

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

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**DATE:** NOVEMBER 26, 2018

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
MATT SCHNEIDER, DIRECTOR  
DANNY GIOMETTI, ASSOCIATE PLANNER

**SUBJECT:** CONDITIONAL USE PERMIT CUP18-0014 TO PERMIT THE ESTABLISHMENT OF AN ADMINISTRATIVE OFFICE/RETAIL USE (BANK) ON THE GROUND FLOOR OF A BUILDING WITHIN THE BOUNDARIES OF THE DANA POINT TOWN CENTER PLAN, LOCATED AT 34155 PACIFIC COAST HIGHWAY, SUITE A

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**RECOMMENDATION:** That the Planning Commission adopt the attached draft Resolution approving Conditional Development Permit (CUP18-0014).

**APPLICANT:** Allen Chuang

**OWNER:** Raintree Del Prado, LLC

**REQUEST:** Approval of a Conditional Use Permit (CUP) to permit the establishment of an Administrative Office/Retail Use (bank) on the ground floor of a building currently under construction within the Dana Point Town Center Plan, located at 34155 Pacific Coast Highway, Suite A.

**LOCATION:** 34155 Pacific Coast Highway, Suite A (APN: 682-321-07)

**NOTICE:** Notice of the Public Hearing was mailed to property owners within a 500-foot radius of the subject site, published in the Dana Point Times on November 15, 2018 and posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, and the Dana Point Library on November 16, 2018. Notice was also provided pursuant to Section 9.26.010(f) of Dana Point Town Center Plan.

**ENVIRONMENTAL:** Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section(s) 15301 of the CEQA Guidelines (Class 1) Existing Facilities due to the fact that the project

consists of the establishment of an administrative office use in a ground floor suite of a building currently under construction within the Town Center Mixed-Use District plan area.

**ISSUES:**

1. Is the proposal consistent with the Dana Point General Plan, the Dana Point Town Center Plan (DPTCP) and the Dana Point Zoning Code (DPZC)?
2. Does the proposal satisfy all findings required pursuant to the DPZC for approval of a CUP?
3. Is the proposed project compatible with and an enhancement to the site and surrounding neighborhood?

**BACKGROUND:**

The subject site is located at the corner of Pacific Coast Highway (PCH) and Violet Lantern within the City's Town Center Mixed-Use District (TCMU) plan area. The subject suite is located in one of the three buildings included in part of a larger mixed-use project known as "Prado West" that contains 109-residential units, 32,419 square feet of ground floor commercial space with two separate, two-level subterranean parking structures. The subject administrative office and retail sales use (bank) is proposed in a ground floor suite of the three story mixed-use building with frontage on both PCH and Violet Lantern. Pursuant to the Land Use Matrix within the DPTCP, Administrative Office Uses may be located on the ground floor with the approval of a Conditional Use Permit.

**DISCUSSION:**

The project proposes the establishment of an Administrative Office/Retail Use (bank) within a 2,726 square foot suite currently under construction within the Prado West mixed-use development. The proposed operator of the Administrative Office/Retail use is Chase Bank. In consideration of the proposed project, staff focused on the allowed uses and the design requirements for ground floor building frontages in the Dana Point Town Center Plan (DPTCP).

Historically, banking institutions were designed and functioned more like administrative offices uses. Several decades ago, banks typically were closed to customers in the early afternoon to allow staff time to complete daily accounting and administrative functions and local branches housed more administrative staff and office functions. Over the years, banks have evolved and administrative banking functions have been centralized through advances in online banking and are now more commonly placed in larger office centers. As a result, local bank branches function more like commercial retail spaces, than office uses. These branches offer an array of banking products and services to walk-in customers including the sale of investment services, loans, equity lines, currency exchange and automated teller machines (ATM's).

