

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

DATE: MARCH 26, 2018

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
BELINDA DEINES, SENIOR PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP18-0004 TO ALLOW A LOT MERGER TO COMBINE TWO LOTS INTO ONE WITHIN THE COMMUNITY COMMERCIAL/VEHICULAR (C C/V) ZONE LOCATED AT 25775 AND 25781 LAS VEGAS AVENUE

RECOMMENDATION: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP18-0004.

APPLICANT: Matranga Family Living Trust, Property Owner

REPRESENTATIVE: Douglas Matranga, Property Owner

REQUEST: Approval of a Coastal Development Permit for a lot merger located within the City's Floodplain Overlay District, Coastal Overlay District, and the Appeals Jurisdiction of the California Coastal Commission.

LOCATION: 25775 Las Vegas Avenue (APNs 668-341-22 and -23)
25781 Las Vegas Avenue (APN 668-341-24)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on March 16, 2018, published within a newspaper of general circulation on March 16, 2018, and posted on March 23, 2018 at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15305 (Class 5(a) – minor lot line adjustments) in that the project involves minor alterations in land use limitations which do not result in any changes in land use or density.

ISSUES:

- Project consistency with the Dana Point General Plan, Dana Point Zoning Code (DPZC) and Local Coastal Program (LCP); and
- Project satisfaction of all findings required pursuant to the DPZC and LCP for approval of a Coastal Development Permit (CDP).

BACKGROUND: The subject site consists of three underlying lots identified as 25801, 25775, and 25781 Las Vegas Avenue (APN: 668-341-22, -23, and -24). In March 23, 2015, the Planning Commission approved CDP14-0004 to allow a lot merger of Lots 22 and 23 into Parcel 1 (LLA 2016-0002). The vacant Parcel 1 is 50' by 130' and is currently under construction for a new two-story professional office building.

Lot 24 contains temporary structures including a trailer, storage container, and chain link fencing. The applicant proposes to remove the temporary structures onsite. There are no current plans to develop the 25' by 130' lot with improvements at this time. The subject site is bounded by light industrial uses such as storage facilities, major automotive repair, and manufacturing (Supporting Document 2).

The property is located within the "Community Commercial/Vehicular" (C C/V) zone, and is located within the City's Floodplain Overlay District (FP-2, Zone "AO"), Coastal Overlay District (the California Coastal Zone), and the Appeals Jurisdiction of the California Coastal Commission. The Floodplain Overlay designation identifies the property as a "Special Flood Hazard" area subject to potential inundation by wave action and requires specific structure design and location requirements.

DISCUSSION: The proposed scope of work involves the merger of Parcel 1 and Lot 24 as shown on the Exhibit "C" site plan (Supporting Document 3). The lot merger will result in a parcel that is 75' in width and 130' in depth, for a total lot area of 9,750 square feet. In the C C/V zone, the minimum lot width is 100' and minimum lot size is 15,000 square feet. The lot merger brings the property closer into compliance with the minimum development standards for the C C/V zone; however, the new parcel remains nonconforming in both lot width and lot size.

Table 1: Compliance with C C/V Development Standards

Development Standard	Requirement	Proposed	Compliant with Standard
Minimum Lot Size	15,000 SF	9,750 SF	No
Minimum Lot Width	100'	75'	No
Minimum Lot Depth	120'	130'	Yes

The project as designed complies with all other applicable development standards and no deviations are requested.

Coastal Development Permit CDP18-0004

Pursuant to Section 9.69.040 of the Dana Point Zoning Code, any division of land including lot line adjustments and lot mergers located in the City's Coastal Overlay District and the Appeals Jurisdiction of the California Coastal Commission requires approval of a Coastal Development Permit (CDP).

Section 9.69.070 of the DPZC stipulates a minimum of seven (7) findings to approve a Coastal Development Permit, 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 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 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.*

The recommended findings for approval of the CDP are outlined in the draft Resolution No. 18-03-26-XX, attached to this report as Action Document 1.

