

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

DATE: FEBRUARY 12, 2018

TO: DANA POINT PLANNING COMMISSION

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

SUBJECT: TIME EXTENSION FOR VESTING TENTATIVE PARCEL MAP VTPM15-0002, TO MERGE TWO LOTS AND TO ALLOW INDIVIDUAL OWNERSHIP OF THE PROJECT'S COMMERCIAL COMPONENT ONLY.

RECOMMENDATION: That the Planning Commission adopt the attached Draft Resolution approving a Time Extension for VTPM15-0002.

APPLICANT/OWNER: M & A Gabae, LP

OWNER'S AGENT: George Ray (GTR Property Development)

REQUEST: Approval of a Time Extension for a Vesting Tentative Parcel Map to merge two lots and to allow individual ownership of the project's commercial units.

LOCATION: 34175 Pacific Coast Highway
Assessor Parcel Numbers (APNs):
682-322-09 and 682-322-10 (two lots)

NOTICE: Notices were posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library on January 16, 2018.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorically Exempt per Section 15332 (Class 32 – In-fill Development Projects). Section 15332 (In-fill Development Projects) of the CEQA Guidelines provides that projects that are in-fill development projects be located on lots that are five acres or less, be surrounded by urban uses, do not have significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources. The proposed project meets the necessary conditions to qualify for this

exemption.

BACKGROUND:

On February 22, 2016, The Planning Commission approved VTPM15-0002, CDP14-0012, V14-0003, SDP14-0014, and SPP16-0001 for the demolition of an existing 9,376 square foot commercial building and the construction of a new mixed-use building comprising of three-stories with ground-floor commercial and 39 residential dwelling units above. Pursuant to the Planning Commission's standard condition of approval the discretionary permits for the project become void if construction work is not commenced within two years from their date of approval or the applicant is granted a time extension. On January 4, 2018, staff received a request from the applicant seeking a time extension. The applicant is in the plan check process for building permits and needs additional time to complete the building permit review process as well as allow time for the current tenants to relocate.

DISCUSSION:

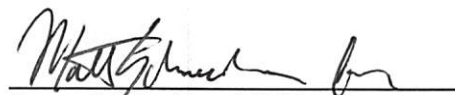
With the exception of the entitlement for the Vesting Tentative Parcel Map, all other discretionary permits associated with the project were granted a time extension administratively pursuant to Dana Point Zoning Code (DPZC) Section 9.61.130 on January 10, 2018 (Supporting Document 3). However, in accordance with Dana Point Municipal Code Section (DPMC) 7.05.075 time extensions for the Tentative Map must be approved by the Planning Commission in their role as the City's designated Subdivision Committee. The Planning Commission may grant a time extension for a period of up to one year where it finds the extensions will not result in conditions or circumstances contrary to public health, safety or general welfare. Staff have prepared a draft resolution (Action Document 1) granting a one year extension with the requisite finding.

CORRESPONDENCE:

To date, no correspondence has been received regarding this project.

CONCLUSION:

The requested time extension is consistent with the required finding and staff recommends the Planning Commission approve the draft Resolution approving the time extension.



Sean Nicholas, AICP
Associate Planner



Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 18-02-12-xx

Supporting Documents

2. Vicinity Map
3. Approved administrative time extension of project entitlements
4. Original Planning Commission Staff Report (excerpted)
5. Vesting Tentative Parcel Map VTPM15-0002

RESOLUTION NO. 18-02-12-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A TIME EXTENSION FOR A VESTING TENTATIVE PARCEL MAP VTPM15-0002 TO MERGE TWO LOTS AND TO ALLOW INDIVIDUAL OWNERSHIP OF THE PROJECT'S COMMERCIAL COMPONENT FOR A NEW THREE STORY MIXED USE DEVELOPMENT AT 34175 PACIFIC COAST HIGHWAY.

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

WHEREAS, M & A Gabae, LP (the "Applicant") is the owner of real property commonly referred to as 34175 Pacific Coast Highway (APNs 682-322-09 and 682-322-10) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Vesting Tentative Parcel Map, Coastal Development Permit, Variance, Site Development Permit and Sign Program Permit to allow the demolition of existing development and the construction of a new, mixed-use development at the Property; and

WHEREAS, said verified application constitutes a request as provided by Titles 7 and 9 of the Dana Point Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15332 (Class 32 – In-fill Development Projects); and

WHEREAS, the Property is located within the Town Center Plan area as defined in the Town Center Plan, Appendix "E" of the Dana Point Zoning Code (the "TCP"); and

WHEREAS, the Planning Commission did, on the 22nd day of February, 2016 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 Vesting Tentative Parcel Map VTPM15-0002, Coastal Development Permit CDP14-0012, Variance V14-0003, Site Development Permit SDP14-0014 and Sign Program Permit SPP16-0001 approved the proposed project; and

WHEREAS, on January 4, 2018, the applicant submitted a time extension request for all of the entitlements; and

WHEREAS, Dana Point Municipal Code Section 7.05.075 requires the Planning Commission as the City's Subdivision Committee to review and approve the time extension request; and

WHEREAS, the Planning Commission did, on the 12nd day of February, 2018 hold

a duly noticed public meeting as prescribed by law to consider said requests; and

WHEREAS, at said public meeting, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Time Extension for the Vesting Tentative Parcel Map VTPM15-0002.

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.
- B. Based on the evidence presented, the Planning Commission adopts the following finding and approves TE VTPM15-0002, subject to conditions:

Finding:

Time Extension for Vesting Tentative Parcel Map VTPM15-0002

1. The Time Extension will not result in conditions or circumstances contrary to the public health, safety, or the general welfare, **in that this is for the map to merge the lots for the project and subdivide the commercial space from the residential space. The development will meet all applicable development standards, Engineering, and Building Code requirements to ensure the public health, safety, and general welfare is protected.**

Conditions:

A. General:

1. Approval of this time extension is for the Vesting Tentative Parcel Map to merge two lots and to allow individual ownership of the project's commercial component.
2. Approval of this application is valid for a period of 12 months (one year) 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 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/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. All conditions of approval from the original entitlement have been approved by an administrative Time Extension and are in full effect.
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's fees, costs and expenses incurred concerning the claim, action, or proceeding.
7. 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's 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.
8. 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.

9. 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.
10. Any private improvements proposed to remain within public rights-of-way shall require approval of a Removal and Maintenance Agreement or an easement by the City Engineer

B. Prior to Approval of a Final Map

11. The Final Map shall be subject to review and approval by the City Council in accordance with submittal and approval processes enumerated in Title 7.24.030 of the Dana Point Municipal Code.
12. A Final Map shall be submitted for review and approval in accordance with requirements of the Public Works/Engineering and Community Development Departments. The Final Map shall be in substantial compliance with approved Vesting Tentative Parcel Map VTPM15-0002/Vesting Tentative Parcel Map 2015-171, as determined by the Directors of the Community Development and Public Works/Engineering Departments as well as the City Engineer.
13. Any and all required taxes and fees shall be paid to the County of Orange and; the County Treasurer-Tax Collector's Certificate shall be signed.
14. All existing and proposed easements, their location, dimensions, ownership and any proposed to be vacated, relocated or released shall be clearly illustrated and listed on the Final Map. A copy of the recorded easements shall be included along with any plan submittals made for review by the City Engineer.
15. Utility easements shall be provided to the specifications of the appropriate utility companies and are subject to review and approval by the Director of Public Works/Engineering.
16. The Applicant shall submit the Final Map to the County of Orange for review and approval. A copy of the approval shall be submitted to the Public Works/Engineering Department.

