

**CITY OF DANA POINT
ADMINISTRATIVE PERMIT
CUP19-0001(M)/AMS19-0002**

HEARING DATE: November 4, 2019

PLANNER: Sean Nicholas, AICP

SUBJECT: NEW OFFICE USE AT 34183 PACIFIC COAST HIGHWAY

APPLICANT: Foxlin Architects

OWNER: Dana Point Obsession, LLC

REQUEST: To establish a new office use in the Town Center, and a request to reduce the width of one parking space off of the alley that will be used for employee parking.

LOCATION: 34183 Pacific Coast Highway

NOTICE: Property owners within 300 feet of the subject site.

ENVIRONMENTAL: The project is categorically exempt from CEQA pursuant to Section 15301 (Class 1) for the establishment of a new urgent care facility in an existing building.

FINDINGS:

A) For the approval of Minor Conditional Use Permit CUP19-0009(M), the Director of Community Development finds:

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

The applicant intends to locate office uses (Chamber of Commerce and another use) into a vacant building located at 34183 Pacific Coast Highway within the boundaries of the Dana Point Town Center Plan (DPTCP). Administrative office use as noted in the Land Use Matrix of the DPTCP requires approval of a Minor Conditional Use Permit (CUP(M)). The project will include re-striping and other improvements to the parking lot and access to the building to meet current ADA requirements, and internal improvements to the building. No area is being added. The applicant is proposing to locate a new parking

space off of the alley, and construct a new covered trash enclosure.

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.

2. 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 building. As a component of moving into the building, the parking lot will be updated to increase the number of parking spaces and bring it into conformance with ADA standards. The proposed use is accordingly 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.

3. 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 (DPMC) 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 contemplated changes to the site plan, other than re-striping the parking lot and exterior improvements necessary to meet CAR.

- B) For the approval of an Administrative Modification of Standards AMS19-0003, the Director of Community Development finds:

1. That there are practical difficulties or unnecessary hardships created by strict application of the Zoning Code due to physical characteristics of the property:

Pursuant to Section 9.61.090 of the Dana Point Zoning Code (DPZC), an Administrative Modifications to Standards (AMS) may be approved for proposed deviations from the Zoning Code that are found to be truly minor and would not result in negative impacts to the health, safety, or general

welfare of adjacent persons or properties. The original structure on the site built in 1929 has been primarily retail in the past, but has been vacant for over a year, except for a brief stint as a temporary office during the 2018 election cycle. As a result, the number of parking on-site does not meet current requirements. As a component of the project, the modification of the parking lot will bring the parking on-site into compliance with existing requirements. As a component of the improvements, the applicant is requesting an Administrative Modification of Standards (AMS) for the reduction of the width of one (1) parking space accessed off of the alley. The parking space, which will be designated for employee parking only, is proposed to be eight and half feet wide (8'-6") where eleven (11) feet is required for a parking space next to a wall. Due to the limited size, the applicant is proposing the space be used for employees only.

2. The administrative modification does not constitute a grant of special privileges which are not otherwise available to surrounding properties in similar conditions and will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity.

The proposed scope of the administrative modification is truly minor as defined in the DPZC in that the project reduces the required 11 foot parking space width down to 8'-6", will still be a functional space and will be used for employee parking only. The request would not be materially detrimental to the public welfare, properties, or persons in the vicinity because the use and improvements to the site will improve the overall compliance of the site with current zoning and accessibility requirements. The reduction in the width of the parking space will allow an additional parking space to be located on-site and utilized by employees only.

3. The administrative modification places suitable conditions on the property to protect the public health, safety, and welfare, and surrounding properties.

The subject application was reviewed for conformance with applicable development standards as well as the required findings related to the approval of an AMS and staff found that all of the findings can be met. The project is conditioned to ensure the proposed parking space would allow for the space to be functional and required to be used by at least one employee, to allow sufficient parking in the primary parking lot for customers at the facility. Review of these documents, coupled with adherence to standard conditions of approval, will ensure that the project adequately protects the public health, safety, and welfare of the property owner as well as

surrounding properties.

4. For development within the coastal zone, the administrative modification would not result in significant adverse impacts, either individually or cumulatively, to coastal access/recreation opportunities or coastal resources, and the development would be consistent with the policies of the Local Coastal Program (LCP) certified land use plan.

The project complies with all of the applicable LCP development standards except for the proposed exception. The project site is a developed lot with no potential to individually or cumulatively impact coastal access/recreation or resources.

