
**CITY OF DANA POINT
ADMINISTRATIVE PERMIT**

DATE: NOVEMBER 20, 2019

TO: KELLY REENDERS, ACTING DIRECTOR OF COMMUNITY DEVELOPMENT

FROM: BELINDA DEINES, SENIOR PLANNER

SUBJECT: MINOR CONDITIONAL USE PERMIT CUP19-0010(M)
ADMINISTRATIVE MODIFICATION OF STANDARDS AMS19-0004

APPLICANT: Lyndsy Vuong, Eco Organic Nail Boutique

PROPERTY OWNER: Elizabeth Hanauer, Kenwood II LLC

LOCATION: 34212 Pacific Coast Highway, Suite B (APN 682-294-28)

REQUEST: The applicant requests approval to permit the establishment of a beauty salon (Eco Organic Nail Boutique) within a vacant suite; to modify an existing Shared Parking Program for the Coast Marketplace commercial center; and to reduce the parking stall width of 13 parking stalls and accommodate an additional parking stall onsite.

NOTICE: Property owners within 300 feet of the subject site

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1- Existing Facilities).

BACKGROUND/DISCUSSION:

The applicant proposes to establish a beauty salon in a vacant, existing 1,109 square-foot retail suite located at 34212 Pacific Coast Highway, Suite B in the Coast Marketplace commercial center within the City's Town Center Plan Mixed-Use District. Pursuant to the City's adopted Town Center Plan, "Personal Service Uses" (including salons or similar) shall require approval of a Conditional Use Permit (CUP) subject to review and approval by the Director of Community Development. Prior to 2016, Suite B had been previously occupied by Sundara Salon, which has relocated to Suite D within the same commercial center.

Eco Organic Nail Boutique consists of a beauty salon specifically for nails, lashes, and brows. Limited interior alterations are proposed, including new fixtures and signage (Supporting Document 1). The hours of operation are proposed Monday through Friday, 10:00 a.m. to 6:00 p.m., and Saturday, 9:00 a.m. to 5:00 p.m.

On September 12, 2017, Minor Conditional Use Permit CUP17-0009(M) was approved to allow a Shared Parking Program for the Coast Marketplace commercial center. Currently, the subject site maintains a total of 41 parking stalls onsite. The Shared Parking Program was approved with a restaurant use in Suite B from 10:00 a.m. to 4:00 p.m., however, the proposed restaurant was never established and the suite remained vacant. The hours of operation identified for Suite B limited potential retail tenants, specifically from Tuesday to Saturday between 4:00 p.m. and 5:00 p.m. because the required parking is 42 parking stalls and the site is deficient by one parking stall during that time (Supporting Document 2).

The applicant evaluated all potential locations in the immediate vicinity for Joint Use of Parking offsite, and found no sites available within the 300' radius. Furthermore, the applicant considered valet parking but noted potential issues related to spillover parking into residential neighborhoods. In order to accommodate one additional parking space for the proposed use, the applicant proposes to restripe 13 existing parking stalls with an 8'-4" width. Dana Point Zoning Code requires 9' minimum parking stall width.

FINDINGS:

A) Based on the evidence presented at the public hearing, the Director of Community Development makes the following findings and approves CUP19-0010(M) subject to conditions:

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

The applicant proposes to establish a nail, brow, and lash salon (Personal Service Use) in a vacant suite located within an existing, commercial multi-tenant building. Nail salons are "Personal Service Uses" as noted in the Land Use Matrix of the Dana Point Town Center Plan, and requires approval of a Minor Conditional Use Permit. The subject application has been reviewed for conformance with applicable sections of the Town Center Plan and Dana Point Zoning Code (DPZC) by Planning and Building Division staff and is found to conform to all applicable goals and standards therein.

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 Personal Service Use is proposed within an existing suite and within a district of mixed uses. 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. Furthermore, the parking lot will be

modified to increase the number of parking stalls from 41 to 42 and bring the property into conformance with the required number of parking stalls onsite.

