

March 22, 2017

Cindy Fleming
24672 San Juan Avenue, Suite 101
Dana Point, CA 92629

MINOR CONDITIONAL USE PERMIT CUP16-0011(M)

APPLICANT: Cindy Fleming, Fleming Alliance Architecture, Inc

OWNER: Mr. Lynn Muir

LOCATION: 34169 Pacific Coast Highway (APN 682-322-13)

REQUEST: A request to allow a Shared Parking Program and a 22 square foot addition and remodel to an office suite. The showroom use would operate in conjunction with the existing office use, located at 34169 Pacific Coast Highway, Suite A, in the City's Town Center Plan.

A Coastal Development Permit De Minimis Waiver has been issued for the project and is included as Attachment 1.

ENVIRONMENTAL: The project is Categorically Exempt from the provisions set forth in the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 – Existing Facilities).

DETERMINATION: The Community Development Director hereby

_____ APPROVES

_____ DENIES

The requested entitlements described herein subject to the attached findings and applicable conditions.

Ursula Luna-Reynosa, Director
Community Development Department

FINDINGS:

**MINOR CONDITIONAL USE PERMIT
 GENERAL FINDINGS**

A. The proposed conditional use is consistent with the City of Dana Point General Plan.

Pursuant to the City’s adopted Town Center Plan, “Showrooms” require the approval of a Minor Conditional Use Permit (CUP(M)). The proposed showroom use would be compatible with the adjacent businesses because all activities would be conducted indoors and it would not generate noise. The new use would improve the visitor serving element of the business and creates a retail component of the business by making the suite open to patrons. The project would only remodel a portion of the existing office suite into a showroom to display the company’s window and door products. A 22 square foot addition is proposed to create an ADA compliant restroom for the suite. The installation of new window and doors would improve the design of the building and its visitor serving compatibility in the Town Center Plan by creating an improved storefront design.

A Shared Parking Program is proposed with the adjacent property (34167 PCH), which is under the same ownership, because it does not provide sufficient parking, making it legal non-conforming. Since the properties are separate lots the Shared Parking Program would ensure all the businesses have access to parking on both lots. The approval of the CUP(M) would result in the two sites providing a surplus of two parking spaces for the existing uses, including the proposed showroom use. The required parking for both properties is broken down in Table 1 provided below.

Table 1 – Parking Requirements for 34167-34169 PCH

Address	Use	Square Footage	# Parking Req.
34169 PCH, Suite A	Office/Showroom*	921 sq.ft.	3
34169 PCH Suite B	Office	604 sq.ft.	2
34167 PCH Suite A	Office	749 sq.ft.	2.5
34167 PCH Suite B	Office	497 sq.ft	1.7
34167 PCH Suite C	Office	544 sq.ft	1.8
		Total Parking Req.	12 Spaces
		Total Parking Provided	14 Spaces

**Showroom requires approval of a CUP(M)*

The application was found in conformance with applicable sections of the Town Center Plan and Dana Point Zoning Code (DPZC), which implements the goals and policies of the General Plan. The following are the Town Center Plan’s

Policies that are applicable to this project and how the proposal complies with the Policies:

Policy 6.1: Provide a diversity of retail office and residential land uses that establish the Town Center as a major center of social and economic activity in the community.

The proposed showroom use would add variety to the mix of uses by incorporating a retail component to the business and increase the economic diversity of the area. The Shared Parking Program also provides more flexibility to the property by making more parking available to the site which creates the opportunity for future visitor serving uses that require more parking.

Policy 6.2: Encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area.

The establishment of a showroom use in a portion of the office suite would generate more pedestrian activity by encouraging the public to view the businesses products, which is encouraged in the Town Center Plan.

Policy 6.6: Provide opportunities for shared parking facilities in the Town Center, such as through the establishment of an off-street parking district.

As part of the project, the subject property would enter into a Shared Parking Program with the adjacent lot, which is also under the same ownership, to ensure adequate access and parking is provided for both buildings. The Shared Parking Program would ensure that sufficient parking is provided for all of the uses in buildings 34167 and 34169 PCH and would result in a surplus of two parking spaces for the properties.

B. The nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the proposed, conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

The showroom use is proposed in an existing building and within the mixed use zoning district of the Town Center Plan. The scope of work would result in minor exterior modifications to the building related to the remodel and installation of new windows and doors that would improve the aesthetics of the building. The 11 foot exterior wall proposed along the east (side) elevation is necessary for the project to comply with the Building Code requirements because of the additional window and door openings proposed along the side property line. The wall would be compatible with the design of the property and have limited visibility for the following reasons: 1) the wall would not project any closer than the existing building's setback of 33 feet from PCH or the adjacent building, 2) visibility of the

wall would be limited because it abuts the adjacent buildings and is shorter, and 3) it would be designed to match the color and material of the adjacent building to create a stealth design.

The remodel would also include a 22 square foot addition to create an ADA compliant restroom that is within the developable envelope of the building. The showroom would occupy a portion of the office area but would not intensify the site because showroom and office uses have the same parking requirement (one parking space per 300 square feet of gross floor area). The showroom is compatible and complimentary to existing development in the project's vicinity and would not be materially detrimental to adjacent uses, buildings or structures because the use would be conducted entirely indoors, and it is a low intensity use that does not create noise.

The proposed Shared Parking Program would ensure the project site and the adjacent property would have continued access and sufficient parking for the two properties. This program would ensure that parking does not overflow onto adjacent properties or public streets.

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other land use development features prescribed in the Dana Point Municipal Code in order to integrate the use with existing and planned uses in the vicinity.

The proposed site is adequate in size and shape to accommodate the proposed development in conformance with the standards of the Town Center Plan and the DPZC. The proposed use would be located within an existing office suite and would be conducted entirely indoors. The proposed 22 square foot expansion, remodel, and new wall conform to the development standards established by the Town Center Plan. The project would improve the building's design and ensure it is compatible with the adjacent uses and development in the area.

CONDITIONS OF APPROVAL

The City of Dana Point hereby grants approval of CUP16-0011(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General

1. Approval of this application permits the establishment of a new showroom (business, "Cornerstone Openings") within Suite A at 34169 Pacific Coast Highway. Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans and

written scope-of-work/business plan presented to the Planning Division and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal Code.

2. Approval of this application shall be valid for a period of 24 months (two years) from the date of determination. If the scope-of-work approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.
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 demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.
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.
6. 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.

7. 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.
8. 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.
9. 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.
10. The City shall maintain the option to reconsider this Conditional Use Permit (and its conditions of approval) at any time should the Community Development Director finds it necessary to evaluate impacts of the use on the surrounding community.
11. At all times of operation, the approved use shall comply with the provisions of the City's Noise Ordinance (Section 11.10 of the Dana Point Zoning Code).
12. At no time shall the business be allowed to display or store wares or materials within the property's parking lot and; at no time shall the operation of the business impede or block public use of parking facilities.

B. Prior to Building Plan Check Submittal, the applicant shall meet the following conditions:

13. Submitted building construction documents shall contain a blue-line print of the City's conditions of approval attached to each set of plans. The conditions of approval, as specified in this permit, shall appear as the second sheet.
14. All improvements shall comply with applicable local and State building code regulations.
15. All plan check and building permit fees shall be paid to the City of Dana Point.

C. Prior to Certificate of Occupancy, the applicant shall meet the following conditions:

16. The owner shall coordinate with the Planning Division to schedule a final site inspection to ensure the project was constructed per plan and all conditions of approval are satisfied.