Under the DPTCP, banks are considered an Administrative Office Use and are permitted on the ground floor subject to approval of a Conditional Use Permit. Staff has considered the proposed bank use and believes it will positively contribute to the City's Town Center. All required parking will be provided as part of the Prado West Development and signage will be required to meet the building's sign program. Additionally, the Bank's tenant suite meets the DPTCP design requirements providing the minimum ceiling heights and commercial space depth requirements for ground floor suites. No administrative office functions are proposed within the first 40 feet of depth of the portion of the suite fronting along Pacific Coast Highway. Consequently, the proposed bank use results in negligible impacts, and the conditions in the attached draft resolution ensure the Administrative Office/Retail will continue the transformation of the Town Center into a pedestrian-oriented, mixed-use district serving as the primary business district in the City.

Pursuant to Section 9.65.060 of the DPZC, "Basis for Approval, or Denial of a Conditional Use Permit," the approval of a Conditional Use Permit requires the following findings:

1. That the proposed conditional use is consistent with the City of Dana Point General Plan, the Dana Point Zoning Code and the Dana Point Town Center Plan; and
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; and
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; and
4. That the requirements of the California Environmental Quality Act have been satisfied in that the project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA).

Staff finds the proposed project is consistent with the basis of approval for a CUP as outlined in Section 9.65.060 of the DPZC. Responses supporting the above mentioned findings are detailed in the attached draft Planning Commission Resolution.

**CORRESPONDENCE:**

To date, the City has received no correspondence related to the subject application.

**CONCLUSION:**

Based on the above analysis, Staff has determined that the project is consistent with the policies and provisions of the City of Dana Point General Plan, the DPZC, the DPTCP and

those portions thereof comprising the Local Coastal Program and that the Planning Commission findings articulated in the draft resolution supporting approval of the subject entitlement request can be made. Therefore, staff recommends approval of CUP18-0014, subject to the conditions contained in the attached draft resolution.

  
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Danny Giometti  
Associate Planner

  
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Matt Schneider, Director  
Community Development Department

**ACTION DOCUMENTS:**

1. Draft PC Resolution 18-11-26-XX

**SUPPORTING DOCUMENTS**

1. Plans
2. Project Vicinity Map

**Action Document 1 Draft PC Resolution 18-11-26-XX**

**RESOLUTION NO. 18-11-26-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP18-0014 TO PERMIT THE ESTABLISHMENT OF AN ADMINISTRATIVE OFFICE/RETAIL USE (BANK) ON THE GROUND FLOOR OF A BUILDING WITHIN THE BOUNDARIES OF THE DANA POINT TOWN CENTER PLAN, LOCATED AT 34155 PACIFIC COAST HIGHWAY, SUITE A.**

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

WHEREAS, Raintree Del Prado, LLC, (the "Owners") are the owners of real property commonly referred to as 34155 Pacific Coast Highway, Suite A (APN 682-321-07) (the "Property"); and

WHEREAS, the Owners authorized Allen Chuang (the "Applicant") and the Applicant caused to be filed a verified application for a Conditional Use Permit, to permit the establishment of an administrative office/retail use to be located on the ground floor of a building within the boundaries of the Dana Point Town Center Plan; 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 15301 of the CEQA Guidelines (Class 1-Existing Facilities) due to the fact that the project consists of the establishment of an administrative office use in a ground floor suite of a building currently under construction within the Town Center Mixed-Use District; and

WHEREAS, the Planning Commission did, on the 26<sup>th</sup> day of November, 2018, hold a duly noticed public hearing as prescribed by law to consider said requests; and

WHEREAS, at said public hearing, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Conditional Use Permit (CUP18-0014)

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

- A) The above recitations are true and correct and incorporated herein by this reference.