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

CONCLUSION: Staff finds that the proposed project brings the subject lots closer into conformance with the minimum lot development standards of the Dana Point Zoning Code, and the project complies with the policies and provisions of the City of Dana Point General Plan and Local Coastal Program. As the project has been found to comply with all standards of development, staff recommends the Planning Commission adopt the attached draft Resolution, approving Coastal Development Permit 18-0004 subject to the findings and conditions of approval contained therein.



Belinda Deines, Senior Planner



Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 18-03-26-xx

Supporting Documents

2. Vicinity Map
3. LLA Application
4. Site Photos

RESOLUTION NO. 18-03-26-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP18-0004 FOR A MERGER OF TWO LOTS LOCATED WITHIN THE CITY'S FLOODPLAIN AND COASTAL OVERLAY DISTRICTS AT 25775 AND 25781 LAS VEGAS AVENUE

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

WHEREAS, Douglas Matranga, Property Owner, (the "Representative") has filed an application on behalf of Matranga Family Living Trust, ("Applicant"), the owners of real property commonly referred to as 25775 Las Vegas Avenue (Parcel 1 of Lot Line Adjustment LLA16-0002 recorded December 20, 2016) and 25781 Las Vegas Avenue (APN 668-341-24) (collectively, the "Property"); and

WHEREAS, the Representative filed a verified application for a Coastal Development Permit to allow the merger of Parcel 1 and APN 668-341-24 into one 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 15305 (Class 5(a) – Minor Alterations in Land Use Limitations) in that the application proposes a minor lot line adjustment; and

WHEREAS, the Planning Commission did, on the 26th day of March, 2018, 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 CDP18-0004.

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. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves CDP18-0004 subject to the following conditions of approval:

Findings:

Coastal Development Permit CDP18-0004

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 proposed lot merger brings the property closer into conformance with the 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 project is not located between the nearest public roadway and the sea or shoreline, the property is located in an established area zoned for commercial use, located within an area that does not contain public access ways or areas of recreation. Moreover, adequate public access to public tidelands or areas of recreation exist nearby at City, County and State beaches and accordingly, 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, 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 15305 (Class 5(a) – Minor Alterations in Land Use Limitations) in that the application proposes the merger of two lots which constitutes a minor lot line adjustment.**
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 exist on the subject property and so none would be adversely affected with implementation of the proposed project. The proposed project would not result in adverse impacts to any existing public views of or along the coast and as viewed from a public road or recreation area.**
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 is not cited**

per the City's General Plan as containing environmentally sensitive habitat area (ESHA) and accordingly, proposed improvements would not result in adverse 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 while the subject property located within a designated "special flood hazard area," proposed project does not involve significant improvements or development. Any future development must be designed in compliance with development standards of Section 9.31 of the Dana Point Zoning Code as well requirements of the Federal Emergency Management Agency (FEMA). Compliance with these standards, coupled with those for fire, geologic and erosional threats, will minimize undue risks from these or other hazards to the greatest extent feasible.**
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 proposed project will redevelop an underutilized property in conjunction with a new office structure that conforms to current development and design standards, which would result in improvement of the property and immediate vicinity.**
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 subject project has been 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.**

Conditions:

General:

1. Approval of this application permits demolition of all existing site improvements and the lot merger at 25775 and 25781 Las Vegas Avenue 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 project shall meet all water quality requirements.
8. A grading permit shall be obtained prior to any work, including demolition activities.
9. The Applicant, or Applicant's agent(s), 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, or Applicant's agent(s), shall be responsible for coordinating any potential conflicts or existing easements.
10. The Applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.
11. The Applicant, Applicant's agent(s), or successor-in-interest, shall prepare a Waste Management 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.

Prior to Issuance of a Grading Permit:

12. The applicant shall submit an application for a grading permit. The grading permit application, in compliance with City standards, submitted for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.
13. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.
14. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
15. The proposed grading plans shall be in accordance with all flood zone

regulations.

