

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802-4325
Voice (562) 590- 5071



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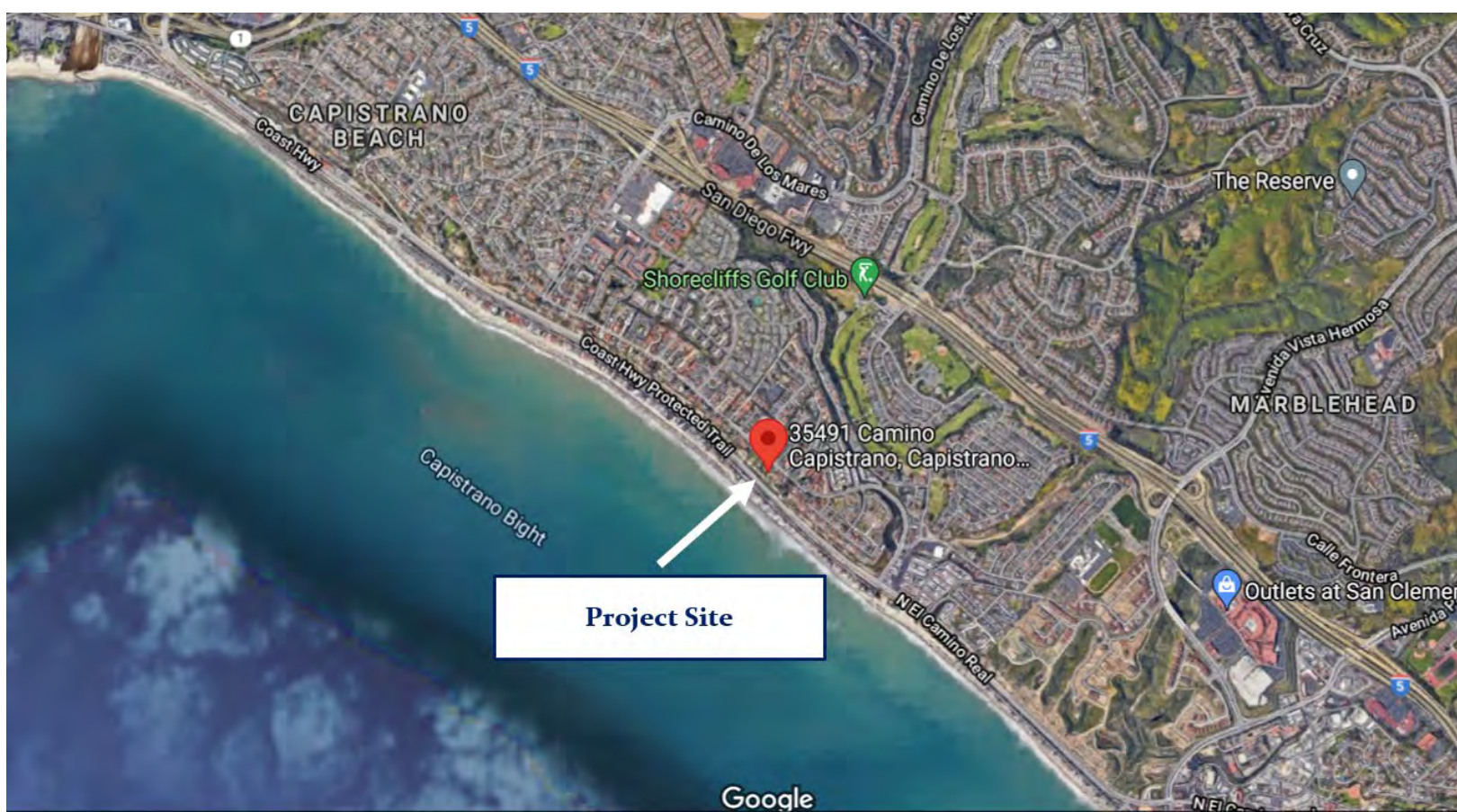
A-5-DPT-21-0038 (Zhang and Li)