17. The Final Map shall clearly state that the subdivision is for condominium purposes. The number of condominiums shall be indicated on the Map.
18. The Applicant shall provide a current title report dated not more than six months old, in addition to any other survey documentation as relates to the proposed subdivision.
19. The Applicant shall submit a copy of the proposed Covenants Codes and Restrictions (CC&Rs) as well as the Articles of Incorporation of the Owners' Association for review and approval by the Directors of the Public Works/Engineering and Community Development Departments, the City Engineer and City Attorney. The CC&Rs shall be recorded with the Final Map and shall include:
 - *A statement that prohibits amendment of the document without review and approval by the City Attorney, the Director of Public Works and Community Development, and the City Engineer at any time prior to or following recordation of the Final Parcel Map.*
 - *A method to ensure resolution of any disputes regarding maintenance of any commonly held portions of the site, any common walls, or disputes regarding the maintenance of the residential versus retail portions of the building shall be included in CC&R's.*
 - *Reflect common access easements, and maintenance responsibility of all recreation areas, common walls, access ways, parking areas, landscaping and grounds by the parties common to the CC&Rs.*
 - *An acceptable means for maintaining the easements within the subdivision and to distribute the cost of such maintenance in an equitable manner among the owners of the units within the subdivision.*
 - *Provisions which prohibit any obstructions within any fire protection access easement and shall also require approval of the Orange County Fire Authority for any modifications.*
 - *An acceptable means for the separation of ownership for the residential and commercial components of the project.*

- *Clearly delineate the maintenance responsibility of all commercial tenants, commercial common walls, commercial access ways, commercial parking areas, landscaping and grounds by the parties' common to the CC&Rs and lease agreements.*
 - *Clearly assign maintenance responsibility of the Homeowners' Association for landscaping, irrigation and other improvements installed on City property (if any) for the benefit of the Project.*
 - *Include the Final Water Quality Management Plan (WQMP), which will be recorded as part of the CC&R's.*
 - *Implement conditions on and maintenance provisions for all structural and non-structural improvements and Best Management Practices (BMPs) indicated in the Final WQMP.*
20. The Applicant/owner shall submit a preliminary Condominium Map to the Public Works Department and Community Development Department for review and approval with the CC&Rs.
21. The Applicant shall be responsible for the payment of any fees as relate to the City's review and approval of the proposed CC&Rs.
22. The Applicant shall submit documentation (evidence) of the availability of an adequate water supply for review and approval by the Orange County Fire Authority (OCFA). A copy of this documentation shall be submitted to the Public Works/Engineering Department.
23. The Applicant shall submit "will serve" letters from applicable, local water and sewer districts to the Building/Safety Division and/or Public Works Department as requested/required.
24. The approved Fire Master Plan shall be submitted to the City of Dana Point Public Works/Engineering Department.
25. A note shall be placed on the project's Final Map stating that all residential structures shall be protected by an approved automatic fire sprinkler system.
26. All monuments shall be set (or a security deposit provided to ensure all monuments will be set) in accordance with County of Orange and City of Dana Point standards.

27. The Applicant shall enter into a Subdivision Improvement Agreement, subject to review and approval by the City Engineer, for the design, construction, and installation of proposed private and public improvements. A security deposit to guarantee the performance of work described in the Subdivision Improvement Agreement will be required.

C. Prior to issuance of a Building Permit

28. The Applicant and Applicant's successors in interest shall be responsible for the payment of the Lantern District Development Impact Fee ("Impact Fee"), adopted pursuant to Ordinance 14-03 and Government Code Sections 66000-66025 ("The Mitigation Fee Act"). The fee shall be collected prior to or upon issuance of a building permit. If the building permit is issued during calendar year 2016 the fee shall be \$84,135.59. If the building permit is issued during a subsequent calendar year the fee shall be calculated pursuant to Section 14.30.040 of the Dana Point Municipal Code. This condition shall serve as notice that the date of imposition of the Impact Fee is the date the City approves the project. Any appeal of the imposition of the Impact Fee shall be undertaken pursuant to section 14.30.050 of the Dana Point Municipal Code.

29. The Applicant shall submit to the Public Works/Engineering Department and Planning Division, a copy of the recorded Final Map (as approved by the City Council and recorded with the Office of the County Recorder).

30. Any and all outstanding fees associated with any part of the project shall be paid to all applicable City departments.

31. All improvements as outlined in the project's Subdivision Improvement Agreement shall be completed to the satisfaction of the City of Dana Point.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 12th day of February, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott McKhann, Chairperson
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department



Vicinity Map

34175 Pacific Coast Highway; Time Extension for Vesting
Tentative Parcel Map VTPM15-0002





January 10, 2018

M&A Gabae
Mark Gabay
9034 W. Sunset Blvd.
West Hollywood, CA 90069

SUBJECT: TIME EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT CDP14-0012; VARIANCE V14-0003; SITE DEVELOPMENT PERMIT SDP14-0004; AND SIGN PROGRAM PERMIT SPP16-0001 TO ALLOW THE CONSTRUCTION OF A NEW, THREE-STORY MIXED-USE DEVELOPMENT WITH SUBTERRANEAN PARKING IN TOWN CENTER LOCATED AT 34175 PACIFIC COAST HIGHWAY (APN's 682-322-10 & 682-322-09).

Dear Mr. Gabay,

Thank you for your letter received on January 4, 2018, requesting a time extension for the above entitlements which were approved for the property located at 34175 Pacific Coast Highway (APN's 682-32-10 & 682-322-09). Your request has been accepted in accordance with Section 9.61.130 of the Dana Point Municipal Code.

Despite the recent changes to development requirements in Town Center, your project was approved on February 22, 2016, prior to those changes, and you have been actively pursuing building permits for the development. Consequently your request has been approved.

This letter serves as your record of your first time extension, which is valid until February 22, 2019. Please note that a maximum of two extensions may be granted. A second extension request must be considered and approved by the Planning Commission.

Thank you for your continuing tracking and management of this project. Please do not hesitate to contact your project planner, Sean Nicholas at (949) 248-3588 should you have any questions.

Sincerely,

Ursula Luna-Reynosa, Director
Community Development Department

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

DATE: FEBRUARY 22, 2016

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
EVAN LANGAN, AICP, ASSOCIATE PLANNER

SUBJECT: VESTING TENTATIVE PARCEL MAP VTPM15-0002, COASTAL DEVELOPMENT PERMIT CDP14-0012, VARIANCE V14-0003, SITE DEVELOPMENT PERMIT SDP14-0014 AND SIGN PROGRAM PERMIT SPP16-0001 TO ALLOW THE DEMOLITION OF AN EXISTING COMMERCIAL STRUCTURE AND THE CONSTRUCTION OF A NEW, THREE-STORY MIXED-USE STRUCTURE ON LAND LOCATED WITHIN THE CITY'S LANTERN DISTRICT/TOWN CENTER AT 34175 PACIFIC COAST HIGHWAY (PCH). A VESTING TENTATIVE PARCEL MAP IS REQUESTED TO MERGE TWO LOTS AND TO ALLOW INDIVIDUAL OWNERSHIP OF THE PROJECT'S COMMERCIAL COMPONENT. A VARIANCE IS REQUESTED TO ALLOW FOR PROPERTY INGRESS AND EGRESS TO BE TAKEN FROM PCH. A SIGN PROGRAM PERMIT IS REQUESTED TO ALLOW THE CREATION OF A SIGN PROGRAM FOR THE PROPERTY.

RECOMMENDATION: That the Planning Commission adopt the attached Draft Resolution approving VTPM15-0002, CDP14-0012, V14-0003, SDP14-0014 and SPP16-0001.

APPLICANT/OWNER: M & A Gabae, LP

OWNER'S AGENT: George Ray (GTR Property Development)

REQUEST: Approval of a Vesting Tentative Parcel Map, Coastal Development Permit, Variance, Site Development Permit and Sign Program Permit for the demolition of an existing, 9,376 square foot commercial structure and the construction of a new, three-story mixed-use structure comprising 8,730 square feet of commercial floor area and 39 residential dwelling units on land located within the City's Lantern District/Town Center. A Vesting Tentative Parcel Map is requested to merge two lots and to allow individual ownership of the project's commercial component. A variance is requested to allow for property ingress and egress to be taken from PCH. A Sign Program Permit is requested to allow the creation of a Sign

Program for the property.

