



CITY OF DANA POINT

COMMUNITY DEVELOPMENT DEPARTMENT
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
(949) 248-3564 | www.danapoint.org

VARIANCE APPLICATION CHECKLIST

OFFICE USE ONLY:

PLANNER SIGNATURE: _____
DATE: _____

PLANNING DIVISION

VARIANCE APPLICATION CHECKLIST

PROJECT: _____

An application for a variance is a procedure to evaluate and potentially permit appropriately mitigated developments on properties that are constrained, because of size, shape, topography, or other constraining factors, and where strict interpretation of the Code would deny the applicant property development rights which are granted to other properties within the same zoning district under similar physical conditions.

The Community Development Department cannot consider an application that is incomplete or incorrectly prepared. Particular attention should be given to the preparation of the Site Plans, Floor Plans, & Elevations. Both existing and proposed conditions must be shown. ***The applicant or agent must electronically submit all required plans and exhibits to eTRAKiT.***

☐ **A STAFF PLANNER MUST SIGN & DATE ABOVE AND CHECK (X) THE APPROPRIATE BOXES BELOW BASED ON THE SCOPE OF WORK PROPOSED FOR EACH DISTINCT APPLICATION(S).**

A. ITEMS REQUIRED FOR FILING:

- All plans, legal descriptions, and other documents (unless otherwise stated) must be submitted electronically to eTRAKiT
 - All electronically submitted plans shall be scaled appropriately (at a minimum 1/8 inch)
 - Original Application Checklist completed by Planner (THIS FORM)
- ☐ **1. Completed Project Information Packet: Submitted electronically as an attachment to eTRAKiT.**
- ☐ Land Use Fact Sheet
 - ☐ Justification Statement
 - ☐ Environmental Assessment Form
 - ☐ Justification Statement for Variance Requests
- ☐ **2. Processing Fees Paid:**
- ☐ Application processing fee of \$9,504.00
 - ☐ Environmental Assessment fee of \$50.00 (Separate Check-Made Payable to County of Orange)
 - ☐ Required Notification Postage (To be assessed at the current postage rate and added to the permit upon application submittal. [# of Labels X the Postage Rate])
- ☐ **3. Legal Description of Property: Submitted electronically as an attachment to eTRAKiT.**
- ☐ Provide one copy of recorded grant deed if property is not located in a recorded tract, where parcels are lot(s) in a recorded tract, the information may be noted on the plot plan by Tract and Lot Number
 - ☐ Provide two copies of a recent (within six months of the submittal date) preliminary title report for all property in which development is proposed

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☐ **4. Development Plans: Submitted electronically as an attachment to eTRAKiT.**

(Fully dimensioned and containing the following information)

Title Sheet

- ☐ Detailed Scope of Work
- ☐ Address of Site
- ☐ Contact Information (All Parties)
- ☐ Zoning
- ☐ Existing and Proposed Square Footages
- ☐ Sheet Index
- ☐ Development Standards Table
- ☐ General Notes

Site Plan:

- ☐ Vicinity map which clearly shows the location of the site
- ☐ Title Block (name and address or property owner of record)
- ☐ Scale, north arrow, and date prepared
- ☐ Drawings shall be to scale between 1":10' and 1":40', or other scale appropriate to the project
- ☐ Property lines of building site and their dimensions
- ☐ Setbacks (Front/Rear/Sides)
- ☐ Ultimate street right-of-way line
- ☐ Streets: location, name, and width, and existing improvements, including sidewalks and bike facilities
- ☐ Identify all easements: locations, purpose, and width on site plan as identified on Title Report
- ☐ Identify utilities, dedications, and relevant development features
- ☐ Buildings (existing and proposed, location, illustrate building footprint and cantilevered, enclosed, portions of buildings counter toward lot coverage, size, showing distances from property lines)
- ☐ Building Projections (e.g. Eaves, overhangs, balconies, exterior stairways, HVAC, pool equipment, etc.)
- ☐ Access (existing locations, proposed location, and materials)
- ☐ Fencing, non-retaining walls: existing and proposed, type, location, height, and materials
- ☐ Retaining walls: existing and proposed type, location, height, and materials
- ☐ **Indicate** in writing and **with graphics** the nature, situation, and development of existing uses, **buildings, and structures within 100 feet of the subject property** and the effect the proposed application may have on those uses, buildings, and structures
- ☐ Provide a detailed site plan indicating the existing and proposed area and dimensions of a project site; **all existing features** (streets, alleys, driveways, **buildings**, vegetation, walls, fences) **within 50 feet of the project boundary**
- ☐ Indicate dimensions and state of improvement of existing and proposed streets or easements providing access to the subject site (include all access features on, and within 50 feet of the subject site)
- ☐ Applications proposing access from a Circulation Element roadway shall provide plans showing all access features within 150 feet of the subject site as determined by the Director of Public Works
- ☐ Topography (existing, proposed, contours & elevations)
- ☐ Orange County Fire Authority Fuel Modification Zones
- ☐ Trash facilities: Show location and method of screening for trash containers
- ☐ Show all improvements and/or existing uses within 100 feet of the subject property
- ☐ _____.