August 13, 2021

EXHIBITS

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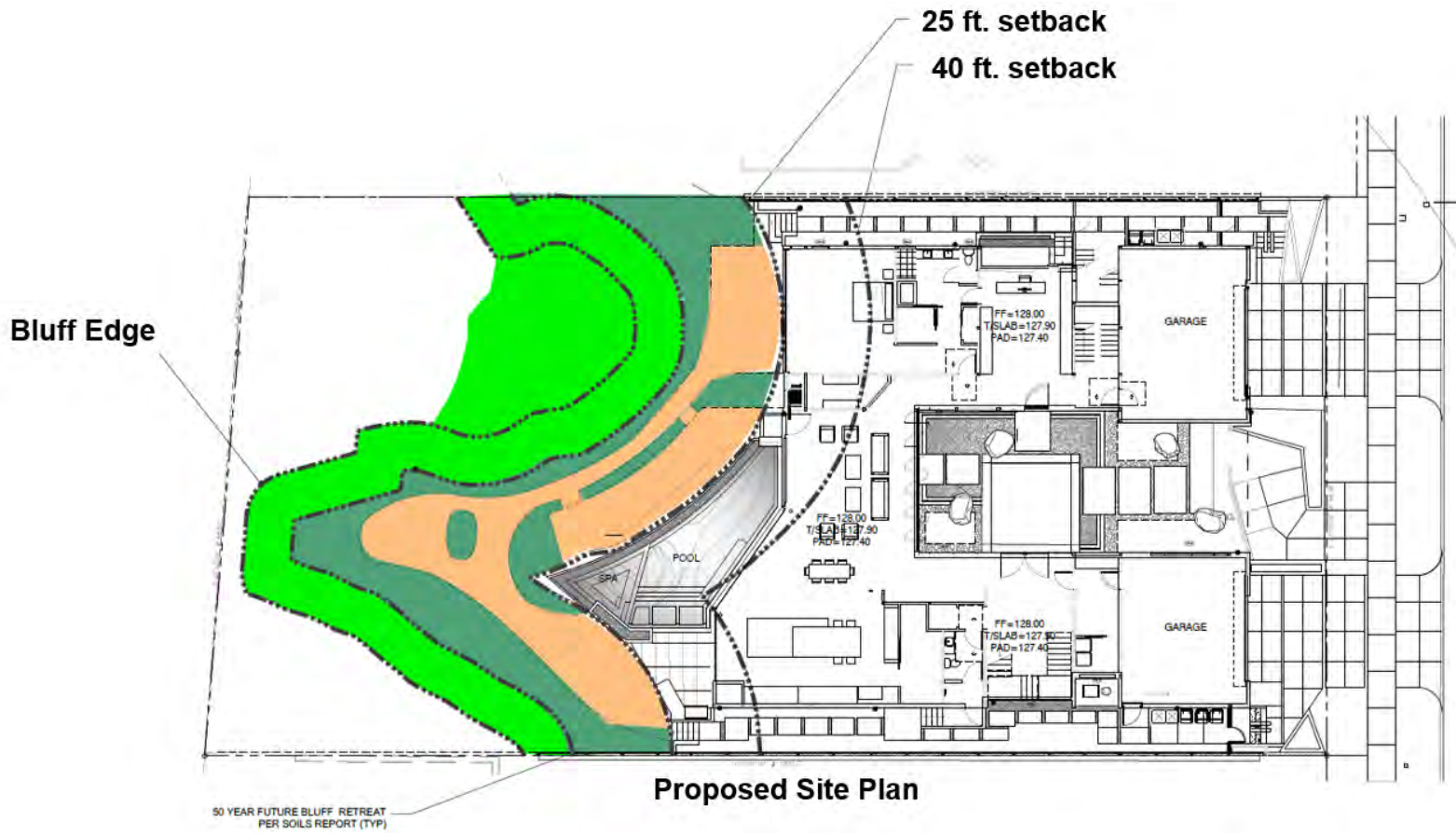
- Exhibit 1 – Vicinity Map and Project Site**
- Exhibit 2 – City- Approved Project Plans**
- Exhibit 3 – Local Determination**
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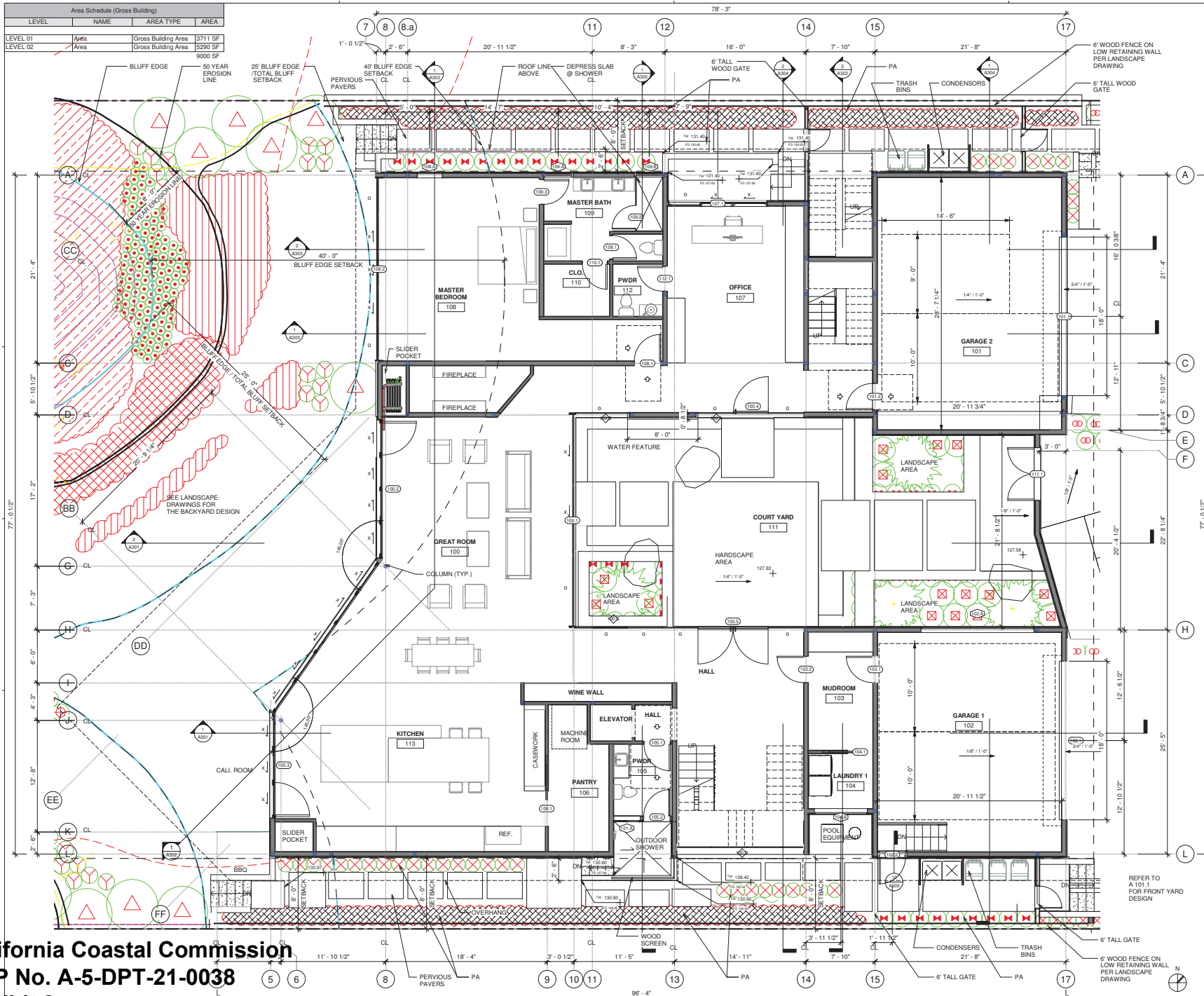
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| Area Schedule (Gross Building) | | | |
|--------------------------------|------|---------------------|---------|
| LEVEL | NAME | AREA TYPE | AREA |
| LEVEL 01 | Area | Gross Building Area | 3711 SF |
| LEVEL 02 | Area | Gross Building Area | 5390 SF |
| | | | 9000 SF |