LOCATION:

34175 Pacific Coast Highway
Assessor Parcel Numbers (APNs):
682-322-09 and 682-322-10 (two lots)

NOTICE:

Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius, published within a newspaper of general circulation and posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library on February 11, 2016.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorically Exempt per Section 15332 (Class 32 – In-fill Development Projects). Section 15332 (In-fill Development Projects) of the CEQA Guidelines provides that projects that are in-fill development projects be located on lots that are five acres or less, be surrounded by urban uses, do not have significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources. The proposed project meets the necessary conditions to qualify for this exemption.

The project does not result in any impacts related to land use in that it does not: a) divide an established community, b) conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect and c) conflict with any applicable habitat conservation plan or natural community conservation plan. There will be no impacts to Biological Resources as all the subject sites are currently improved with various structures. A preliminary Water Quality Management Plan (pWQMP) has been prepared for the project. Compliance with the pWQMP will ensure there are no impacts to water quality. The proposed new uses will be required to comply with the City's Noise Ordinance therefore the project will not result in any significant or potentially significant Noise impacts.

The traffic study, prepared for the adoption of the Mitigated Negative Declaration (MND) for the adoption of Town Center Plan and the Environmental Impact Report (EIR) adopted for the Streetscape Improvements Project for Town Center

anticipated a build out scenario of 237 residential units, 81,224 square feet of office space and 192,165 square feet of retail/restaurant uses. The two documents concluded no traffic related impacts will occur for the above stated build out scenario with the incorporation of the mitigation measures that have already been implemented. Since the proposed project is below the build-out threshold, the project also will have no significant impacts related to traffic. The project itself does not directly cause air quality impacts other than air quality impacts associated with vehicle emissions related to traffic and any construction related impacts. The project is conditioned to comply with the Air Quality related mitigation measures as stipulated in the MND adopted for the Town Center.

Even were this project not Categorically Exempt under Section 15332, a Mitigated Negative Declaration (MND) was prepared for the Town Center Plan, and the Majestic Project is within the scope of that MND. There are no substantial changes in the project that was evaluated in the MND or in the circumstances under which the Majestic project would be undertaken that would require major revisions in the MND due to new significant impacts or an increase in the severity of previously identified impacts nor has any new information been presented that shows there would be new significant impacts, an increase in the severity of impacts identified that mitigation measures/alternatives previously found to be infeasible are now feasible, or that other mitigation measures/alternatives significantly different than those previously identified would substantially reduce impacts. Consequently, the City cannot require additional CEQA review of this project under Public Resources Code Section 2116 and 14 Cal. Code of Regulations Section 15162.

ISSUES:

- Project consistency with the development standards of the Dana Point General Plan, Town Center Plan and Municipal and Zoning Codes (DPZC).
- Project satisfaction of all findings required pursuant to the Dana Point Municipal and Zoning Codes for approval of a Vesting Tentative Parcel Map (VTPM), Coastal Development Permit (CDP), Variance (V), Site Development Permit (SDP) and Sign Program Permit (SPP).

- Project compatibility with and enhancement of the project site and surrounding neighborhood.

BACKGROUND: The subject project proposes the demolition of an existing 9,376 square foot commercial building and the construction of a new, mixed-use building comprising three-stories, 8,730 square feet of ground-floor commercial floor area and 36,475 square feet of residential floor area in the form of 39 residential dwelling units, on two contiguous lots located within the City's Lantern District/Town Center area. A Vesting Tentative Parcel Map is proposed to merge the two lots into one, as well as to subdivide and allow individual ownership of the commercial and residential components of the project. A Variance is proposed to allow property ingress and egress to be taken from Pacific Coast Highway (PCH). A Sign Program is proposed and which details the location, type and lighting schemes for onsite signage.

The subject properties, located at the intersection of PCH, Golden Lantern and San Juan Avenue, comprise a combined 26,588 square feet (.61 acres) and are presently developed with a three-story commercial structure approximately 31 feet tall. Surrounding development is varied in both form and scale and includes a mixture of office, restaurant retail and residential uses. The properties themselves are relatively flat, with a differential of roughly two feet between PCH at the higher elevation and the lower San Juan street property-line. Existing landscaping is minimal and limited to scattered hedges and other groundcover surrounding the property's parking lot and vehicular entryways.

The subject properties are located within the boundaries of the City's Lantern District/Town Center, subject to development standards enumerated in the Dana Point Zoning Code ("DPZC"). The Dana Point Town Center Plan is Appendix E of the DPZC and therefore part of the DPZC. For the sake of clarity, references to applicable standards in the Town Center Plan will hereafter reference the Town Center Plan (the "Plan") and references to Chapters 9.01 through 9.77 will hereafter reference the DPZC. The lots are located within the City's Coastal Overlay District, but outside of the Appeals Jurisdiction of the California Coastal Commission.

DISCUSSION: Pursuant to the Plan and DPZC, the following entitlements are required for the subject project's proposed scope of work:

- *Vesting Tentative Parcel Map VTPM15-0002: Proposed merger of two lots into one and subdivision (to allow separate ownership) of the project's commercial and residential components (but not individual ownership of individual commercial or residential units).*
- *Coastal Development Permit CDP14-0012: For development proposed within the City's Coastal Overlay District.*
- *Variance V14-0012: To allow property ingress and egress (a new driveway) to be taken from PCH.*

- *Site Development Permit SDP14-0014: For non-residential development over 2,000 square feet in area as well as for proposed multi-family residential dwelling units.*
- *Sign Program Permit SPP16-0001: Proposed signage for a new center with two or more tenants.*

The subject project proposes the demolition of all existing development and the construction of a new mixed-used building with residential units above ground-floor commercial space. Parking for the project would be contained entirely within the footprint of the proposed building, with stalls located inside a three-level subterranean parking structure. Table 1 on the following page provides a breakdown of each level of the project. A description of proposed uses and a summary of the structure's compliance with pertinent standards and goals contained within the Plan and DPZC follows.

TABLE 1: PROJECT AREA BREAKDOWN BY FLOOR

Level/Floor	Use of Level/Floor	Area (Square footage) of Level/Floor
(Lowest) Subterranean parking structure (Level P3):	20 parking stalls (residential exclusive use)	N/A
(Middle) Subterranean parking structure (Level P2):	43 parking stalls (residential exclusive use)	N/A
(Highest) Subterranean parking structure (Level P1):	2 parking stalls (residential exclusive use)	N/A
	28 parking stalls (commercial exclusive use)	
First Floor (Ground Level):	Retail Suite	2,940 square feet
	Café Suite	1,200 square feet
	Restaurant Suite	2,760 square feet
	Service Area	1,040 square feet
	Parking Access	790 square feet
	Residential Lobby	850 square feet
	12 parking stalls (commercial exclusive use)	N/A
Mezzanine Level:	5 residential units	9,545 square feet
Second Floor:	19 residential units	13,346 square feet
Third Floor:	15 residential units	13,584 square feet
TOTAL AREA (SQUARE FOOTAGE) OF PROJECT:		46,055 square feet

Commercial Component

The subject project proposes 8,730 square feet of commercial floor area at the building's ground-floor that would front Golden Lantern and PCH. Areas are proposed for outdoor dining set amongst planter boxes or other landscaped areas and the facades of all suites feature abundant glass stretching from grade to near ceiling height. Pursuant to the standards and goals of the Plan, minimum floor-to-floor heights for the interior of each suite allow for the provision of the aforementioned commercial storefronts with opportunities for display of retail wares. Trash, service entries and general "back of house" areas are provided within dedicated enclosures, viewed and accessible only from within the interior of the building's parking structure. Approval for service has been obtained from trash collection company CR&R, Inc. to allow pick-up and removal of waste to occur exclusively within a dedicated loading space along San Juan Avenue.

