

April 8, 2020

Richard Harbaugh
17 Mayapple Way
Irvine, CA 92612

**CITY OF DANA POINT
ADMINISTRATIVE PERMIT
MINOR SITE DEVELOPMENT PERMIT
SDP20-0004(M)**

PROJECT APPLICANT: Richard Harbaugh

PROPERTY OWNER: Richard Harbaugh

LOCATION: 34322 Via Fortuna (APN: 123-162-26)

REQUEST: A request for a 127 square-foot roof deck being constructed in conjunction with a new two-story, single-family residence.

ENVIRONMENTAL: The project is categorically exempt per Section 15303 of the CEQA Guidelines (Class 3-New Construction).

DETERMINATION: The Community Development Director hereby
_____ APPROVES
_____ DENIES
the requested ENTITLEMENT described herein subject to the attached findings and applicable conditions.

Brenda Wisneski, Director
Community Development Department

BACKGROUND/DISCUSSION:

- The zoning of the proposed project site is Residential Duplex 14 (RD 14).
- The site is improved with a 1,065 square-foot single-family residence with a one-car garage that will be demolished for the construction of a 2,034 square-foot, two-story, single-family residence with attached two-car garage. The project requires a Minor Site Development Permit for the proposed roof deck.
- The project site is surrounded by single-family and multi-family residential developments.
- The proposed single-family residence complies with all applicable development standards including setbacks, lot coverage, landscape coverage, and height requirements based on the various roof elements proposed.
- The Director of Community Development can approve a Minor Site Development Permit for a roof deck if all of the individual requirements pursuant to DPZC 9.05.230 are met.
- The architect, Jack Garland, has designed the roof deck and access to be screened from the grade below.
- The proposed 127 square foot roof deck is seven percent (7%) of the overall roof area, and less than 300 square feet.
- A majority of the roof deck is screened by a 5/12 sloped roof, and the other portion is screened by a horizontal siding or solid stucco parapet wall. Overall, the roof deck has been designed to be integral to the architecture of the proposed residence and meets all applicable roof deck requirements, including height.
- The proposed access to the roof deck is from the second story balcony at the front of the house. A spiral staircase is screened from view by the horizontal siding element utilized to screen the roof deck.
- Staff recommends approval, subject to the attached findings and conditions of approval.

FINDINGS:

- A. Based on the evidence presented at the public hearing, the Director of Community Development makes the following findings and approves SDP20-0004(M), subject to conditions of approval:
1. Compliance of the site design with development standards of the Dana Point Zoning Code, **in that the new single family residence is compliant with the Dana Point Zoning Code (DPZC), including the RD14 development standards and the provisions directly related to roof decks. The project is consistent with all height requirements, and the access and roof deck has been fully integrated into the design of the home and is not visible from the surrounding areas.**
 2. Suitability of the site for the proposed use and development, **in that the site is currently improved with a single-family residence that will be demolished**

and replaced with a new single-family residence compliant with all provisions of the RD14 development standards. All development standards associated with DPZC Section 9.05.230 for a roof deck have been met. As measured from the finished pad, which is the low point of the project, to the various roof elements, the proposed structure is below the maximum height.

3. Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines, **in that Capistrano Beach does not have an identified architectural style, but the architect has designed the residence and proposed roof deck consistent with the City's General Plan in that the proposed roof deck is consistent with the design of the proposed single-family residence. Goal 5 of the Urban Design Element of the General Plan states: "Achieve design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development."** The proposed roof deck with access, which is not visible from the grade below, is fully surrounded by a solid parapet and various roof elements, which ties into the architecture of the residence. These elements ensure the roof deck is compliant with this General Plan goal, and the finish materials provide for a high quality and detailed architectural design for the proposed residence.
4. Site and structural design which is appropriate for the site and function of the proposed use(s), without requiring a particular style and type of architecture, **in that the applicant's proposal is appropriate for the site and use in that it proposes a roof deck for a single-family residence, which has been designed to screen both the access and the roof deck from the grade below. There is no required architectural style for Capistrano Beach.**

CONDITIONS OF APPROVAL:

The City of Dana Point hereby grants approval of SDP20-0004(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General:

1. Subsequent submittals 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 Code.
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 the 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. Building permits are required for the proposed project. Permits shall be applied for after the approval of the discretionary permit. All applicable California Building Code requirements shall be met.
9. The project shall meet all water quality requirements.
10. A grading permit shall be obtained prior to any work including demolition activities. The application shall include a grading plan, in compliance with City standards, for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.

B. Prior to issuance of a Grading Permit

11. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.
12. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
13. A performance bond shall be required for all grading activities up to 100% of the proposed improvements. A performance bond shall be required to ensure completion of grading activities and proposed development to Certificate of Occupancy.
14. 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.
15. The applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.
16. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.

C. Prior to issuance of a Building Permit

17. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
18. The applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the project.
19. The applicant shall submit a rough grade certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (the City's standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.
20. An as graded geotechnical report shall may prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and recompaction, as well as a map depicting the limits of grading. Locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading of the site, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report.

D. Prior to Certificate of Occupancy

21. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Municipal Code and Grading Manual.

22. Written approval (the City's standard Geotechnical Engineer's Certification Form for Final/Precise Grading) by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
23. Written approval (the City's standard Civil Engineer's Certification Form for Final/Precise Grading) by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction for all engineered drainage devices and other related improvements.
24. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
25. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
26. Prior to final Building/Safety Division project sign-off, the applicant shall contact the Planning Division to conduct a final inspection of the subject project.