CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE:

JUNE 11, 2018

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

URSULA LUNA-REYNOSA, DIRECTOR

KURTH B. NELSON III, PRINCIPAL PLANNER

SUBJECT:

COASTAL DEVELOPMENT PERMIT CDP16-0005 TO DEMOLISH AN EXISTING RESTAURANT AND CONSTRUCT A NEW 100-ROOM RESORT HOTEL, WITH A RESTAURANT, CAFÉ, SPA, AND ASSOCIATED PARKING, CONDITIONAL USE PERMIT CUP18 0008 FOR ALTERNATIVES TO THE DESIGN OF OFF-STREET PARKING REGULATIONS AND FOR ARCHITECTURAL FEATURES TO EXCEED THE DISTRICT BUILDING HEIGHT LIMIT, AND SITE DEVELOPMENT PERMIT SDP18-0016 FOR WALLS TO EXCEED THE 3.5 FOOT HEIGHT LIMIT WITHIN SETBACKS ADJOINING PUBLIC STREETS, WITH TENTATIVE TRACT MAP TTM18164 TO CONSOLIDATE THE

UNDERLYING LEGAL LOTS AT 34344 GREEN LANTERN

RECOMMENDATION: That the Planning Commission adopt the attached draft resolution

approving Tentative Tract Map TTM18164, Coastal Development Permit CDP16-0005, Conditional Use Permit CUP18-0008, and Site Development Permit SDP18-0016 (Action Document 1).

OWNER:

Harbor Bluff Corp.

APPLICANT:

Joe Lancor, AIA

REQUEST:

A request to demolish an existing restaurant and construct a new 100-room resort hotel, with a restaurant, café, spa, and associated parking facilities, with requests for alternatives to off-street parking regulations, for architectural features to exceed the district building height limit, and for walls to exceed the 3.5 foot height limit within setbacks adjoining public streets, and a tentative tract map to consolidate the underlying legal lots

comprising the subject property.

LOCATION:

34344 Green Lantern (APN: 672-232-06)

NOTICE:

Public Hearing notices were mailed to property owners within 500 feet, and to occupants within 100 feet of the site on May 31, 2018. The same notice was published in the Dana Point News on May 31, 2018, and notices were posted on May 31, 2018, at Dana

Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15332 (Class 32 – Infill Development Projects) California Code of Regulations. Section 32 of the CEQA Guidelines stipulates that projects that are consistent with the applicable general plan and zoning regulations, and that are less than five acres and substantially surrounded by urban uses with no habitat value, and would result in no significant effects relating to traffic, noise, air or water quality and can be served by all required utilities and public services are categorically exempt from CEQA.

ISSUES:

- 1. Is the proposal consistent with the City's adopted Dana Point Specific Plan/Local Coastal Program?
- 2. Is the proposal compatible with and an enhancement to the surrounding neighborhood and City?
- 3. Does the project satisfy all the findings required for approving a Tentative Tract Map, Coastal Development Permit, Conditional Use Permit, and Site Development Permit?

BACKGROUND: The subject site is a 40,189 square foot coastal bluff lot that was developed in 1972 with a three-story restaurant totaling approximately 10,400 square feet, with associated exterior improvements including a bluff-side dining deck, and a 78-stall surface parking lot (Supporting Documents 2 & 3). The site is bordered by the Blue Lantern Inn to the east and across Green Lantern to the west are multi-family development and the City owned, Hilltop Park. To the north across Santa Clara Avenue is a retail commercial center, and to the south are an Orange County owned and maintained coastal bluff.

The site is located within the Coastal Development District of the Dana Point Specific Plan (DPSP)/Local Coastal Program (LCP), which remains as the applicable local coastal program for properties directly above the OC Dana Point Harbor. The site is designated as Coastal Visitor Commercial District (C-VC) on the Coastal Land Use Regulations Map (Figure 13) of the DPSP/LCP, lies within the appeals area of the Coastal Development District of the DPSP/LCP, and is designated Tourist Recreational/Commercial on the Land Use Element figure (Figure 10) of the Land Use Plan/Implementing Actions Program of the LCP portion of the DPSP.

The County of Orange originally entitled the existing structure in November of 1970 via Use Variance Permit UV-6539, authorizing the three-story restaurant, freestanding sign, and

front setback variance. In November of 1978, the County approved UP78-78P, authorizing a 196 square foot addition to the building and an off-street parking modification. No other entitlements or additions to the site have been granted.

<u>DISCUSSION:</u> Due to the site's location within the boundaries of the DPSP, on a coastal bluff, and in the appeals jurisdiction of the California Coastal Commission, a Coastal Development Permit (CDP) is required for the project.

In accordance with Implementing Actions Program (Chapter III (B)(2)(b)) of the DPSP/LCP, the Orange County Zoning Code (OCZC) is auxiliary to the DPSP, and for any item or issue not included in the DPSP land use regulations, the OCZC shall apply. Consequently, standards for off-street parking, fences, walls, projections into required building setbacks and above zoning district height limits are derived from the OCZC that was effective upon City incorporation in 1989. Based on the project's design and OCZC standards, a Conditional Use Permit is necessary both for architectural features to exceed the C-VC District height limit, and for alternatives to off-street parking regulations, while a Site Development Permit is necessary for proposed walls exceeding 3.5 feet with setbacks adjoining public streets.

