

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

ITEM #3

DATE: DECEMBER 8, 2014

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
JOHN TILTON, AIA, PLANNING MANAGER
EVAN LANGAN, AICP, ASSOCIATE PLANNER

SUBJECT: MASTER TEMPORARY SITE DEVELOPMENT PERMIT TSDP14-0076
TO ALLOW THE PLACEMENT OF A TENT FOR THE PURPOSE OF
TEMPORARILY HOUSING RELIGIOUS SERVICES ON THE GROUNDS
OF THE ST. EDWARDS CHURCH (33926 CALLE LA PRIMAVERA)

RECOMMENDATION: That the Planning Commission adopt the attached resolution approving Master Temporary Site Development Permit TSDP14-0076.

PROJECT APPLICANT: Barbara Belavic (St. Edward the Confessor Catholic Church)

PROPERTY OWNER: St. Edward the Confessor Catholic Church

REQUEST: Approval of a Master Temporary Site Development Permit to allow for a maximum of four months, the placement of a tent to house worship services at the St. Edwards Catholic Church.

LOCATION: 33926 Calle La Primavera
Assessor Parcel Numbers (APNs) 121-251-31 & 682-361-01

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on November 26, 2014, published within a newspaper of general circulation on November 27, 2014, and posted on November 26, 2014 at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15304 (e) (Class 4 – Minor Alterations to Land) in that the project proposes a temporary use of land that would have a negligible or no permanent effect on the environment.

ISSUES:

- Project consistency with the Dana Point General Plan and Zoning Code (DPZC).
- Project satisfaction of all findings required pursuant to the DPZC for approval of a Master Temporary Site Development Permit (TSDP).
- Project compatibility with and enhancement of the site and surrounding neighborhood.

BACKGROUND: The subject property comprises 394,257 square feet (9.05 acres) of land area and has been developed as a religious complex (St. Edward the Confessor Catholic Church) made up of multiple education and worship structures, outdoor playground area, meeting and office spaces as well as parking facilities. The site was initially constructed in 1971 and was last expanded/remodeled in 1990.

The property is zoned as "Community Facilities" (CF) and is not located within the City's Coastal or Floodplain Overlay Districts.

DISCUSSION: For the purpose of housing worship services during a planned Spring 2015 remodel of the site's main sanctuary, this permit would allow the placement of a tent within the existing parking lot of the subject property. An existing playing field would temporarily accommodate all displaced vehicle parking. The tent structure would have a footprint of 80 feet by 120 feet and be a maximum of 26 feet in height. The interior of the tent would contain an altar (elevated platform) and seating for approximately 900 persons. The tent would be utilized for services only on Saturdays from 5:30 PM to 6:30 PM and again on Sundays between 7:30 AM and 5:30 PM; there are no services or other activities proposed within the tent during weekdays. The placement of the tent at the subject property is not foreseen to impact circulation into, through or out of the property (no entry or exit-ways will be blocked) and no interruption is anticipated to regular onsite activities such as weekday schooling, pickup or drop-off of students or patrons. The tent will further be placed and constructed in compliance with all CA structural and Accessibility standards and has received conceptual approval from the Orange County Fire Authority (OCFA).

Parking Stall Displacement

As the tent is proposed to be located within the church's parking lot, 42 spaces would be covered by the tent's footprint and with a maximum of 68 parking spaces impacted and unavailable for use while the structure is in place. The application accordingly proposes the relocation/creation of 68 replacement parking stalls to an athletic field at the southerly end of the property. These new, temporary parking stalls would be identified with chalk (sprayed onto the field) and dimensioned in conformance with minimum Zoning Code requirements. The spaces will be maintained and available for

the duration of the tent's placement at the subject property.

Master Temporary Site Development Permit TSDP14-0076

Pursuant to Section 9.39.070 (d)(3) of the DPZC, a special event that proposes continuous, temporary use of a property shall be subject to approval of a "Master" Temporary Site Development Permit (TSDP) by the Planning Commission. The subject application proposes the placement of a tent on the grounds of the St. Edwards Catholic Church for a continuous period not to exceed four months. Although this permit would allow a period of four months, the applicant expects that a two month time frame is more likely.

