

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

DATE: AUGUST 28, 2017

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
DANNY GIOMETTI, ASSOCIATE PLANNER

SUBJECT: APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF MINOR SITE DEVELOPMENT PERMIT SDP17-0015(M), TO ALLOW THE PLACEMENT OF A PORTION (28-LINEAR FEET) OF A 60-INCH HIGH BLOCK WALL AND TWO (2) 66-INCH HIGH PILASTERS EXCEEDING THE MAXIMUM HEIGHT LIMIT IN THE REQUIRED FRONT YARD LOCATED AT 347 MONARCH BAY DRIVE.

RECOMMENDATION: That the Planning Commission adopt the attached draft Resolution upholding the Community Development Director's approval of Minor Site Development Permit SDP17-0015(M).

APPELLANT: Timothy McFadden, Monarch Bay resident

REPRESENTATIVE: Monarch Development

OWNER: Darrin Campbell

ADDRESS: 347 Monarch Bay Drive (APN: 670-151-45)

NOTICE: On August 17, 2017, notices of the Public Hearing were mailed to property owners within a 500-foot radius, published within a newspaper of general circulation in the City of Dana Point and posted at the Dana Point City Hall, the Dana Point and Capistrano Beach branch post offices, as well as the Dana Point Library.

ITEM #3

BACKGROUND:

In April of 2017, a 28-linear foot, 60-inch high block wall and two 66-inch high pilasters were constructed within the required front yard of the subject property. The wall was constructed eight feet from the front property line and tied into an existing 60-inch block wall located near the site's southern property line. Though the Monarch Bay Homeowners Association (MBA) (Supporting Document 4) approved the wall, the work was completed without the requisite City building permit or zoning approval to allow the wall to exceed the maximum 42-inch height limit when located in the required front yard setback.

Soon after, a code enforcement case was generated (CE17-0598) for the over height wall within the required front yard, and a "Stop-Work" notice was issued by the City requiring the owner to obtain all necessary City permits and approvals for the construction of the wall. In response, the owner's representative applied for requisite zoning approval via a Minor Site Development Permit (SDP(M)) for the over height wall, and submitted construction plans to the City for a new pool and spa.

On July 17, 2017, the Director conducted a duly noticed public hearing for the subject entitlement. Prior to, and on the public hearing date, City staff received correspondence from the appellant (Mr. McFadden) and a resident (Mr. Nolet), stating concerns related to the MBA architectural review and approval process with regards to this project (Supporting Document 3). The hearing was attended by the applicant, owner and multiple proponents of the project. Neither Mr. McFadden nor Mr. Nolet attended the public hearing. The Community Development Director (Director) granted approval of the project having been apprised of the opponent's objections received prior to, and the statements expressed by the project proponents during the hearing. A copy of SDP17-0015(M) containing project details and analysis supporting the findings to approve the project in accordance with Section 9.71.050 of the Dana Point Zoning Code (DPZC) are attached as Supporting Document 1.

DISCUSSION:

In accordance with DPZC Section 9.61.110(a), any property owner or resident of property within a 500-foot radius of the subject property may appeal any decision rendered by the Director. The same DPZC Section designated the Planning Commission as the body to hear appeals of decisions made by the Director.

On August 1, 2017, the appellant, Timothy McFadden, filed an appeal of the Director's determination in accordance with DPZC Section 9.61.110 (Supporting Document 2). The appeal requests that the Planning Commission review all objections expressed verbally and provided in writing prior to and on the July 17, 2017, public hearing date.

Appeal Issues:

All objections provided to Staff via email correspondence are included as Supporting Document 3. Based on staff's review, the basis of appeal is as follows:

1. Monarch Bay Homeowners Association (MBA) Architectural Review Process: The appellant states that the subject project was approved by the association without properly following the architectural review process as stated in the subject homeowners association (HOA) Covenants, Conditions and Restrictions (CC&R's).

Staff response: The City does not regulate architectural review protocols of HOA's or their private management companies. Although the City asks property owners if they have completed HOA review process, the City cannot base approval or denial of development and/or building permits on a HOA's approval or denial of proposed improvements on a site. The City is not party to CC&R's recorded by private developers to establish private HOA's and therefore has no regulatory authority to enforce them.

2. Scope of work Noticing differences: The appellant and opponents state that there were discrepancies related to the project scope as described in the variance notice sent out by the MBA architectural committee identifying a proposed 50-inch high wall and the scope contained in the City's public notice for SDP17-0015 which identified a 60-inch high wall with 66-inch high pilasters. The 10-inch difference in height is described within the discussion section of SDP17-0015(M) (Supporting Document 1). A copy of the MBA variance notice was not provided to the City for prior review.

Staff response: The City mailed public notice is worded in accordance with the method for measuring walls pursuant to Section 9.05.120(a)(1) of the DPZC and complies with the City noticing requirements. It is not uncommon for HOA and City notices to differ as they are subject to different requirements and project scopes often change during the review process. It should be noted that staff met with the appellant during the project's City noticing period and provided an overview of the project, answered questions and listen to concerns.

3. Coastal Commission Approval: The appellant would like to understand more about the Coastal Commission approval as related to site improvements within the coastal zone.

Staff response: Pursuant to Section 9.69.040(b) of the DPZC, structures on the property normally associated with an existing single-family residence, such as swimming pools, and fences are considered part of an existing single-family residence and do not require an individual coastal development permit. Furthermore, the site does not contain a cliff as it is located landward of previously disturbed landforms improved with a private street, parking lot and access road connecting it

to the private street, and a private beach club. Therefore, the proposed water feature (presumably the pool) on the subject property is not proposed on a coastal bluff nor has the potential to affect a scenic resource.

4. Mall Common Area: In Supporting Document 3, Mr. Nolet raised concerns that there is a five (5) foot common area in the front setback.

Staff response: Condition No. 14 that was included in SDP17-0015 and repeated in the attached draft resolution related to easements requires the applicant to obtain all necessary approvals from the appropriate easement holder, if placing improvements within easements identified in the title report for the subject property.

CONCLUSION:

The proposed section of over height wall within the required front yard setback has been approved previously through SDP17-0015(M). As articulated in the sections above, the appellant's and resident's issues regarding the subject project, are unrelated to the basis of approval for the subject application. A majority of the appellant's issues are related to the homeowner's association internal review and approval process as outlined by the MBA CC&R's. Regarding appeal issue No. 3, the proposed project is exempt from a coastal development permit. As related to appeal issue No. 4, any unknown easements will be addressed through condition No. 14 of this report.

Staff recommends that the Planning Commission adopt the attached draft Resolution upholding the Community Development Director's approval of Minor Site Development Permit SDP17-0015 (M), subject to the conditions contained therein.



Danny Giometti
Associate Planner



Ursula Luna-Reynosa, Director
Community Development Department

ACTION DOCUMENTS:

1. Draft PC Resolution 17-08-28-XX

Supporting Documents

2. Site Development Permit SDP17-0015(M)
3. Appeal Letter from Mr. McFadden (timmcfaddensr@gmail.com) dated 08/01/2017)
4. SDP17-0015(M) Objection correspondence dated 07/17/2017, 07/10/2017, 05/08/2017(from Mr. McFadden), 07/14/2017(from Mr. Nolet).
5. MBA Approval Letter, dated 05/23/2017
6. Approved Project Plans
7. Project Vicinity Map and Site Photographs

RESOLUTION NO. 17-08-28-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND SUSTAINING THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF SDP17-0015(M), TO ALLOW THE PLACEMENT OF A PORTION (28-LINEAR FEET) OF A 60-INCH HIGH BLOCK WALL AND TWO (2) 66-INCH HIGH PILASTERS EXCEEDING THE MAXIMUM HEIGHT LIMIT IN THE REQUIRED FRONT YARD OF A LOT DEVELOPED WITH AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 347 MONARCH BAY DRIVE.

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

WHEREAS, Darrin Campbell, (the "Applicant") is the owner of real property commonly referred to as 347 Monarch Bay Drive (APN 670-151-45) (the "Property"); and

WHEREAS, in June of 2016, the Applicant made an application requesting the placement of a portion (28-linear feet) of a 60-inch high block wall and two (2) 66-inch high pilasters exceeding the maximum height limit in the required front yard of a lot developed with an existing single-family residence located at 347 Monarch Bay Drive; 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 Sections 15303 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines in that the project proposes construction of a site wall on a previously improved lot within a residential zone; and

WHEREAS, on July 17, 2017, the Director of Community Development held a duly noticed public hearing as prescribed by law, granting approval of SDP17-0015(M); and

WHEREAS, on August 1, 2017, the appellant filed a timely appeal of the Director of Community Development's determination; and

WHEREAS, the Planning Commission did, on the 28th day of August, 2017, hold a duly noticed public hearing as prescribed by law to consider said appeal; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Planning Commission considered all factors relating to the Community Development Director's determination to approve SDP17-0015(M).