Floor Plans:

- ☐ Overall building and individual room dimensions, including square footage calculations
- ☐ All proposed interior walls and partitions
- ☐ Room identification
- ☐ Window and door locations

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Elevations & Sections:

- ☐ All existing and proposed building and structural elevations
- ☐ Materials and colors of all existing and proposed structural and surface components
- ☐ Indicate maximum height limit and proposed height on elevations as measured from structure low point
- ☐ Cross-sections of project area (*Height Variance requests only*)
- ☐ Height dimensioned from structure low point (Refer to [DPZC Sec 9.05.110](#))
- ☐ Height dimensioned above grade of all floors, eaves, and ridges.
- ☐ Roof pitches
- ☐ All roof mounted equipment and screening locations
- ☐ Exterior wall opening locations
- ☐ Identify all exterior finish materials
- ☐ Architectural elevations shall be to a scale of either 1":8' or 1":4', or other scale appropriate to the project

Demolition Plan:

- ☐ Total linear length of all walls (Interior and Exterior) to be demolished
- ☐ Total linear length of all walls (Interior and Exterior) to remain
- ☐ Percentage of Demolition

Roof Plan

- ☐ Roof Pitches
- ☐ Vertical Elevation Data (highest & lowest points on roof using NAVD 88)

Additional Sheets (As Needed)

- ☐ Conceptual Landscaping Plan (Planting Plan and Demonstrate compliance with minimum landscape coverage as applicable)
- ☐ Hardscape Plan
- ☐ Grading and Drainage
- ☐ Topography and Boundary Survey
- ☐ Foundation Plan

☐ **5. Additional Materials: Submitted electronically as an attachment to eTRAKiT.**

- ☐ Documentation of most recent HOA Review
- ☐ Electronic or Physical Materials Board
(*Specifications and samples of type, color, and texture of proposed construction materials*)

☐ **6. Notification Package: Submit Certified List and Assessor Maps as an attachment to eTRAKiT.**

- ☐ One copy of a certified list of the names and addresses of all owners (including all condominium unit owners) within a **500-foot radius** of the exterior boundary of the subject property prepared for the latest tax rolls
- ☐ (2) sets of printed address labels for all properties within a **500-foot radius** of the exterior boundary of the subject property with the assessor's parcel number printed on the labels
- ☐ (2) sets of printed address labels for all properties within a **100-foot radius** of the exterior boundary of the subject property addressed to "occupant" with the assessor's parcel number printed on the labels
- ☐ Copies of the Assessor's maps including properties and area within the 500-foot radius
- ☐ Provide the number count of labels

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- ☐ **7. Photographic log of existing conditions:** *Submitted electronically as an attachment to eTRAKiT*
 - ☐ Front elevation of project site
 - ☐ Front elevation of the properties adjacent to the project site
 - ☐ Front elevation of properties directly across the street from subject property
 - ☐ Side elevations to properties adjacent to the subject property
 - ☐ Rear elevation of project site

