



September 11th, 2017

Carly Castelli
111 Ave Del Reposo #3
San Clemente, CA 92672

MINOR CONDITIONAL USE PERMIT CUP17-0004(M)

- APPLICANT:** Carly Castelli, Owner/Agent (Carly Castelli Lash Co.)
- OWNER:** Leslie W. Moore
- LOCATION:** 34221 Golden Lantern, Suite 202
Assessor Parcel Number (APN): 682-323-21
- REQUEST:** A request to allow the establishment of a new Personal Service Use (salon) in a vacant 420 square foot suite located in the multi-tenant Café Courtyard Buildings within the City's Town Center Mixed-Use (TC-MU) District.
- 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:

- A. The proposed conditional use is consistent with the City of Dana Point General Plan and Municipal Code.**

The applicant intends to relocate their salon business (Carly Castelli Lash Co.) from an adjacent property subject into a vacant office space (Suite #202) in a multi-tenant building located within the boundaries of the Dana Point Town Center Plan (DPTCP). The applicant seeks to improve business visibility and ease of access for customers, for their eyelash extension salon. Salons are "Personal Service Uses" as noted in the Land Use Matrix of the DPTCP and require approval of a Minor Conditional Use Permit (CUP(M)). Upgrades to the suite include limited interior alterations to make it suitable and more functional for the proposed use and consist of new fixtures, and furniture. No new square footage or exterior alterations, other than signage, (reviewed under separate permit(s)) are proposed.

The subject application has been reviewed and the proposed conditional use is consistent with the General Plan in that As stated above, "Personal Service Uses", as proposed are conditionally permitted in the DPTCP. As presented in the application materials, and conditioned herein, the proposed salon will meet other requirements of the Municipal Code, specifically those contained in Title 8 (Building and Construction) and Title 9 (Zoning).

- 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 proposed Personal Service Use is to be established within an existing suite and within a mixed-use district. The use would replace a similar use and all activities will take place within the confines of the referenced suite. The proposed use is accordingly compatible and complimentary to existing development within the project's vicinity as conditioned and would not be materially detrimental to adjacent uses, buildings or structures.

- 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 new Personal Service Use in that it is a previously developed site with no contemplated changes to existing land use development features. The proposed use will be located in an existing

vacant suite in a multi-tenant structure. Although parking onsite is deficient, the previous use (office) and the proposed personal service use have the same required parking demand of one (1) stall/220 square feet of gross floor area. Consequently, the proposed Personal Service Use can be integrated with the existing and planned uses in the vicinity.

CONDITIONS OF APPROVAL

The City of Dana Point hereby grants approval of CUP17-0004(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General:

1. Approval of this application proposes the establishment of new business "Carly Castelli Co." within Suite "202" of Café Courtyard, located at 34221 Golden Lantern. 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. This permit shall be copied in its entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Dana Point Building/Safety Division for plan check.
3. A separate Sign Permit will be required for any proposed signage.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The Applicant and/or 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.
12. The City maintains 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.
13. 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).

14. At no time shall the business be allowed to display or store wares or materials within the property's parking lot or the public right-of-way and; at no time shall the operation of the business impede or block public use of parking facilities.
15. 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 related utility services.

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

16. The applicant shall schedule a final inspection with the Community Development Department at the site that shall include a review of, among other things, landscaping, finish architecture/materials, and compliance with any outstanding project conditions of approval approved through discretionary action.
17. All structural best management practices (BMPs) and/or landscaping shall be constructed and installed in conformance with approved plans and specifications.
18. Public Works final approval will be required for all permits.
19. All landscaping, or structural best management practices (BMPs), shall be constructed and installed in conformance with approved plans and specifications.