

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: JULY 10, 2017

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: CONDITIONAL USE PERMIT CUP17-0006 A REQUEST TO REPLACE A NON-CONFORMING ADMINISTRATIVE OFFICE USE (REAL ESTATE OFFICE) WITH AN ALTERNATIVE NON-CONFORMING ADMINISTRATIVE OFFICE USE (BANK) TO RELOCATE THE EXISTING UNION BANK (CURRENTLY LOCATED AT THE CORNER OF PACIFIC COAST HIGHWAY AND GOLDEN LANTERN), TO THE FIRST FLOOR OF AN EXISTING MULTI-TENANT COMMERCIAL BUILDING AT 24532 DEL PRADO AVENUE IN TOWN CENTER

RECOMMENDATION: That the Planning Commission adopt the attached draft resolution approving Conditional Use Permit CUP17-0006 (Action Document 1).

OWNER/APPLICANT: Muller Lighthouse, LLC. (Owner)

OWNER'S REPRESENTATIVE: Stan Andrade, Andrade Architects

REQUEST: A request to replace a non-conforming administrative office use (real estate office) with an alternative non-conforming administrative office use (bank) to relocate the existing Union Bank (currently located at the corner of Pacific Coast Highway and Golden Lantern), to the first floor of an existing multi-tenant commercial building at 24532 Del Prado Avenue in Town Center.

LOCATION: 24532 Del Prado Avenue (APN: 682-191-03)

NOTICE: Public Hearing notices were mailed to property owners within 500 feet, of the site on June 29, 2017. The same notice was published in the Dana Point News on June 30, 2017, and notices were posted

on June 30, 2017, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library. The public hearing notices, drafts of the staff report and resolution, and plans were provided on the City of Dana Point's website two (2) weeks prior to the public hearing for public review.

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).

ISSUES:

1. Is the proposal consistent with the City's adopted General Plan/Local Coastal Program/Town Center Plan
2. Is the proposal compatible with and an enhancement to the surrounding neighborhood and City?
3. Does the project satisfy all the findings required pursuant to the City's Zoning Code for approving a Conditional Use Permit?

BACKGROUND: On January 26, 2017, a Minor Conditional Use Permit and Minor Site Development Permit were approved to allow for an addition of 764 square feet and use of tandem parking to establish a new restaurant at the project site. Since then, the property owners have entered into negotiations for the relocation of Union Bank from its current location at Pacific Coast Highway and Golden Lantern. The current Union Bank property has approved entitlements for a new mixed use development, Vista Del Mar, and is slated for demolition. Union Bank has been in business at its current location for more than 20 years and wants to relocate in close proximity to their current location to serve their existing customer base. With the proposed change of use, tandem parking is no longer a component of the project, and all parking is met onsite by utilizing a traditional parking configuration.

DISCUSSION: The proposed project requires a Conditional Use Permit pursuant to Dana Point Zoning Code (DPZC) section 9.63.080, Substitution of a Non-Conforming Use, as the Planning Commission can approve the replacement of a non-conforming use with another non-conforming use as long as it is determined to not be detrimental to public welfare or surrounding properties. The current use of the facility is administrative office use, real estate office, and is proposed to be a bank, which is also classified as administrative office in the Town Center Plan.

CONDITIONAL USE PERMIT:

The applicant is requesting a Conditional Use Permit to relocate the existing Union Bank from the corner of Pacific Coast Highway and Golden Lantern to the project site on Del Prado. While a bank (administrative office use) is a non-conforming use on the first floor of commercial buildings in Town Center, it can replace an existing non-conforming use through the approval of a Conditional Use Permit. Currently the first floor is utilized by a real estate office, which is defined as an administrative office by the Town Center Plan. The primary finding necessary for approval of a Conditional Use Permit to replace a non-conforming use is that it cannot be detrimental to the site or the surrounding area. In January of 2017, the applicant received approval of a 764 square foot addition and use of tandem parking associated with a new restaurant. Since then, the property owner has moved forward with their plans for the addition, but has engaged with Union Bank for a long term relocation. The current Union Bank site is in the process of receiving building permits for demolition and development of a new mixed use development, Vista Del Mar.

The existing Union Bank has hours of Monday through Thursday of 9:00 am to 5:00 pm, Friday 9:00 am to 6:00 pm, and closed Sunday, and similar hours are anticipated for this new location. With the proposed bank and office uses, the total parking required is 18 spaces. The applicant has provided 18 spaces onsite in a traditional parking configuration. No tandem or shared parking is necessary to meet the parking requirements. A new trash enclosure is proposed at the rear alley and is setback five (5) feet from the alley, and does not impact the parking proposed onsite. Overall, the hours of operation of the bank use, in conjunction with a more traditional parking layout will not be detrimental to the surrounding neighborhood.

To ensure that the future bank tenant improvements do not negatively impact the residents across the alley way to the rear, a condition of approval has been added that any proposed ATM facilities shall be indoors, and all illumination shall be screened to not impact the residents. Additionally, any proposed signs at the rear of the building shall be halo or illuminated by externally down lit decorative fixtures to avoid light trespass. All illumination associated with signs for the bank use at the rear of the property shall be turned off at closing.

Sections 9.65.060 of the DPZC stipulates a minimum of three (3) findings to approve a Conditional Use Permit for the replacement of a non-conforming use for another non-conforming use:

- 1) That the proposed conditional use is consistent with the General Plan.
- 2) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not

adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.

- 3) That 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 this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity.

The required findings are articulated in the attached draft Resolution identified as Action Document 1.

CORRESPONDENCE:

Staff has not received any correspondence on the proposed project.

CONCLUSION: Based on the above analysis, staff determines that the proposed project will not be any more impactful than the existing administrative office use. The typical hours of operation of the bank onsite, traditional parking configuration, and conditions of approval associated with ATMs and signs will ensure that the project will not negatively impact surrounding uses. As conditioned, staff believes that all of the findings can be made to support the proposed Conditional Use Permit. Staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit CUP17-0006, Union Bank relocation, allowing for the replacement of a non-conforming administrative office use for another non-conforming administrative office use.

Sean Nicholas, AICP
Senior Planner

Ursula Luna-Reynosa
Director of Community Development

ACTION DOCUMENT:

1. Draft Planning Commission Resolution 17-07-10-XX

SUPPORTING DOCUMENTS:

2. Vicinity Map
3. Letter from the applicant
4. CEQA Exemption
5. Proposed plans