- ☐ **8. Special Requirements** *(Submitted electronically as an attachment to eTRAKiT, if applicable to your project, and a deposit is required):*
 - ☐ A detailed geotechnical study addressing bluff stability (*properties adjacent to coastal bluffs, steep hillsides, tentative tract, or parcel maps*)
 - ☐ Flood Plain Analysis (*Properties in FP-1,2,3 Overlay Zone*)
 - ☐ Wave Run-Up Study (*Beach Road developments*)
 - ☐ A comprehensive Sign Program (*commercial projects*)
 - ☐ Preliminary Water Quality Management Plan (WQMP)
 - ☐ Soils Report
 - ☐ Staking Plan

B. NOTICE TO APPLICANTS:

1. To file an application, the applicant or his agent needs to submit the above noted application materials to the City's eTRAKiT portal. After a Staff Planner has briefly reviewed the plans and application to assure all the basic items are included and in requested format, and the fees have been paid, the project will be deemed filed.
2. Once filed, the project will be assigned to one of the City of Dana Point's Planners. The assigned Planner will be responsible for managing the City's review of the proposed project.
3. Acceptance of the electronically submitted application by the City does not represent a complete application. California Government Code Section 65943 provides for 30 days in which the City can review the application and determine completeness. The applicant will be provided with a notification during this time period stating whether the application is complete or that additional items are necessary.
4. It is recommended that the applicant, representative, or property owner be present at all hearings.
5. All correspondence and reports will be provided to the project applicant/authorized agent only.
6. Deficiencies and Refunds. The following provisions apply when full payment has not been made for an application or when an application is withdrawn:
 - If any application is withdrawn, as provided in Section **9.61.070**, **within** 30 days from the date the application is filed, but prior to the publication of the notice of hearing, the City shall refund 50% of the fees paid.
 - If any application is withdrawn, as provided in Section **9.61.070** **after** 30 days from the date the application is filed, but prior to the publication of the notice of hearing, the City shall refund 25% of the fees paid.
 - No refund shall be made after the notice of public hearing has been published.
 - If the application fee is a deposit based on an hourly rate, the refund will be the difference between the time expended by the City and the amount of the deposit.
7. For any questions regarding the above, please call the Planning Division at (949) 248-3564.

JUSTIFICATION STATEMENT FOR VARIANCE REQUESTS

PLANNING DIVISION

APPLICANT MUST PROVIDE RESPONSES TO THE FOLLOWING QUESTIONS AND SUBMIT WITH THE VARIANCE APPLICATION ELECTRONICALLY TO THE eTRAKiT PORTAL

- I. The Planning Commission may grant a Variance, with such conditions as are found necessary to protect the public health, safety, and general welfare and assure compliance with the provisions and standards included in Title 9 of the Dana Point Municipal Code, provided the following findings can be made:
Briefly describe how your proposal complies with the following:
 1. The strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of Title 9.
 2. That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district.
 3. That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints.
 4. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints.
 5. That the Variance request is made on the basis of a hardship condition and not as a matter of convenience.
 6. That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
 7. That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone.
 8. For a Variance to regulate off-street parking facilities or off-loading facilities, the following additional findings shall be made:
 - a. That neither the present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require the strict or literal interpretation and enforcement of the specified regulation(s).
 - b. That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
 - c. That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of Title 9 of the Dana Point Municipal Code.
 9. That granting of the Variance would not result in adverse impacts, either individually or cumulatively, to coastal access, public recreation opportunities, or coastal resources, and the development would be consistent with the policies of the Local Coastal Program certified land use plan.
- II. Conditions imposed by the Planning Commission for a Variance may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:
 - ☐ Open spaces and buffers areas.
 - ☐ Fences and walls.
 - ☐ Parking facilities, including vehicular ingress and egress, and the surfacing of parking areas and driveways.
 - ☐ Public facilities, dedications, and improvements.
 - ☐ Landscaping maintenance.
 - ☐ A specified time period within which the variance must be utilized or implemented.
- III. To aid staff in determining that the findings can be made in this particular case please answer the following questions with regards to your requests:
 1. What exceptional circumstances apply to the property, including size, shape, topography, location or surroundings?
 2. Why is a variance necessary to preserve property rights?
 3. Why will the proposal not be detrimental to the neighborhood?