



August 21, 2018

Matt Neale and Aaron Fhima
Neale & Fhima, LLP
34186 Pacific Coast Highway
Dana Point, CA 92629

MINOR CONDITIONAL USE PERMIT CUP18-0015(M)

APPLICANT: Matt Neale and Aaron Fhima (Neale & Fhima, LLP)

OWNER: Pacific Lantern, LLC.

LOCATION: 34186 Pacific Coast Highway
Assessor Parcel Number (APN): 682-291-13

REQUEST: A request to allow the establishment of an administrative office use in a vacant 414 square foot suite located at 34186 Pacific Coast Highway, 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) because the project involves the establishment of an administrative office use within an existing structure.

DETERMINATION: The Community Development Director hereby

_____ APPROVES
_____ DENIES

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

Matt Schneider,
Acting Community Development Director

BACKGROUND:

The subject site is a 4,322 square foot lot improved with a one story 2,071 square foot commercial building located in the Town Center Plan and Coastal Zone Overlay. The property is an interior lot located along Pacific Coast Highway and abuts an alley at the rear of the property. The three unit commercial building was constructed in 1963 with six parking spaces at the rear of the property. The structure is divided into three suites which are all currently vacant.

DISCUSSION:

The project proposes a law office in the 414 square foot suite located at 34186 Pacific Coast Highway. The CUP(M) would allow Neale and Fhima, LLP Law Firm which is located at 34186 Pacific Coast Highway to expand into the proposed location. The project would not expand the suite or modify the exterior of the structure. Per the land use regulations of the Dana Point Town Center Plan, a Minor Conditional Use Permit (CUP(M)) is required to allow an office use south of Golden Lantern.

FINDINGS:

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

The subject application has been reviewed and the proposed conditional use is consistent with the Town Center Plan Policy 1.1 in that the proposed office use achieves 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 project is also consistent with Policy 5.4 which encourages the retention of existing businesses. By approving the CUP(M) it allow the existing business to expand in Town Center and avoids the possibility of relocation out of the City. The proposed "Administrative Office Use", is conditionally permitted in the Dana Point Town Center Plan per the land use regulation matrix because it is located south of Golden Lantern. The proposed use meets all applicable requirements in 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 administrative office use is proposed within an existing suite of a commercial building. The project would replace a use with the same parking

demand, and all activities will take place within the confines of the proposed suite. The proposed use is compatible and complimentary to existing development within the project's vicinity, and as conditioned 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 administrative office use in that it is a previously developed site with no proposed exterior modifications to the site plan, the larger existing structure, or other uses onsite. The site was developed with six parking spaces for the three units. The proposed use will be located in an existing vacant suite in a multi-tenant structure. The previous retail use required more parking (one space per 220 square feet) than the proposed administrative office use (one stall per 300 square feet). The proposed use can be integrated with the existing and planned uses in the vicinity in that the adjacent buildings are occupied by similar legal/professional administrative offices..

CONDITIONS OF APPROVAL

The City of Dana Point hereby grants approval of CUP18-0015(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General:

1. Approval of this application is to allow the establishment of new administrative office use (law office) in a vacant 414 square foot suite located in a multi-tenant building, located at 34186 Pacific Coast Highway. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Director of Community Development, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, Town Center Plan, and the Dana Point Zoning Code.
2. 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.

3. 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.
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.

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.

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.

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 applicant shall obtain all applicable permits for the proposed improvements.
9. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
10. 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, and telephone and cable television services.

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

11. The applicant shall schedule a final inspection with the Community Development Department at the site that shall include a review of, among other things, compliance with any outstanding project conditions of approval.