, PAVING OR EXISTING STRUCTURAL IMPROVEMENTS, THEN THE SURVEYOR OR ENGINEER MAY USE AN ALTERNATIVE METHOD OF ESTABLISHING HORIZONTAL AND VERTICAL CONTROL FOR STORY POLES THAT CAN BE OBSERVED IN THE FIELD. THE SURVEYOR OR ENGINEER SHALL DESCRIBE THE CONTROL METHOD USED DIRECTLY ON THE FULL-SIZE STAKING PLAN. SUCH ALTERNATIVE METHODS MAY INCLUDE PAINTED MARKINGS. IT IS ALSO RECOGNIZED THAT SOMETIMES IT MAY NOT BE FEASIBLE TO SET POLES DUE TO UNFORESEEN CIRCUMSTANCES. IN THAT CASE, PLEASE IDENTIFY THE STORY POLES THAT WERE NOT ESTABLISHED AND AN EXPLANATION AS TO THE REASON.

2008 PETER COOK + COMPANY
10000 MONARCH BAY DRIVE
DANA POINT, CA 92629
PHONE: 949.757.1234
FAX: 949.757.1235
ANDRUE ARCHITECTS, INC.
ARCHITECTS

BROWN RESIDENCE
124 MONARCH BAY DRIVE
DANA POINT, CA. 92629

STAKING PLAN

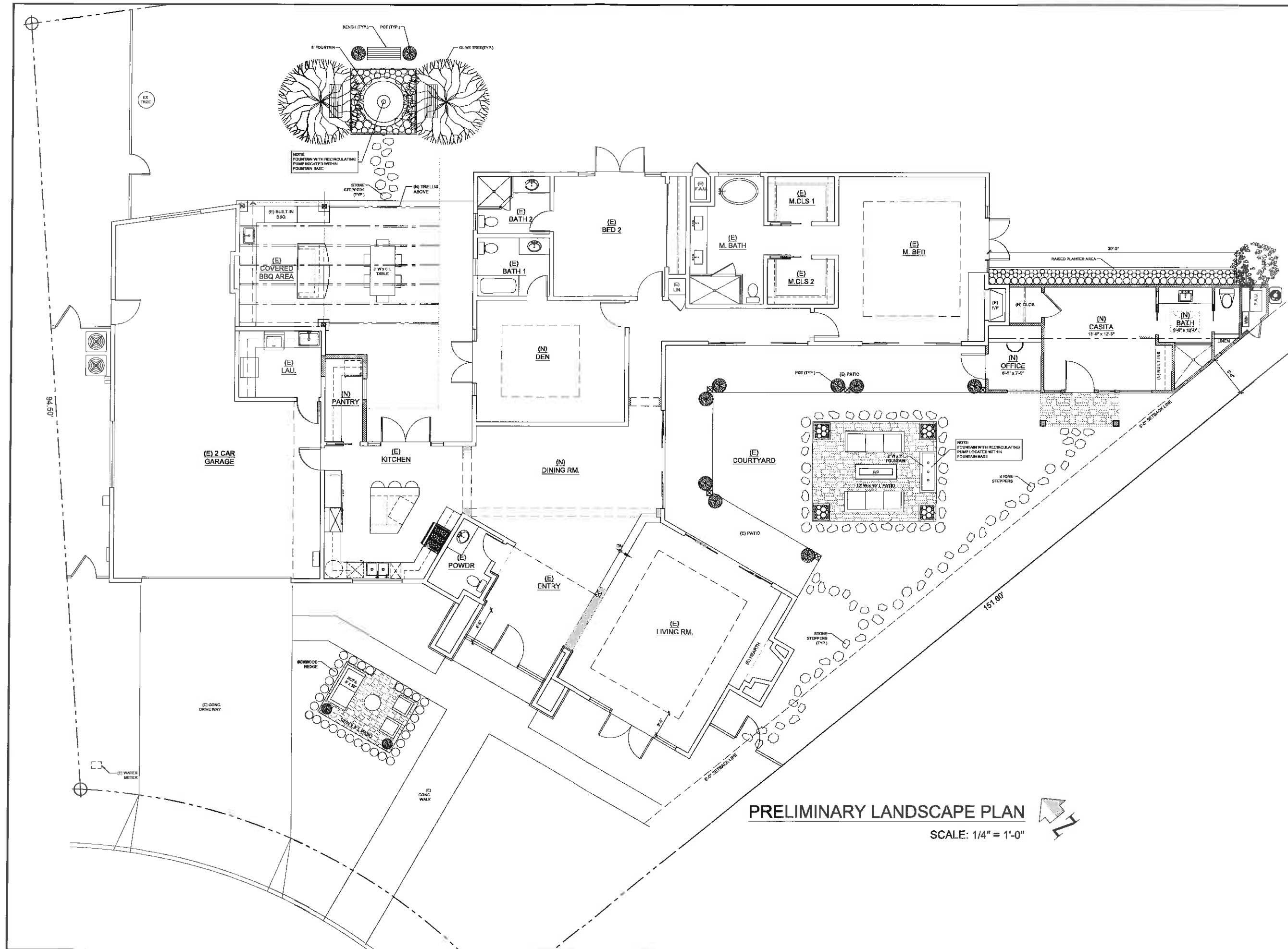
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ST-1



PRELIMINARY LANDSCAPE PLAN

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



ANDRADE ARCHITECTS, INC.
 1800 CALIFORNIA STREET, SUITE 200
 LA JOLLA, CALIFORNIA 92037
 PHONE: 858.592.4477
 FAX: 858.592.4477
 WWW.ANDRADEARCHITECTS.COM

BROWN RESIDENCE
 124 MONARCH BAY DRIVE
 DANA POINT, CA. 92629

PRELIMINARY LANDSCAPE PLAN

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DRAWN BY: CM
 CHECKED BY: KA
 DATE: 10/06/14
 JOB #: 1481
 SHEET: L.101



Monarch Bay Association

November 4, 2014

Seth and Sherryl Brown
9609 E. Poinsettia Drive
Scottsdale, AZ 85260

**RE: MONARCH BAY ASSOCIATION
APPROVAL OF ARCHITECTURAL PLANS DATED 10/09/14 BY ANDRADE ARCHITECTS
AND LANDSCAPE PLAN DATED 10/6/14 BY ANDRADE ARCHITECTS**

Dear Mr. & Mrs. Brown:

Thank you for your submittal to the Monarch Bay Association Architectural Control Committee for the addition of a new 52 square foot pantry, a 49 square foot entry addition, and a 383 square foot one-story casita, along with landscape/hardscape plans. The Committee has conditionally approved the plans noting the following:

- 1) Neighbor awareness forms are needed from #122, #126, #145 and #147. If there are concerns provided, the ACC will evaluate and could rescind this approval.
- 2) The free-standing paved patio with furniture proposed in the front yard is denied and will not be permitted.

We are also in receipt of your review fee retainer of \$5,000; however, we will also need to receive your construction deposit in the amount of \$10,000, which will be refunded minus road use fees upon the successful completion of your project.

Enclosed is a set of construction rules to share with your contractor so they know what to expect while working in the community.

Thank you for your cooperation throughout this process. Should you have any questions or concerns please contact our office at (949) 582-7770.

Sincerely,

THE MONARCH BAY ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE

CC: Board of Directors
Architectural Control Committee
MB/124/arch/conditional remodel approval/11.04.14

ATTACHMENT #5