That same section of the DPZC stipulates a minimum of five findings to approve a TSDP, requiring:

- 1. That the proposed temporary use is a special event permitted under Section 9.37.070;*
- 2. That the special event is consistent with the Zoning Code and will not be incompatible with the General Plan;*
- 3. That the site for the special event is adequate in size, shape, and access to accommodate additional demands generated by the proposed use;*
- 4. That the special event as proposed and/or conditioned will protect the safety and general welfare of the community; and will not cause significant noise, traffic, or other conditions or situations that may be detrimental or incompatible with other permitted uses in the vicinity and;*
- 5. That any unimproved, vacant, privately owned property proposed for the special event be deemed "improved" for the duration of the special event.*

Supportive findings can be made for the TSDP request as are enumerated in the project's draft resolution (Attachment 1).

CORRESPONDENCE: To date, no correspondence has been received concerning this project.

CONCLUSION: Staff recommends that the subject project be found to be consistent with the policies and provisions of the City of Dana Point General Plan and Zoning Code as enumerated in the attached draft resolution and recommends the Planning Commission adopt the attached draft resolution, approving TSDP14-0076 subject to findings and conditions of approval.



Evan Langan, AICP
Associate Planner



John Tilton, AIA, Planning Manager
Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 14-12-08-xx

Supporting Documents

2. Vicinity Map
3. Site Photos
4. Project Plans

RESOLUTION NO. 14-12-08-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING MASTER TEMPORARY SITE DEVELOPMENT PERMIT TSDP14-0076 TO ALLOW FOR A PERIOD NOT TO EXCEED FOUR MONTHS, THE PLACEMENT OF A TENT FOR THE PURPOSE OF TEMPORARILY HOUSING RELIGIOUS SERVICES ON THE GROUNDS OF THE ST. EDWARDS CHURCH (33926 CALLE LA PRIMAVERA)

Applicant and Property Owner: St. Edward the Confessor Catholic Church

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

WHEREAS, the applicant filed a verified application for a Temporary Site Development Permit to allow for the temporary placement of a tent at 33926 Calle La Primavera (APNs 121-251-31 & 682-361-01), 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 Section 15304 (e) (Class 4 – Minor Alterations to Land) and;

WHEREAS, the Planning Commission did, on the 8th day of December, 2014, hold a duly noticed public hearing as prescribed by law to consider said request, and;

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Temporary Site Development Permit TSDP14-0076.

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

- A. That the above recitations are true and correct.
- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves TSDP14-0076 subject to conditions:

Findings:

ATTACHMENT #1

Temporary Site Development Permit TSDP14-0076

1. That the proposed temporary use is a special event permitted under Section 9.39.070 of the Dana Point Zoning Code **in that the subject project proposes the short-term placement of a tent in the parking lot of the St. Edwards Catholic Church for the purpose of housing religious services during a planned remodel of church facilities - an activity and structure that would potentially, temporarily intensify impacts (i.e., parking, traffic, noise, light and glare, etc.) from the property's existing, permitted religious facility.**
2. That the special event is consistent with the Zoning Code and will not be incompatible with the General Plan **in that the structure and its placement qualify as a "special event" per definition of the Dana Point Zoning Code and accordingly, subject to the findings made herein, is permitted development in the property's Community Facilities (CF) Zoning District.**
3. That the site for the special event is adequate in size, shape, and access to accommodate additional demands generated by the proposed use **in that foreseen displacement of onsite parking spaces with temporary placement of the proposed tent will be mitigated by provision of an equivalent number of replacement stalls on an adjacent athletic field. No impacts to property access, internal circulation or provision of services to patrons are anticipated with placement of the proposed tent structure.**
4. That the special event as proposed and/or conditioned will protect the safety and general welfare of the community; and will not cause significant noise, traffic, or other conditions or situations that may be detrimental or incompatible with other permitted uses in the vicinity **in that the proposal has been reviewed for conformance with applicable standards of development by the Planning and Building/Safety Divisions, the Public Works/Engineering Department as well as the Orange County Fire Authority (OCFA) and found to conform.**
5. That any unimproved, vacant, privately owned property proposed for the special event be deemed "improved" for the duration of the special event **in that the project has been reviewed against applicable standards of development and found to conform. Adherence to conditions of approval herein - including onsite best management practices (BMPs) - will ensure that any potential impacts to persons and activities onsite are minimized to the greatest extent feasible.**

