

**RESOLUTION NO. 18-11-26-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING SIGN PROGRAM SPP18-0003 FOR MIXED-USE BUILDINGS LOCATED AT 34135, 34137, 34155 PACIFIC COAST HIGHWAY**

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, Raintree Pacifica LLC., (the “Applicant”) is the owner of real property commonly referred to as 35135 (APN’s: 682-232-06, 682-232-07, 682-232-11), 34137 (APN’s: 682-321-01, 682-321-14, 34155 Pacific Coast Highway (APN’s: 682-321-07, 682-321-08), (the “Property”); and

WHEREAS, the Applicant has made an application to establish a new Sign Program (attached as Exhibit A to this resolution) for a multi-tenant mixed-use building located at 35135, 34137, 34155 Pacific Coast Highway; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Sections 15301 (e) (Class 1 – Existing Facilities) of the CEQA Guidelines in that the project proposes minor exterior improvements to an existing commercial center; and

WHEREAS, the Planning Commission did, on the 22nd day of October, 2018, reviewed the Sign Program as prescribed by law; and

WHEREAS, at said Planning Commission Review, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Sign Program SPP18-0003.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows:

- A) The above recitations are true and correct and incorporated herein by reference.
- B) Based on the evidence presented, the Planning Commission adopts the following findings and approves Sign Program SPP18-0003, subject to conditions:

Findings:

1. That the design, placement, size, and content of the proposed signage is compatible with the project architecture **in that the signs are designed to enhance the existing buildings and are at a suitable size and location compatible with the building architecture.**
2. That the Sign Program is in substantial compliance with the Permitted Sign Types detailed in the City of Dana Point Zoning Code **in that the signs are compliant with all allowed sign types allowed in Chapter 9.37. The overall design of the proposal is consistent with the electric style of the three separate buildings.**
3. That the Sign Program is in substantial compliance with the goals and policies detailed in the Town Center Plan **in that the signs contribute to the atmosphere and to serve as symbols of quality for commercial establishments.**

Conditions:

**A. General:**

1. Approval of this application permits the establishment of a Sign Program located at 35135, 34137, 34155 Pacific Coast Highway. Subsequent submittals for this project shall be in substantial compliance with the sign plans approved by the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, Dana Point 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 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. Approval of this application shall be valid for a period of 24 months 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.

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 and Individual Tenants shall obtain separate Building Permits and Sign Permits for installation of each individual sign.
- 9) The Applicant or their successor(s) are responsible to maintain any minimum head clearances of projecting signs into the public right-of-

way, as measured from the finished ground to minimum clearance of each sign.

- 10) The Applicant or their successor(s) are responsible to maintain a minimum vehicular clearance of 17 feet, free and clear from finished ground to lowest point of the building overhead, and/or any building mounted clearance bars or parking signage.
- 11) The City of Dana Point's, Director of Community Development shall have the authority to grant an Administrative Amendment to the approved sign program including but not limited to: sign type clarification, sign program organization, and changes to provide clarity by tenants, sign contractors, and City Staff. All allowed signage shall be in substantial conformance with the Dana Point Sign Guidelines and Section 9.37.150 of the Dana Point Zoning Code.
- 12) 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, cable television and telephone and services. The applicant is responsible to coordinate any potential conflicts or existing easements.
- 13) The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control measures at all times. The applicant shall maintain the erosion and sediment control devices until the final approval of all permits.
- 14) The applicant, property owner or successor in interest shall submit a standard Waste Reduction and Recycling Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The standard Waste Reduction and Recycling Plan shall be reviewed and approved and deposit posted prior to issuance of any permits.
- 15) Prior to the commencement of any work within the public right-of-way, the applicant shall apply and be approved for an encroachment permit.
- 16) All signage shall in no way restrict access to the public alley or any turning movements. All signage shall provide the clearance dimension as required for all covered access ways.
- 17) All lighting for signs shall be reviewed and approved by Community Development and Public Works prior to installation.

**B. Prior to the issuance of a building and sign permit, the Applicant shall meet the following conditions:**

- 18) The Applicant shall submit three (3) sets of plans to the Planning Division that will review the permit with input from the Building Division for plan check so that Planning and Building approval and permits can be issued concurrently once plan check review is completed. Plans shall be submitted on sheets no smaller than 11" x 17".
- 19) Improvements shall comply with the most recently adopted local and State building code regulations, which may include the CBC, CMC, CPC and CEC with State amendments for disabled accessibility and energy conservation, and all other recently adopted code regulations that may apply.

**C. Prior to final building permit release, the Applicant shall meet the following conditions:**

- 20) After installation, Applicant shall obtain final approval from the Planning Division prior to Building Permit final inspection.
- 21) The proposed sign program for the site shall provide adequate signage to direct residents, guests and business patrons to the on-site parking facilities including signage directing bicyclists to the required on-site bicycle stalls, in addition to identifying the development name and/or individual businesses on the site, and shall be consistent with the provisions of the Dana Point Town Center Plan. Other than those spaces designated for residential uses, the signs shall not restrict the on-site parking spaces for project's patrons only and shall have signage identifying "Public Parking" which could be used by any Town Center visitors. Any additional signage or modification to approved signage onsite as determined by the Director of Community Development shall be submitted for review by the City of Dana Point and installed by the project applicant or their successor(s), solely at the applicant's expense.
- 22) Any directional or wayfinding signage related to the on-site parking facilities shall be installed prior to issuance of any Certificate of Use and Occupancy for the site.
- 23) Any additional directional or wayfinding signage near and within the "Public Court" areas throughout the development as determined by the Director of Community Development shall be submitted for review by

the City of Dana Point and installed by the project applicant or their successor(s), solely at the applicant's expense.

- 24) Any directional signage within the parking garages for simplified wayfinding to commercial uses, and/or residential units throughout the development as determined by the Director of Community Development shall be submitted for review by the City of Dana Point and installed by the project applicant or their successor(s), solely at the applicant's expense.
- 25) Any additional directional or wayfinding signage required to be provided onsite as determined by the Director of Community Development shall be submitted for review by the City of Dana Point and installed by the project applicant or their successor(s), solely at the applicant's expense.
- 26) Any directional or wayfinding signage required to be provided offsite within the City's public right-of-way as determined by the Director of Community Development shall be submitted for review by the City of Dana Point and installed by the project applicant or their successor(s), solely at the applicant's expense.
- 27) Any additional or modification to building mounted lighting fixtures in order to directly or indirectly illuminate onsite directional or wayfinding signage as determined by the Director of Community Development shall be submitted for review by the City of Dana Point and installed by the project applicant or their successor(s), solely at the applicant's expense.
- 28) All building addressing signage shall be installed prior to issuance of any Certificate of Use and Occupancy for the site.
- 29) The applicant shall provide additional way finding or other signage as requested by the Director of Public Works. The additional requested sign may be installed in the public right of way or the property at the owner's expense.
- 30) Public Works final approval will be required for all permits.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 26<sup>th</sup> day of November 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Danni R. Murphy, Chair  
Planning Commission

ATTEST:

\_\_\_\_\_  
Matt Schneider, Director of  
Community Development Department