A Tentative Tract Map is also requested to consolidate five underlying legal lots that comprise the larger site to allow construction of the proposed hotel.

COASTAL DEVELOPMENT PERMIT:

The applicant's proposal calls for the redevelopment of the site including demolition of the existing Cannons restaurant and hardscape improvements in the parking lot and the ten (10) foot wide panhandle portion of the lot extending to Blue Lantern.

<u>DPSP/LCP Uses & Development Standards</u>: In accordance with the C-VC District of the DPSP, hotels are identified as a principal permitted use, as are the accessory restaurants as part of the project. The proposed accessory spa is considered a Retail and service businesses associated with the needs of visitors and tourists, pursuant to Section i) under the "Other Permitted Uses" section of the C-VC District.

The applicant proposes a new building featuring the following uses and parking areas listed in Table 1 below (Supporting Document 4):

Table 1: Proposed Uses & Parking Levels

Level	Rooms	Restaurant	Café	Spa	Parking stalls
Parking Level P0 ⁽¹⁾	N/A	N/A	N/A	N/A	16
1 st Hotel - P1 ⁽¹⁾	11	1,674 ⁽⁴⁾ s.f.	1,344 s.f.	N/A	60
2 nd Hotel - P2 ⁽²⁾ /P3 ⁽¹⁾	16	N/A	N/A	N/A	P2 - 46/ P3 - 18
3 rd Hotel/Entry – P4 ⁽³⁾	25	N/A	N/A	892 s.f.	25
4 th Hotel	29	N/A	N/A	N/A	N/A
5 th Hotel	19				
Totals	100	1,674 s.f.	1,344 s.f.	892 s.f.	165

- (1) Subterranean parking
- (2) Partially subterranean parking
- (3) Partially covered parking
- (4) 1,290 sf inside dining/384 sf outdoor dining

The C-VC District also establishes site development standards including building regulations related to setbacks, height, and landscape coverage. Table 2 below summarizes the development standards of the C-VC District:

Table 2: C-VC District Site Development Standards

Development Standard	C-VC	Proposed
Minimum Site Size	No limit	40,189 sq. ft.
Minimum Site Width	No limit	124.99 ft. N/A
Building Height	35 ft.	35 ft.
Number of Stories	No limit	5/6 N/A
Building Site Coverage	No requirement	63%
Building Setbacks		
Front	20	20
Side	10	10
Rear	10	N/A
Bluff Edge	Determined by City via Chapter III (C)(18)(b)	25 ft.
Landscape Screening Minimum	50% of Front SB	70% of Front SB

As the Table 2 identifies and the architectural site plan illustrates, the proposed structure complies with all required development standards. The proposed site design complies with all mandated setbacks and landscape coverage/screening requirements. The building is setback from the coastal bluff edge (see geotechnical discussion below on Page 7) as determined by the City and based on the geotechnical reports submitted to

the City for the project. As noted above the building is setback 25 feet from the defined coastal bluff edge. Within this bluff edge setback, and as required by Provision No. 29 of the General Provisions of the DPSP/LCP, the applicant has accounted for irrevocable offer to dedicate a ten-foot bluff top trail easement.

Encroachments into setbacks for roof eaves, balconies, decks and architectural features are permitted in accordance with the OCZC. The proposed structure includes all of these features and they meet percentages and distances specified by the OCZC.

A conceptual landscape plan has been submitted identifying planter areas around the perimeter of the hotel structure adjacent to Green Lantern, Santa Clare Avenue and the adjacent parking lot serving the Blue Lantern Inn (Supporting Document 4). Additional planters are proposed around the southern, bluff side portion of the hotel. The applicant is proposing to preserve existing trees near the location where the property line adjacent to Green Lantern bends to the southwest. Vegetated roofs are proposed on the flat roof elements that will tie into the self-contained rainwater harvesting and drainage system proposed for the project.

<u>Building Height</u>: The 35-foot building height limit is measured in accordance with OCZC Section 7-9-129.1(a) for lots with an average grade of more than ten (10) percent in the front 50 feet of a building site. This Section describes building height as the "vertical distance above an inclined slope to the top of the structure", with the inclined slope established by enclosing the structure with an imaginary line five (5) feet outside the perimeter of the structure and assuming all ground area closer than the five (5) feet is flat. This method essentially creates a height envelope that the building cannot penetrate.

Height analysis of the proposed building in accordance with this measurement method is illustrated through several building sections included in both the architectural and preliminary grading plan sets (Supporting Document 4). The sections illustrate that with the exception of areas of the pitched mechanical roof screening elements (see discussion under Conditional Use Permit section), the proposed structure complies with the height restrictions of the OCZC.

Although there is no story limitation for buildings identified in either C-VC District or in the OCZC for the measurement of building height, the building design includes five separate stories of habitable guest rooms. However, there is no potion of the structure with more than three habitable stories stacked on top each other. The two-dimensional architectural elevations for the building may appear to illustrate more than three stacked stories, but the architectural renderings for the project illustrate this three story maximum (Supporting Document 5).

