

**CITY OF DANA POINT  
M E M O R A N D U M**

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**DATE:** JULY 11, 2022

**TO:** PLANNING COMMISSIONERS

**FROM:** BRENDA WISNESKI, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** JULY 11, 2022, PC AGENDA ITEM #4

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The draft resolution for the above agenda item has been revised. Attached is the strikeout and clean draft for your reference. Let us know if you have questions.

**ATTACHMENTS:**

1. Clean Draft Resolution
2. Strike out Draft Resolution

**RESOLUTION NO. 22-07-11-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP22-0018 AND MINOR SITE DEVELOPMENT PERMIT SDP22-0026 TO CONSTRUCT A IN-GROUND POOL AND CARPORT/ROOF DECK AT 34862 COAST HIGHWAY**

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

WHEREAS, Jeff Finn, project manager and owner, ("Applicant"), the owners of real Property commonly referred to as 34862 Coast Highway (APN 691-441-44) (the "Property"); and

WHEREAS, the Property is located in the City's Coastal Overlay Zone; and

WHEREAS, a historic motel exists at the Property which has been undergoing rehabilitation as a result of nuisance abatement orders issued by the City, which are being enforced by a Court appointed receiver using a nuisance abatement plan approved by the Orange County Superior Court; and

WHEREAS, the project is comprised of new construction that goes beyond the scope of the Court approved nuisance abatement plan, and hence requires a Coastal Development Permit; and

WHEREAS, the Applicant filed a verified application for a Coastal Development Permit and Minor Site Development Permit to construct an in-ground pool and carport/roof deck at the Property; 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 15303 (Class 3 - New Construction or Conversion of Small Structures) in that the application only proposes the construction of accessory improvements (an in-ground pool and carport/roof deck) that are detached from, yet consistent with the historic motel, and further because it will not cause a substantial adverse change in the significance of the historic resource, and there are no unusual circumstances present that justify removing the property from the exempt class; and

WHEREAS, the Planning Commission did, on the 11<sup>th</sup> day of July, 2022, 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 Coastal Development Permit CDP22-0018 and Minor Site Development Permit SDP22-0026.

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 and incorporated herein by this reference.
- B. That the project is categorically exempt from CEQA pursuant to 14 CCR 15303 (Class 3 - New Construction or Conversion of Small Structures) because it only proposes accessory improvements to the property (an in ground pool and carport) that are detached from, yet consistent with the historical resource, and which are consistent with the Secretary of Interior Standards in that they would not detract from or otherwise change or impact the historic features and materials of the historical resource, as set forth in the Architectural Resources Group Memorandum dated July 5, 2022, which is incorporated herein by reference. As such, the project would not result in a substantial adverse change to a historical resource. Further, there are no unusual circumstances present that justify removing the property from the exempt class.
- C. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves CDP22-0018 and SDP22-0026(M) subject to the following conditions of approval:

Findings:

Coastal Development Permit CDP22-0018

1. That the project is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096) **in that, the project is consistent with the Dana Point General Plan Land Use Element Goal 1 "Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, and recreational, open space, cultural and public service needs of the City Residents" in that the project provides additional amenities for the hotel guests. The project is also consistent with policy 3.3 of the Urban Design Element, to "encourage site and building design that takes advantage of the City's excellent climate to maximum indoor-outdoor spatial relationships" in that the pool and carport/roof deck amenities provide additional opportunities for visitors to enjoy outdoor activities at the Property. The neutral design of the project is compatible with the historic structure to comply with the Secretary of the Interior's Standards and enhance the Property with additional amenities that will not generate additional parking. The project also complies with all applicable development standards of the Dana Point General Plan and Zoning Code (the latter acting as the Local Coastal Program Implementation Plan for the Property).**