Vehicular access to the site is proposed to occur at driveways fronting PCH and San Juan Avenue. The access off San Juan Avenue is consistent with the access standards of the Plan. In an effort to encourage a pedestrian focus for commercial uses along PCH and Del Prado, the Plan prohibits new driveways/vehicular access points. The purpose of this prohibition on these streets is to create continuous storefronts, enhancing the pedestrian experience, and increase the desire to stroll, shop and dine. However, this corner site is constrained as the Public Works/Engineering Department has determined that, due to utility and transit impacts, the project will not be allowed vehicular access from Golden Lantern. Given the long-term nature of the transition to a pedestrian-friendly environment, staff and the Applicant have worked to develop an interim access solution. The project is designed so that as the area transitions to a higher level of pedestrian activity that supports the commercial uses, the driveway access from PCH can be eliminated and replaced by additional commercial space. The onsite circulation can be modified to accommodate the closure of the driveway access from PCH. The project is designed with an excess of 5 parking spaces beyond what the DPZC requires for the amount of commercial and residential development proposed. This excess can accommodate approximately 1,100 square feet of additional commercial space, depending on use. Condition No. 24 in the project's attached Draft Resolution requires that the driveway be closed upon redevelopment of the adjacent properties at 34171 - 34173 PCH. This interim access plan will serve to improve the short-term viability of the new commercial uses while accommodating the long-term focus on a pedestrian environment for the Lantern District.

Residential Component

Thirty-nine residential units are proposed to include studios, one and two bedrooms – a mixture compliant with the standards of the Plan. Table 2 on the following page provides a breakdown of the number of each type of floorplan and its location within the proposed structure.

TABLE 2: FLOOR-PLAN DETAILS	
FLOORPLAN TYPE	NUMBER PROPOSED
Studio	7
One-bedroom	24
Two-bedroom	4
Townhouse (two bedrooms)	4

The studio, one and two bedroom floor-plans are single-floor units while the townhouses incorporate two levels of living space for each unit. The square footages of the individual floor-plans range from 475 square feet for proposed studio units to 1,033 square feet for the largest two-bedroom, two-level townhouses. While the units are proposed to be constructed to condominium standards, at this time no subdivision to allow individual ownership is proposed.

Access to proposed residential units from both the project's subterranean parking structure and externally from the street level would be provided by two elevators, located within enclosed lobbies fronting San Juan Avenue and PCH. While the residential elevator off San Juan would provide travel from the bottommost level of the parking structure to the third floor of the building, the elevator fronting PCH would travel only to the first floor.

Pursuant to standards, private open space is provided for units in the form of balconies projecting outward from the building's façade, in addition, 250 cubic feet of individual private storage provided via communal bike lockers. Finally, a central, landscaped courtyard, various "amenity rooms" and dining/lounge and view decks are located throughout the building's floorplan and provided for exclusive use by residents.

Building Height

Pursuant to the Plan, overall building height shall be measured from a baseline (starting point) at the level of the sidewalk at the midpoint of the front property-line. Maximum height for a proposed structure shall be 40 feet. As applied to the subject project, the baseline for measurement of building height shall be the sidewalk centerline at the property's PCH frontage. As proposed, the building will stand a maximum of 40 feet tall, in compliance with the aforementioned standard.

The Plan allows for certain elements of a building's architecture to project above the maximum structure height – including access ways to the roof as well as screening for mechanical equipment. The proposed design would locate the building's heating, ventilation and air conditioning (HVAC) condensers on the roof of the building, hidden from view by fixed screens. The screens would be constructed of metal and project above the rooftop's surrounding parapets (the highest point of the building's roof) by a maximum of three feet (36 inches), complying with standards that rooftop screening not

exceed the 40 foot height limit by more than 42 inches. The only other projection above the prescribed height limit is a single stairway extending 4.5 feet above surrounding parapets. The stairway would be enclosed within colored and decorative metal coils and provide access (for maintenance purposes) to the roof. No roof deck is proposed as part of the building's design and no direct elevator access is provided to the rooftop.

Parking

While mixed-use parking standards have been approved by the City, they have not been certified by the California Coastal Commission and therefore; parking standards for development proposed within the Lantern District are contained within the DPZC. The minimum number of required parking stalls is calculated separately for proposed commercial and residential uses, with the latter further subdivided by the proposed number of bedrooms within each proposed floorplan. In summary, the subject project provides an additional five parking stalls above the minimum number required by Code. The additional parking spaces will support the future expansion of the commercial space when the proposed PCH vehicular access way is replaced with additional pedestrian focused commercial uses. Tables 3, 4 and 5 provide a breakdown of the minimum parking standards required for both the residential and commercial components of the subject project (as stipulated in Section 9.35.080 of the DPZC) and the project's compliance with those standards.

TABLE 3: COMMERCIAL PARKING

Use Type	Area	Required Parking Ratio	Required Number of Stalls	Total Required Stalls	Total Provided Stalls
Retail/Restaurant **	4,320 square feet	One stall/220 square feet of floor area	19.6 parking stalls	38.2 parking stalls - 8 percent (3 stalls) *** equals 35 stalls	40 parking stalls
Restaurant > 20% of GFA	1,380 square feet	One stall/100 square feet of floor area	13.8 parking stalls		
Café ("Dine-in" restaurant)	1,200 square feet	One stall/250 square feet of floor area	4.8 parking stalls		
** Restaurant square footage equals 20 percent of gross floor area (GFA - Section 9.35.080 of Dana Point Zoning Code)					
*** Eight percent reduction permitted where an equivalent number of bicycle stalls are provided (Section 9.35.080 of Dana Point Zoning Code)					

TABLE 4: RESIDENTIAL PARKING

TABLE 4: RESIDENTIAL PARKING						
Floor-plan	Number of Bedrooms	Required Parking Ratio	Proposed Number of Units	Required Number of Stalls	Total Required Stalls	Total Provided Stalls
Studio/One-Bedroom	Maximum 1 bedroom	1.7 stalls/unit	31	52.7	70.3 - 8 percent (5.6 stalls) ** equals 65 stalls	65
Two Bedrooms/Townhouses	Maximum 2 bedrooms	2.2 stalls/unit	8	17.6		
** Eight percent reduction permitted where an equivalent number of bicycle stalls are provided (Section 9.35.080 of Dana Point Zoning Code)						

TABLE 5: PARKING SUMMARY

Total Number of Required Parking Stalls for Residential and Commercial Uses (after 8 percent reduction for provision of bicycle racks **):	100 stalls
Total Number of Required Parking Stalls Provided:	105 stalls
** Section 9.35.080 of the Dana Point Zoning Code	

As stated, all parking would be located within a three-level, subterranean parking structure with vehicular access taken from San Juan Avenue and PCH. Residential and guest parking would be segregated from that provided for commercial uses and separated by a mechanical gate.

Setback and Build-to Lines

The policies and standards of the Plan seek the creation of a pedestrian-focused district with a diversity of potential areas for patrons to gather, dine and recreate. While buildings are permitted to be located close to property-lines, inclusion of plazas and other open areas are encouraged, and standards dictate that continuous building facades be broken through articulation to allow for visual interest and variety in form. As applied to the subject property, the first 80 feet of continuous façade along the front property-line (PCH) must be followed by a minimum 10 foot building setback for the following 20 feet of frontage. The property's setback from San Juan Avenue (the rear property-line) shall be five feet, with no building setback required from side property-lines (Golden Lantern and the adjacent property located at 34173 PCH).

While a 10 foot step-back is prescribed for the third story or portions of the building above 20 feet, pursuant to the Plan's Design Guidelines (Architectural Character and Massing) section, flexibility and variety in the application of these standards are encouraged. As an alternative to providing a uniform and continuous step-back at the uppermost level of the building, the total area (square footage) of the required setback may be apportioned as varied articulation, resulting in parts of the building as vertically flush, while providing deeper compensatory step-backs elsewhere along the facade. Application of the standard in this manner avoids the potential creation of a "wedding cake" form, instead providing diversity in building mass, satisfying a key goal of the Plan to create a unique and architecturally interesting district for both residents and visitors. The proposed design complies with both the standards and the intent of the Plan, providing varied step-backs at the upper levels of the building, including portions that are vertically stacked coupled with deep setbacks and/or breaks in the façade through inclusion of resident amenities such as view/lounge decks.