ACTION DOCUMENT #1

CITY COUNCIL RESOLUTION NO. 17-08-28-XX
APPEAL OF DIRECTOR'S DETERMINATION
PAGE 2

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

- A) The above recitations are true and correct and incorporated herein by this reference.
- B) After reviewing all documents and testimony, the Planning Commission upholds the Community Development Director's determination and that the appeal is denied and makes the following findings:

Findings:

1. The site design is in compliance with the development standards of the Dana Point Zoning Code **in that pursuant to Section 9.05.120(c) of the DPZC, alternatives to the height limit for fences within the required front yard setback may be permitted subject to the approval of a SDP(M). The subject improvements include the construction of a 28-linear feet, 60 inch high section of a longer block wall and two (2) 66-inch pilasters which project into the required front yard of a previously developed lot. The block wall will be stuccoed and the pilasters will be finished in decorative stacked stone to match the existing site walls. Additionally, an assortment of mature drought tolerant landscaping will be re-planted in front of existing improvements which will soften the appearance of the street facing side of the wall. With the inclusion of the aforementioned finished wall and pilaster materials and landscaping improvements, the site design complies with Section 9.05.120(c) of the DPZC.**
2. The site is suitable for the proposed use and development **in that the owner's representative has recently submitted construction plans to the City for a new pool and spa to be located in the rear yard of the subject property. Pursuant to the DPZC, pools and spas are defined as an accessory use when developed in conjunction with an existing or proposed single family dwelling.**

Pursuant to Title 24, Section 3119B.1 of the California Code of Regulations, pool safety enclosures shall have a minimum effective perpendicular height of five (5) feet as measured from the outside and constructed over a hard and permanent material equivalent to concrete. The proposed site wall is 60-inches in height and constructed with a smooth stucco finish. Although pool safety is the primary concern, the new wall and

pilasters create additional private yard area for the single-family residential use. The proposed wall is necessary for the future pool and spa safety and therefore is suitable for the site and its intended uses.

3. **The project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines in that pursuant to Goal 2, Policy 2.5 of the Land Use Element of the General Plan as well as Section III.A.5. of the Urban Design Guidelines the inclusion of proposed landscaping on the street-facing side of the wall encourages neighborhood street landscaping to improve the quality of public spaces in residential areas and creates a buffer between residential development and the subject wall.**
4. **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 in that the subject wall is designed to be a minimum of 60-inches in height and of a non-climbable material in order to meet the minimum pool barrier requirements identified in the California Code of Regulations. The wall will not only help to reduce the risk drowning, but also creates additional private outdoor living area on site. The proposed wall and pilasters will match the existing home and site walls, which is appropriate for a wall of this type.**
5. **The requirements of the California Environmental Quality Act have been satisfied in that the project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) because the project involves the construction of a site wall on a previously improved lot within a residential zone.**

CONDITIONS OF APPROVAL:

The City of Dana Point hereby approves Minor Site Development Permit SDP17-00015(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A) General:

1. **The subject application is a request to allow the placement of a portion (28-linear feet) of a 60-inch high block wall and two (2) 66-inch high pilasters exceeding the maximum height limit in the required front yard**

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of a lot developed with an existing single-family residence located at 347 Monarch Bay Drive. Alternatives to height limits for walls may be requested pursuant to Section 9.05.120(c) of the Dana Point Zoning Code (DPZC) and subject to the approval of a Minor Site Development Permit (SDP(M)). Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal and Zoning Codes.

2. 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 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 plot plan, he may approve the amendment without requiring a new public hearing.
3. 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, such work is not commenced within 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.
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

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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 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.

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 construction site shall be posted with signage indicating that construction not commence before 7:00 AM and must cease by 8:00 PM, Monday through Saturday. No construction activities shall be permitted on Sundays or Federal holidays.
9. The applicant shall obtain all applicable permits for the proposed improvements.
10. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
11. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
12. The applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control.

The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.

B) Prior to Building Plan Check Submittal:

13. The subject "Conditions of Approval" section of this permit 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.

14. All easements per the current title report shall be shown on the plans. The applicant shall be responsible for coordination with all easement holders and utility providers including: 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 services. The applicant shall be required to gain all necessary approvals for improvements affecting easements prior to construction.

15. Building plan check submittal shall include the following construction documents:

- Building Plans (4 sets)
- Structural Calculations (2 sets)
- Drainage Plan

All documents prepared by a registered-design-professional shall be wet-stamped & signed.

16. 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 4500 psi.

17. Verification of all conditions of approval is required by all City Departments.

C) Prior to Issuance of a Building Permit or release on certain related inspections, the applicant shall meet the following conditions:

18. All approvals from outside Departments and Agencies are required.

D) Prior to final project sign off, the applicant shall meet the following:

19. Prior to final inspection, the applicant shall certify by a survey or other

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appropriate method that the height of the new wall complies with plans approved by the City. The City's standard "Height Certification" form shall be obtained from the Project Planner, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval before contacting the Planning Division for a final project sign-off.

20. The applicant shall contact Public Works and Engineering Services and the Planning Division to conduct an inspection of the completed project prior to contacting the Building/Safety Division for final project sign-off.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 28th day of August 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott McKhann, Chairman
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department



July 17, 2017

Monarch Development
30011 Ivy Glenn Drive # 123
Laguna Niguel, CA 92677

MINOR SITE DEVELOPMENT PERMIT SDP17-0015(M)

APPLICANT/ OWNER: Monarch Development

OWNER: Darrin Campbell

LOCATION: 347 Monarch Bay (APN: 670-151-45)

REQUEST: The subject application is a request to allow the placement of a portion (28-linear feet) of a 60-inch high block wall and two (2) 66-inch high pilasters exceeding the maximum height limit in the required front yard of a lot developed with an existing single-family residence located at 347 Monarch Bay Drive. Alternatives to height limits for walls may be requested pursuant to Section 9.05.120(c) of the Dana Point Zoning Code (DPZC) and subject to the approval of a Minor Site Development Permit (SDP(M)).

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303 (Class 3 – New Construction or Conversion of Small Structures).

DETERMINATION: The Community Development Director hereby
 APPROVES
~~DENIES~~
the requested Minor Site Development Permit described herein subject to the attached findings and applicable conditions.



Ursula Luna-Reynosa, Director
Community Development Department

SUPPORTING DOCUMENT #2

Harboring the Good Life

BACKGROUND:

The subject site is situated at the end of the cul-de-sac on Monarch Bay Drive, southwest of the intersection of Pacific Coast Highway and Crown Valley Parkway within the residential Single Family 4 (RSF-4) zoned community of Monarch Bay. The lot abuts a single family home to the north and a landscaped association area to the south. The subject site includes a 6,000 square foot single-family dwelling with an attached deck and at-grade patio off of the southern side of the dwelling, site-walls, and decorative hardscaping and landscaping.

In April of 2017, a 28-linear foot, 60-inch high block wall and two 66-inch high pilasters were constructed within the required front yard of the subject property without the requisite building permits or zoning approval. The wall was constructed eight feet from the front property line and tied into an existing 60-inch block wall located near the site's southern property line. Soon after construction, a code enforcement case was generated (CE17-0598) for over height walls within the required front yard, and a "Stop-Work" notice was issued by the City requiring that the owner obtain all necessary City approvals for the construction of the wall. In response, the owner has applied for the requisite zoning approval for the wall and also submitted construction plans to the City for a new pool and spa.

DISCUSSION:

The applicant requests to secure the subject SDP(M) in order to construct 28-linear feet of a block wall and two (2) pilasters located in the required 20-foot front yard of the subject lot above the DPZC prescribed 42-inch height limit. The project also proposes to lower the grade of the subject lot directly in front of the proposed wall to reduce the visual impact of the new wall as seen from Monarch Bay Drive. The proposed wall will replace the existing unpermitted wall in the same location with a vertical elevation of 60-inches as measured from finished grade to top of wall along the side facing Monarch Bay Drive.