<u>Architecture:</u> The architecture of the proposed structure is reminiscent of no particular style. In reviewing the finished architecture of the proposed building, staff worked with the applicant to include finish materials evoking a lighter, Southern California beach feel

to the building. Consistent with that direction, the applicant has included lighter colored paint and stones for exterior finishes. The finish on the upper guest room levels is stucco. Walls at the base of the structure with exposure to the streets are finished with a light colored, rough, coral stone suggestive of solid foundational elements of the building, and providing relief from the smoother appearing stucco finished above. Non-structural, ornamental columns are included around the exterior of the building that also include a coral stone with both rough and honed (smooth) finishes.

The mass of the building is broken down through the use of large sliding door openings from the guest rooms that open onto exterior balconies. These balconies also provide horizontal relief from the vertical planes of the building. Hardwood railings and dark bronze finish pickets surrounding the decks are predominately open and the darker finishes provide contrast to the lighter stucco and coral stone colors. Wooden louvers are utilized around perimeter of parking areas with exposure to the streets or adjacent property. The louvers provide some screening to the parking areas while still evoking a light and opens that a solid screen could not convey.

Although large portions of the roof are flat, there are several pitched roof elements. These pitched roof elements are proposed to be standing seam roofs with the finish appearance of natural patina copper or bronze. Cedar fascias and soffits are proposed around the pitched roof elements. As mentioned, most of the flat portions of the roof will be outfitted with vegetated roofs. The project is conditioned requiring all finishes to be reviewed and approved by Community Development prior to issuance of the building permits.

<u>Off-Street Parking/Vehicular Access:</u> The number of off-street parking for the proposed hotel and accessory uses is derived from Section 7-9-145.6 of the. A minimum of one (1) parking for each guest unit is required for motels and hotels. Additional parking is required for the accessory restaurant, café, and spa uses. Table 3 below summarizes the off-street parking demand based on the Table 1 above and OCZC requirements:

Table 3: OCZC Section 7-9-145.6 - Off-street Parking Requirements

Use	Minimum Parking Stalls Required	Stalls Required
(24) Motels and hotels	1 for each guest unit, plus additional parking as required for accessory uses.	100 stalls
(16) Health studios and spas. (accessory use)	1 for each 150 sq. ft. of gross floor area (GFA).	6 stalls
(28) Restaurants, drive-ins, cafes, or other	outdoor serving areas) up to	13 stalls (restaurant)
establishments for the sale and consumption on the premises of food and beverages. (accessory use)		4 stalls (outdoor dining)
		13 stalls (café)
	Total parking stalls required	130

As noted in Table 1 on Page 4, a total of 165 parking stalls are proposed throughout all parking levels: 29 parking stalls above the minimum number required by the OCZC. Three (3) additional stalls designated for hotel employees can be accessed from the panhandle portion of the lot via Blue Lantern.

Access to the site is proposed from both Santa Clara Avenue and Green Lantern. The Santa Clara Avenue ingress/egress point also allows access to the two loading stalls and to the on-site commercial solid waste and recycling structure located on parking level P2. This parking level provides 14 feet of vehicular clearance to the loading stalls and to allow the City's solid waste franchisee to pick up the solid waste and recycling bins. The Santa Clara Avenue ingress/egress point provides access to parking levels P0 through P3, that provide 140 of the 165 total parking stalls.

The Green Lantern frontage provides one-way ingress and egress points to the main entry/lobby level of the hotel. Twenty-five (25) parking stalls are provided on the P4 parking level. According to the applicant this self-contained parking facility will serve as the main check-in area for guests arriving at the hotel, and for non-guest patrons to the restaurants. Staff has included a condition of approval requiring that a parking management program be prepared and submitted for review and approval to both Community Development and Public Works & Engineering Departments prior to issuance of a certificate of use and occupancy for the building.

<u>Geotechnical/Drainage:</u> The subject site was affected by a slope failure within fractured bedrock along the Dana Cove fault in 1980. Work to repair the upper portion of the failure

began in September of 1983 and was completed in 1985. The County of Orange owns the bluff face below the subject site and continues to monitor and maintain the bluff stabilization structures, including elements running under the subject site.

In accordance with Provision No. 18 of the General Provisions of the DPSP/LCP, the applicant has submitted a geotechnical report and responses to comments generated by City staff during review of the proposed development. The geotechnical report establish the coastal bluff edge and assess 50 years bluff erosion therefrom. The geotechnical report also assess site stability and provides foundation recommendations for proposed structures.

The bluff edge setback was determined with consideration given to the requirement for the bluff trail offer of easement, as well as site geology. A 25-foot setback was established to account for these considerations as well as 50 years of forecast erosion. Appropriate factors of safety relative to bluff stability occur immediately landward of the bluff stabilization structures for the southeast facing and most southern portion of the bluff. The City's staff geologist has reviewed the geochemical reports and approved them with condition outlined in the draft resolution for the project.

The County of Orange has been forwarded the project plans and geotechnical reports and has requested that City require the applicant to submit engineered plans, along with documentation to the County confirming that the proposed development will not interfere with structures and tie backs nor compromise the stability of the slope prior to issuance of any permit. A condition addressing the County's request is included in the attached draft resolution.