GENERAL NOTES

- ALL DIMENSIONS SHOULD BE VERIFIED ON SITE BEFORE PROCEEDING WITH THE WORK.
- ALL DOORS AND WINDOWS DIMENSIONED TO CENTERLINE OF CLEAR OPENING. ALL NON-DIMENSIONED WINDOWS TO BE CENTERED IN THE CLEAR OPENING, WHERE LOCATION OF WINDOWS AND DOORS ARE NOT DIMENSIONED, THEY SHALL BE PLACED 3" FROM F.O. FINISH OF ADJACENT WALL AS INDICATED ON DRAWINGS.
- ALL CASEWORK DIMENSIONS TO FACE OF FINISH.
- ALL INSULATION MATERIALS SHALL BE CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH THE CALIFORNIA QUALITY STANDARDS FOR INSULATION MATERIAL. DOORS AND WINDOWS WHEN CONDITIONED AND UNCONDITIONED SPACE SHALL BE FULL WEATHER STRIPPED. ALL DECK SURFACES SHALL BE SLOPED A MINIMUM OF 1/4" PER FOOT U.O.N.
- EXTERIOR DOORS ONLY TO OPEN OUTWARDS IF EXTERIOR DOOR LANDING IS NOT MORE THAN 6.5' LOWER THAN THE DOOR THRESHOLD. CAULK PLUMBING AND ELECTRICAL PENETRATIONS. ALL WINDOW AND DOOR FRAMES, BETWEEN WALL SHEATHING AND FLOORS, AND ALL OTHER OPENINGS IN THE ENVELOPE. ALL EXTERIOR OPENINGS (AND OPENINGS BETWEEN HEATED AND UNHEATED AREAS) SHALL BE PROPERLY WEATHER STRIPPED, CERTIFIED AND LABELED PROVIDE VINYL BEAD TYPE WEATHER STRIPPING AT THESE DOORS AND WINDOWS, ALL SIDES OF THE DOOR MUST BE WEATHERSTRIPPED, INCLUDING THE THRESHOLD. CAULK AND SEAL OPENING IN BUILDING EXTERIOR 1/8" OR GREATER TO PREVENT AIR INFILTRATION.
- WHERE REQUIRED, PROVIDE MINIMUM INSULATION OF R-13 AT EXTERIOR WALLS, AND R-30 IN ROOF AND CEILING WALLS. PROVIDE WOOD BLOCKING AS REQUIRED AT ALL WALL BASE INSTALLATIONS. REFER TO DETAIL SHEETS FOR WALL BASE DETAILS.
- PROVIDE ADDITIONAL PLYWOOD SHEATHING ON ALL WALLS TO RECEIVE PLYWOOD SHEAR-WALL SHEATHING TO COMPLETELY FLUSH OUT SUBSTRATE SURFACE(S). ADDITIONAL SHEATHING SHALL EXACTLY MATCH THE THICKNESS OF THE SHEAR-WALL SHEATHING REQUIRED. ADDITIONAL SHEATHING SHALL CONTINUE ALONG WALL UNTIL JUNCTION WITH A PERPENDICULAR WALL OR END OF WALL, OR AS DIRECTED BY DESIGNER.
- SLOPE FRAMING OR PROVIDE SLOPE TO PROVIDE SLOPES AS INDICATED AND POSITIVE DRAINAGE TOWARDS DRAINAGE. STUCCO OVER WOOD SHEATHING SHALL INCLUDE TWO LAYERS OF GRADE "D" BUILDING PAPER.
- ALL WALL FRAMING SHALL BE 2X4 @ 16" O.C. MINIMUM, U.O.N. ALL GYPSUM BOARD SHALL BE 5/8" THICK, TYPE "X", U.O.N. ALL GYPSUM AND/OR PLASTER SURFACES SHALL BE SMOOTH, CONTINUOUS, FREE OF IMPERFECTIONS, AND WITH NO VISIBLE JOINTS, U.O.N.
- SOUND PROOF ALL AREAS OF NEW CONSTRUCTION, INCLUDING ALL WALLS AND FLOORS AFFECTED BY RENOVATION.
- PROVIDE COMBUSTION AIR FOR WATER HEATER W/ 12" FOR BOTTOM OF THE COMPARTMENTAL WALLS TO BE PROVIDED FROM SINKS, SHOWER, LAUNDRY, AND TUBS TO GREYWATER TANK. NO KITCHENS AND BATHS TO DRAIN TO GREYWATER.
- ALL PERIMETER WALLS SHALL BE 1 HR FIRE-RESISTANT RATED CONSTRUCTION.

LEGEND

- 2X4 WALL
- 2X6 WALL
- OVERHEAD
- SITE RETAINING WALLS
- DROP CEILING
- 1 HR FIRE RATED

PLAN NOTES 1/4" = 1'-0"

ENLARGED - LEVEL 01 1/4" = 1'-0"