CONDITIONS OF APPROVAL:

The City of Dana Point does hereby grant approval of a Minor Conditional Use Permit and Administrative Modification of Standards for the above mentioned property. This permit is valid subject to the following conditions of approval:

1. Approval of this application is to allow the establishment of a new administrative office (Chamber of Commerce and other office use) use in the Town Center. The project includes modifications to the existing parking lot that will increase the number of parking on-site and bring access into conformance with State accessibility requirements. The project will also add an additional parking space in the rear, with a reduced width and construct a covered trash enclosure. As a result of the project some landscaping will be removed, but the landscape area in front of the existing building will be rehabilitated for compliance with water utilization requirements and improve the overall aesthetics of the project at 34183 Pacific Coast Highway. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Community Development Department, and shall be in compliance with the Dana Point General Plan and the Dana Point Zoning Code.
2. This discretionary permit(s) will become void 24 months 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 within a 24 month 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 24 month approval period, or any subsequently approved time extensions.

3. The application is approved 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 plans, 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's fees, costs, and expenses incurred concerning the claim, action, or proceeding.

The applicant, and the applicant's successors, heirs, and assigns, shall further defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, or proceedings against the City, its agents, officers, or employees arising out of or resulting from negligence of the applicant or the applicant's agents, employees, or contractors.

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 offers, employees, or agents arising out of or resulting from the 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's 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 the applicant's successors-in-interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions of approval to City Staff for future governmental permits or actions on the project site or related project sites.
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. This resolution 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 for Building Permits.
9. The proposed project requires a building permit, and all components of the project shall comply with the 2016 editions of the Building Code with all local amendments.
10. The applicant shall schedule a final inspection with the Community Development Department at the site that shall include a review of, among other things, finished architecture/materials, approved through discretionary action, and compliance with any outstanding project conditions of approval.
11. The applicant shall acquire an Encroachment Permit for any work completed in the right-of-way.
12. The reduced parking stall accessed from the rear of the building shall be utilized daily by employees to ensure parking in the primary lot is made available for customers.
13. The Director of Community Development, or their designee, shall review and approve all approved paint colors in the field prior to painting the building. Additionally, any architectural changes that must be made to the building in order to meet California Accessibility Requirement (CAR) compliance shall be approved by the Director of Community Development or their designee.
14. The applicant shall re-landscape the area adjacent to Pacific Coast Highway as a component to modifying the parking lot to meet parking and CAR requirements.
15. The proposed rooftop screening for mechanical equipment is not approved through this process, and the applicant shall show through the building permit process compliance with Dana Point Zoning Code section 9.05.140.

16. If any palm trees are removed as a result of parking lot modifications, efforts shall be made to relocate them on-site, and they can be incorporated in to the landscape rehabilitation in front of the building and adjacent to Pacific Coast Highway.

15. Building plan check submittal shall include the following construction documents:

- Building Plans (4 sets)
- Electrical/Plumbing/Mechanical plans by a Registered Design Professional
- Energy Calculations (2 sets)
- Structural Calculations (2 sets) if applicable
- Fire/Life/Safety Code Analysis Report (exiting, occupancy separation, fire-rating, etc.).
- Health Department Approval & State Licenses

All documents prepared by a registered-design-professional shall be wet-stamped & signed.

16. Provide building code analysis showing conformance to CBC Chapter 3 and 5. Specify occupancy group(s), type(s) of construction, including fire sprinklers (if applicable), and conforming exiting.

17. Fire Department & Health Department approvals are required.

18. Exiting Plan & Analysis: Plans should include an occupant load analysis on the plans and provide an "Exit Plan" to show a clear and dimensioned Means of Egress system that provides a continuous, unobstructed exit from any occupied point in the building to a public way.

19. Plans should clearly show compliance with CBC Chapters 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing). A Certified Access Specialist (CAsp) report may be required.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

20. Approvals are required from:

- Planning Department
- Public Works
- Obtain Orange County Fire Authority approval
- Obtain Health Department approval

21. Verification of all conditions of approval is required by all City Departments.

22. All approvals from outside Departments and Agencies is/are required.

23. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.

24. Separate review, approval, and permits are required for:

- Signs

DETERMINATION:

The Community Development Director hereby:

_____ APPROVES

_____ DENIES

the requested **ENTITLEMENTS** described herein subject to the findings and applicable conditions above.

Matt Schneider, Director
Community Development Department