Conditions:

A. General:

1. Approval of this application permits for a period not to exceed four months, the placement on the grounds of the St. Edwards Church (33926 Calle La Primavera), a tent for the purpose of temporarily housing religious services as per plans submitted to and on file with the Community Development Department. 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 Zoning Code.
2. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development 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.
3. 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 of, 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 determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved site plan, he/she 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. 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.
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 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 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.

The applicant and owner, and their 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 project shall meet all water quality requirements including Low Impact Development (LID) implementation.
9. All activities and equipment associated with the event shall, at all times, comply with the requirements of Section 11.10.010 (Exterior Noise Standards) of the DPMC. If noise level exceeds city standards at any time, the applicant shall make needed adjustments to ensure noise levels below the standards.
10. Any new lighting placed in conjunction with approved development shall comply with Section 9.05.220 of the Dana Point Zoning Code.
11. During and after the event, the applicant shall ensure that any areas impacted by the event are clean of any trash or debris.
12. All temporary structures approved under this entitlement shall be removed

within one week of the end of the approved Special Event.

13. No temporary signage shall be permitted for the referenced Special Event without application and approval of applicable sign permits.
14. The applicant shall ensure that no activities occur that are contrary to the public health, safety, or welfare.
15. The City reserves the option to reconsider and amend this Temporary Site Development Permit and its conditions of approval at any time should the Community Development Director find it necessary to evaluate impacts of the use and/or related activities on the surrounding community.

B. Prior to Building Plan Check Submittal and/or prior to Issuance of a Building Permit or release on certain related inspections:

16. Building plan check submittal shall include three sets of the following construction documents (as applicable):
 - a. *Building Plans*
17. Evidence of project review and approval by the Orange County Fire Authority (OCFA) is required. The applicant shall submit three separate sets of plans directly to the OCFA for review and approval.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 8th day of December, 2014 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Liz Claus, Chairperson
Planning Commission