Site drainage will be diverted from the bluff with a subsurface drainage system directed to bluff side sump pumps and then to a 23,000 gallon rainwater harvesting tank that is part of the water quality system for the proposed development. The aforementioned green roofs also connect to and are part of the rain harvesting tank and a self-contained drainage, irrigation, and water quality system. Any runoff that may be created by significant storm events (above the 25-year storm event design level) would be diverted off site through the panhandle portion of the lot and to storm drain facilities on Blue Lantern. A preliminary water quality management plan has been prepared and reviewed by City staff.

Previous development of the site resulted in grading of areas within the 25-foot bluff edge setback that created the existing terraced dining patio that continues around the bluff side of the existing restaurant, as well as a stairway that connects the dining patio to Green Lantern. Consequently, the natural bluff within the setback area no longer exists. The proposal includes resurfacing of the lower deck areas of the site and minor re-grading within the bluff setback to create additional deck levels above the lower deck adjacent to the costal bluff edge. Retaining walls (as high as four feet exposed) are proposed to address the vertical displacement between tiered higher decks and the lowest deck at the

coastal bluff edge.

Visitor Serving Facilities: Section 30213 of the Coastal Act, requires permitted development to protect, encourage and, where feasible, provide lower cost visitor and recreational facilities and serves as the basis for the Coastal Commission requiring affordable overnight accommodations/mitigation as a component of hotel development within the Coastal Zone. Unfortunately, the Coastal Act provides little to no guidance with regard to satisfying this Section of the Coastal Act. The best source of information relative to this topic is derived from a local jurisdiction's Local Coastal Program (LCP) and two workshops led by Coastal Commission staff in 2014 and 2016. City staff have carefully reviewed the staff reports from both workshops and concluded there is no prescribed method or adopted policy with regard to determining how to satisfy affordable overnight accommodations requirements. In fact in some cases of the State, particularly in the north, hotel projects have been approved without requiring any affordable overnight accommodations/mitigation as the Commission determined adequate lower cost visitor and recreational facilities already existed in the vicinity. Staff have also reviewed the DPSP hich serves as the LCP implementing the Coastal Act in this area of the City and determined that there are no established polices or regulations requiring or encouraging affordable overnight accommodations/mitigation for hotel/lodging project within the DPSP. The project as proposed complies with all DPSP Visitor and Recreational Facilities polices in that the proposed hotel and restaurant are encouraged visitor serving uses within the DPSP and will contribute further to the wide mix of visitor and recreational facilities in the project vicinity. Additional visitor serving facilities include designating six (6) of the additional parking stalls for visitor use and repurposing the existing trash enclosure structure adjacent to the southernmost portion of the site.

City staff also surveyed the existing area and found there are a number of affordable overnight accommodations options within the City and immediate surrounding area. Table 4 on the following page lists the existing affordable overnight accommodations within proximity of the project site.

Table 4: Existing Affordable Overnight Accommodations

Facility/Address	Type of Lower Cost Visitor and Recreational Facility	Number of Rooms/Spaces/Beds	
Doheny State Beach	Campground and State Beach	120 Campground Spaces	
Crystal Cove	State facility (cottages, underwritten by in-lieu fees of Ritz Carlton Dana Point)	24 Cottages (118 people)	
Dana Point Marina Inn	Lower Cost Hotel	136 Rooms	
Wave Hotel	Hostel (locally approved)	52 beds	
Sea Side Inn	Lower Cost Hotel (Under Renovation)	28 Rooms	
San Clemente State Beach	Campground and State Beach	151 Campground Spaces	
San Mateo Campground at San Onofre State Beach	Campground and State Park	150 Campground Spaces	
Crystal Cove Moro Campground	Campground and State Park	58 Campground Spaces	
Rodeway Inn, San Clemente	Lower Cost Hotel	43 Rooms	
Travelodge San Clemente	Lower Cost Hotel	24 Rooms	
America's Best Value Inn, San Clemente	Lower Cost Hotel	31 Rooms	
San Clemente Inn	Lower Cost Hotel	96 Rooms	
San Clemente's Little Inn	Lower Cost Hotel	18 Rooms	
San Clemente Motor Lodge	Lower Cost Hotel	15 Rooms	
TOTALS		479 Campground Spaces 24 Cottages (118 people) 52 Hostel beds 393 Rooms	

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 required findings are articulated in the attached draft Resolution identified as Action Document 1.

CONDITIONAL USE PERMIT:

Pursuant to the requirements of the OCZC Sections 7-9-145.7 (Alternatives to off-street parking regulations) and 7-9-129.3 (Architectural features), a Conditional Use Permit is required for any alternate provisions to the off-street parking regulations, and for architectural features to exceed the C-VC District height limit.

Parking Stall/Aisle Grades:

Pursuant to Section OCZC Section 7-9-145.2(e)(4) off-street parking spaces and the abutting parking aisles shall have a maximum grade of two (2) percent for retail commercial uses. The increased grade percentages for the parking aisles and across the parking spaces are necessary to ensure that the spiral within the parking levels accessed from Santa Clara Avenue work given the aisle lengths of the lower parking structure. The City's Public Works and Engineering Department has reviewed the parking structure parking space and aisle grades and determined that as proposed, would not create unsafe conditions.