Architecture

The overall style of the proposed building is thoroughly modern/contemporary and utilizes a variety of materials, forms and subtle colors throughout the facade. The Applicant has described the architecture as "casual coastal". While the Plan doesn't mandate a particular architectural theme or style, authentic and quality construction materials are strongly encouraged, as is faithfulness to the details and authenticity of a chosen architectural style. In compliance with the guidelines, natural materials including stone and wood are used in the building's trim, with painted zinc shingles, concrete and colored metals used throughout the façade. As stated, proposed restaurant and retail spaces front PCH and Golden Lantern and feature abundant storefront glass for display of wares – contributing to the desired pedestrian-focused experience. Outdoor sitting and dining areas are proposed as accessories to the project's restaurant and café spaces, providing amenities to the building's residents and further promoting walking and window shopping.

REQUESTED/ REQUIRED DISCRETIONARY ENTITLEMENTS: The subject project requires approval of the following entitlements:

Vesting Tentative Parcel Map VTPM15-0002

The subject application proposes subdivision and separate ownership of the residential and commercial components of the project and so requires approval of a Tentative Parcel Map. The application further requests that said map be recorded as “vesting” and so conferring a vested right to proceed with development as approved for a period of one year beyond the recording of the project’s final subdivision map. The proposed subdivision does not propose or authorize individual ownership of the project’s three commercial/restaurant suites, nor it does it allow individual (condominium) ownership of the project’s 39 residential units – rather splits the two components of the project (commercial and residential) into two “blocks,” and allowing separate ownership of each. Standards as pertain to vesting tentative maps are enumerated in Dana Point Municipal Code Section (DPMC) 7.03.070. Staff’s review of submitted materials finds that the request complies with the standards of the referenced section.

Section 7.05.060 of the DPMC stipulates 11 findings in order to approve a requested subdivision of land, requiring that a tentative map:

1. *Be consistent with the City’s General Plan;*
2. *That the design and improvement of the proposed subdivision is consistent with the City’s General Plan;*
3. *That the site is physically suitable for the proposed type of development;*
4. *That the requirements of the California Environmental Quality Act have been satisfied;*
5. *That the site is physically suitable for the proposed density of development;*
6. *That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;*
7. *That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems;*
8. *That the design of the subdivision and the proposed improvements will not conflict with easements of record or established by court judgment or acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided and these will be substantially equivalent to ones*

previously acquired by the public;

9. *That the design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations pursuant to Section 7.05.055;*
10. *That the subdivision is not located in a fee area or, if located in a fee area, the subdivider has met the requirements for payment of the applicable fees or the subdivision would not allow development of a project which would contribute to the need for the facility for which a fee is required;*
11. *That the subdivision is located in an area which has access to adequate utilities and public services to support the development proposed within the subdivision or that the subdivision includes the provisions and improvements necessary to ensure availability of such utilities and services.*

Staff's recommended findings to approve the VTPM request are enumerated in the project's draft resolution.

Coastal Development Permit CDP14-0012

The subject property is located within the City's Coastal Overlay, but outside of the appeals jurisdiction of the California Coastal Commission. Pursuant to Section 9.69.040 of the DPZC, development (including most structures and all subdivisions of land) proposed in this area shall require approval of a Coastal Development Permit (CDP).

Section 9.69.070 of the DPZC stipulates a minimum of seven findings to approve a CDP, requiring that the project:

1. *Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).*
2. *(If located between the nearest public roadway and the sea or shoreline of any body of water), be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).*
3. *Conform with Public Resources Code Section 21000 and following and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 CA Code of Regulations/13096).*

4. *Be 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.*
5. *Minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.*
6. *Be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.*
7. *Conform to the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.*

Staff's recommended findings to approve the CDP request are enumerated in the project's draft resolution.

Variance V14-0012

To encourage a transition to a more pedestrian-focused environment, the Town Center Plan stipulates that driveways are not permitted to be located on PCH or Del Prado street frontages, but does allow corner lots to take vehicular access from side streets. As applied to the subject property, while a driveway is not allowed on PCH, one would be permitted on Golden Lantern. That said, a driveway on Golden Lantern has the potential to disrupt an existing bus-stop as well as to impair utilities and other infrastructure beneath the Golden Lantern right-of-way. Given these constraints, the Public Works/Engineering Department cannot allow an encroachment permit/driveway off Golden Lantern. The removal of a driveway option in this area denies the subject property a privilege enjoyed by other properties in the vicinity and creates a unique hardship to the subject property. The allowance of a driveway off San Juan Avenue and PCH meets the intention of the Plan to encourage revitalization of the Lantern District while balancing pedestrian and vehicle access and circulation patterns.

Pursuant to Section 9.67.050 of the DPZC, a variance from standards may be granted by the Planning Commission where up to nine specific findings can be made. Eight of these findings are applicable to the subject project and are listed below.

1. *That the strict or literal interpretation and enforcement of the specified regulation(s) would result in practical difficulty or unnecessary physical hardships inconsistent with the objectives of this Chapter; and*
2. *That there are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use of the property which do not apply generally to other properties in the same zoning district; and*

3. *That the strict or literal interpretation and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district with similar constraints; and*
4. *That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints; and*
5. *That the Variance request is made on the basis of a hardship condition and not as a matter of convenience; and*
6. *That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;*
7. *That the Variance approval places suitable conditions on the property to protect surrounding properties and does not permit uses which are not otherwise allowed in the zone;*
8. *That granting of the Variance would not result in adverse impacts, either individually or cumulatively, to coastal access, public recreation opportunities, or coastal resources, and the development would be consistent with the policies of the Local Coastal Program certified land use plan.*

Staff's recommended findings to approve the Variance request are enumerated in the project's draft resolution.

Site Development Permit SDP14-0014

Pursuant to Section 9.71.020 of the DPZC, all non-residential development exceeding 2,000 square feet as well as residential development other than single-family detached structures shall require approval of a Site Development Permit. The subject project proposes the construction of a multi-story, mixed-use development with 6,900 square feet of commercial floor area and 39 dwelling units. Section 9.71.050 of the DPZC stipulates four findings that must be made to approve a SDP, requiring:

1. *Compliance of the site design with development standards of this Code.*
2. *Suitability of the site for the proposed use and development.*
3. *Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines.*
4. *Site and structural design which is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture.*

Staff's recommended findings to approve the SDP request are enumerated in the project's draft resolution.

Sign Program Permit SPP16-0001

Lastly, the subject application proposes a Sign Program for the property which would create standards for the type, number, location and lighting scheme for all new signage. Pursuant to Section 9.37.070 of the DPZC, the purpose and intent of a Sign Program is to integrate proposed signage with building and landscape design, creating a unified architectural statement. Sign Programs shall be required when any of the following occur:

- *Any new or upgrading center with two or more tenants;*
- *Any new or upgrading single enterprise which proposes three or more signs;*
- *For any new multiple-unit residential project proposing two or more signs;*
- *For any sign proposal deemed necessary by the Director of Community Development and in the interest of the public health, safety and general welfare.*
- *Proposed total signage area exceeding 100 square feet.*

The Sign Program includes 18 signs for a proposed mixed-use "center" and so requires approval of a Sign Program Permit (SPP). These new signs would be attached to the proposed mixed-use building at multiple locations and would comprise three distinct types, broken down below as listed in the attached, draft Sign Program:

- | | |
|--|--|
| • <i>Address Signage:</i> | <i>Sign Type AN</i> |
| • <i>Parking/ Way-Finding Signage:</i> | <i>Sign Types PCS, PW, PB, PE and PX</i> |
| • <i>Tenant Identification:</i> | <i>Sign Types: TWS 1, TWS 2, TCS1, TCS 2, TCS 3, TPS, TMS and TSWS</i> |

The building's proposed address sign (Type AN) will be single-sided, comprised of aluminum and mounted atop a light-bar attached to the façade of the building's residential lobby.

