



CITY OF DANA POINT

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

VARIANCE APPLICATION

PLANNING DIVISION

VARIANCE APPLICATION

FOR: _____

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 hand deliver all the required exhibits)

A. ITEMS REQUIRED FOR FILING:

- All plans, legal descriptions, and other documents must be submitted on sheets not less than 8 ½" x 11" in size, and not greater than 24" x 36" in size.
- All application material between 8 1/2"x11" and 24"x36" in size shall be folded to a maximum of 8½"x11" in size.

NOTE:

- THE PLANNER WHO PROVIDES THIS SHEET WILL CHECK (X) THE BOX IF THE ITEM IS REQUIRED FOR YOUR APPLICATION.

1. Completed Project Information Packet:

- Application Form
- Land Use Fact Sheet
- Justification Statement
- Environmental Assessment Form
- Justification Statement for Variance Requests *(To be typed)*

2. Processing Fees Paid:

- Application processing fee of \$6,618.00
- 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)*

3. Legal Description of Property:

- 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)* preliminary title report for all property in which development is proposed

4. Site Plans (5 Sets):

(Containing the following information)

- 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
- Property lines of building site and their dimensions
- Ultimate street right-of-way lines designated
- Streets: location, name, and width, and existing improvements including sidewalks and bike facilities
- Identify all easements: locations, purpose, and width on site plan

- Buildings: existing and proposed, location and size, showing distances from property lines, existing and proposed rooflines
- Access: (driveways, etc.) existing and proposed location, add dimensions and materials
- Fencing, non-retaining walls: existing and proposed, type, location, height, and materials
- Retaining walls existing or proposed: type, location, height, and materials
- Topography, showing existing and proposed grades
- Trash facilities: Show location and method of screening for trash containers
- _____.

5. Development Plans (5 Sets):

(Fully dimensioned and containing the following information)

Floor Plans:

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

Elevations:

- Provide views of elevations for all areas of improvement
- Indicate height limit and proposed height on elevations
- Height dimensioned from lowest point of structure
- Height dimensioned above grade of all floor, eaves, and ridges
- Roof pitches
- All roof mounted equipment and screening locations
- Exterior wall openings locations
- Cross-sections of project area
(Height Variance requests only)
- Provide a fully dimensioned front elevation profile of the property showing the height of the proposed building along with the elevation profiles and heights of the existing buildings on the adjacent properties

Landscape Plans:

- Indicate percentage of lot that is landscaped and size, type and location of landscaping
- Provide a water use analysis on the landscape plan
- Provide landscape materials and plant legend on plan

6. Additional Materials:

- Materials Board
(Specifications and samples of type, color, and texture of proposed construction materials)
- _____.

7. Reduced Plans (11"x17"):

- (1) Copy of Site Plans
- (1) Copy Development Plans

- 8. Notification Package:**
 - 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**
 - Copies of the Assessor's maps including properties and area within the 500-foot radius
 - Postage for mailing of notifications

- 9. Photographic log of existing conditions: *(Provide photographs of the following on 8 ½" X 11" sheets of paper)***
 - 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

- 10. Special Requirements *(If applicable to your project, and a deposit is required)*:**
 - Flood Plain Analysis *(Properties in FP-1,2,3 Overlay Zone)*
 - Wave Run-Up Study *(Beach Road developments)*
 - A detailed geotechnical study addressing bluff stability *(properties adjacent to coastal bluffs)*
 - A comprehensive Sign Program *(commercial projects)*
 - Preliminary Water Quality Management Plan (WQMP)
 - _____

B. NOTICE TO APPLICANTS:

1. To file an application, the applicant or his agent needs to bring all the exhibits described above to the City of Dana Point Community Development Department located at 33282 Golden Lantern, Suite 212, Dana Point, California 92629. You will want to meet with a Staff Planner. After they have briefly reviewed the plans and application to assure all the basic items are included and in the proper format, and the fees have been paid, the project will be deemed filed. Filing hours are 8:00 a.m. to 12:00 noon, Monday through Friday.
2. Your project will be assigned to one of the City of Dana Point's Planners. Your Planner will be responsible for managing the City's analysis of your proposed project.
3. Acceptance of application at the counter 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 sent a letter during this time period stating the application is complete or that additional items are necessary.
4. It is recommended that the applicant, representative or property owner should be present at all hearings.
5. All correspondence and reports will be mailed to the project applicant/agent only.
6. If you have any questions regarding the above, please call the Planning Department at (949) 248-3564.



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JUSTIFICATION STATEMENT FOR VARIANCE REQUESTS

PLANNING DIVISION

APPLICANT MUST TYPE UP RESPONSES TO THE FOLLOWING QUESTIONS AND SUBMIT WITH VARIANCE APPLICATION.

1. 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 regulations for off-street parking facilities of 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.
- i. What exceptional circumstances apply to the property, including size, shape, topography, location or surroundings?
 - ii. Why is a variance necessary to preserve property rights?
 - iii. Why will the proposal not be detrimental to the neighborhood?