Prior to Issuance of a Building Permit:

16. 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.
17. All documents prepared by a professional shall be wet-stamped and signed.
18. The applicant shall provide a foundation plan that mitigates the expected ground liquefaction during a seismic event to the satisfaction of the City Engineer and Building Official.
19. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
20. The applicant shall submit a rough grade certification from the Civil Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (along with the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the project.
21. The applicant shall submit a rough grade certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (along with the City's standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.

Prior to Issuance of a Certificate of Use and Occupancy:

22. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.

23. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
24. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.
25. A certification for the grading and as-built condition with the flood zone shall be provided by the Civil Engineer (or Surveyor) of Record, as required by City of Dana Point flood regulations.
26. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
27. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott McKhann, Chairperson
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department

EXHIBIT "A"

PAGE 1 OF 1

"LEGAL DESCRIPTION"

LOT LINE ADJUSTMENT

CITY OF DANA POINT RECORD NO.

LLA _____ - _____

PAGE ___ OF ___

(OLD LEGAL DESCRIPTION):

PARCEL 1 OF THAT CERTAIN LOT LINE ADJUSTMENT LLA 16-0002, IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED DECEMBER 20, 2016 AS INSTRUMENT NO. 2016-644928 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER IN ORANGE COUNTY AND LOT 33 IN BLOCK 52, SAN JUAN BY THE SEA, IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 19 PAGES 27 AND 28 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER IN LOS ANGELES COUNTY.

PARCEL 1:

(NEW LEGAL DESCRIPTION):

PARCEL 1 OF THAT CERTAIN LOT LINE ADJUSTMENT LLA 16-0002, IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED DECEMBER 20, 2016 AS INSTRUMENT NO. 2016-644928 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER IN ORANGE COUNTY AND LOT 33 IN BLOCK 52, SAN JUAN BY THE SEA, IN THE CITY OF DANA POINT, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 19 PAGES 27 AND 28 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER IN LOS ANGELES COUNTY.

AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

There may be easements of record delineated and referenced on the underlying maps or there may be other recorded easements within the area being adjusted that are not shown on this document that could encumber said parcels herein.



PREPARED BY:
DUCA-McCOY, INC.
3840 E. COAST HWY.
CORONA DEL MAR, CA 92625
(949) 675-4487

Pete J. Duca 3-8-18
PETE J. DUCA R.C.E. 24668 DATE

EXHIBIT "B"