The wall is also proposed at the 60-inch height in order to meet minimum California Code of Regulations pool safety enclosure requirements. The new 28-foot portion of block wall will be stuccoed and the pilasters will be finished in decorative stacked stone, both to match the existing freestanding wall near the southern property line. Additionally, an assortment of mature drought tolerant landscaping will be re-planted in front of the new wall to visually soften the appearance of the street facing side of the wall.

Based on the preceding analysis, findings to support the project and the associated discretionary permit are described in the following section.

FINDINGS:

Site Development Permit SDP 17-0015

A) The site design is in compliance with the development standards of the Dana Point Zoning Code in that pursuant to **Section 9.05.120(c) of the DPZC, alternatives to the height limit for fences within the required front yard setback may be permitted subject to the approval of a SDP(M).** The subject improvements include the construction of **28-linear feet, 60-inch high section of a longer block wall and two (2) 66-inch pilasters which project into the required front yard of a previously developed lot.** The block wall will be stuccoed and the pilasters will be finished in decorative stacked stone to match the existing site walls. Additionally, an assortment of mature drought tolerant landscaping will be re-planted in front of existing improvements which will soften the appearance of the street facing side of the wall. With the inclusion of the aforementioned finished wall and pilaster materials and landscaping improvements, the site design complies with **Section 9.05.120(c) of the DPZC.**

B) The site is suitable for the proposed use and development in that the owner's representative has recently submitted construction plans to the City for a new pool and spa to be located in the rear yard of the subject property. Pursuant to the DPZC, pools and spas are defined as an accessory use when developed in conjunction with an existing or proposed single family dwelling.

Pursuant to Title 24, Section 3119B.1 of the California Code of Regulations, pool safety enclosures shall have a minimum effective perpendicular height of five (5) feet as measured from the outside and constructed over a hard and permanent material equivalent to concrete. The proposed site wall is 60-inches in height and constructed with a smooth stucco finish. Although pool safety is the primary concern, the new wall and pilasters create additional private yard area for the single-family residential use. The proposed wall is necessary for the future pool and spa safety and therefore is suitable for the site and its intended uses.

C) The project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines in that pursuant to **Goal 2, Policy 2.5 of the Land Use Element of the General Plan as well as Section III.A.5. of the Urban Design Guidelines the inclusion of proposed landscaping on the street-facing side of the wall encourages neighborhood street landscaping to improve the quality of public spaces in residential areas and creates a buffer between residential development and the subject wall.**

D) 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 in that the **subject wall is designed to be a minimum of 60-inches in height and of a non-climbable material in order to meet the minimum pool barrier requirements**

identified in the California Code of Regulations. The wall will not only help to reduce the risk drowning, but also creates additional private outdoor living area on site. The proposed wall and pilasters will match the existing home and site walls, which is appropriate for a wall of this type.

- E) The requirements of the California Environmental Quality Act have been satisfied in that the project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) because the project involves the construction of a site wall on a previously improved lot within a residential zone.

CONDITIONS OF APPROVAL:

The City of Dana Point hereby approves Minor Site Development Permit SDP17-00015(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General:

1. The subject application is a request to allow the placement of a portion (28-linear feet) of a 60-inch high block wall and two (2) 66-inch high pilasters exceeding the maximum height limit in the required front yard of a lot developed with an existing single-family residence located at 347 Monarch Bay Drive. Alternatives to height limits for walls may be requested pursuant to Section 9.05.120(c) of the Dana Point Zoning Code (DPZC) and subject to the approval of a Minor Site Development Permit (SDP(M)). Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal and Zoning Codes.
2. 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 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 plot plan, he may approve the amendment without requiring a new public hearing.
3. 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, 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.

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 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 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.

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 construction site shall be posted with signage indicating that construction not commence before 7:00 AM and must cease by 8:00 PM, Monday through Saturday. No construction activities shall be permitted on Sundays or Federal holidays.

9. The applicant shall obtain all applicable permits for the proposed improvements.
10. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
11. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
12. The applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.

B. Prior to Building Plan Check Submittal:

13. The subject "Conditions of Approval" section of this permit 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.
14. All easements per the current title report shall be shown on the plans. The applicant shall be responsible for coordination with all easement holders and utility providers including: 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 services. The applicant shall be required to gain all necessary approvals for improvements affecting easements prior to construction.
15. Building plan check submittal shall include the following construction documents:
 - Building Plans (4 sets)
 - Structural Calculations (2 sets)
 - Drainage Plan

All documents prepared by a registered-design-professional shall be wet-stamped & signed.

16. 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 4500 psi.

C. Prior to Issuance of a Building Permit or release on certain related inspections, the applicant shall meet the following conditions:

18. All approvals from outside Departments and Agencies are required.

D. Prior to final project sign off, the applicant shall meet the following:

19. Prior to final inspection, the applicant shall certify by a survey or other appropriate method that the height of the new wall complies with plans approved by the City. The City's standard "Height Certification" form shall be obtained from the Project Planner, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval before contacting the Planning Division for a final project sign-off.
20. The applicant shall contact Public Works and Engineering Services and the Planning Division to conduct an inspection of the completed project prior to contacting the Building/Safety Division for final project sign-off.

4

From: Tim McFadden Sr [mailto:timmcfaddensr@gmail.com]
Sent: Tuesday, August 01, 2017 12:28 PM
To: URSULA LUNA-REYNOSA
Cc: KURTH NELSON; Matt Schneider; Nolet, Carl; 'Nancy Lindauer'; Mary McFadden; DANNY P. GIOMETTI
Subject: FW: 347 Monarch Bay City of Dana Point Public Notice

CITY OF DANA POINT

2017 AUG 1 P 2:38

RECEIVED
CITY CLERK'S OFFICE DEPARTMENT

08/01/2017

Re: Appeal regarding Minor Site Development Permit DDP17-0015(M) located at 347 Monarch Bay Drive to Planning Commission.

Ursula Luna-Reynosa, Director Community Development:

We have not received any additional feedback from Doug McLeish, President of Monarch Bay Association (MBA) or Lisa Klasky, Progressive Community Management regarding Minor Site Development Permit DDP17-0015(M) located at 347 Monarch Bay Drive per our last email July 27, 2017.

Please file our appeal today regarding Minor Site Development Permit DDP17-0015(M) located at 347 Monarch Bay Drive to Planning Commission.

We will come to City of Dana Point later today and issue a check for \$250.00 with City Clerk, Dana Point which is the Fee to file an appeal.

Our appeal will utilize all of the objections submitted prior to the July 17, 2017 9:00 am public hearing held by the Director of Community Development of the City of Dana Point that were submitted in writing and or verbal at the meeting. These objections clearly stated the issues (impact) regarding approval of Minor Site Development Permit DDP17-0015(M).

Danny, I appreciate our conversation that we can withdraw our appeal at any time in the event MBA addresses this matter prior to Planning Commission Appeal Date. We are all hopeful this is the case for all parties involved. Thanks Danny for all of your time regarding this matter.

Ursula, Please confirm that this appeal has been accepted and filed accordingly.

In closing we want to confirm that we do not have to file more than one appeal to allow many of the impacted MBA Members and Homeowners the opportunity to address Planning Commission since the list of objections was from many impacted folks. We are hopeful this is the case but if this is not accurate please let us know since today is the last day of filing an appeal.

2017 AUG -1 P 2:39

CITY OF DANA POINT

Thanks Ursula.

SUPPORTING DOCUMENT #3

Regards,

Tim McFadden Sr.

A handwritten signature in black ink, appearing to read 'Tim McFadden Sr.', with a large, stylized flourish at the end.

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If you have received this communication in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

Thank you.

GIOMETTI@DanaPoint.org; Lisa Klasky <lisak@progressivecm.com>

Subject: 347 Monarch Bay City of Dana Point Public Notice

Doug McLeish, President MBA
Lisa Klasky, Property Management
MBA Board of Directors
ACC Committee

Doug,

In reply to Lisa Klasky email below we wanted to make you aware of our findings during a meeting at City of Dana Point regarding 347 Wall.

We have been told by Danny Giometti, City of Dana Point that the current wall as built to date (new wall) footings were not built to allow for 60" wall thus Owner has been told all of the work done to date will have to be removed. This is a 60" Wall and not an existing 42" wall adding 8" or total 50" wall. This has to be a 60" wall since we now understand a pool landscape plan was shared during my meeting with Danny.

Since we now understand the wall will have to be removed from our meeting yesterday at City of Dana Point on behalf of many MBA Members we are requesting your involvement Doug and MBA Board to direct the ACC Committee to issue a fully disclosed Final New Wall variance letter that will included a swimming Pool (in the mall area) and installation of new putting green in new location, and a 60" Wall with 4 Pilasters at 66" according to the plans we viewed at City of Dana Point yesterday. We would like to have string poles from the previous location prior to the wall being built without a permit from City of Dana Point that moved 5' into the mall area and front setback without any variance at all.