2. If located between the nearest public roadway and the sea or shoreline of any body of water, that the project is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096) **in that, the subject property is not located between the nearest public roadway and the sea. The proposed development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use the public tidelands and coastal resources. There are no current access burdens in the vicinity that could be alleviated by an access dedication requirement on this proposed development. Moreover, adequate public access to public tidelands or areas of recreation exists nearby at County and State beaches, and the project conforms to the public access and recreation policies of Chapter Three of the California Coastal Act.**
3. That the project conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) and following, and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any potentially significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 Cal. Code of Regulations/13096) **in that, the project qualifies as Categorically Exempt from review under CEQA pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures) in that the application only proposes the construction of an in-ground pool and carport/roof deck for a developed site improved with a hotel and lobby building,** both of which are accessory improvements to the property, that are detached from, yet consistent with the historical resource, and which are consistent with the Secretary of Interior Standards in that they would not detract from or otherwise change or impact the historic features and materials of the historical resource, as set forth in the Architectural Resources Group Memorandum dated July 5, 2022, which is incorporated herein by reference. As such, the project would not result in a substantial adverse change to a historical resource. Further, there are no unusual circumstances present that justify removing the property from the exempt class. .
4. That the proposed development will not encroach upon any existing physical access-way legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area **in that, no public access-ways or views exist on the subject property; therefore, none would be adversely affected with the implementation of the proposed project. Public access to Trust lands (the beach and ocean) exists within close proximity to Doheny State Beach and Capistrano Beach Park. The existing access would be unaffected by the implementation of the proposed project.**

5. That the project has been sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that, the subject property lies on the landward side of Coast Highway on a developed hotel site that has no environmentally sensitive habitats or scenic resources and will not result in any impacts.**
6. That the project minimizes the alteration of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that, the Property is a developed flat lot with a historic hotel that was constructed in 1947. The pool and carport/roof deck would be located in areas that were previously modified and there are no natural land formations, geologic, erosion, flood, or fire hazards.**
7. That the project is visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that, the project constructs an in-ground pool and carport/roof deck as additional amenities for the historic hotel guests. The in-ground pool and glass pool barrier have no impact on public views. The carport/roof deck is located at the rear of the Property and is obstructed from public views by the lobby building and the main hotel guest room building. The project conforms to all applicable development in the V/RC zoning district and accessory structure standards and is compatible with the character of the surrounding area. This conforming project constitutes fulfillment of the General Plan Land Use and Zoning Code intent for the site and the enhancement of the historic Property.**
8. That the project conforms with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs **in that, the project was reviewed by Planning and Building/Safety Division staff as well as the Public Works/Engineering Department and found to conform with applicable requirements of the Dana Point Zoning Code (which serves as the implementing document for the General Plan and Local Coastal Program Implementation Plan for the subject property). There are no adopted specific plans that apply to the subject property.**

Minor Site Development Permit 22-0026

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code (DPZC) **in that, the project complies with all applicable development standards of the Dana Point Zoning Code for the VR/C zone and accessory structures. The roof deck complies with the design regulations in Section 9.05.230 of the DPZC for non-residential properties in that the roof deck element of the carport is a**

neutral design to be architecturally compatible with the historic hotel to comply with the Secretary of the Interior's Standards for Rehabilitation. The placement of the roof deck behind the guest rooms and lobby buildings and its height of 11 feet 7 inches screens the structure from the public right-of-way. The location and height of the roof deck will not result in reflecting glare onto surrounding properties at a higher elevation.

2. That the site is suitable for the proposed use and development in that, the project maintains the historic hotel use for the site, and the new accessory structures comply with the applicable development standards. The project complies with the design requirements for the roof deck and the historic structure. The proposed amenities would only be available to hotel guests and will not generate additional parking.
3. That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines in that, the continued use of the historic hotel with the additional hotel amenities deck is consistent with all elements of the Dana Point General Plan and will further Urban Design Element Goal No. 2, which states that development should "*preserve the individual positive character and identity of the City's communities*" which will be achieved with the neutral design of the pool and carport/roof deck that is complementary to the architecture of the historic hotel.
4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture, in that, the pool and carport/roof deck is appropriate for the site as the structure would comply with the development standards of the V/RC zoning district and accessory structure standards. The project's historic architect (ARG) has designed the project in compliance with the Secretary of the Interior's Standards for Rehabilitation to ensure the design is compatible with the historic structures but differentiated to not detract from the historic character of the resource.

Conditions:

General:

1. Approval of this application permits the construction of an in-ground pool and carport/roof deck at 34862 Coast Highway in accordance with the plans 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

Implementation Plan and Zoning Code.