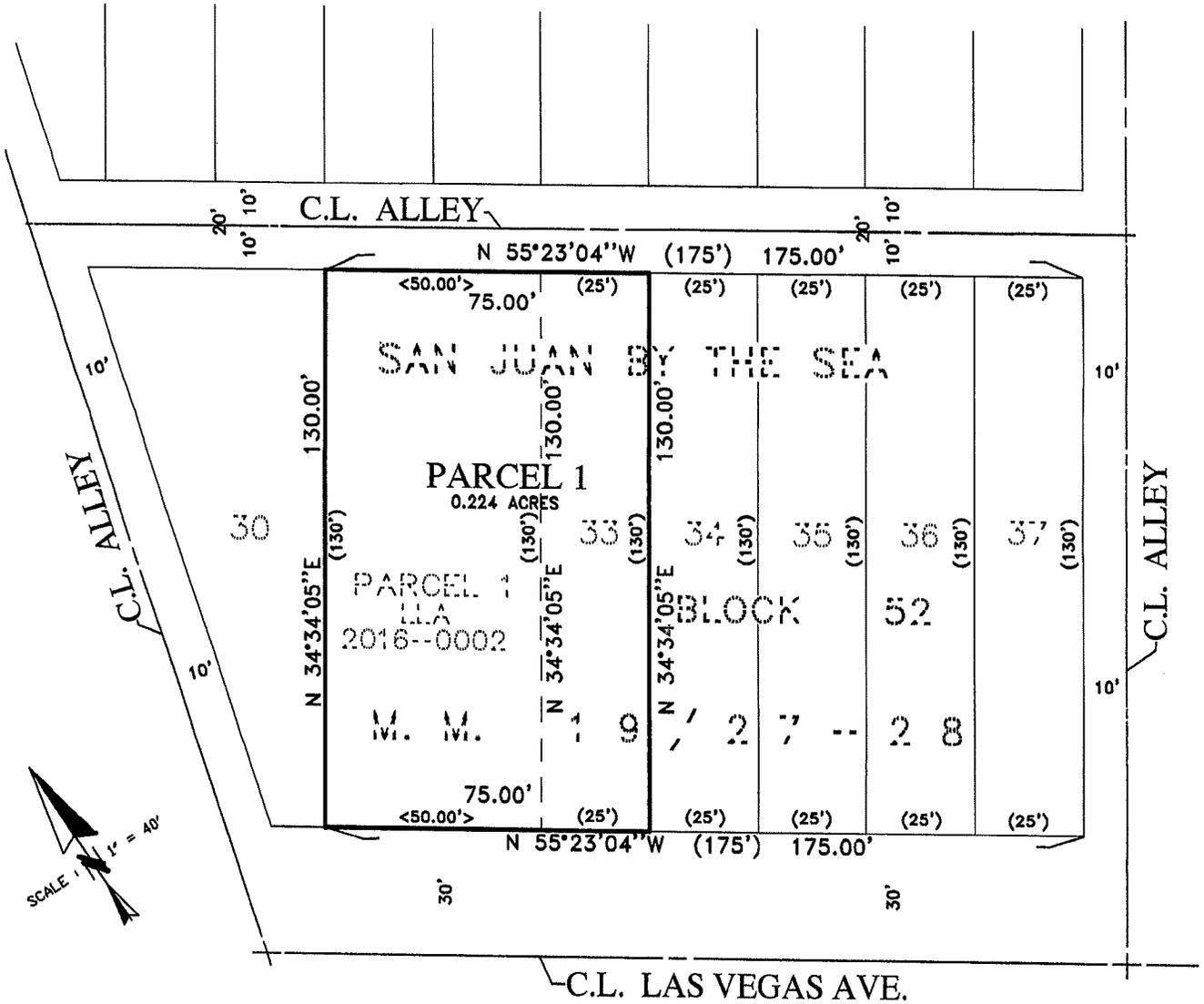
PAGE 1 OF 1

"MAP"

LOT LINE ADJUSTMENT
CITY OF DANA POINT RECORD NO.

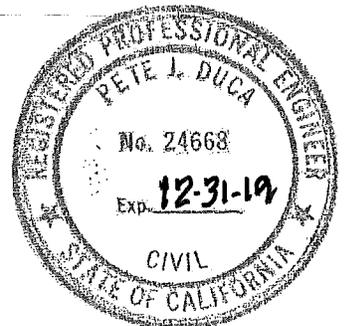
LLA _____

PAGE ___ OF ___



LEGEND OF SYMBOLS

- BOUNDARY OF NEW PARCEL PER THIS LOT LINE ADJUSTMENT
- - - EXIST. LOT LINE TO BE REMOVED
- () — INDICATES RECORD DATA PER M.M. 19/27-28, LOS ANGELES COUNTY



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 PETE J. DUCA R.C.E. 24668 DATE

EXHIBIT "C"