NO.1 INCONSISTENCIES WITH HCA APPROVAL PROCESS

As stated at the ACC Variance Meeting on record many owners never received the Variance Letter the first time and the date received left only a few days for owners to review the plans prior to the ACC Variance Meeting. It was also stated at the ACC Variance Meeting that the owner wanted just a 50" wall and when asked about plans for a Pool we were all told no decision was decided on the pool by the owner. We even discussed 50" wall was not high enough for a pool at this meeting so we all left believing there was not going to be pool. No string poles were ever put up for this project thus many owners had no idea of this project and impact to MBA Owners until the wall was installed and moved without a permit being obtained.

New Construction will allow Monarch ACC Committee to send out Final New Wall variance letter to all MBA Owners which will allow all MBA Owners the opportunity to understand the final actual design, heights, and locations of Pool and new wall and scope of new construction and vote accordingly.

We all feel this is a win/win for all parties since the current new wall must be removed as stated above and the scope of construction has changed dramatically. This is a great opportunity to allow ACC committee to have full disclosure and allow all owners in MBA the opportunity to view Sting Poles for the first time. Frankly no one is impacted with an accurate Final New Wall variance letter since the wall portion in question must be removed prior to new construction.

I have copied Kurth Nelson, Mike Schneider, and Dan Giometti regarding the 347 Wall Issue so our emails regarding 347 Wall are added to City of Dana Point Review and Record for today's Public Hearing since Objections have been made regarding 347 Wall that have addressed the enclosed emails. We have already voiced our Objection to the 347 Wall during our meeting at City of Dana Point that Lisa Klasky has noted below.

Thanks Doug and we are hopeful you and your board for MBA will contact the MBA ACC Committee accordingly and instruct them to prepare Final New Wall Variance Letter for this new construction and string lines to be installed at 347 Monarch Bay. I know this will be most helpful for many MBA/MBLA Members and City of Dana Point Planning.

Regards,

Tim and Mary McFadden

Regards,

Tim McFadden Sr.

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Thank you.

From: Lisa Klasky [<mailto:lisak@progressivecm.com>]

Sent: Friday, July 14, 2017 10:29 AM

To: Timothy McFadden <timmcfaddensr@gmail.com>; Douglas.P.McLeish@jci.com

Cc: 'Jim Keisker' <jimk@kw-architects.com>; Marc Kazarian <mkazarian@cox.net>; rstequila@gmail.com; Nolet, Carl <cnoletjr@noletspirits.com>; 'Nancy Lindauer' <nancy lindauer@yahoo.com>; Mary McFadden <marymcfadden@guidedalliance.com>

Subject: RE: DRAFT 347 Monarch Bay City of Dana Point Public Notice vs MBA ACC Variance Notice dated

Hi Tim,

On behalf of the Board and the ACC, we did research this issue and spoke with the City Planner regarding the **inconsistencies in the Public Hearing notice and the Association's variance letter/approved plan**. The plan which is under review by the City is the same plan that has been approved by the ACC; however, they have worded their notice differently due to several factors. In hindsight, Mr. Giometti advises that their notice could have been worded differently, but the plan itself remains the same as was approved by the ACC. Mr. Giometti advises that the Staff Report will reflect these inconsistencies, but at time of this response, we have not been provided a copy of the Staff Report.

We also understand that you have spoken with the Planner at the City, Danny Giometti, and he advised you of the same that he has advised us.

If you have further inquiries, we encourage you contact Mr. Giometti directly as follows:

Danny P. Giometti
DGiometti@DanaPoint.org
(949) 248-3569

Thank you,

THE MONARCH BAY ASSOCIATION BOARD AND ACC

by: Lisa Klasky

Community Manager for the Monarch Bay Association and Monarch Bay Land Association

Progressive Community Management
27405 Puerta Real, Ste 300, Mission Viejo, CA 92691
(949) 582-7770 Fax: (949) 582-7796

Celebrating 24 years of excellent service!



From: Timothy McFadden [mailto:timmcfaddensr@gmail.com]

Sent: Monday, July 10, 2017 6:44 PM

To: Douglas.P.McLeish@jci.com

Cc: Lisa Klasky <lisak@progressivecm.com>; 'Jim Keisker' <jimk@kw-architects.com>; Marc Kazarian <mkazarian@cox.net>; rstequila@gmail.com; Nolet, Carl <cnoletjr@noletspirits.com>; 'Nancy Lindauer' <nancy lindauer@yahoo.com>; Mary McFadden <marymcfadden@guidedalliance.com>

Subject: FW: DRAFT 347 Monarch Bay City of Dana Point Public Notice vs MBA ACC Variance Notice dated

Doug McLeish, President MBLA and Board of Directors,

I was going to attend tonight's board meeting but have a conflict as do many other owners within MBA that are not happy with 347 Monarch Wall.

We are sending you this by email so you can discuss this at tonight's board meeting. Some of the other owners might be in attendance but it is important to get this addressed prior to Public Notice Hearing in week or so.

We received City of Dana Point Public Notice for Minor Site Development Permit DDP17-0015(M) located at 347 Monarch Bay Drive received 7/05/17.

We would like to have our Board of Directors and ACC Committee address the following:

NO. 2 INCONSISTENCIES IN NOTICING
MBA Variance Notice 347 Monarch Bay Dated 04/06/17 received 04/14/17: (Key Points)

1. The Variance Letter sent out by ACC committee stated "add approximately 8 inches in height to an existing 3'6 plastered masonry wall that sits within the front yard setback.
2. A variance is required to allow a wall or fence to exceed a height of 3'6" in the front yard.
3. The Proposed added height will exceed the allowably **height** by approximately 8".
4. A Variance is required for the approximate 8" height increase only for the 24 lineal foot portion of wall that encroaches into the front setback.
5. Contiguous portions of the wall and gate that will not encroach into the front yard setback do not require a height variance.
6. A string line has been placed on top of the existing wall.

City of Dana Point, Public Notice received 07.05.17: (Key Points)

- A request to Increase in Height of 45 Linear Feet of Existing Block Wall and Four (4) pilasters within the front yard setback from 42" to 60-inches (wall) and 66-inches (pilasters).

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If you have received this communication in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

Thank you.

From: Tim McFadden Sr [mailto:timmcfaddensr@gmail.com]
Sent: Monday, May 8, 2017 12:12 PM
To: 'Lisa Klasky' <lisak@progressivecm.com>
Cc: 'Doug McLeish' <douglas.p.mcleish@jci.com>; 'Mary McFadden' <marymcfadden@cox.net>; stevenewles@gmail.com; 'Nancy Lindauer' <nancyindauer@yahoo.com>; Nolet, Carl <cnoletjr@noletspirits.com>; 'Jim Keisker' <jimk@kw-architects.com>
Subject: RE: 347 Monarch Bay Feb and March Meeting

Lisa and Doug,

Thanks for your email and very good to see you yesterday as the MBA event at the BC.

I told Darrin this was going out to you today with copy to him to be shared with Board of Directors and ACC Committee but I do not have his email. Please forward to Darrin for me.

Please review our comments and request for answers to questions to allow all of us to understand our rights under our governing documents regarding 347 Wall issue.

This is the section you have stated in your last email to us dated 05/05/17 Section 8.9 (d) of the CC&R's:

(d) Resolution of Disputes. In the event any Owner who submits plans and specifications to the Architectural Control Committee is dissatisfied with the action of the Architectural Control Committee, and contends that the Architectural Control Committee acted in an unjust, unreasonable, arbitrary or capricious manner in reviewing and acting on such plans and specifications, such Owner shall have the right to file a written appeal with the Board of the Association within fifteen (15) days of the date of the Architectural Control Committee's written notice, and the Board's decision on the matter shall be final.

NO. 1 ARCH REVIEW PROCESS

Monarch Bay Architectural Guidelines Section 3.5.4 states the following:

3.5.4 Approval or denial of Variances by the ACC shall be subject to appeal to the Board by any owner for any reason. Following approval or denial of a Variance by the ACC, proponents and opponents to the Variance shall be notified of their right to file a written appeal with the Board within fifteen (15) days of the date of the ACC's written notice. On an appeal to the Board, the Board shall exercise its independent judgment on the merits of the Variance request. The Board's decision on the matter shall be final.