Parking and way-finding signage (Types PCS, PW, PB, PE and PX) comprise a mixture of façade-mounted and projecting sign types, all constructed of aluminum, internally illuminated, and with the intended purpose of providing guidance to vehicular entryways and parking for the property.

Tenant identification signs (Types TWS1 and 2, TCS1 – 3, TPS, TMS and TSWS) comprise a mixture of façade-mounted and projecting sign types, constructed of aluminum and both internally and externally illuminated. Signs of this type will be

mounted both to the façade of the building (projecting signs) with the majority atop mounting brackets that create the appearance that the signs are freestanding.

Follows below is a breakdown of the sizes of the proposed signs (as listed in the attached, draft Sign Program):

TABLE 6: PROJECT SIGNAGE			
Sign Description	Sign Program ID	Quantity of Signs	Signage Area
Address Signage	AN	1	9 square feet
Parking/ Way-finding Signage	PCS, PW, PB, PE and PX	7	44 square feet
Tenant ID Signage	TWS 1, TWS 2, TCS1, TCS 2, TCS 3, TPS, TMS and TSWS	10	247 square feet
		Total Area:	300 square feet

Mirroring standards of the DPZC, the permitted sizes of proposed storefront signage would adhere to a standard of “one square foot of sign for each linear foot of façade width.” While the total square footage of all proposed signs would exceed the maximum 100 square feet permitted (without approval of a Sign Program), the signs will serve to clearly identify the entry and egress to and from the subject properties and in doing so, allow safer and more orderly movement of vehicles and pedestrians through its interior. The number and types of signs mounted to the building are appropriate in that they provide guidance to both vehicles and pedestrians without cluttering the façade of the building.

Two findings are required in order to approve a Sign Program Permit (SPP), requiring that:

- 1. That the design, placement, size, and content of the proposed signage is compatible with the project architecture in that the signs will be finished in materials and colors and appropriately sized to complement existing development and the broader project sites. New signage will serve to facilitate efficient and safe entry and egress from the properties without cluttering the property or confusing patrons.*
- 2. That the Sign Program substantially complies with the Permitted Sign Types detailed in the City of Dana Point Zoning Code. Adjustments to these standards are permitted with approval of this Sign Program and are justified based on the unique and complex access patterns of the subject properties.*

Staff’s recommended findings to approve the SPP request are enumerated in the project’s draft resolution.

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

CONCLUSION: Staff finds that the subject project is consistent with the standards and policies of the Town Center Plan and Dana Point Municipal and Zoning Codes. As the project has been found to comply with all standards of development and findings can be made for approval of all requests, staff recommends the Planning Commission adopt the attached resolution, approving Vesting Tentative Parcel Map VTPM15-0002, Coastal Development Permit CDP14-0012, Variance V14-0003, Site Development Permit SDP14-0014 and Sign Program Permit SPP16-0001.

Evan Langan, AICP
Associate Planner

Ursula Luna-Reynosa, Director
Community Development Department

TITLE INFORMATION

THE TITLE INFORMATION SHOWN HEREON IS PER PRELIMINARY REPORT NO. 01180-83917 DATED OCTOBER 20, 2015 AS PREPARED BY STEWART TITLE, GLENDALE, CA [TITLE OFFICER: LARRY MCCOURE, TELEPHONE: (818) 502-2723] NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF SAID COMMITMENT IS ASSUMED BY THIS MAP OR THE SURVEYOR.

LEGAL DESCRIPTION

PARCEL 1:

LOT 10, BLOCK P, TRACT NO. 573, IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20 PAGE 29 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

PARCEL 2:

LOT 11, BLOCK P, TRACT NO. 573, IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 20 PAGE 29 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 11; THENCE ALONG THE NORTHERLY LINE OF SAID LOT, SOUTH 76°49'00" WEST, 64.88 FEET; THENCE SOUTH 51°35'00" EAST, 64.01 FEET; THENCE SOUTH 11°17'36" EAST, 65.29 FEET TO THE EASTERLY LINE OF SAID LOT 11; THENCE ALONG SAID EASTERLY LINE, NORTH 0°01'00" EAST, 119.58 FEET TO THE POINT OF BEGINNING, AS CONDEMNED BY THE COUNTY OF ORANGE FOR PUBLIC STREET AND HIGHWAY PURPOSES BY FINAL ORDER OF CONDEMNATION RECORDED FEBRUARY 23, 1971 IN BOOK 3551 PAGE 618 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL STANDING, FLOWING, PERCOLATING OR OTHER WATERS NOW AND/OR HEREAFTER IN OR UNDER SAID LAND, TOGETHER WITH THE RIGHT TO REMOVE THE SAME THROUGH UNDERGROUND CHANNELS OF THE SAME MEANS OF WELLS OR TUNNELS ON OTHER PROPERTY.

ALSO EXCEPTING THEREFROM ALL RIPARIAN WATER RIGHTS FOR THE USE AND BENEFIT OF SAID RIPARIAN LAND.

TITLE EXCEPTIONS AND EASEMENTS

A-C TAXES

1 AN EASEMENT GRANTED TO THE STATE OF CALIFORNIA BY DOCUMENT RECORDED IN BOOK 554 PAGE 209 OF DEEDS AND RECORDED JANUARY 21, 1928 IN BOOK 125 PAGE 83, OF OFFICIAL RECORDS.

(DOCUMENT AFFECTS - NOT PLOTTABLE)

2 COVENANTS, CONDITIONS, AND RESTRICTIONS AS SET FORTH IN INSTRUMENT RECORDED MAY 11, 1929 IN BOOK 265 PAGE 493 AND RECORDED MAY 24, 1932 IN BOOK 550 PAGE 403, BOTH OF OFFICIAL RECORDS.

(DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [A])

(DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [B])

3 AN EASEMENT IN FAVOR OF TITLE INSURANCE AND TRUST COMPANY FOR POLE LINES AND RIGHTS INCIDENTAL THEREON, RECORDED IN BOOK 265 PAGE 483, OFFICIAL RECORDS, AND RECORDED MAY 24, 1932 IN BOOK 550 PAGE 403, OF OFFICIAL RECORDS.

(DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [A])

(DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [B])

4 AN UNRECORDED LEASE RECORDED MARCH 8, 1974 IN BOOK 11091 PAGE 863, OFFICIAL RECORDS.

(DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [C])

5 AN EASEMENT IN FAVOR OF THE COUNTY OF ORANGE FOR STREET AND HIGHWAY PURPOSES AND RIGHTS INCIDENTAL THERETO, RECORDED JULY 2, 1974 IN BOOK 11187 PAGE 349, OFFICIAL RECORDS.

(DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [C])

6 AN EASEMENT IN FAVOR OF THE COUNTY OF ORANGE FOR STREET AND HIGHWAY PURPOSES AND RIGHTS INCIDENTAL THERETO RECORDED JULY 3, 1974 IN BOOK 11188 PAGE 349, OFFICIAL RECORDS.

(DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [D])

8 AN EASEMENT IN FAVOR OF SAN DIEGO GAS & ELECTRIC, A CORPORATION FOR ELECTRICAL FACILITIES AND RIGHTS INCIDENTAL THERETO IN RECORDED SEPTEMBER 14, 1974 IN BOOK 11239 PAGE 35, OFFICIAL RECORDS.

(DOCUMENT AFFECTS - NOT PLOTTABLE)

9 DEED OF TRUST RECORDED JANUARY 26 1987 AS INSTRUMENT NO. 87-040724, OF OFFICIAL RECORDS.

A REASSIGNMENT OF SAID DEED RECORDED APRIL 27, 2010 AS INSTRUMENT NO. 2010000196367, OF OFFICIAL RECORDS.