CLIENT Ming Zhang & Kai Li

AGENCY

LEVEL 01

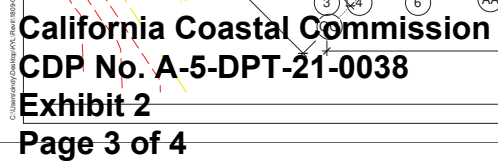
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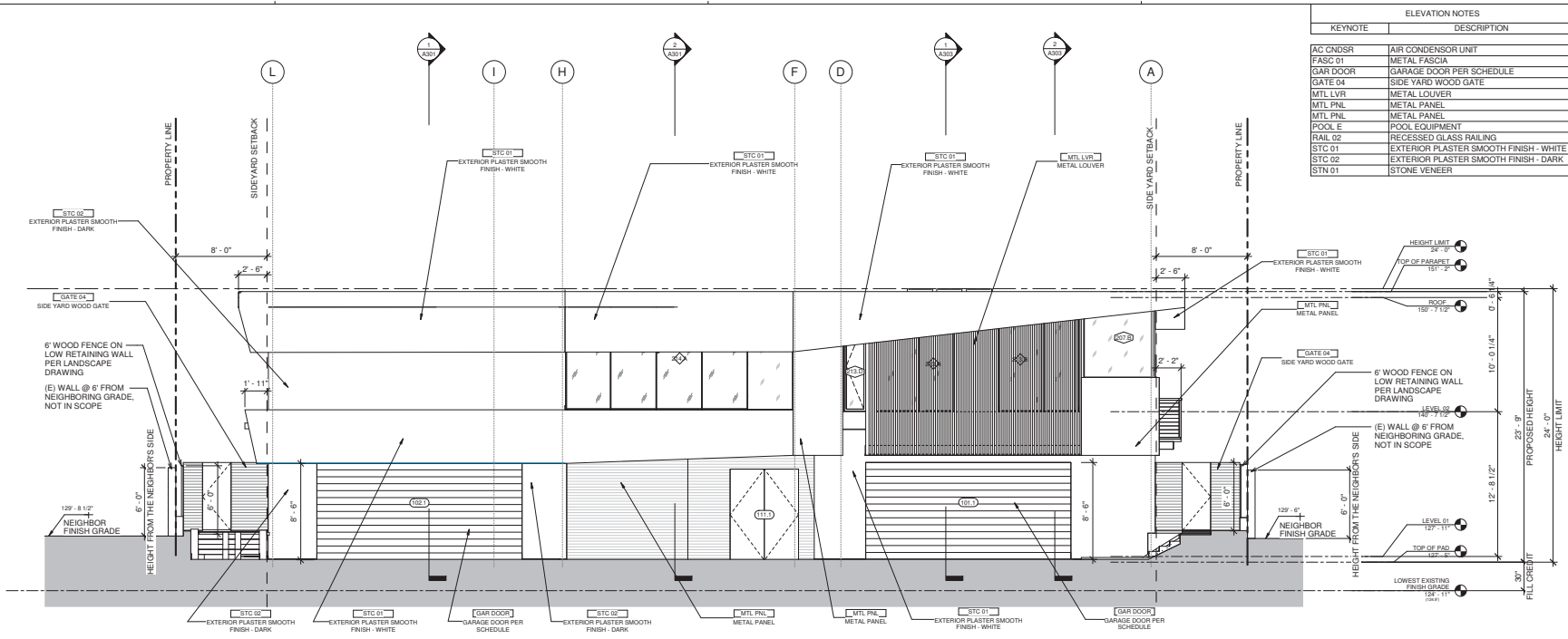
REVISION

BY Coastal Review - 5

PROJECT A101



- A102



GENERAL NOTES

- DO NOT SCALE DRAWINGS.
- ALL DIMENSIONS GOVERN.
- ALL DIMENSIONS SHOULD BE VERIFIED ON SITE BEFORE PROCEEDING WITH THE WORK.
- ANY INCONSISTENCIES OR UNFORESEEN CONDITIONS TO BE REVIEWED BY THE ARCHITECT PRIOR TO PROCEEDING WITH CONSTRUCTION.
- DRAWINGS REPRESENT DESIGN INTENT ONLY - NOT A CONTRACT DOCUMENT.
- AS BUILT CONDITIONS TO BE VERIFIED.

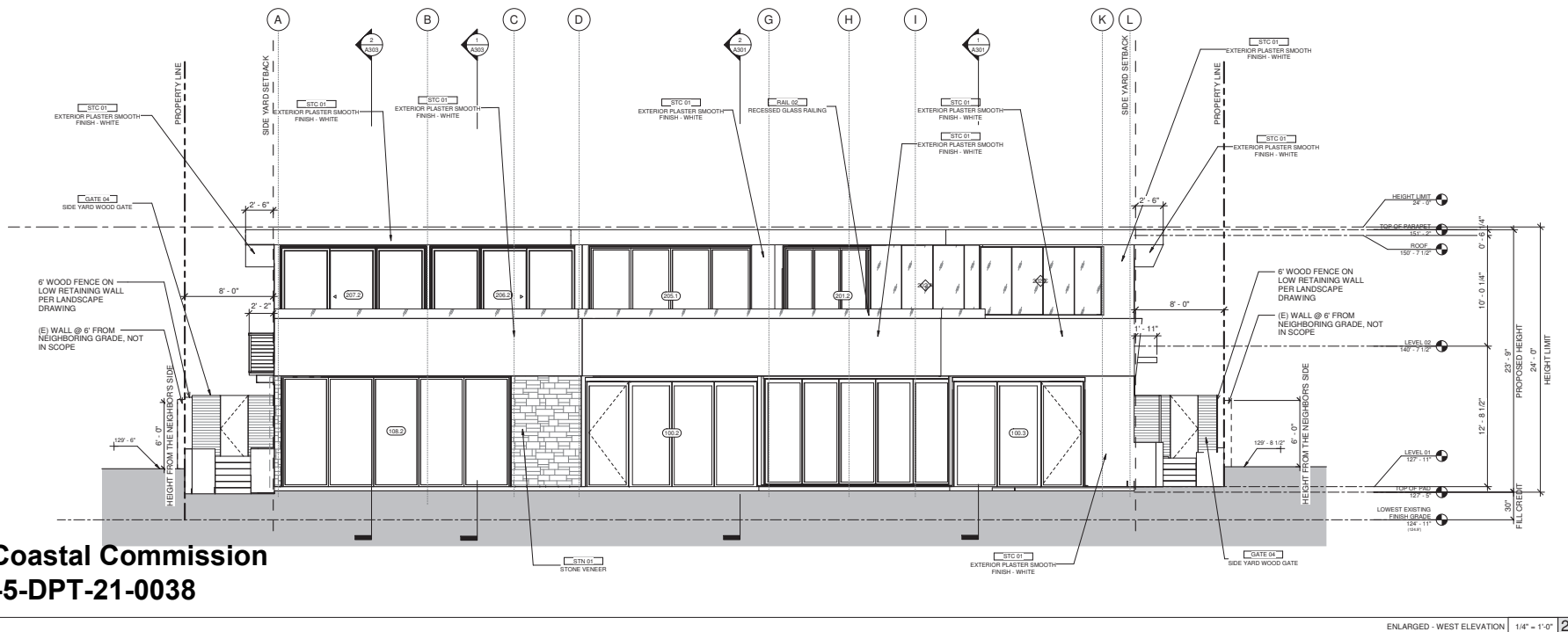
CLIENT
Ning Zhang & Kid Cat Li

AGENCY
California Coastal Commission
CDP No. A-5-DPT-21-0038

ELEVATIONS

| Sheet | Sheet Size | Date | Revised | By | Checked | Reviewed |
|-------|------------|-----------|-------------|----|---------|----------|
| 1 | 30" x 42" | 4/27/2021 | 11:03:08 AM | | | |