2. 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.
3. 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.
4. 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.
5. 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.
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 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 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, cable television and telephone and services. The applicant is responsible to coordinate any potential conflicts or existing easements.
8. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control measures. The erosion control measures shall be shown and specified on a plan and shall be constructed prior to the start of any operations. The applicant shall maintain the erosion control devices until the final approval of all project permits.
9. The applicant, property owner or successor in interest shall submit a standard Waste Reduction and Recycling Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The standard Waste Reduction and Recycling Plan shall be reviewed and approved and deposit posted prior to issuance of any permits.
10. The project shall meet all water quality requirements, including Low Impact Development (LID) implementation.
11. Prior to the commencement of any work within the public right-of-way, the applicant shall apply and be approved for an encroachment permit.

**Prior to Issuance of a Building Permit:**

12. Building plan check submittal shall include two (2) sets of the following construction documents: building plans (4 sets), energy calculations, structural calculations, soils/geology report, and drainage plan.
13. All documents prepared by a professional shall be wet-stamped and signed.
14. The Applicant, or Applicant's Agent(s), shall submit payment for all supplemental fees, including school, park, water, sewer and other impact-related fees.
15. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval. The review of the



submitted geotechnical report shall be done on a time and materials basis.

16. The applicant shall submit a drainage plan in compliance with all City of Dana Point standards for review and approval. The drainage plan shall show all drainage from proposed improvements being directed to an approved outlet.
17. The applicant shall coordinate the final pool design, including fencing, landscaping, and other features with Public Works and Community Development.
18. The applicant shall dedicate an easement to the City for public access to facilitate a future sidewalk along Coast Highway.

**Prior to Issuance of a Certificate of Use and Occupancy:**

19. Planning and Public Works final approval will be required for all permits.
20. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.
21. A written approval by the Geotechnical Engineer of Record approving the construction as being in conformance with the approved plan from a geotechnical standpoint.
22. The Applicant, or Applicant's agent(s), shall cause the scheduling of a final onsite inspection with the Community Development Department that shall include a review of landscaping, finish architecture/materials and compliance with any outstanding project conditions of approval. All landscaping within the front-yard of the subject property shall be installed (per plan) prior to final inspection by the Planning Division.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 11<sup>th</sup> day of July, 2022 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John Gabbard, Chairperson  
Planning Commission

ATTEST:

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Brenda Wisneski, Director  
Community Development Department

**RESOLUTION NO. 22-07-11-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP22-0018 AND MINOR SITE DEVELOPMENT PERMIT SDP22-0026 TO CONSTRUCT A IN-GROUND POOL AND CARPORT/ROOF DECK AT 34862 COAST HIGHWAY**

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

WHEREAS, Jeff Finn, project manager and owner, ("Applicant"), the owners of real Property commonly referred to as 34862 Coast Highway (APN 691-441-44) (the "Property"); and

WHEREAS, the Property is located in the City's Coastal Overlay Zone; and

WHEREAS, a historic motel exists at the Property which has been undergoing rehabilitation as a result of nuisance abatement orders issued by the City, which are being enforced by a Court appointed receiver using a nuisance abatement plan approved by the Orange County Superior Court; and

WHEREAS, the project is comprised of new construction that goes beyond the scope of the Court approved nuisance abatement plan, and hence requires a Coastal Development Permit; and

WHEREAS, the Applicant filed a verified application for a Coastal Development Permit and Minor Site Development Permit to construct an in-ground pool and carport/roof deck at the Property; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

~~WHEREAS, the historic motel has been undergoing rehabilitation pursuant to nuisance orders issued by the City and enforced by the Orange County Superior Court; and~~

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15303 (Class 3 - New Construction or Conversion of Small Structures) in that the application only proposes the construction of accessory improvements (an in-ground pool and carport/roof deck) that are detached from, yet consistent with the historic motel, and further because it will not cause a substantial adverse change in the significance of the historic resource, and there are no unusual circumstances present that justify removing the property from the exempt class; and

WHEREAS, the Planning Commission did, on the 11<sup>th</sup> day of July, 2022, 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 Coastal Development Permit CDP22-0018 and Minor Site Development Permit SDP22-0026.