Granting of the Conditional Use Permit for alternatives to the off-street parking regulations

may be approved provided following findings can be made:

- (1) Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property; and
- (2) The proposed off-street parking facilities comply with the intent of these regulations as specified by section 7-9-145.1.

<u>Architectural Features</u>: Portions of the proposed pitched roof elements encroach above the 35-foot building height limit mandated by the C-VC District. These pitched roof elements have been described as hats by the project applicant/architect, in that they are functionally serving as mechanical screening for the proposed heating, ventilation, and air conditioning (HVAC) units to be utilized for the structure. The HVAC equipment will be placed atop the roof since limited space is available within the parking levels and there is no significant storage areas or back of house space within the hotel and restaurant portions of the building respectively.

Section 7-9-129.3 of the OCZC allows architectural features not for sleeping or eating quarters or for any commercial purpose to exceed the district building height limit by ten (10) feet subject to a use permit. The use of the pitched roof elements to serve as mechanical screening provides functionality while also contributing to the architecture of the building. Given that the total area and amount by which the pitched roof elements exceed the height limit is relatively small, findings supporting these architectural features to exceed the building height limit can be made and are included in the attached draft resolution for the project.

SITE DEVELOPMENT PERMIT:

Section 7-9-137.5(b)(1) of the OCZC limits the height of walls within the required 20-foot front yard setback that adjoins a public street to a maximum height of three and one-half (3½') feet. The OCZC also allows exceptions to the fence and wall height provisions, subject to the approval of a Site Development Permit, pursuant to Section 7-9-137.5(f).

A portion of the wall starting at the northeast corner of the lot and extending southward and adjacent to the eastern property line is proposed to a height of six (6) feet within the front yard setback. The six (6) foot exposed wall height will face the Blue Lantern Inn parking lot, and is part of a permanent shoring supporting the parking level below this area of the site. The adjacent grade on the Blue Lantern Inn parking lot is approximately five and one-half feet lower than the existing grade of the subject site near this northeast corner. The Santa Clara Avenue ingress/egress point is near this corner and the wall is necessary to create the appropriate grades to enter the parking structure and to account for the vertical change in grade between the two properties. The wall also provides shoring for parking level P1 below the P2 parking level so that improvements on the Blue Lantern Inn parking lot are

maintained.

The wall is proposed to the same coral stone finish facing the Blue Lantern Inn parking lot as is proposed for the building and the other perimeter walls on the site. Due to the vertical displacement in grades between the subject and adjacent properties, and coupled with the use of decorative stone, the increased wall height in the front yard setback is both appropriate and warranted. Therefore, both the standard findings required to approve site development permits as well as the additional findings required by Section 7-9-137.5(f) of the OCZC and copied below can be made.

- (1) The height and location of the fence or walls as proposed will not result in or create a traffic hazard.
- (2) The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

TENTATIVE TRACT MAP:

Inspection of the topographic survey prepared for the site and a review of the legal description of the larger parcel reveal that lots or portions of lots remaining from Tract No. 573 recorded by the County of Orange in 1924, still exist within the property. The five (5) underlying lots or portions thereof must be consolidated to allow the proposed project due to requirements from the City's' Subdivision Code and adopted building codes (Supporting Document 6).

Any existing easements affecting the underlying lots that will be vacated, or in favor of any new easements required by the City or any public utility shall be identified on the final map and be reviewed by the City prior to final tract map recordation. Conditions related to the vacation or creation of easements and processing of the final tract map area included in the attached draft resolution.

CONCLUSION:

Based on the above analysis, Staff determines that the required findings can be made and recommends that the Planning Commission adopt the draft resolution approving Coastal Development Permit CDP16-0005, Conditional Use Permit CUP18-0008, and Site Development Permit SDP18-0016 allowing demolition of an existing building and the construction of a hotel, accessory uses and associated improvements on a coastal bluff lot, and Tentative Tract Map TTM18164 to consolidate underlying legal lots within the property's boundaries.

Kurth B. Nelson III Principal Planner Ursula Luna-Reynosa Director of Community Development

ACTION DOCUMENT:

1. Draft Planning Commission Resolution 18-06-11-XX

SUPPORTING DOCUMENTS:

- 2. Vicinity Map
- 3. Site Photos
- 4. Submitted Plans
- 5. Architectural Renderings
- 6. Tentative Tract Map

RESOLUTION NO. 18-06-11-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP16-0005 TO DEMOLISH AN EXISTING RESTAURANT AND CONSTRUCT A NEW 100-ROOM RESORT HOTEL. RESTAURANT, CAFÉ, SPA, AND **ASSOCIATED** PARKING. CONDITIONAL USE PERMIT CUP18 0008 FOR ALTERNATIVES TO THE DESIGN OF OFF-STREET PARKING REGULATIONS AND FOR ARCHITECTURAL FEATURES TO EXCEED THE DISTRICT BUILDING HEIGHT LIMIT, AND SITE DEVELOPMENT PERMIT SDP18-0016 FOR WALLS TO EXCEED THE 3.5 FOOT HEIGHT LIMIT WITHIN SETBACKS ADJOINING PUBLIC STREETS, WITH TENTATIVE TRACT MAP TTM 18164 TO CONSOLIDATE THE UNDERLYING LEGAL LOTS AT 34344 **GREEN LANTERN**

