

April 3, 2019

Carissa Collins  
34071 La Serena Drive, Unit A  
Dana Point, CA 92629

**MINOR CONDITIONAL USE PERMIT CUP19-0002(M)**

**APPLICANT:** Carissa Collins

**OWNER:** Breakthrough Enterprises, LLC

**LOCATION:** 24422 Del Prado Avenue Suite 8  
APN: 682-234-04

**REQUEST:** A request to allow the establishment of a new Personal Service Use (Killer Beauty) in a vacant 700 square foot suite within the Town Center Mixed Use (TCMU) district located at 24422 Del Prado Avenue, Suite 8.

**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.

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Matt Schneider, Director  
Community Development Department

**BACKGROUND:**

24422 Del Prado Avenue, Suite 8 is located at the south end of an in-line multi-tenant commercial building on a lot fronting Del Prado Avenue within the City's Town Center. The site is located in the Town Center Mixed Use (TCMU) zoning district and the Personal Services use is a permitted use in the Town Center. The 700 square foot vacant suite was previously occupied by an Office use.

**DISCUSSION:**

Pursuant to the Land Use Matrix of the Dana Point Town Center Plan, a minor conditional use permit (CUP(M)), is required to establish Personal Services use within the TCMU district. In March of 2019, the business owner (Carissa Collins) submitted the subject CUP(M) as well as an application for a Certificate of Occupancy to establish her business (Killer Beauty), within the City of Dana Point.

Killer Beauty is a local cosmetology studio specializing in water and oil proof eyelash extensions and semi-permanent makeup. Retail products including personal care, cosmetic aftercare and local art & crafts will also be available for sale within the waiting area of the suite. The business owner will be the only employee operating out of the subject suite. Customers will be seen by appointment only or as walk-ins, Monday through Sunday from 7:00 A.M. to 9:00 P.M.

As shown in the attached floor plan, Ms. Collins proposes only minor interior improvements that do not require requisite building permits. Based on the preceding analysis, findings supporting the project and the associated discretionary permit are described in the following section.

**FINDINGS:**

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

The applicant intends to establish her Personal Services studio in a multi-tenant building located within the boundaries of the Dana Point Town Center Plan (DPTCP). Cosmetologist's 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 consists of new flooring, painting 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 it achieves a desirable mixture of land uses to meet the residential, commercial, industrial,

recreational, open space, cultural and public service needs of the City residents. 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 cosmetology studio will meet all 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 commercial building. The use would replace a similar use in regards of parking demand 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 planned changes to existing structure and business uses onsite. The proposed use will be located in an existing vacant suite in a multi-tenant building. 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 approves Minor Conditional Use Permit CUP19-0002(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 Personal Service Use (Killer Beauty) in a vacant 700 square foot suite within a multi-tenant commercial building, located at 24422 Del Prado, Suite 8.

Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, 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. The subject "Conditions of Approval" section of this permit shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety Division for plan check.
5. 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.
6. 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.

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 construction site shall be posted with signage indicating that construction not commence before 7:00 AM and must cease by 8:00 PM, Monday through Saturday. No construction activities shall be permitted on Sundays or Federal holidays.
11. The applicant shall obtain all applicable permits for the proposed improvements.
12. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
13. 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:**

14. The applicant shall contact the Planning Division to conduct an inspection of the restaurant to identify compliance with all conditions prior to contacting the Building/Safety Division for final project sign-off.
15. Building/Safety division sign off is required to finalize Certificate of Occupancy.