Findings:

- B) Based on the evidence presented, the Planning Commission adopts the following findings and approves Conditional Use Permit CUP18-0014, subject to conditions:

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1. That the proposed conditional use is consistent with the City of Dana Point General Plan, the Dana Point Zoning Code (DPZC) and the Dana Point Town Center Plan **in that the proposed Administrative Office/Retail (bank) use is consistent with the requirements, goals and policies outlined in the Dana Point Town Center Plan (DPTCP). Pursuant to the Land Use Matrix of the DPTCP, Administrative Office Uses may be approved on the ground floor subject to the approval of a conditional use permit. The administrative office/Retail (bank) use is consistent with Policy 1.1 of the DPTCP as it provides an essential banking service, that when combined with nearby retail and residential land uses, helps to establish the Town Center as a major center of social and economic activity in the community. The proposed bank is also consistent with Policy 1.2 of the DPTCP as it helps to encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area.**
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 **in that the administrative office/retail (bank) use is proposed inside of a building that was approved as part of a larger mixed-use project which is currently under construction. The proposed operator, Chase Bank, will be the first tenant to occupy the suite and with the exception of an exterior ATM vestibule, all operations will take place wholly inside of the tenants lease space.**
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 **in that the proposed use is in conformance with the standards of the DPTCP and the DPZC. Adequate onsite parking will be achieved through the construction of a previously approved two-level underground parking structure designed as part of the Prado West development. The proposed bank will be located within a multi-tenant, mixed-use (commercial and residential) structure and no changes are proposed to the overall shape or footprint of the structure.**
4. That the requirements of the California Environmental Quality Act

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have been satisfied in that the project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) **in that the project consists of the establishment of an administrative office use in a ground floor suite of a building currently under construction within the Town Center Mixed-Use District.**

Conditions:

**A. General:**

1. Approval of this application permits the establishment of an Administrative Office/Retail Use (bank) on the ground floor of a mixed-use building within the boundaries of the Dana Point Town Center Plan, located at 34155 Pacific Coast Highway, Suite A. Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal and Zoning Codes and the DPTCP.
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. 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

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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 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.

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 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.
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 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.
9. The applicant shall obtain all applicable permits for the proposed improvements.
10. 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 cable television services.
11. Any proposed exterior building signage shall be reviewed and approved



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under a separate building permit.

12. The City shall maintain the option to reconsider the Conditional Use Permit (and conditions contained herein), at any time if the Community Development Director finds it necessary to re-evaluate impacts of the use on the surrounding community.
13. Deliveries and refuse collection shall be prohibited between the hours of 10:00 P.M. and 8:00 A.M. daily, unless otherwise approved by the Director of Community Development.
14. All trash shall be stored within the building or within containers stored in the trash enclosure (three walls and self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.

**B. Prior to Building Plan Check Submittal:**

15. 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.
16. Building(s) shall comply with the 2016 editions of the Building Code with all local amendments.
17. Building plan check submittal shall include building and electrical/plumbing/mechanical plans (4 Sets)  
  
All documents prepared by a registered-design-professional shall be wet-stamped & signed.
18. Health department review is required.
19. Building Code Analysis: Provide building code analysis showing conformance to Chapter 3 and 5 of the California Building Code (CBC). Specify occupancy group(s), types of construction, including fire sprinklers (if new or existing), location on property, actual and allowable floor area, and conforming existing.
20. Accessibility: Plans should clearly show compliance with CBC Chapter 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing.
21. Existing Building shall provide for disabled access. Show how path of travel; parking; restrooms; entrance will comply.

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**C. Prior to Issuance of a Building Permit or release on certain related inspections, the applicant shall meet the following conditions:**

- 22. Verification of all conditions of approval are required by all City Departments.
- 23. All approvals from outside Departments and Agencies are required.
- 24. All applicable supplemental development impact fees shall be paid prior to building permit issuance.

**D. Prior to final project sign off, the applicant shall meet the following:**

- 25. The applicant shall contact the Planning Division to conduct an inspection of the completed project including compliance with all conditions and installation of alcoholic beverage consumption areas prior to contacting the Building/Safety Division for final project sign-off.
- 26. Building/Safety division sign off is required to finalize building permits.

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 26<sup>th</sup> day of November 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Danni Murphy, Chairwoman  
Planning Commission

ATTEST:

\_\_\_\_\_  
Matthew Schneider, Director  
Community Development Department

**Supporting Document 2 Plans**

ATTACHMENT



Supporting Document 3 Project Vicinity Map