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

WHEREAS, Harbor Bluff Corp. (the "Owner"), owns the real property commonly referred to as 34344 Green Lantern (APN: 672-232-06) (the "Property"); and

WHEREAS, the Owners authorized Joe Lancor, AIA (the "Applicant") and the Applicant caused to be filed a verified application for a Coastal Development Permit, to demolish an existing restaurant and construct a new 100-room resort hotel, with a restaurant, café, spa, and associated parking facilities, with Conditional Use Permit requests for alternatives to off-street parking regulations and for architectural features to exceed the district building height limit, and a Site Development Permit for walls to exceed the 3.5 foot height limit within setbacks adjoining public streets, and a Tentative Tract Map to consolidate the underlying legal lots comprising the subject property; and

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

WHEREAS, the Planning Commission did, on the11th day of June, 2018, hold a duly noticed public hearing as prescribed by law to consider said request; 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, 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 Tentative Tract Map TTM 18164, Coastal Development Permit CDP16-0005, Conditional Use Permit CUP18-0008, and Site Development Permit SDP18-0016.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of

the City of Dana Point as follows;

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

Findings:

- B) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Vesting Tentative Tract Map TTM 18164, subject to conditions
 - 1) That the proposed map is consistent with the City's General Plan in that the consolidation of the underlying lots allows the site to be developed with a hotel and restaurants which are encouraged visitor serving uses within the boundaries of the Dana Point Specific Plan (DPSP) which is the current Land Use Plan for the subject site.
 - 2) That the design and improvement of the proposed subdivision is consistent with the City's General Plan in that the subdivision action is simply consolidating the assembled parcels of an underlying larger lot identified by Orange County Assessor (Assessor's Parcel Number 672-232-06), and the resulting single, large lot is consistent with DPSP which is the operational Land Use Plan governing the lot.
 - 3) That the site is physically suitable for the proposed type of development in that it is of a reasonable shape, size, and topography to accommodate the proposed hotel restaurant, and spa uses and the on-site parking facilities consistent with the requirements of the DPSP.
 - 4) That the requirements of the California Environmental Quality Act have been satisfied in that the project is Categorically Exempt pursuant to Section 15332 of the California Code of Regulations (Class 32 In-Fill Development Projects).
 - That the site is physically suitable for the proposed density of development in that the Coastal Visitor Commercial (C-VC) District of the DPSP in which the subject site is located, does not prescribe a lot coverage or floor area ratio standard and the proposed structure complies with all other development standards of the (C-VC) District.

- 6) That the design of the subdivision and the proposed likely improvements are not to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife habitat in that the design of the subdivision is not changing the perimeter boundaries of the existing parcel nor there are any infrastructure improvements (i.e. streets, traffic lights, etc.) associated with consolidating the underlying lots, and therefore the subdivision action is not likely to cause environmental damage or injury to fish or wildlife habitat to merge the five parcels.
- 7) That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems in that the proposed subdivision is being processed to consolidate five underlying parcels that comprise the larger parcel (APN: 672-232-06) and merging the lots will not cause public health problems.
- 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 in that no easements of record exist or have been established by court judgment or acquired by the public at large for access through or use of property within the proposed subdivision.
- 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 in that the proposed uses and the structure to house the uses associated with the subdivision are designed in conformance with the C-VC Zoning District development regulations applicable to the site.
- That the subdivision is not located in a fee area, or if located in a fee area, the subdivider has met the requirements or 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 in that all

applicable fees will be collected prior to recordation of the final map and/or prior to issuance of permits and/or certificates of use and occupancy for improvement associated with the development.

- 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 in that the site are already fully developed and serviced by the utility purveyors and conditions for the project are included to ensure coordination with utility purveyors for any upgrades needed to existing services.
- C) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP16-0005, subject to conditions:
 - 1) That the proposed development is in conformity with the certified Local Coastal Program (LCP) as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 California Code of Regulations/13096) in that, the proposed project is designed in conformance with the requirements of the (C-VC) District of the DPSP/LCP and will implement requirements contained therein related to bluff top trail offer of dedication, visitor serving facilities and access to the amenities afforded by the site.
 - That the proposed development is located between the nearest public roadway and the sea or shoreline of any body of water, is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act in that the proposed development requires and is conditioned to make an Irrevocable Offer to Dedicate an easement for creation of and connection to the bluff-top trail in accordance with the DPSP/LCP.
 - 3) That the proposed development conforms with Public Resources Code Section 21000 (the California Environmental Quality Act) in that the project is Categorically Exempt per Section 15332 of the California Code of Regulations (Class 32 In-Fill Development Projects). Section 32 of the CEQA Guidelines stipulates that projects that are

consistent with the applicable general plan and zoning regulations, and that are less than five acres and substantially surrounded by urban uses with no habitat value, and would result in no significant effects relating to traffic, noise, air or water quality and can be served by all required utilities and public services are categorically exempt from CEQA