10 TERMS AND PROVISIONS OF A SUBLEASE, A MEMORANDUM OF WHICH IS RECORDED NOVEMBER 4, 1966 AS INSTRUMENT NO. 19960557500, OFFICIAL RECORDS.

THE MATTERS CONTAINED IN AN INSTRUMENT ENTITLED "NON-DISTURBANCE AND ATTORNEYMENT AGREEMENT (SITE NO. 0R134)" RECORDED JULY 22, 1997 AS INSTRUMENT 19970346475, OFFICIAL RECORDS.

11 AN EASEMENT IN FAVOR OF CITY OF DANA POINT, A MUNICIPAL CORPORATION, FOR TEMPORARY CONSTRUCTION AND RIGHTS INCIDENTAL THERETO, RECORDED MARCH 13, 2012 AS INSTRUMENT NO. 2012000144066, OF OFFICIAL RECORDS.

DOCUMENT AFFECTS - DENOTED HEREON AS SYMBOL [E])

TITLE EXCEPTIONS AND EASEMENTS (CONT.)

12 DEED OF TRUST RECORDED APRIL 1, 2013 AS INSTRUMENT NO. 2013000193016, OF OFFICIAL RECORDS.

AN ASSIGNMENT OF RENTS AND LEASES, RECORDED APRIL 1, 2013 AS INSTRUMENT NO. 2013000193017, OF OFFICIAL RECORDS.

13-14 TITLE COMPANY STATEMENT.

ABBREVIATIONS

ASPH/AC ASPHALT
CAB CABINET
CONC CONCRETE
DWC DRIVEWAY
ELEC ELECTRIC
EV ELECTRIC VAULT
FH FIRE HYDRANT
FL FLOWLINE
CATV CABLE TELEVISION BOX
SCO SEWER CLEAN OUT
SLPB STREET LIGHT PULL BOX
TC TOP OF CURB
TELE TELEPHONE
TMH TELEPHONE MANHOLE
TSPB TRAFFIC SIGNAL PULLBOX
TYP TYPICAL
VLT VAULT
WM WATER METER

SYMBOL LEGEND

MISCELLANEOUS

⊕ FIRE HYDRANT
⊙ LIGHT POLE
- SIGN
⊙ TREE
⊙ TRAFFIC SIGNAL WITH ARM
⊙ TRAFFIC SIGNAL ON POLE
T TRANSFORMER

LINE LEGEND

— PROPERTY LINE
- - - CENTER LINE
- - - EASEMENT
- - - PROPOSED BUILDING
- - - RIGHT-OF-WAY
- - - UNDERGROUND PARKING LIMITS

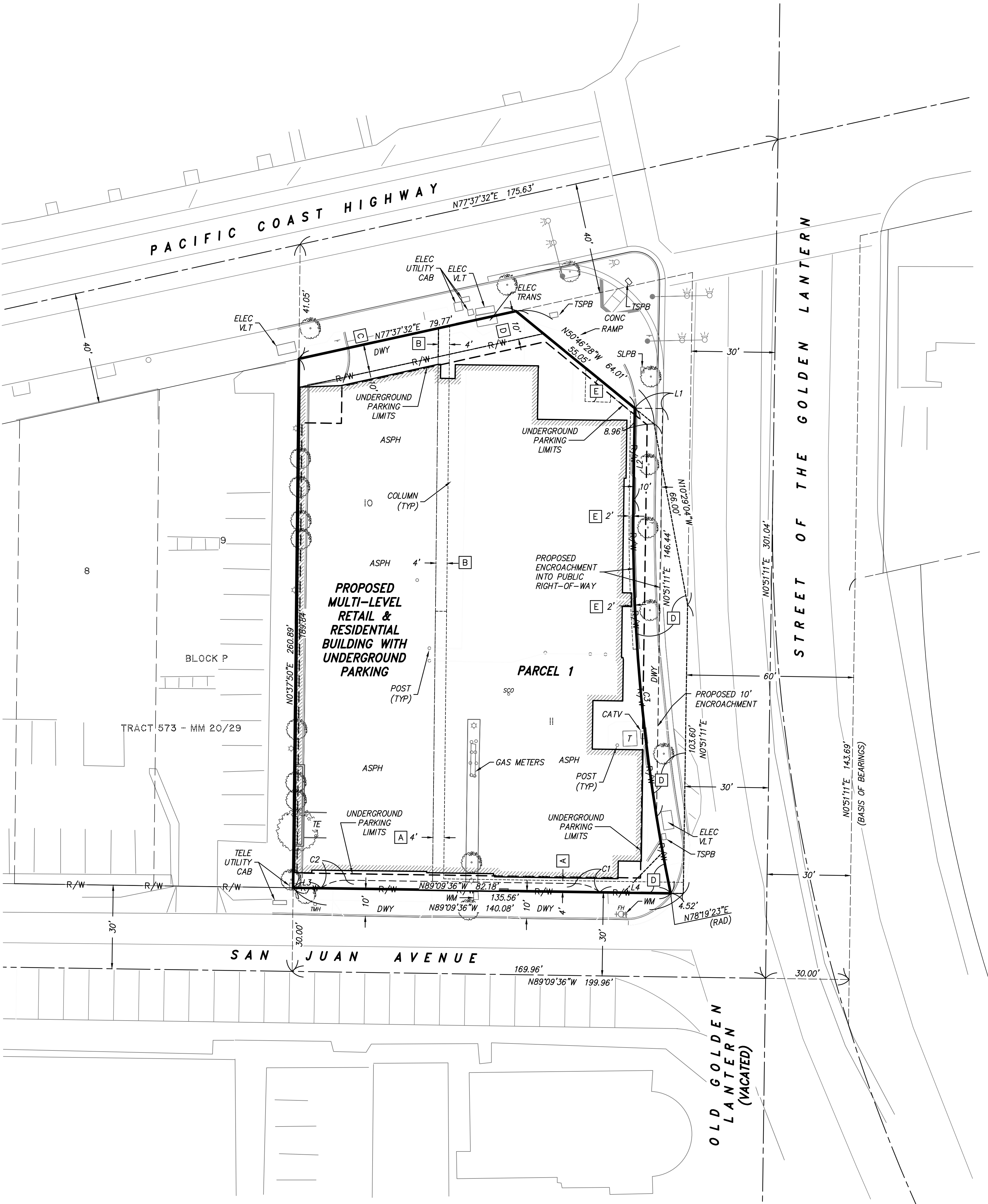
VESTING TENTATIVE PARCEL MAP NO. 2015-171

IN THE CITY OF DANA POINT,
COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF LOT 10 AND A PORTION OF LOT 11, BOTH OF BLOCK P, TRACT NO. 573, FILED IN BOOK 20 PAGE 29 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

FOR CONDOMINIUM PURPOSES

FOR THE PURPOSE OF CREATING AIRSPACE OWNERSHIP OF COMMERCIAL DEVELOPMENT FROM RESIDENTIAL, SEPARATE FROM THE PROJECT'S "FOR RENT" RESIDENTIAL COMPONENT



RECORD OWNER

M & A GABAE, A CALIFORNIA LIMITED PARTNERSHIP

PROPERTY ADDRESS

34175-34177 PACIFIC COAST HIGHWAY, DANA POINT, CA

CONTACT PERSON:

GEORGE RAY
CHARLES COMPANY
9034 W. SUNSET BOULEVARD
HOLLYWOOD, CA 90069
(949) 218-9498

ASSESSOR PARCEL NO.