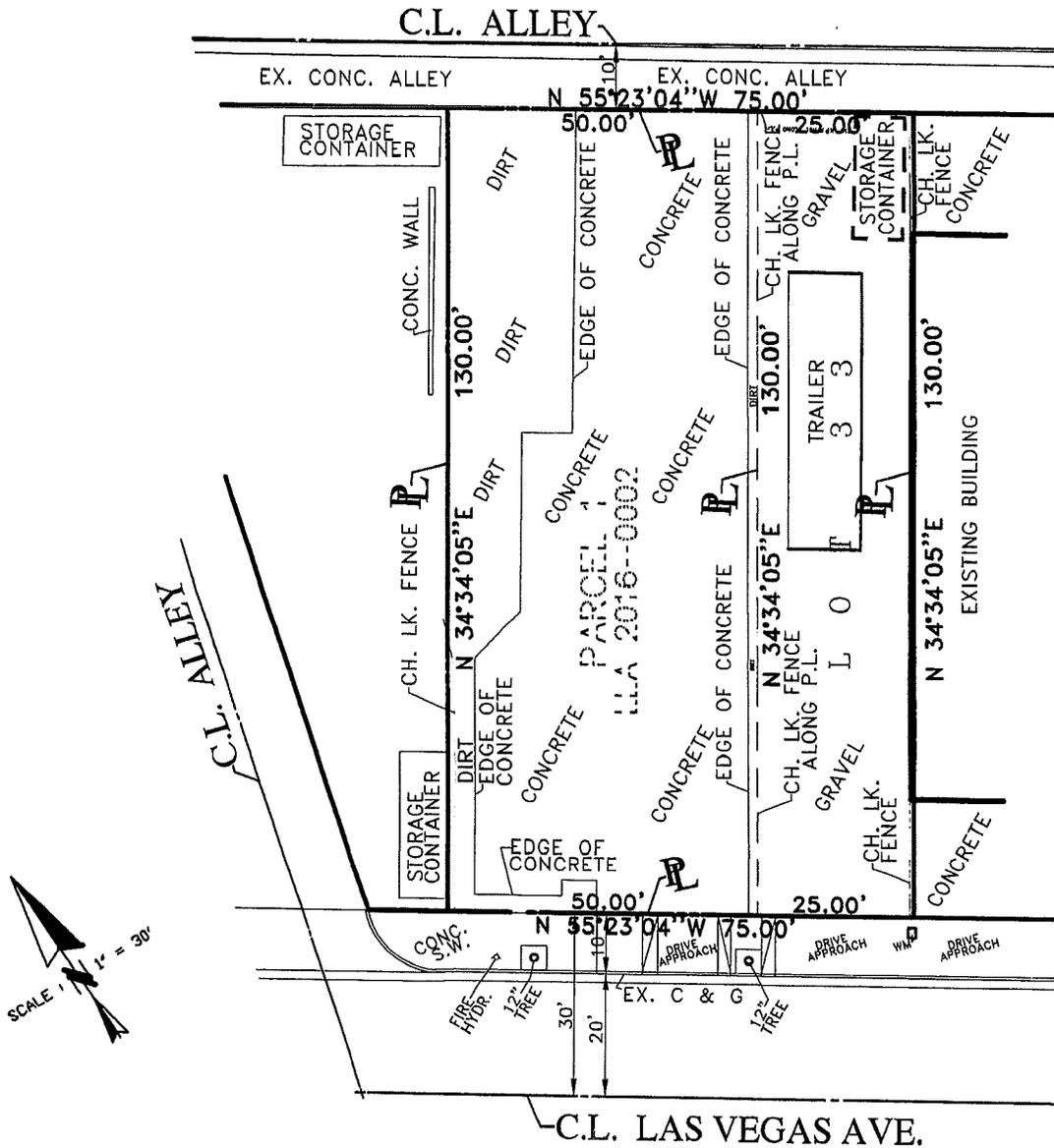
PAGE 1 OF 1

"SITE PLAN"

LOT LINE ADJUSTMENT
CITY OF DANA POINT RECORD NO.

LLA _____

PAGE ___ OF ___



NOTE: THERE ARE NO BUILDINGS ON THIS SITE.

LEGEND OF SYMBOLS

- BOUNDARY OF NEW PARCEL PER THIS LOT LINE ADJUSTMENT
- - - EXIST. LOT LINE TO BE REMOVED
- () — INDICATES RECORD DATA PER M.M. 19/27-28, LOS ANGELES COUNTY

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