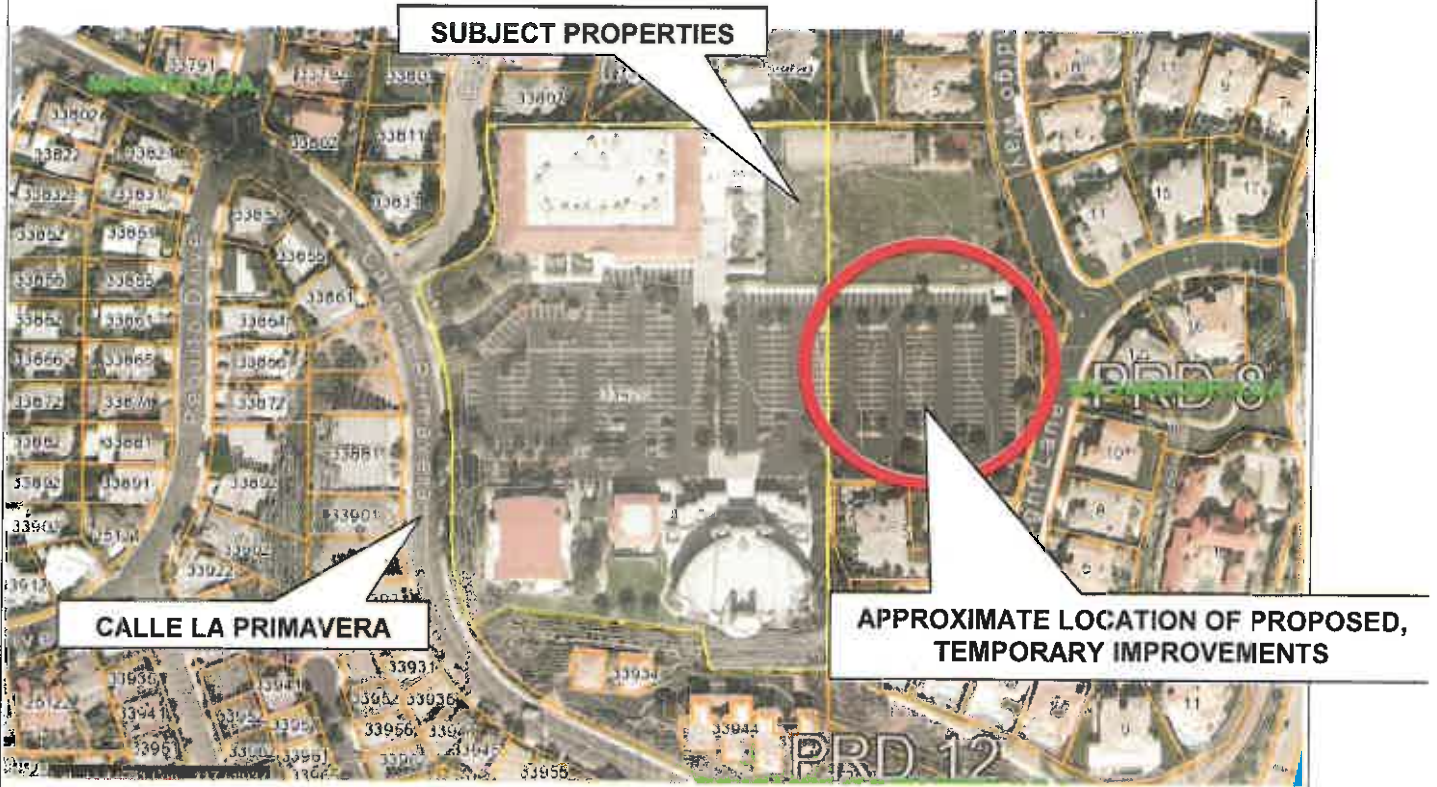
ATTEST:

John Tilton, AIA, Planning Manager
Community Development Department



City of Dana Point
TSDP14-0076
Community Development Department
33282 Golden Lantern (Evan Langan, AICP, Associate Planner)
Dana Point, CA 92629-1805

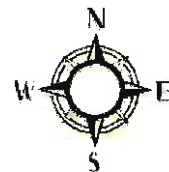
VICINITY MAP



Project: TSDP14-0076

Applicant: St. Edward the Confessor Catholic Church
(Barbara Belavic)

Location: 242 Monarch Bay Drive



SITE (AERIAL) PHOTOS



ATTACHMENT #3

ORANGE COUNTY FIRE AUTHORITY GENERAL REQUIREMENTS:

- TENTS & CANOPY STRUCTURES SHALL NOT BE LOCATED WITHIN 20' OF PROPERTY LINES, BUILDINGS, PARKED VEHICLES OR INTERNAL COMBUSTION UNITS.
- A METHOD OF CONTROLLING PARKED CARS SHALL BE MAINTAINED TO KEEP A 20' CLEARANCE.