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 and incorporated herein by this reference.
- B. That the project is categorically exempt from CEQA pursuant to 14 CCR 15303 (Class 3 - New Construction or Conversion of Small Structures) because it only proposes accessory improvements to the property (an in ground pool and carport) that are detached from, yet consistent with the historical resource, and which are consistent with the Secretary of Interior Standards in that they would not detract from or otherwise change or impact the historic features and materials of the historical resource, as set forth in the Architectural Resources Group Memorandum dated July 5, 2022, which is incorporated herein by reference. As such, the project would not result in a substantial adverse change to a historical resource. Further, there are no unusual circumstances present that justify removing the property from the exempt class.
- CB. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves CDP22-0018 and SDP22-0026(M) subject to the following conditions of approval:

Findings:

Coastal Development Permit CDP22-0018

1. That the project is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096) **in that, the project is consistent with the Dana Point General Plan Land Use Element Goal 1 "Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, and recreational, open space, cultural and public service needs of the City Residents" in that the project provides additional amenities for the hotel guests. The project is also consistent with policy 3.3 of the Urban Design Element, to "encourage site and building design that takes advantage of the City's excellent climate to maximum indoor-outdoor spatial relationships" in that the pool and carport/roof**

deck amenities provide additional opportunities for visitors to enjoy outdoor activities at the Property. The neutral design of the project is compatible with the historic structure to comply with the Secretary of the Interior's Standards and enhance the Property with additional amenities that will not generate additional parking. The project also complies with all applicable development standards of the Dana Point General Plan and Zoning Code (the latter acting as the Local Coastal Program Implementation Plan for the Property).

2. If located between the nearest public roadway and the sea or shoreline of any body of water, that the project is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096) **in that, the subject property is ~~located~~ not located between the nearest public roadway and the sea. The proposed development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use the public tidelands and coastal resources. There are no current access burdens in the vicinity that could be alleviated by an access dedication requirement on this proposed development. Moreover, adequate public access to public tidelands or areas of recreation exists nearby at County and State beaches, and the project conforms to the public access and recreation policies of Chapter Three of the California Coastal Act.**
3. That the project conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) and following, **and** that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any potentially significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 Cal. Code of Regulations/13096) **in that, the project qualifies as Categorically Exempt from review under CEQA pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures) in that the application only proposes the construction of an in-ground pool and carport/roof deck for a developed site improved with a hotel and lobby building, both of which are accessory improvements to the property, – that are detached from, yet consistent with the historical resource, and which are consistent with the Secretary of Interior Standards in that they would not detract from or otherwise change or impact the historic features and materials of the historical resource, as set forth in the Architectural Resources Group Memorandum dated July 5, 2022, which is incorporated herein by reference. As such, the project would not result in a substantial adverse change to a historical resource. Further, there are no unusual circumstances present that justify removing the property from the exempt class. and further because it will not cause a substantial adverse change in the significance of the historic resource as determined by Architectural Resources Group in the memorandum dated July 5, 2022.**

4. That the proposed development will not encroach upon any existing physical access-way legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area **in that, no public access-ways or views exist on the subject property; therefore, none would be adversely affected with the implementation of the proposed project. Public access to Trust lands (the beach and ocean) exists within close proximity to Doheny State Beach and Capistrano Beach Park. The existing access would be unaffected by the implementation of the proposed project.**
5. That the project has been sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that, the subject property lies on the landward side of Coast Highway on a developed hotel site that has no environmentally sensitive habitats or scenic resources and will not result in any impacts.**
6. That the project minimizes the alteration of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that, the Property is a developed flat lot with a historic hotel that was constructed in 1947. The pool and carport/roof deck would be located in areas that were previously modified and there are no natural land formations, geologic, erosion, flood, or fire hazards.**
7. That the project is visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that, the project constructs an in-ground pool and carport/roof deck as additional amenities for the historic hotel guests. The in-ground pool and glass pool barrier have no impact on public views. The carport/roof deck is located at the rear of the Property and is obstructed from public views by the lobby building and the main hotel guest room building. The project conforms to all applicable development in the V/RC zoning district and accessory structure standards and is compatible with the character of the surrounding area. This conforming project constitutes fulfillment of the General Plan Land Use and Zoning Code intent for the site and the enhancement of the historic Property.**
8. That the project conforms with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs **in that, the project was reviewed by Planning and Building/Safety Division staff as well as the Public Works/Engineering Department and found to conform with applicable requirements of the Dana Point Zoning Code (which serves as the implementing document for the General Plan and Local Coastal Program Implementation Plan**

for the subject property). There are no adopted specific plans that apply to the subject property.