A201



CLIENT
Ning Zhang & Kid Cat Li

AGENCY
California Coastal Commission
CDP No. A-5-DPT-21-0038

ELEVATIONS

| Sheet | Sheet Size | Date | Revised | By | Checked | Reviewed |
|-------|------------|-----------|-------------|----|---------|----------|
| 2 | 30" x 42" | 4/27/2021 | 11:03:08 AM | | | |

A201

RESOLUTION NO. 21-05-10-09

COASTAL DEVELOPMENT PERMIT CDP19-0014 AUTHORIZING THE DEMOLITION OF AN EXISTING SINGLE-FAMILY DWELLING AND THE CONSTRUCTION OF A NEW, TWO-STORY SINGLE-FAMILY DWELLING WITH TWO ATTACHED GARAGES, LOCATED ON A COASTAL BLUFF LOT, WITH MINOR SITE DEVELOPMENT PERMIT SDP19-0023(M) REQUESTED TO MEASURE BUILDING HEIGHT FROM NOT MORE THAN THIRTY (30) INCHES OF FILL IN ORDER TO ACHIEVE POSITIVE DRAINAGE TO THE STREET, IN ACCORDANCE WITH DANA POINT ZONING CODE SECTION 9.05.110(A)(3) LOCATED AT 35491 CAMINO CAPISTRANO.

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

WHEREAS, KYL Construction, (the "Owners") are the owners of real property commonly referred to as 35491 Camino Capistrano (APN 691-083-33) (the "Property"); and

WHEREAS, the Owners authorized FoxLin Architects (the "Applicant") and the Applicant caused to be filed a verified application for a Coastal Development Permit authorizing the demolition of an existing single-family dwelling (SFD) and the construction of a new SFD located on a coastal bluff lot, and a Minor Site Development Permit request to measure building height from not more than thirty (30) inches of fill; 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(s) 15303 (Class 3 – New Construction or Conversion of Small Structures and Minor Land Alterations) because the project includes the construction of a SFD, respectively; and

WHEREAS, the Planning Commission did, on the 10th day of May, 2021, hold a duly noticed public hearing as prescribed by law to consider said requests; and

WHEREAS, at said public hearing, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP19-0014 and minor Site Development Permit SDP19-0023(M).

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

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

Findings:

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B) Based on the evidence presented, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP19-0014, subject to conditions:

1. That the proposed development is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code in that **complying with all standards of the Residential Single Family 3 (RSF-3) Zoning District and Section 9.27.030(c) (Development Adjacent to Coastal Bluffs)**, the proposed 25-foot bluff-edge setback deviation for the new SFD, redesigned lot drainage and minor bluff face recontouring (return-to-natural), results in a design which removes multiple non-conforming improvements and is in conformity with all elements of the certified Local Coastal Program. Additionally, the proposed development furthers the Conservation/Open Space Policy 2.11 of the General Plan *"Preserve Dana Point's bluffs as a natural and scenic resource and avoid risk to life and property though responsible and sensitive bluff top development, including but not limited to, the provision of drainage which directs runoff away from the bluff edge and towards the street, where feasible, and restricting irrigation and use of water—intensive landscaping with the setback area to prevent buff erosion,"* by redeveloping the site with proposed improvements in compliance with coastal bluff edge setback requirements and the limitations for development adjacent to coastal bluffs including the use of fill and sump pumping mechanisms directing drainage away from the coastal bluff and to the street while removing armoring-type improvements and returning portions of the bluff face to a pre-development condition. The proposed development will utilize conventional spread footings and a standard building pad, resulting in development sensitive to the natural character of the coastal bluff.
2. That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water, is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act in that **the proposed development does not alter existing public access and public recreation areas in the vicinity.**
3. That the proposed development conforms with Public Resources Code Section 21000 and following and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity

may have on the environment in that the project is qualified as **Categorically Exempt** from review under CEQA pursuant to **Section 15303 (Class 3 - New Construction or Conversion of Small Structures)**, in that the project includes the construction of a SFD in a residential zone on a previously developed lot.

4. That the proposed development 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 proposed development is not immediately adjacent to a park or recreation area containing environmentally sensitive habitat or scenic resources, and the proposed development is sited and designed in compliance with required setbacks from the coastal bluff edge and proposes drought tolerant native vegetation.**
5. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that although there is the use of fill on the site to facilitate positive drainage to the street and away from the coastal bluff edge, and recontouring on the bluff face to re-establish natural topography cut into by the pre-Coastal Act development of the site, the impacts of the grading have been assessed in the project geotechnical report and has been reviewed and approved by the City's staff geologist. Additionally, the inclusion of fire sprinklers for the SFD and new drainage improvements will decrease the risk of fire and/or flood damage while reducing the risk of bluff erosion and/or failures through the continued diversion of storm runoff through mechanical pumps to the street and away from the coastal bluff.**
6. That the proposed development be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that proposed development removes and returns pre-Coastal Act development and grading located on the bluff-face to its natural state, therefore enhancing the visual quality of the scenic resource that is the coastal bluff. Additionally, the proposed development is located significantly landward of the coastal bluff edge with only minor improvements proposed within the bluff edge setback, resulting in a new development which is visually compatible with similarly developed coastal bluff lots along Camino Capistrano.**

7. That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs **in that the proposed project conforms with all other City regulations regarding development of SFD's adjacent to coastal bluffs, the Residential Single Family 3 (RSF 3) Zoning District development standards, and the Residential 0-3.5 DU/AC designation in the City's General Plan, while the proposed development will specifically comply with requirements related to coastal bluff edge setbacks, site drainage, and the use of drought tolerant plants and all other applicable requirements as specified in the Local Coastal Program.**