As you can see **ACC Section 3.5.4** clearly permits any owner for any reason to file an appeal to the Board within 15 days of the date of the ACC's written Notice which has not been received to date.

Section 8.9 (d) of the CC&R's is not relevant to our ability to file an appeal to Feb and March ACC Approvals by ACC since this section only address the rights and protection of the Owner who submitted plans and

DANNY P. GIOMETTI

From: Carl Nolet, Jr. <cnoletjr@noletspirits.com>
Sent: Friday, July 14, 2017 4:59 PM
To: DANNY P. GIOMETTI
Subject: Objection letter 347 Monarch bay drive

Danny Giometti (dgiometti@danapoint.org)

Re: Objection to Minor Site Development SDP-17-0015(M) located 347 Monarch Bay Drive

Danny,

I oppose Minor Site Development SDP-17-0015(M) located 347 Monarch Bay Drive for the following reasons:

1. ^{No. 2} Discrepancies between MBA Variance Request Notice dated 04.06.17 and the City of Dana Point Public notice received 07.05.17. It appears the approved Variance from MBA ACC Committee was for a 50" wall and not a 60" Wall that the Public Notice Stated. If this has changed the Public needs to understand the final actual scope of services so they can comment accordingly.
2. A request is being made to Monarch Bay Board President Doug McLeish, President and the Board of Directors to allow for a new Variance letter be sent out to MBA Owners to reflect the actual scope of services regarding location and size of new wall and pilasters. This will be helpful for all parties so that we all understand the final location and heights of this project that has changed many times over the past few months. Planning Commission will be helpful to request an updated Approval that has been voted on by all MBA Owners.
3. This type of project has been denied to other home owners in the Mall Area as well as other MBA lots. I know this is an MBA issue but the City of Dana Point requires approval from Homeowners to allow for a permit to be issued. As stated it would be best for Planning Commission to review this file and ensure all HOA Documents are updated to reflect the final scope of services.
4. Entrance to the Beach Club safety issues will be an issue given the new wall will be moved 5' into front set back in the Mall Common Area. We are worried about accidents from owners or visitors walking around this area and crossing the street at this area and getting hit by cars entering and leaving the Beach Club.
5. The elevation of the front area of the new wall has been raised recently thus this will impact the actual height of the wall. Since this project has stated as a simple 3/6" wall going to 42" and now 72" it is vital for the City of Dana Point to clearly notify all of Public Hearing with actual descriptions of the request for Minor Site Development Plan.
6. The Plans show a side existing wall of 60" I believe but I am not sure this is accurate. This needs to be reviewed to verify if this is accurate and or if the actual wall approved when the home was built has ever been changed without a permit. Planning can be very helpful with this process.
7. ^{3/4} ^{0.4} Has the City of Dana Point received any approval by Monarch Bay Land Association or Moulton Family Trust who is lease holders since this common area 5' expansion (Being removed to be used by one owner) by the new wall being proposed in a Front Set Back is in the Mall common area which after 2020 all 214 owners will own 1/214 of this area being given away. It might be best to contact Moultons and 214 owners about this project now versus possible litigation down the line. In fact, some of the lots were sold to MBA Owners in 2016 and another batch of lots sold in 910/2106 thus all of those that have closed on their lots now share in 1/214 ownership now. I am confident Planning Commission will be a great help here.

8. We would like to understand more about Coastal Commission approval of a water feature on the cliff and or the wall being built by taking 5' of front set back in common area of the mall that green belt area that is shared by all 214 owners now as Mall Common Area being permitted to be taken and given to 347 Monarch Owner. A nice park bench or benches within this 5-foot common area mall space would be very nice and has been done already in other Mall common area mall space. This would be very nice for all to enjoy. that has been placed in other areas of the mall would be very nice for all to enjoy.
9. This 5' area in the front set back is prime real estate and belongs to MBA and is common area in Mall and needs to be protected by all parties. The planning commission review of this area is much needed to protect all parties involved.

Best Regards,

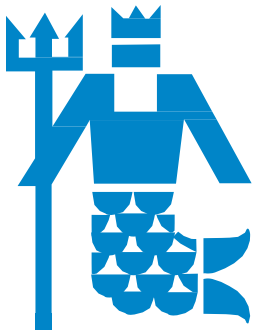
Carl
11th Generation

Looking for a new drink recipe? Try the following:

Ketel One NOLET'S Silver Vesper

.5 oz NOLET'S Silver Dry Gin
.5 oz Ketel One Vodka
.25 oz Lillet Blanc

Stir NOLET'S Silver and ingredients with ice in a cocktail shaker. Strain into a martini glass. Garnish with a twist of lemon.



Monarch Bay Association

May 23, 2017

Darrin and Lisa Campbell
347 Monarch Bay Drive
Monarch Beach, CA 92629

via e-mail

RE: 347 MONARCH BAY DRIVE
APPROVAL OF LANDSCAPE PLAN INCLUDING POOL BY SJA DATED 5/4/17

Dear Mr. and Mrs. Campbell,

Thank you for submitting plans for the landscape plan for the front and rear yard of your home including a grade change in front of the wall and a pool installation in the rear/side yard.

The landscape plan reflects a change in the grade of approximately 10" within the front setback that maintains the already approved wall height of 50", so the grade change has no impact to the wall height or the adjacent area.

Pursuant to section 7.24 of the Association's CC&R's, the ACC has the authority to approve water features in Tract #4472 due to their location, health, safety, privacy and building code factors. The Committee concurs that this water feature installation has no impact on any other property and complies fully with all provisions of the Association's governing documents.