Minor Site Development Permit 22-0026

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code (DPZC) in that, the project complies with all applicable development standards of the Dana Point Zoning Code for the VR/C zone and accessory structures. The roof deck complies with the design regulations in Section 9.05.230 of the DPZC for non-residential properties in that the roof deck element of the carport is a neutral design to be architecturally compatible with the historic hotel to comply with the Secretary of the Interior's Standards for Rehabilitation. The placement of the roof deck behind the guest rooms and lobby buildings and its height of 11 feet 7 inches screens the structure from the public right-of-way. The location and height of the roof deck will not result in reflecting glare onto surrounding properties at a higher elevation.
2. That the site is suitable for the proposed use and development in that, the project maintains the historic hotel use for the site, and the new accessory structures comply with the applicable development standards. The project complies with the design requirements for the roof deck and the historic structure. The proposed amenities would only be available to hotel guests and will not generate additional parking.
3. That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines in that, the continued use of the historic hotel with the additional hotel amenities deck is consistent with all elements of the Dana Point General Plan and will further Urban Design Element Goal No. 2, which states that development should "*preserve the individual positive character and identity of the City's communities*" which will be achieved with the neutral design of the pool and carport/roof deck that is complementary to the architecture of the historic hotel.
4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture, in that, the pool and carport/roof deck is appropriate for the site as the structure would comply with the development standards of the V/RC zoning district and accessory structure standards. The project's historic architect (ARG) has designed the project in compliance with the Secretary of the Interior's Standards for Rehabilitation to ensure the design is compatible with the historic structures but differentiated to not detract from the historic character of the resource.

Conditions:

**General:**

1. Approval of this application permits the construction of an in-ground pool and carport/roof deck at 34862 Coast Highway in accordance with the plans 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 Implementation Plan and Zoning Code.
2. 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.
3. 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.
4. 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.
5. 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.
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 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 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 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 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, cable television and telephone and services. The applicant is responsible to coordinate any potential conflicts or existing easements.
8. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control measures. The erosion control measures shall be shown and specified on a plan and shall be constructed prior to the start of any operations. The applicant shall maintain the erosion control devices until the final approval of all project permits.
9. The applicant, property owner or successor in interest shall submit a standard Waste Reduction and Recycling Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The standard Waste Reduction and Recycling Plan shall be reviewed and approved and deposit posted prior to issuance of any permits.
10. The project shall meet all water quality requirements, including Low Impact Development (LID) implementation.
11. Prior to the commencement of any work within the public right-of-way, the applicant shall apply and be approved for an encroachment permit.

**Prior to Issuance of a Building Permit:**

12. Building plan check submittal shall include two (2) sets of the following construction documents: building plans (4 sets), energy calculations, structural calculations, soils/geology report, and drainage plan.
13. All documents prepared by a professional shall be wet-stamped and signed.
14. The Applicant, or Applicant's Agent(s), shall submit payment for all supplemental fees, including school, park, water, sewer and other impact-related fees.
15. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval. The review of the submitted geotechnical report shall be done on a time and materials basis.
16. The applicant shall submit a drainage plan in compliance with all City of Dana Point standards for review and approval. The drainage plan shall show all drainage from proposed improvements being directed to an approved outlet.
17. The applicant shall coordinate the final pool design, including fencing, landscaping, and other features with Public Works and Community Development.
18. The applicant shall dedicate an easement to the City for public access to facilitate a future sidewalk along Coast Highway.

**Prior to Issuance of a Certificate of Use and Occupancy:**

19. Planning and Public Works final approval will be required for all permits.
20. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.
21. A written approval by the Geotechnical Engineer of Record approving the construction as being in conformance with the approved plan from a geotechnical standpoint.
22. The Applicant, or Applicant's agent(s), shall cause the scheduling of a final onsite inspection with the Community Development Department that shall include a review of landscaping, finish architecture/materials and compliance with any outstanding project conditions of approval. All landscaping within the front-yard of the subject property shall be installed (per plan) prior to final inspection by the Planning Division.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 11<sup>th</sup> day of July, 2022 by the following vote,

to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John Gabbard, Chairperson  
Planning Commission

ATTEST:

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Brenda Wisneski, Director  
Community Development Department