C) Based on the evidence presented, the Planning Commission adopts the following findings and approves Site Development Permit SDP19-0023(M), subject to conditions:

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code **in that pursuant to Section 9.05.110(3) of the DPZC, the subject site drains toward the coastal bluff edge, and the development proposes: (1) the minimum amount of fill necessary to create positive drainage flow (via gravity) to the street, (2) the minimum percentage grade necessary to create drainage flow consistent with a gravity flow drainage pattern as verified by the Director of Public Works and (3) utilizes the minimum amount of fill dirt necessary to create the desired drainage pattern towards the street; and therefore the site design is in compliance with the aforementioned DPZC regulations.**

2. That the site is suitable for the proposed use and development **in that the proposed thirty (30) inches of fill credit is necessary to create a drainage pattern over a majority of the site that diverts runoff away from the coastal bluff edge in compliance with the requirements for development adjacent to coastal bluffs and in accordance with DPZC Section 9.27.030(c) and is therefore suitable for the proposed use and development.**

3. That the project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines **in that adding fill dirt to accommodate positive drainage flow to the street complies with Policy 2.11 of the Conservation/Open Space Element of the General Plan**

which aims to “Preserve Dana Point’s bluffs as a natural and scenic resource and avoid risk to life and property through responsible and sensitive bluff top development, including but not limited to, the provision of drainage which directs runoff away from the bluff edge and towards the street, where feasible, and restricting irrigation and use of water—intensive landscaping with the setback area to prevent buff erosion.”

The proposed fill credit also complies with Section 2 of the Urban Design Guidelines (Hillside Grading), by incorporating enough fill to accommodate subsurface drains with enough positive (flow) to direct drainage away from the bluff edge and towards the street, preventing bluff erosion, therefore helping to preserve Dana Point’s bluffs as a natural resource.

4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture **in that the proposed use of 30 inches of fill from which to commence the measurement of building height to create positive drainage via gravity back to the street is appropriate for the site and function of the proposed SFD, and does not impact the design of the proposed SFD in any way that would require a particular style or type of architecture.**

Conditions:

A. General:

1. Approval of this application permits to demolition of an existing single-family dwelling (SFD) and the construction of a new SFD located on a coastal bluff lot, and a request to measure building height from not more than thirty (30) inches of fill. 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 Implementation Plan and Zoning Code.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, 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.

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

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the City's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

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

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

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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 construction site shall be posted with signage indicating that construction may not commence before 7:00 AM and must cease by 8:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or Federal holidays.
9. 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.
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, cable television and telephone and services. The applicant is responsible to coordinate any potential conflicts or existing easements.
12. 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.
13. The applicant shall limit all construction activities within the coastal bluff edge setback area. The coastal bluff shall be protected at all times from potential erosion and construction activity. Prior to any work or construction activities, including demolition, the Coastal Bluff Edge (per the approved soils report and plans) and 50-year future bluff retreat (per approved soils report and plans) shall be staked by a Land Surveyor and clearly delineated. The approved coastal bluff edge shall remain delineated during all phases of construction activity and inspections.
14. The 25-foot coastal bluff edge setback deviation, as justified by the approved geotechnical reports for the subject property and proposed project, shall be clearly shown on all plans submitted for review and approval.
15. Pursuant to Dana Point Zoning Code Section 9.27.030(c), no new structure foundations or minor development, unless the approved geotechnical report supports such development and concludes that the

development will not have an impact on bluff stability. Only minor development specifically addressed in the approved geotechnical report included as part of this coastal development permit, that may trigger the requirement of a building permit will be allowed within the 25-foot coastal bluff edge setback.

16. Prior to the commencement of any work within the public right-of-way, the applicant shall apply and be approved for an encroachment permit.

17. Separate review, approval, and permits are required for:

- Separate structures
- Minor correctional "return-to-natural" recontouring of bluff face
- Freestanding/Retaining walls
- Site walls over 3 ft.
- Fire sprinklers
- Demolition of structures
- Swimming pool/spa

B. Prior to the issuance of a grading permit the applicant shall meet the following conditions:

18. The applicant shall submit an application for a grading permit. The grading permit application, in compliance with City standards, submitted 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.

19. The applicant shall submit a geotechnical report for review and approval by the Director of Public Works. This report shall, at a minimum, involve a discussion of the current development and an assessment of potential soil related constraints and geologic hazards such as slope instability, settlement, liquefaction, and/or related seismic impacts. The report shall also include an evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effect of these soils on the proposed development. All reports shall recommend appropriate mitigation measures and provide a statement of the feasibility or approval of the project from a geotechnical standpoint. All reports shall be completed in the manner specified by the City of Dana Point Municipal Code, the City of Dana Point Grading Manual, and Orange County Grading Manual.

20. All plans submitted shall reflect the determined Edge of Bluff and all

associated setbacks, as shown on the Second Review of Geotechnical Report," by NOVA, dated June 5, 2019).

21. The applicant shall submit a drainage plan addressing the proposed construction in compliance with all City of Dana Point standards for review and approval. The drainage plan shall clearly show all drainage from proposed improvements being directed to an approved outlet.
22. In accordance with DPMC Section 9.05.110 (a)((3), the precise grading plan shall show sufficient information to demonstrate compliance with the listed criteria. Please clearly show all Finished Grade and Finished Surface elevations to establish the gravity overland flow of 1% minimum in accordance with the fill credit. The application of fill credit on this development results in three (3) separate drainage system, the rear yard sump pump system, the side and front yard gravity system and the courtyard sump pump system. All three (3) separate drainage systems shall comply with current City of Dana Point standards.
23. The Precise Grading plan shall clearly show how surface water will drain from the property. All drainage is required to be directed to Camino Capistrano and away from the bluff edge. The plans shall direct (sheet flow) surface water away from the bluff edge and to a sufficient number of area drain inlets located in the seaward yard area and away from the bluff edge that will convey water to the street. Any potential ponding or clogged drains shall not result in storm water at the bluff edge.
24. Please note that the placement of fill permitted is limited to that necessary to establish positive drainage to the street per section 9.27.030 (c)(3)(5) of the Dana Point Municipal; grading (fill) to establish positive drainage should not be performed within the 50-year future retreat.
25. A performance bond shall be required for the completion of all grading activities up to 100% of the proposed improvements. The grading and final improvements shall be constructed and approved by Director of Public Works, prior to the issuance of a Certificate of Occupancy.
26. Separate submittal for review, approval and permits are required for project walls. Separate applications shall be made to the Community Development Department for all project walls. The submittals shall be in accordance with the latest Community Development requirements.
27. All walls required to be construction to facilitate the grading operations or establishment of the design PAD grades and rough grading certification shall be issued concurrently with the grading permit. This includes but not limited to temporary shoring walls, permanent shoring