- FIRE DEPT. ACCESS ROADS SHALL REMAIN UNRESTRICTED AT ALL TIMES. DO NOT BLOCK AND/OR COVER HYDRANTS & FIRE DEPT. CONNECTIONS. ALL FIRE LANS SHALL BE MAINTAINED WITH A MIN. OF 20' WIDE & 10' 4" HIGH CLEARANCE.
- TENTS, CANOPIES & TEMPORARY WEATHER STRUCTURES SHALL BE ADEQUATELY BRACED & ANCHORED TO WITHSTAND THE ELEMENTS OF WEATHER AND/OR COLLAPSE.
- THE SIDEWALKS, GROUND FLOOR COVERINGS & DECORATIVE MATERIALS SHALL BE COMPOSED OF FLAME RESISTANT MATERIAL OR TREATED WITH AN APPROVED FLAME RETARDANT. ONLY TREATED MATERIALS ARE SUBJECT TO A FLAME TEST BY OCFD.
- ELECTRICAL EQUIPMENT AND INSTALLATIONS SHALL COMPLY WITH THE ELECTRICAL CODE. A PERMIT FROM THE CITY FOR ELECTRICAL AND/OR GENERATORS MAY BE REQUIRED PRIOR TO OCFD PERMIT APPROVAL.
- THE TENT/CANOPY STRUCTURE SHALL BE PUT TOGETHER WITH PROPER SECURING PINS. THE USE OF COMMON NAILS IS PROHIBITED.