- That the proposed development will be sited and designed to 4) 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 although the site sits above a coastal bluff, the site neither contains nor is located adjacent to any parks (Green Lantern buffers the site from Hilltop Park) or recreation area containing environmentally sensitive habitats and therefore no buffer area is required. Additionally, the redevelopment of the site will result in building mass being pushed further away from the southernmost portion of the lot that is adjacent to a primary view point identified on Figure 3 of the Land Use Plan/Implementing Actions Program of the DPSP/LCP resulting in expanded views of the OC Dana Point Harbor and the Pacific Ocean Coastline.
- That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards in that the site is fully developed and the natural landform was significantly altered as part of that development that predates the advent of the Coastal Act. The geotechnical reports prepared for the proposed development address site specific geology and the effect of the bluff stabilization measures below the site and risks related The segment of the bluff above the bluff thereto. stabilization measures has higher than the industry standard stability while a caisson and tieback system is proposed to improve the stability and reduce risks from geologic forces. A comprehensive and self-contained drainage and rain harvesting system is proposed to divert water away from the coastal bluff and lessen risks from erosional forces, and the project has been reviewed and conditionally approved by the Orange County Fire

Authority thereby reducing risks from fire hazards.

- That the proposed development will be 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 development will replace a 45-plus year old structure with a new hotel structure utilizing modern, high quality materials and architecture that will be compatible with the character of the surrounding area.
- That the proposed development will conform with the General 7) Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs in that, the subject project has been reviewed by the Planning and Building/Safety Division staffs, and the City's Public Works & Engineering Department, and conforms with the applicable policies and requirements of the DPSP/LCP and the auxiliary Orange County Zoning Code (OCZC), does not require any variances, and provides a hotel/lodging use consistent the primary the visitor serving uses identified by Recreational/Commercial land use category, and as a principal permitted use in the C-VC District.
- D) Based on the evidence presented at the public hearing, the City Council adopts the following findings and approves Conditional Use Permit CUP18-0008 to allow alternatives to off-street parking regulations and architectural features to exceed the district building height limit, subject to conditions:
 - 1) That the proposed conditional use is consistent with the General Plan, ...

Alternatives to Off-street Parking Regulations

in that the DPSP/LCP is the governing Land Use Plan for the site and the OCZC is auxiliary thereto and used for the design off-street parking regulations requiring a maximum two (2) percent grade for parking spaces and adjoining parking aisles. The project proposes cross parking space and parking aisle grades as high as three and six (6) percent respectively at various parking levels of the structure. The nominal design increase in these maximum grades has been reviewed and deemed acceptable by the City's Public Works & Engineering Department and is allowed pursuant to Section 7-9-145.7 of the OCZC and alternatives to off-street parking regulations and is therefore consistent the General Plan.

Architectural Features

in that similar to the analysis for alternatives to off-street parking regulations, Section 7-9-129.3 of the OCZC allows architectural features to exceed the district building height limit by ten (10) feet. The proposed project includes pitched roof elements that will exceed the 35-foot height within the ten (10 foot) limit and the request is therefore consistent the General Plan.

2) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures ...

Alternatives to Off-street Parking Regulations

in that the proposed alternative off-street parking regulation sought is related to parking space cross grades and parking aisle grades predominately located within the subterranean parking levels of the structure and imperceptible to the eye and will in no way adversely effect or be detrimental to adjacent uses or structures.

Architectural Features

in that most of the adjacent uses and structures were developed using some version of the OCZC and/or the DPSP utilizing similar or identical development standards to those used for the subject application, with the only developed property sharing a common property line with the subject property utilizing the same provision of the OCZC to allow architectural projections above the district height limit. Given the nature and condition of adjacent/surrounding buildings that utilized similar development standards, the request to allow architectural features to exceed the district height limit by less than prescribed in OCZC Section 7-9-129.3 will

not adversely effect or be detrimental to adjacent uses.

3) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity ...

Alternatives to Off-street Parking Regulations

in that the OCZC allows alternatives to off-street parking regulations to allow slightly steeper grades across parking spaces and for parking aisles and the site is large enough to accommodate all the other development standards of the C-VC District or applicable sections of the OCZC including off-street parking.

Architectural Features

in that the request is to allow an architectural feature to exceed the C-VC District height limit, and the subject site is adequate is size and shape to accommodate all other development standards required by the C-VC District or applicable sections of the OCZC.

Alternatives to Off-street Parking Regulations Additional OCZC Findings

- Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property in that the minor increase in the parking space cross grades and parking aisle grades for the retail commercial uses are nearly identical to the three and five percent grade maximums permitted for all other uses and the requirement is excessive provided that the commercial hotel does include ancillary restaurants that would otherwise be able to utilize the steeper grades allowed by the OCZC and have been deemed acceptable by the City's Public Works & Engineering Department.
- 5) The proposed off-street parking facilities comply with the intent of these regulations as specified by section 7-9-145.1

in that steeper parking space cross grades and parking aisle grades nearly identical to those designed for the project are already allowed by the OCZC parking regulations. Additionally, Section 7-9-145.1 states in part that "the parking and maneuvering facilities required by this section should not be used as a fixed standard to determine the amount of off-street parking". This purpose and intent section of the OCZC serves as a preamble to the remaining off-street parking sections and the minor increase in parking grades will result in parking facilities with more than sufficient capacity to provide parking of motor vehicles on the site rather than on public streets the design meets intent of Section 7-9-145.1.