walls, property line masonry walls, or other structures as determined by the Director of Public Works.

28. Upon completion of reconstitution of bluff contours within the approved limits of grading, no work, no access and no equipment shall be beyond the staked 50-year future bluff retreat.
29. Prior to any grading activities, the limits of grading per the approved plans shall be staked in field prior by a Land Surveyor. During grading activities, the Coastal Bluff Edge, 50-year future bluff retreat, and limits of grading shall be staked and delineated. No work, no access and no equipment shall be beyond the staked limit of grading at any time.
30. All reconstitution and rear yard grading and construction shall be done using the least impactful methods available.
31. The applicant shall execute the City's standard deed restriction or, if prepared by the owner(s), shall be submitted for review and approval by the City Attorney. The deed restriction shall provide that; (1) the applicant understands that the subject site is subject to bluff retreat and that the owner(s) assumes the liability from these hazards; (2) the owner(s) unconditionally waive any claim of liability on the part of the City or any other public agency from any damage from such hazards; and (3) the owner(s) assume all liability for damages incurred as a result of any required off-site grading. The deed restriction shall be recorded, free of prior liens, to bind the owner(s) and any successors in interest or otherwise recorded to the satisfaction of the City Attorney.

C. Prior to building plan check submittal, the applicant shall meet the following conditions:

32. Building(s) shall comply with the current editions of the Building Code with all local amendments.
33. Building plan check submittal shall include the following construction documents:
 - Building Plans with Electrical/Plumbing/Mechanical plans (4 sets)
 - Energy Calculations (2 sets)
 - Structural Calculations (2 sets)
 - Soils/Geology Report (3 sets)
 - Drainage Plan

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

34. Fire Department review may be required. Submit plans directly to the Orange County Fire Authority for their review.
35. Undergrounding of all onsite utilities is required. An Approved SDG&E Work Order and Undergrounding Plan is required prior to permit issuance.
36. Minimum roofing classification is Class "A".
37. Fire-rated Construction: Plans should clearly identify and detail the fire-rated construction for any construction due to close proximity to the property line.
38. Separate review, approval, and permits are required for separate structures.
39. Soils Report (1803): Submit a foundation and soils investigation report by a Registered Design Professional and conducted in conformance with CBC Section 1803.3 through 1803.5. The report shall comply with CBC Section 1803.6.
40. 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.
41. Green Building: Plans shall show compliance & indicate method of verification of compliance with all CAL Green requirements. Third party or other methods shall demonstrate satisfactory conformance with mandatory measures.

D. Prior to issuance of a building permit or release on certain related inspections, the applicant shall meet the following conditions:

42. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
43. The applicant shall submit a rough grade certification from the Civil Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (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 satisfaction of the City Engineer. 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.

44. The applicant shall submit a rough grade certification from the Geotechnical Engineer/Engineering Geologist of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (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. An as-drilled report addressing the proposed shoring shall also be submitted (with the rough grade certification) documenting the geotechnical aspects of the shoring.
45. An as-graded geotechnical report shall be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and recompaction, geologic mapping, caisson drilling, and shoring activities. 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 and addenda.
46. Prior to commencement of framing, the applicant shall verify, by survey, that the structure will be constructed in compliance with the dimensions shown on plans approved by the City, from finish wall materials to property-lines included as part of these entitlements. The City's standard "Setback Certification" form shall be obtained from the Project Planner and be prepared by a licensed civil engineer/surveyor and shall be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval.
47. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structures and any encroachments above the height limit are in compliance with plans approved by the Planning Commission and the structure heights included as part of this entitlement. The City's standard "Height Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted.
48. Approvals are required from:
 - Planning Department
 - Public Works
 - Obtain Orange County Fire Authority Approval
 - Obtain "Will Serve" letter from Water District.

- Provide an SDG&E service work order for proposed service location
49. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
50. A separate erosion control plan shall be included in the project plans. The erosion control plan shall address the potential erosion and sediment loss for the proposed hillside development.
51. The applicant shall submit a final landscape and irrigation plan for review and approval by Public Works & Engineering Services and Community Development Department. The plan shall be prepared by a State licensed landscape architect and shall include all proposed and existing plant materials (location, type, size, quantity), an irrigation plan (if irrigation utilized), note wall/fence locations, a grading plan, an approved site plan and a copy of the entitlement conditions of approval. The plan shall be in substantial compliance with the applicable provisions of the Zoning Code, the preliminary plan approved by the Planning Commission, and further, recognize the principles of drought tolerant landscaping especially within the coastal bluff edge setback and no irrigation, temporary or otherwise, shall be permitted seaward of the required 25-foot bluff edge setback deviation. Landscape documentation shall also comply with Chapter 9.55 (Water Efficient Landscape Standards and Requirements) of the Dana Point Zoning Code as may be applicable and with the Submittal Requirements and Guidelines for Implementation of the Chapter 9.55 of the DPZC. Landscaping shall be maintained and installed so as to ensure that, during growing stages as well as at maturity, the landscaping will not obstruct public views along the coast.

The landscape plan shall illustrate the coastal bluff edge and the coastal bluff edge setback area and shall be in accordance with the approved grading plan and DPZC for improvements allowed within the approved coastal bluff edge setback. Any existing irrigation and any associated equipment located within the 25-foot bluff edge setback deviation and on the bluff face shall be removed prior to final sign-off of the landscape permit.