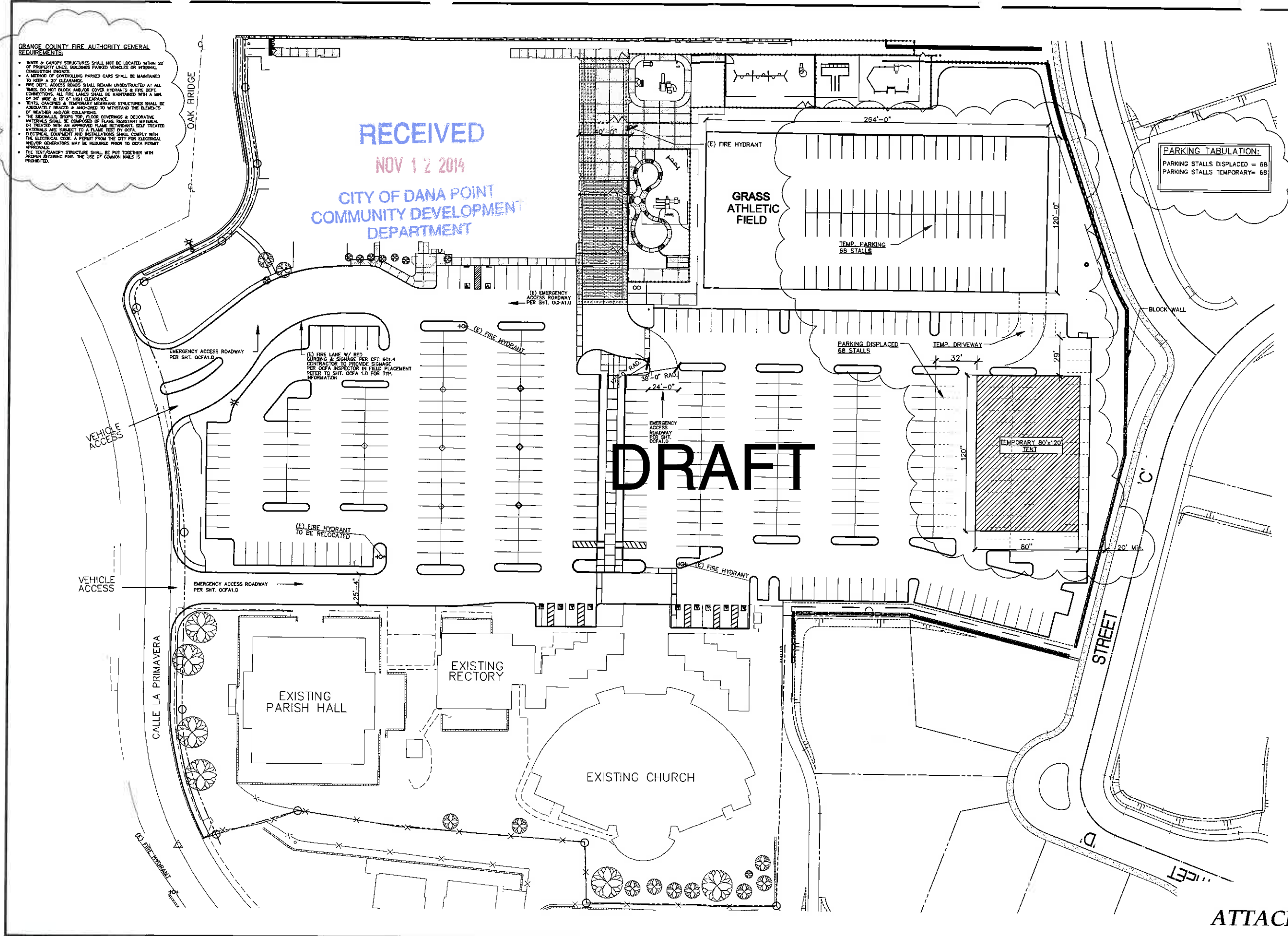
RECEIVED

NOV 12 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

PARKING TABULATION:
PARKING STALLS DISPLACED = 68
PARKING STALLS TEMPORARY = 68

DRAFT



Designer
Steven C. Mish Design
41 Oakcliff Dr.
Laguna Hills, CA 92657
(949) 388-7681

PROPOSED TEMPORARY TENT & PARKING FOR:
ST. EDWARD CHURCH
33926 CALLE LA PRIMAVERA
DANA POINT, CA 92629

REVISIONS

0	Bldg. Dept. Submittal
-	Plans Approved

DATE: 11/09/14

JOB No. _____
SHEET _____

PROPOSED TEMPORARY TENT FOR:


ST. EDWARD CHURCH

33926 Calle La Primavera
Dana Point, CA 92629

LOT DATA:

APN: 682-361-01
LOT No.: 14
LEGAL: P-BOOK: 214 PAGE: 15 PAR: 1

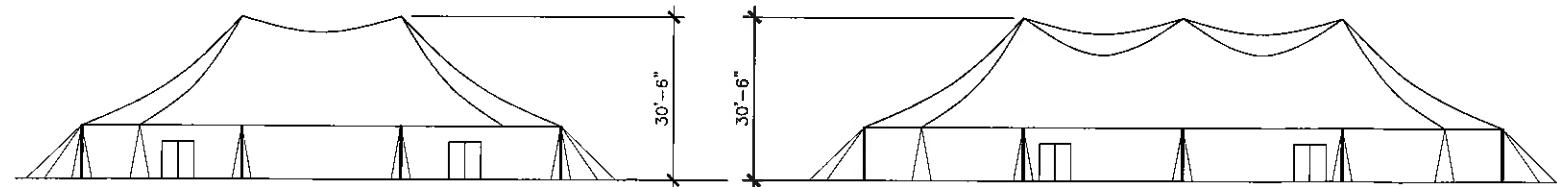
SYMBOLS:

- EXIT** LIGHTED EXIT SIGN OVER DOOR
- FE** FIRE EXTINGUISHER-(Min. 2:A 10:BC)
- NO SMOKING** NO SMOKING SIGN
-  CHAIRS/PEWS-(SEE FIRE AUTHORITY NOTE BELOW)