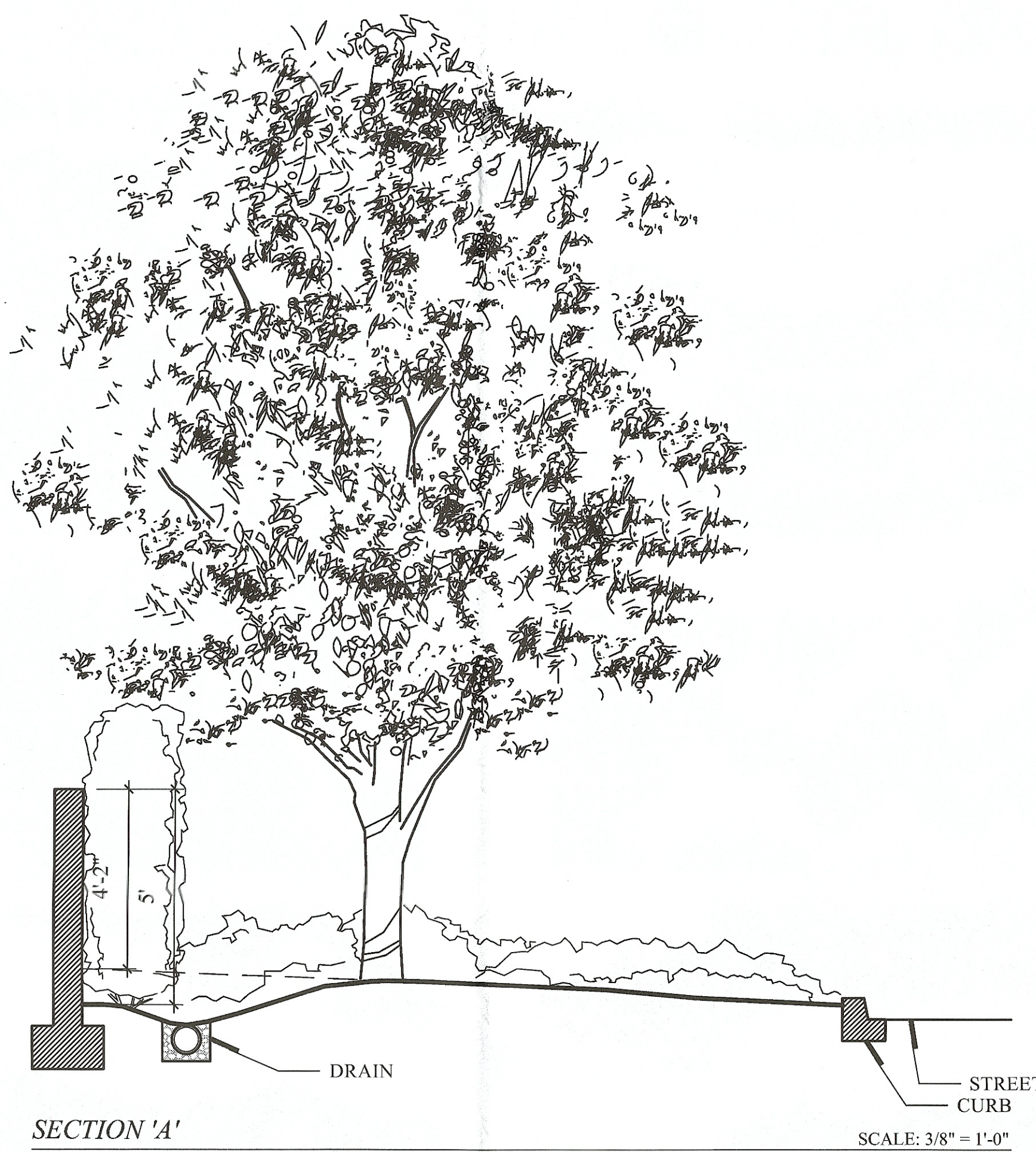
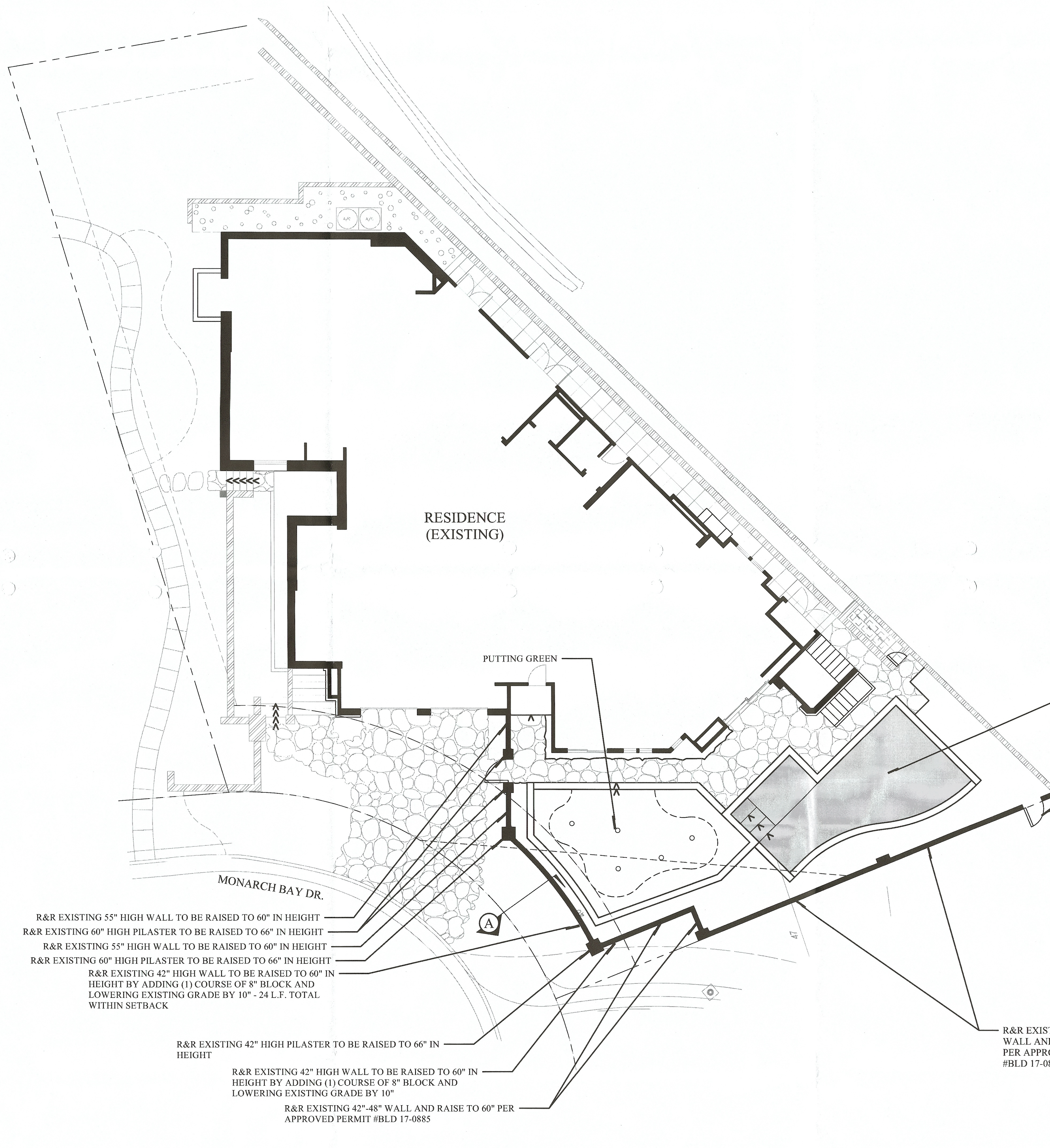
The Committee has reviewed and approved the plans as submitted. Please note that we have both a construction deposit and review fees on file, so no additional fees are required at this time.

We thank you for your on-going cooperation. We wish you luck with your project.

Respectfully,
THE MONARCH BAY ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE

CC: Board
MB/347/arch/landscape and pool plan approval/05.23.17

SUPPORTING DOCUMENT #5



- R&R EXISTING 55" HIGH WALL TO BE RAISED TO 60" IN HEIGHT
- R&R EXISTING 60" HIGH PILASTER TO BE RAISED TO 66" IN HEIGHT
- R&R EXISTING 55" HIGH WALL TO BE RAISED TO 60" IN HEIGHT
- R&R EXISTING 60" HIGH PILASTER TO BE RAISED TO 66" IN HEIGHT
- R&R EXISTING 42" HIGH WALL TO BE RAISED TO 60" IN HEIGHT BY ADDING (1) COURSE OF 8" BLOCK AND LOWERING EXISTING GRADE BY 10" - 24 L.F. TOTAL WITHIN SETBACK
- R&R EXISTING 42" HIGH PILASTER TO BE RAISED TO 66" IN HEIGHT
- R&R EXISTING 42" HIGH WALL TO BE RAISED TO 60" IN HEIGHT BY ADDING (1) COURSE OF 8" BLOCK AND LOWERING EXISTING GRADE BY 10"
- R&R EXISTING 42"-48" WALL AND RAISE TO 60" PER APPROVED PERMIT #BLD 17-0885

PROPOSED POOL UNDER SEPARATE PERMIT SUBMITTED TO PLAN CHECK

5' HIGH OUTWARD SWINGING GATE

NOTE
EXISTING WALLS LOCATED WITHIN FRONT YARD SETBACK APPROVED. REFER TO PERMIT # BLD 17-0885

- GENERAL CONSTRUCTION NOTES**
1. CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTIONS AND/ OR GRADE DIFFERENCES EXIST THAT MAY HAVE NOT BEEN KNOWN DURING DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND THE CITY/COUNTY REP. FAILURE TO GIVE SUCH NOTIFICATION SHALL RESULT IN THE CONTRACTOR ASSUMING FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS.
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR COST INCURRED DUE TO DAMAGE AND REPLACEMENT OF SAID UTILITIES.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH OTHER SUB-CONTRACTORS AS REQUIRED TO ACCOMPLISH CONSTRUCTION OPERATIONS.
 4. SEE GRADING PLANS FOR VERTICAL CONTROL, WHERE APPLICABLE.
 5. CONTRACTOR SHALL COORDINATE IRRIGATION SLEEVE LOCATIONS UNDER PAVED AREAS AS REQUIRED. REFER TO IRRIGATION PLANS.
 6. PRIOR TO PLACING CONCRETE OR AC, THE CONTRACTOR SHALL SUFFICIENTLY COMPACT THE SUBGRADE AND PROVIDE SUBSURFACE PREPARATION PER SPECIFICATIONS.
 7. CONCRETE/HARDSCAPE SURFACES SHALL BE FORMED WITH LONG, SMOOTH GRADIENTS TO REDUCE DIPS, ABRUPT CHANGES AND SHARP TRANSITIONS.
 8. ALL CURVILINEAR WALKS, CURBS, HEADERBOARDS, AND WALLS SHALL HAVE A CONTINUOUS SMOOTH CURVE WHERE APPLICABLE. ALL FORMS MUST BE INSPECTED AND APPROVED PRIOR TO BEGINNING THAT PHASE OF WORK.
 9. UNLESS OTHERWISE SHOWN, ALL WALKS SHALL BE 3-1/2" THICK NATURAL COLOR WITH A TOPCAST 25 FINISH. INSTALL EXPANSION JOINTS PER PLAN.
 10. IF IN THE FIELD, SCALED DIMENSIONS CONFLICT WITH WRITTEN GRADES, AND/OR DIMENSIONS, THE WRITTEN INFORMATION SHALL TAKE PRECEDENCE.