E. Prior to the issuance of a certificate of occupancy, the applicant shall meet the following:

52. All landscaping and irrigation shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall provide the "Landscape Installation Certificate of Completion" form to the Director of Community Development and the requisite documents (irrigation scheduling parameters, landscape and irrigation maintenance

schedule, irrigation audit report, and soil analysis report if not submitted at permit issuance) as required in the Submittal Requirements and Guidelines for Implementation of the Chapter 9.55 of the DPZC.

53. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
54. Verification of all conditions of approval is required by all City Departments.
55. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
56. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
57. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.
58. The final condition of the coastal bluff edge setback shall be in accordance with DPZC Section 9.27.030, with no new structure foundations or improvements requiring a building permit within the coastal bluff edge setback.
59. The applicant shall contact both the Planning Division and Public Works & Engineering Services to schedule a final inspection prior to building final project sign-off.
60. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
61. The final condition of the bluff edge setback shall be in accordance with Municipal Code Section 9.27.030, with no new structure foundations or improvements requiring a building permit within the bluff edge setback.
62. All approvals from outside Departments and Agencies (i.e. Fire Department) is/are required.

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 May 2021, by the following vote, to wit:

AYES: Nelson, Dohner, Opel, Gabbard

NOES:

ABSENT: Murphy

ABSTAIN:



Eric Nelson, Chair
Planning Commission

ATTEST:



Brenda Wisneski, Director
Community Development Department

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Coast

Appeal Number: A-5-DPT-21-0038Date Filed: 06-07-2021Appellant Name(s): David J. Daly**RECEIVED**
South Coast Region

JUN 07 2021

CALIFORNIA
COASTAL COMMISSION**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

California Coastal Commission
CDP No. A-5-DPT-21-0038**Exhibit 4****Page 1 of 12**

Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: David J. Daly
Mailing address: 35501 Camino Capistrano, Dana Point, CA 92624
Phone number: 949-291-7160
Email address: dandkdaly4@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☒ Testified at hearing ☐ Other

Describe: On May 10, 2021, I attended the City of Dana Point public
hearing and stated my objection to CDP19-0014 and
SDP19-0023(M) on the grounds that these projects will cause
irreperable damage to the coastal bluff.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The City of Dana Point only allowed soils and structural
input from city employees. I request that an independant
soil engineer assess the coastal bluff integrity and the impact
of the proposed project. I'm willing to pay for said assessment.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: City of Dana Point

Local government approval body: Board of Commissioners

Local government CDP application number: CDP19-0014

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: May 10, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: A coastal development permit authorizing the demolition of an
existing single-family dwelling (SFD) and the construction of a
new, two-story SFD with two attached garages, located on a
coastal bluff lot.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision
Page 4

3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: The City of Dana Point approved CDP19-0014. I feel this
approval is inappropriate because it includes the digging of an
in-ground swimming pool and jacuzzi. The City of Dana Point
did not conduct independant soil studies to verify that the digging
and susequent filling of the swimming pool and jacuzzi will
destabalize the coastal bluff and adversely impact both the bluff
and adjacent homesites. The coastal bluff along Pacific Coast
Highway, between San Clemente and Dana Point is very delicate
and I believe the digging of a swimming pool and jacuzzi so
close to the coastal bluff will cause destabalization of the bluff.
I'd like to have an indepenent soil analysis done, which I am
willing to bear the expense, to validate bluff integrity.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Appellant certifications⁵

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name David J. Daly

David J. Daly

Signature

David J. Daly

Date of Signature May 11, 2021

June 5, 2021

5. Representative authorizations⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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Page 5 of 12

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: _____

Mailing address: _____

Phone number: _____

Email address: _____

How did you participate in the local CDP application and decision-making process?

Did not participate Submitted comment Testified at hearing Other

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: _____

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: _____

Local government approval body: _____

Local government CDP application number: _____

Local government CDP decision: CDP approval CDP denial³

Date of local government CDP decision: _____

Please identify the location and description of the development that was approved or denied by the local government.

Describe: _____

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

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Interested persons identified and provided on a separate attached sheet

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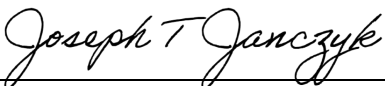
Describe:

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

5. Appellant certification⁵

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name _____



Signature

Date of Signature _____

5. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

California Coastal Commission
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⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

ATTACHMENT

CALIFORNIA COASTAL COMMISSION APPEAL FORM

SECTION 4: GROUNDS FOR THIS APPEAL

Re: Coastal Development Permit CDP 19-0014 Site Location: 35491 Camino Capistrano

Submitted by Joseph T Janczyk

The bluff properties in Capistrano Beach generally have similar topographies, resulting in generally similar setbacks from the bluff; my observation as a resident of a home on the bluff for 35+ years.

However, a significant exception to this is the generally level topography of the subject site on its ocean side as compared to adjacent property to the south which has a deep and lengthy gully on its ocean side: 35501 Camino Capistrano

This results in significantly differences for their development setbacks referred herein as “setback differential area”.

Specifically, the subject site benefits from both its level topography and, additionally, a reduced setback from 40 to 25 feet.

Within this setback differential area, grading/development activity on the subject lot is allowed but any such activity on the adjacent lot is prohibited.

(Note: The specific location/length of this area requires details that I do not have access to, but visually appears to be substantial.)

Thus, to the extent that development activity occurs on the subject site within this setback differential area, then the property owner to the south, due to their setback, may not be able to remedy any damage that may occur to their site.

Therefore, I am requesting that the Coastal Commission consider proactive measures be placed upon development/grading of the subject site. This may include reduced grading in the vulnerable area, a retention wall bordering the adjacent site or other such measures that the Commission may deem appropriate, to ensure that the property owner to the south is protected.

Thank you for your consideration and special efforts regarding this issue

Finally attached are picture of the bluff area to help clarify the above discussion.



. 35491 CAMINO CAPISTRANO

35501 CAMINO CAPISTRANO (SOUTH).