- 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 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 all proposed development in conformance with the standards of the Town Center Plan and DPZC. The proposed use will be located within a single vacant suite in a multi-tenant structure that was vacated in 2016. No changes are proposed to the overall shape or footprint of the existing structure. The proposed new use has been reviewed for conformance with applicable standards of development and found to conform. Adequate onsite parking is provided, subject to the revised Shared Parking Program.

- B) Based on the evidence presented at the public hearing, the Director of Community Development makes the following findings and approves AMS19-0004 subject to conditions:

- 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 Dana Point Zoning Code (DPZC) Section 9.61.090(b)(1), an Administrative Modification of Standards (AMS) may be approved for the size of parking spaces that are found to be truly minor and would not result in negative impacts to health, safety, or general welfare of adjacent persons or properties. DPZC Section 9.35.070(c)(2)(A) requires a 9' width for standard parking stalls uncovered in a parking lot. The applicant proposes an 8'-4" width for 13 parking stalls with the required 18' depth to be maintained. DPZC does not define compact parking stalls, however, compact stalls are typically 8' wide and 16' deep. The applicant has exhausted all other options for eliminating the access stairs, Joint Use of Parking and valet services to accommodate an additional stall from 4:00 to 5:00 p.m. In addition, the rhombus shape of the lot and location of existing transformer make it difficult to expand the existing parking area and accommodate the standard parking stall size. Staff believes that the minor reduction of stall width allows the provision of adequate minimum required parking on the property so that a retail/personal service use can conduct business during hours appropriate for a nail salon.

- 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 modification of parking stall width does not constitute a grant of special privileges in that

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

Suitable conditions on the property include requiring that the location of the proposed stalls be designated toward the west side of the subject site and away from the existing restaurant. Stalls fronting suite entrances and adjacent to the restaurant are standard and van accessible sized, which allows for adequate room for vehicle clearance. Employees are encouraged to utilize the proposed compact stalls.

- 4) **For development within the coastal zone, that 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 certified land use plan.**

The proposed modification would create an additional parking space, which complies with all of the applicable Local Coastal Program standards with the exception of the parking stall width. The project site is a developed lot with no potential to individually or cumulatively impact coastal access, recreation, or resources.

CONDITIONS:

A. General

1. Approval of this application proposes the establishment of new business "Eco Organic Nail Boutique" within Suite "B" of Coast Marketplace, located at 34212 Pacific Coast Highway. 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 find 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 Building Plan Check Submittal:

16. Building(s) submitted prior to January 1, 2019, shall comply with the 2016 California Codes of Regulations Parts 1-12 and any local amendments thereto. Building(s) submitted after January 1, 2019, shall comply with the 2018 editions of the Building Code and any local amendments thereto.
17. Building plan check submittal shall include four sets of building plans and Electrical/Plumbing/Mechanical plans by a Registered Design Professional. All documents prepared by a registered-design-professional shall be wet-stamped & signed.
18. Fire Department and Health Department reviews are required.

19. Provide building code analysis showing conformance to the Chapter 3 and 5 of the CBC. Specify occupancy group(s), type(s) of construction, including fire sprinklers (if applicable), location on property, actual and allowable floor area, building height, number of stories, and conforming exiting.
20. 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.
21. 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.

C Prior to Issuance of a Building Permit:

22. Verification of all conditions of approval is required by all City Departments.
23. All approvals from outside Departments and Agencies (Fire Department, Health Department, etc.) are required.
24. All applicable supplementary development impact fees shall be paid prior to building permit issuance.

DETERMINATION:

The Director of Community Development hereby:

_____ APPROVES

_____ DENIES

the requested CUP19-0010(M) and AMS19-0004 described herein subject to the findings and applicable conditions above.

Kelly Reenders, Interim Director
Community Development Department

SUPPORTING DOCUMENTS:

1. Site and Floor Plans
2. Shared Parking Program Matrix

DRAFT