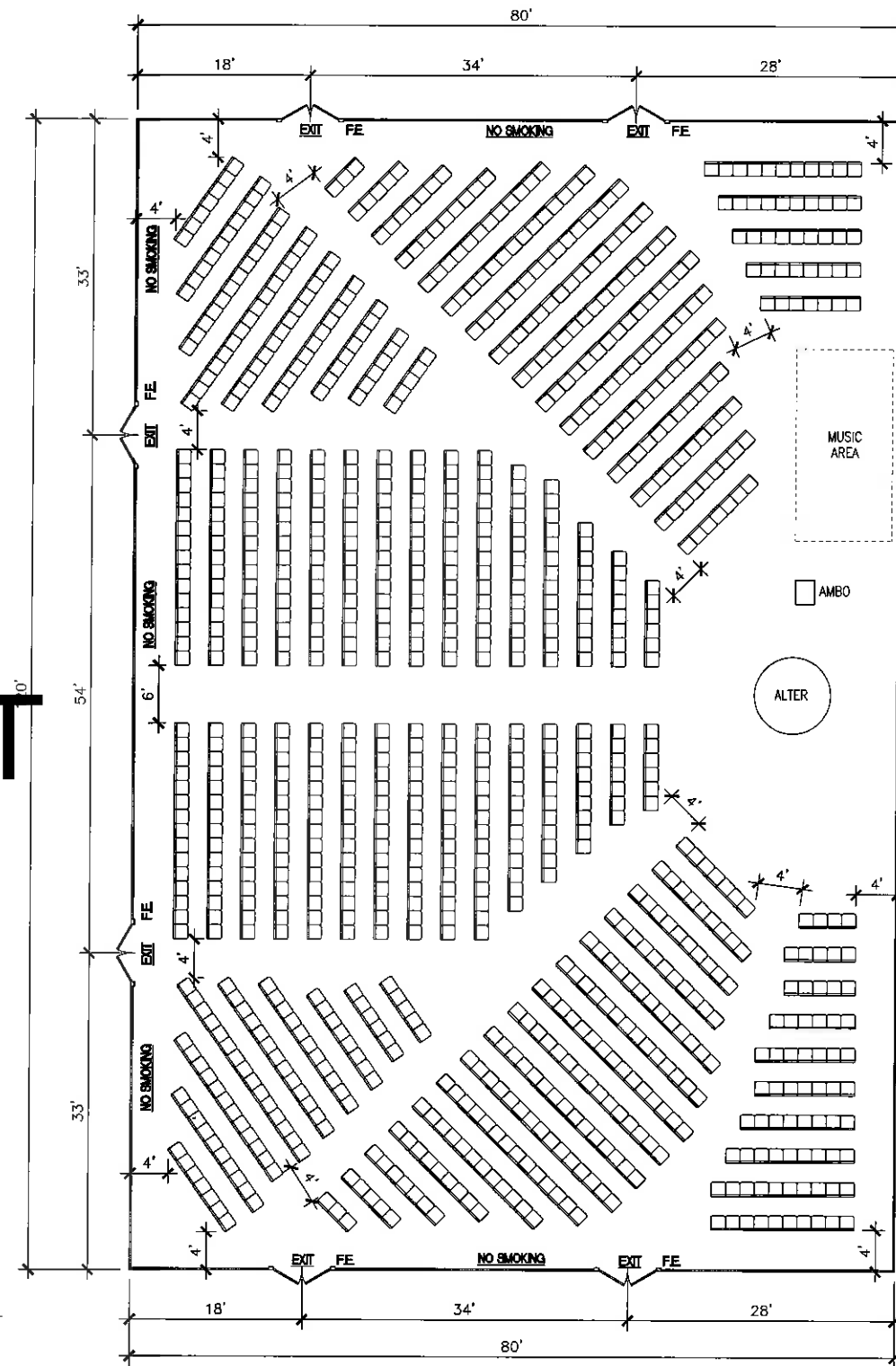
TENT DATA:

TENT DIMENSIONS: 80'Dx120'Wx30'-6"H
TOTAL AREA: 9,600 S.F.
SEATING CAP.: 1,371 PEOPLE
SEATING PROP.: 1,014 PEOPLE

DRAFT



2 TENT ELEVATION
Scale: 1/16"=1'-0"



1 TENT INTERIOR PLAN
Scale: 1/8"=1'-0"

Designer

Steven C. Mish Design
41 Oakcliff Dr.
Laguna Niguel, CA 92677
(949) 888-7681

PROPOSED TEMPORARY TENT & PARKING FOR:
ST. EDWARD CHURCH
33926 CALLE LA PRIMAVERA
DANA POINT, CA 92629

PROPOSED
TENT
INTERIOR
PLAN

REVISIONS

- Bldg. Dept. Submittal
- Plans Approved

DATE: 11/09/14

JOB No. --
SHEET