APPROVED
City of Dana Point
Administrative Hearing
Meeting Date 7/17/17 Item # _____
FF# _____ Project # PA 17-0055
Resolution # SDP17-0015 Initials [Signature]

SJA
landscape architecture
land planning

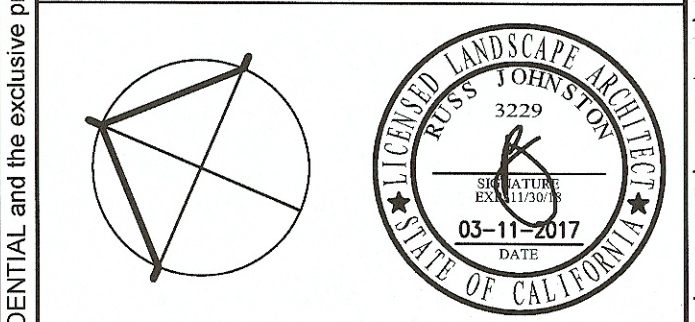
31726 RANCHO VIEJO ROAD | SUITE 201
SAN JUAN CAPISTRANO CA 92675
TEL 949 276 6500 | FAX 949 276 6506
www.sjainc.com

CAMPBELL RESIDENCE
347 MONARCH DR.
DANA POINT, CA 92629

DARRIN CAMPBELL
DANA POINT, CA 92629

REVISIONS	
REVISION	DATE

SCALE	1/8"=1'-0"
DESIGNED	RJ
DRAWN	OT
CHECKED	
DATE	07/15/17
JOB NO.	
JOB TYPE	RESIDENCE



SHEET TITLE
UPDATED WALL PLAN

SHEET **1**
OF 2

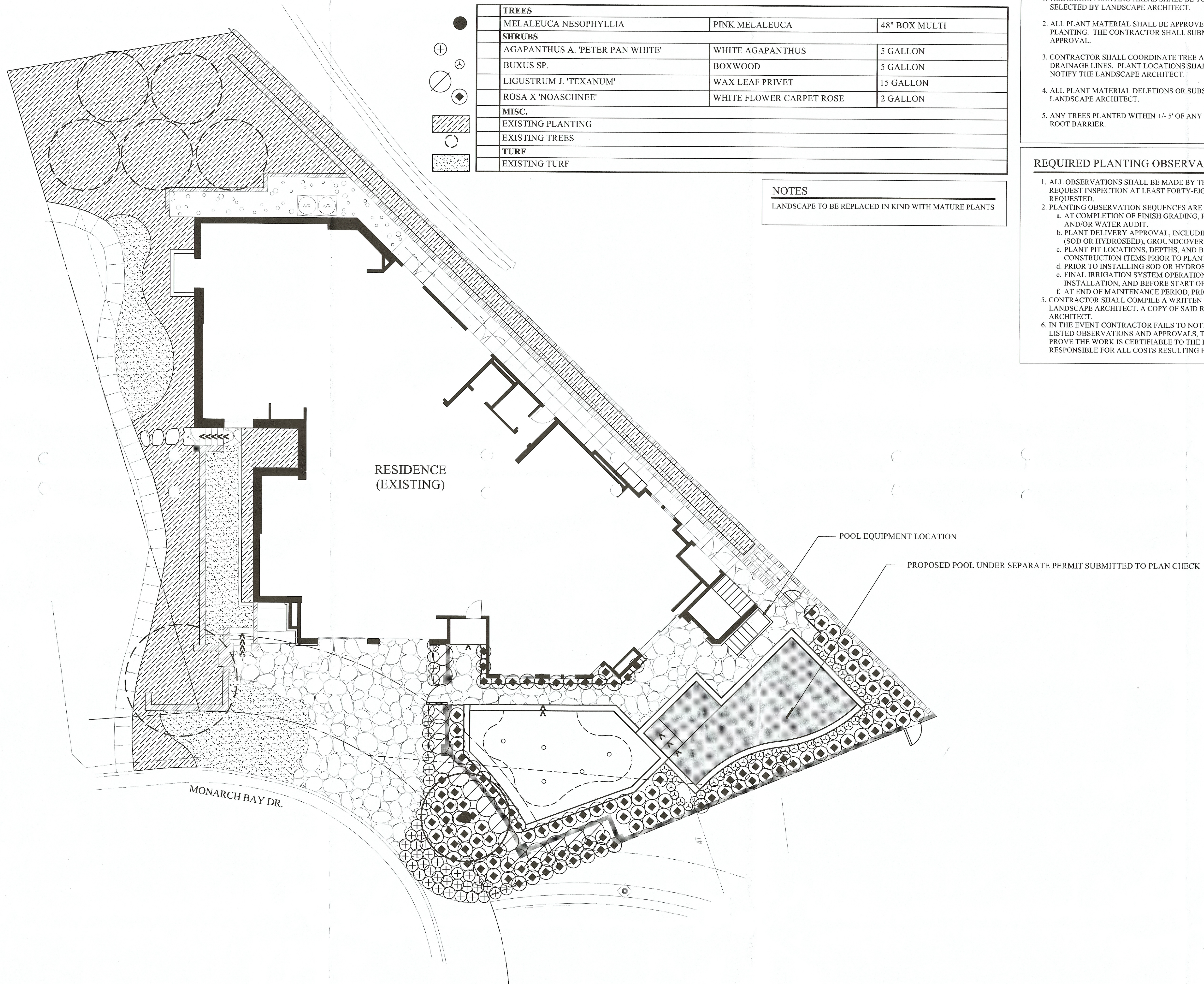
PLANTING LEGEND

BOTANICAL NAME	COMMON NAME	SIZE
TREES		
MELALEUCA NESOPHYLLIA	PINK MELALEUCA	48" BOX MULTI
SHRUBS		
AGAPANTHUS A. 'PETER PAN WHITE'	WHITE AGAPANTHUS	5 GALLON
BUXUS SP.	BOXWOOD	5 GALLON
LIGUSTRUM J. 'TEXANUM'	WAX LEAF PRIVET	15 GALLON
ROSA X 'NOASCHNEE'	WHITE FLOWER CARPET ROSE	2 GALLON
MISC.		
EXISTING PLANTING		
EXISTING TREES		
TURF		
EXISTING TURF		

NOTES
LANDSCAPE TO BE REPLACED IN KIND WITH MATURE PLANTS

- PLANTING NOTES**
- ALL SHRUB PLANTING AREAS SHALL BE TOP DRESSED WITH A 3" LAYER OF MULCH - TO BE SELECTED BY LANDSCAPE ARCHITECT.
 - ALL PLANT MATERIAL SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING. THE CONTRACTOR SHALL SUBMIT PHOTOS OF ALL PLANT MATERIAL FOR APPROVAL.
 - CONTRACTOR SHALL COORDINATE TREE AND SHRUB PLANTINGS WITH IRRIGATION AND DRAINAGE LINES. PLANT LOCATIONS SHALL TAKE PRECEDENCE. FOR MAJOR DISCREPANCIES NOTIFY THE LANDSCAPE ARCHITECT.
 - ALL PLANT MATERIAL DELETIONS OR SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
 - ANY TREES PLANTED WITHIN +/- 5' OF ANY PAVED AREA, OR ANY BUILDING SHALL RECEIVE A ROOT BARRIER.

- REQUIRED PLANTING OBSERVATION SEQUENCE**
- ALL OBSERVATIONS SHALL BE MADE BY THE LANDSCAPE ARCHITECT. CONTRACTOR SHALL REQUEST INSPECTION AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO TIME INSPECTION IS REQUESTED.
 - PLANTING OBSERVATION SEQUENCES ARE AS FOLLOWS:
 - AT COMPLETION OF FINISH GRADING, PRIOR TO IRRIGATION SYSTEM COVERAGE TEST AND/OR WATER AUDIT.
 - PLANT DELIVERY APPROVAL, INCLUDING BUT NOT LIMITED TO TREES, SHRUBS, VINES, TURF (SOD OR HYDROSEED), GROUND COVER, AND MULCH;
 - PLANT PIT LOCATIONS, DEPTHS, AND BACKFILL MIX, INCLUDING TURF AREAS AND CONSTRUCTION ITEMS PRIOR TO PLANTING;
 - PRIOR TO INSTALLING SOD OR HYDROSEEDING (AS APPLICABLE);
 - FINAL IRRIGATION SYSTEM OPERATIONAL TEST FOLLOWING PLANT MATERIAL INSTALLATION, AND BEFORE START OF PROJECT MAINTENANCE PERIOD;
 - AT END OF MAINTENANCE PERIOD, PRIOR TO ACCEPTANCE FOR MAINTENANCE.
 - CONTRACTOR SHALL COMPILE A WRITTEN OBSERVATION REPORT FOR EACH VISIT BY THE LANDSCAPE ARCHITECT. A COPY OF SAID REPORT(S) SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT.
 - IN THE EVENT CONTRACTOR FAILS TO NOTIFY THE LANDSCAPE ARCHITECT FOR THE ABOVE LISTED OBSERVATIONS AND APPROVALS, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE TO PROVE THE WORK IS CERTIFIABLE TO THE LANDSCAPE ARCHITECT. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS RESULTING FROM SAID FAILURE TO NOTIFY.