682-322-09 & 10

BENCHMARK

BENCHMARK:
THE ELEVATIONS SHOWN HEREON ARE BASED ON THE FOLLOWING BENCHMARK:

BM No.: M-1415 ELEV.: 139.550' (COUNTY OF ORANGE BENCHMARK)

DATUM: NAVD 88

DESCRIPTION: DESCRIBED BY OCS 2003 - FOUND 3 1/4" NGS BRONZED DISK STAMPED "M 1415 1988", SET IN THE NORTHWESTERLY CORNER OF A 1 FT. BY 4 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE SOUTHERLY PORTION OF THE "T" INTERSECTION OF NORTHBOUND PACIFIC COAST HIGHWAY AND EL ENCANTO, 1 FT. WESTERLY OF THE CENTERLINE OF EL ENCANTO PROLONGED TO THE SOUTH AND 21.7 FT. SOUTHERLY OF THE CENTERLINE OF NORTHBOUND PCH. MONUMENT IS SET LEVEL WITH THE SIDEWALK.

BASIS OF BEARINGS

THE BEARINGS OF THE LINES SHOWN HEREIN ARE BASED ON A PORTION OF THE NORTHERLY SEGMENT OF THE WESTERLY TRACT BOUNDARY OF TRACT NO. 11153, FILED IN BOOK 502, PAGES 13 THROUGH 19 OF MISCELLANEOUS MAPS, IE N0°51'11"E.

AREA

PARCEL 1 GROSS LAND AREA IS: 26587 SF/ 0.61 ACRES

COVENANTS, CONDITIONS, & RESTRICTIONS NOTE

1. THIS PROJECT WILL PROCESS AND RECORD CC&Rs FOR THE MAINTENANCE AND COST SHARING RESPONSIBILITY OF THE FUTURE COMMON UTILITY FACILITIES SERVING THIS SITE, INCLUDING BUT NOT LIMITED TO PRIVATE WATER, FIRE, IRRIGATION, SEWER, DRAINAGE, ETC.

PERMITS

COASTAL DEVELOPMENT PERMIT: CDP14-0012

SITE DEVELOPMENT PERMIT: SDP14-0014

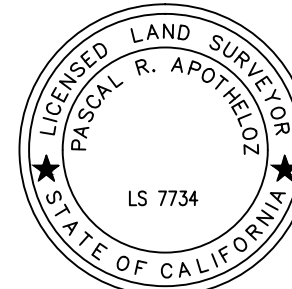
VARIANCE PERMIT: V15-0003

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

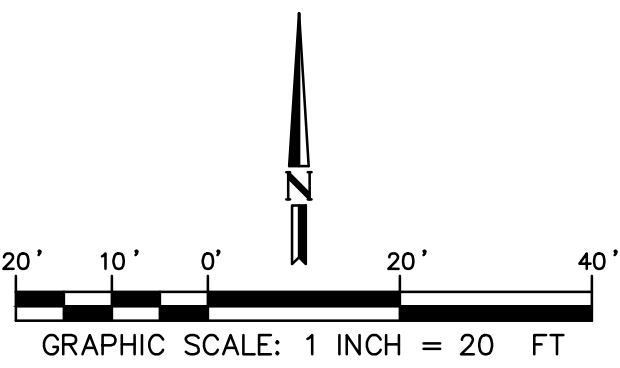
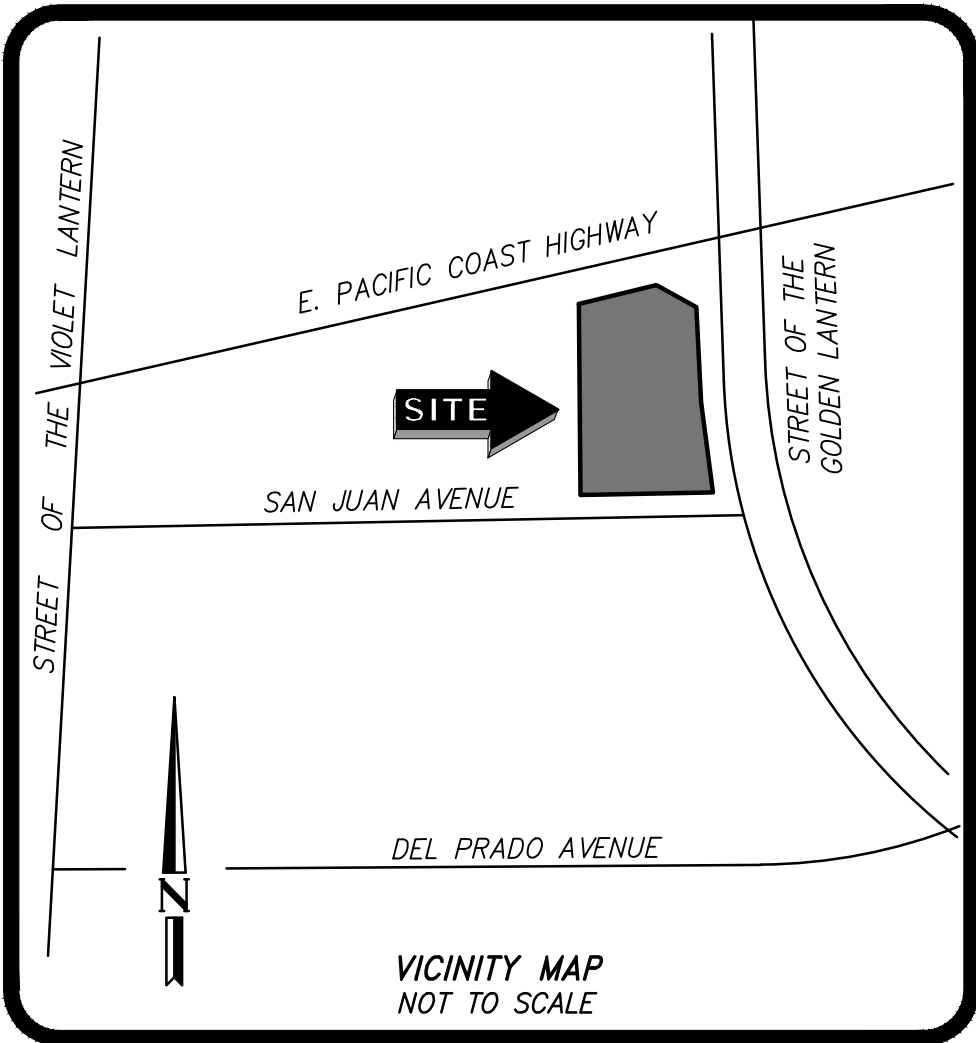
PASCAL R. APOTHELOZ, PLS 7734
EMAIL: papatheloz@drc-eng.com
DRC ENGINEERING, INC.
180 S. OLD SPRINGS ROAD
SUITE 210
ANAHEIM, CA 92808
PHONE: (714) 685-6860
FAX: (714) 685-6801

01/28/2016
DATE



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°08'49"W	10.00'
L2	N0°51'11"E	32.86'
L3	N89°09'36"W	9.98'
L4	N89°09'36"W	25.40'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	36°52'12"	15.00'	9.65'
C2	36°52'12"	15.00'	9.65'
C3	12°31'48"	650.00'	142.15'



VESTING TENTATIVE PARCEL MAP NO. 2015-171
34175-34177 PACIFIC COAST HIGHWAY
DANA POINT, CALIFORNIA

NO.	REVISION:	DATE:	ISSUE:
1	UPDATED PER 1ST PLAN CHECK COMMENTS	12/09/2015	FINAL
2	UPDATED PER 2ND PLAN CHECK COMMENTS	01/28/2016	DATE: 12/17/2015
3	UPDATED PER CITY COMMENTS DATED 01/28/2016	01/28/2016	CHECKED: PRA DRAWN: EFG
			DRAWING FILE: 13-301pm01
			PROJECT NO.: 13-301
			SHEET NUMBER:
			1
			OF 1 SHEET
			SCALE: 1" = 20'

DRC Engineering, Inc.
Civil Engineering/Land Surveying/Land Planning

180 S. Old Springs Road, Ste. 210
Anaheim Hills, California 92808
(714) 685-6860