31726 RANCHO VIEJO ROAD | SUITE 201
SAN JUAN CAPISTRANO CA 92675
TEL 949 276 6500 | FAX 949 276 6506
www.sjainc.com

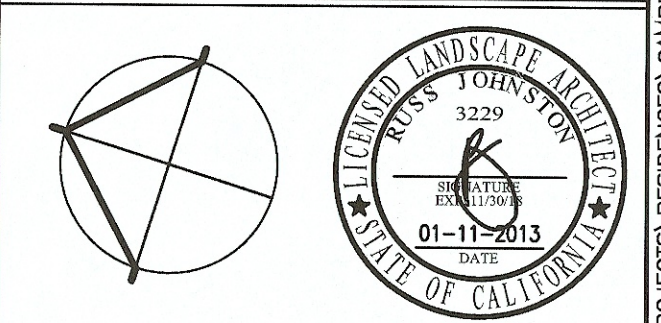
CAMPBELL RESIDENCE
347 MONARCH DRIVE
DANA POINT, CA
CAMPBELL

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REVISIONS

REVISION	DATE

SCALE	1/8"=1'-0"
DESIGNED	RJ
DRAWN	OT
CHECKED	
DATE	07/15/17
JOB NO.	
JOB TYPE	RESIDENCE



SHEET TITLE
PLANTING
PLAN

SHEET 2
OF 2

E:\PROJECTS\RESIDENCES\CAMPBELL\015\CAMP_RES_P.DWG Jul 14, 2017 CAMP_RES_P

Picture 'A' - View of side/rear yard from adjacent Monarch cove development.



Picture 'B' - View from driveway of beach club looking towards 347 monarch Bay side yard.



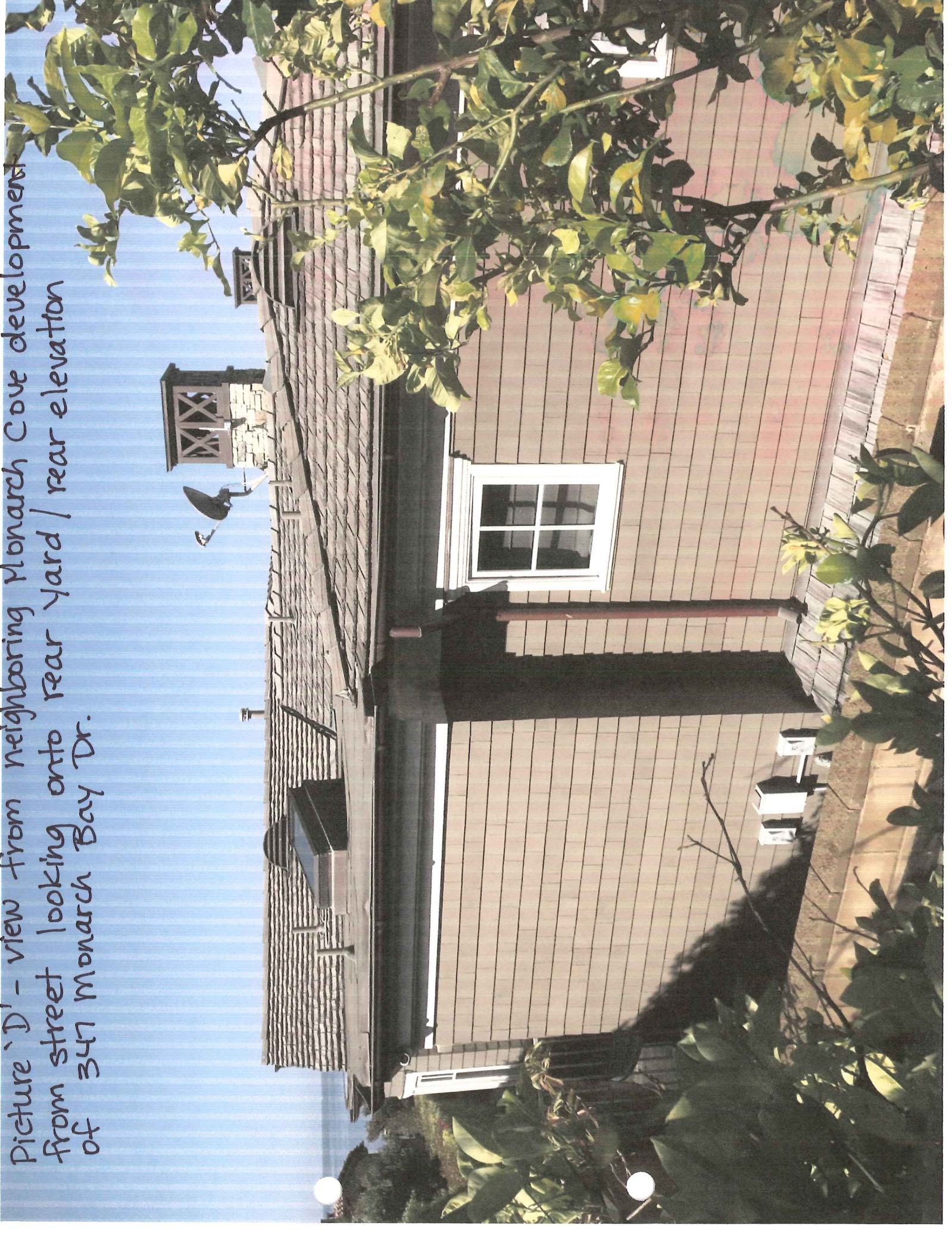
Picture 'C' - view from street of front elevation and side yard



Driveway
Entrance to
Beach club

Proposed existing
walls raised to
60" and pilaster
to 66"

Picture 'D' - view from neighboring Monarch Cove development from street looking onto rear yard / rear elevation of 347 Monarch Bay Dr.





Picture

Picture 'F'



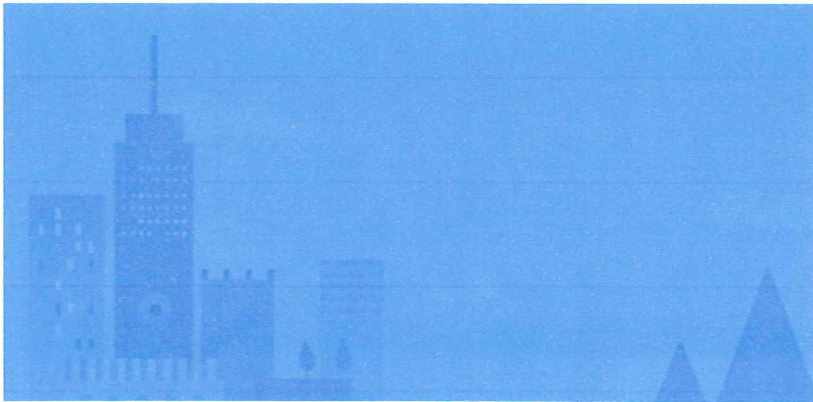
Google Maps

347 Monarch Bay Dr

Arial View of 347 Monarch Bay with driveway entrance to Beach club just to the right of 347



Imagery ©2017 Google, Map data ©2017 Google 20 ft



347 Monarch Bay Dr
Dana Point, CA 92629

RECEIVED
JUN 15 2017
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT



City of Dana Point
Preliminary Review PA17-0065
Danny Giometti, Associate Planner
Community Development Department
33282 Golden Lantern (Danny Giometti, Associate Planner)
Dana Point, CA 92629-1805

VICINITY MAP



Project : PA17-0065

Owner: Darrin Campbell

Location: 347 Monarch Bay