- E) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Site Development Permit SDP18-0016, subject to conditions::
 - That the site design is in compliance with the development 1) standards of the Dana Point Zoning Code in that the OCZC supplements the DPSP/LCP for standards not included Section 7-9-137.5(f) of the OCZC permits modifications to three and one-half foot height limit (3½') for walls located in required front setback bordering a The site design complies with the OCZC development standards, but due to a five and one-half (5½') foot change in grade at the northeast corner of the lot, the need to create safe access from Santa Clara Avenue, provide shoring for below grade parking levels, and to maintain improvements on the adjacent lot, the two and one-half foot (2½') wall height increase is necessary and appropriate given the physical change in grade between the sites.
 - That the site is suitable for the proposed use and development in that the site is large enough accommodate the proposed hotel and accessory uses and the overall development but due to a vertical change in grade between the subject and adjacent properties a modification to the 3½ maximum wall height allowed in front yard setbacks is requested to a height of six (6) feet pursuant to OCZC Section 7-9-137.5(f).

- That the project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines in that wall heights are mandated by the OCZC that supplements the DPSP/LCP which is the governing Land Use Plan for the site. OCZC Section 7-9-137.5(f) permits modifications to fence and wall heights mandated by OCZC Section 7-9-137.5 and the increased wall height complies with applicable sections of the DPSP/LCP and the OCZC in conjunction with the required findings.
- 4) That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture in that the proposed siting and structural design for the wall proposed with a 2½ increase in height is appropriate for the site given the 5½ grade change between the subject and adjacent properties, and although it does not require a particular style of architecture, the portions visible to adjacent properties or public rights-of-way will be finished with stone complementing the stone materials of the proposed building.

OCZC Section 7-9-137.5(f) Modifications permitted Additional Findings

- The height and location of the fence or walls as proposed will not result in or create a traffic hazard in that the top of the wall necessitating the increase in wall height is less that one (1) foot higher than the nearest finish surface of the Santa Clara Avenue ingress/egress point to the lower parking levels and will not create a traffic hazard wither on or off-site.
- The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity in that the proposed to six (6) foot high wall in the front yard setback commencing at the property's northeast corner and extending south along the east property line faces the parking lot serving the Blue Lantern Inn will be finished with decorative stone matching that of proposed building and enhancing the appearance so as to not create

conditions that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

Conditions:

A. <u>General</u>:

- 1. Approval of this application is to allow the demolition of an existing restaurant and the construction of a new 100-room resort hotel, with a restaurant, café, spa, and associated parking facilities and site improvements. The project also allows alternatives to the design of off-street parking regulations, architectural features to exceed the district building height limit, walls to exceed the 3.5 foot height limit within setbacks adjoining public streets, and a tentative tract map to consolidate the underlying legal lots comprising the subject property 34344 Green Lantern (APN: 672-232-06). 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, the Dana Point Specific Plan (DPSP)/Local Coastal Program (LCP) and the Dana Point Subdivision Code.
- 2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved and such work is not commenced within such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable, grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions and in accordance with the appropriate sections of the Orange County Zoning Code and the Dana Point Subdivision Code.
- 3. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. 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 plans, the Director may approve the amendment without requiring a new public hearing.

- 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. 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.

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its offers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney'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.

- 6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
- 7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
- 8. The project shall comply with all General Provisions of the

DPSP/LCP.

- 9. After issuance of a certificate of use and occupancy for the building, deliveries to the site shall only occur between the hours of 7 a.m. to 8 p.m. Delivery trucks adjacent to the noise
- 10. The applicant, owner, or any successor in interest shall provide and install signs designating six (6) parking spaces within the parking levels of the structure providing adequate parking for visitor serving facilities, bluff top trail, and the primary view point identified on Figure 3 of the Land Use Plan/Implementing Actions Program of the DPSP/LCP and adjacent to the site. The six (6) parking spaces shall be available for the life of the project and shall be open to the public during hours agreed upon by the applicant, owner, or any successor in interest and the City, but at a minimum from sunrise to sunset daily.
- 11. The existing, City owned, trash facility used by the current restaurant shall be repurposed by the applicant as a visitor serving facility. Separate plans and any necessary entitlements shall be processed prior to issuance of certificate of use and occupancy for the structure approved as part of CDP16-0005.
- 12. All parking spaces illustrated on the parking structure plans shall be striped and accessible at all times for use as parking spaces only. No storage areas shall be located within the parking structure other than those areas illustrated and identified on the approved plans. All resort/hotel employees shall park on-site at all times, at no charge to the employees.
- 13. No outdoor storage is allowed on-site. Any accessory storage shed, canopy or any other proposed structure must be reviewed and approved by the Community Development Department and in accordance with the provisions of the adopted Local Coastal Program.
- 14. After issuance of building permits and prior to issuance of a certificate of use and occupancy, a mock-up of the proposed building finishes shall be erected on site. Finish materials including variations to the proposed patina copper roof. The mock up shall be reviewed and approved by the Community Development Department prior to installation of finish materials on the structure.
- 15. The project as proposed contains no meeting or conference areas

and parking demand is based on the hotel, restaurant, and spa uses associated with this application. Temporary uses or any special event on the project site shall be submitted for review approval to the City prior to conducting any type of activity other than the approved hotel, restaurant, and spa uses. Any special event permit shall be processed in accordance with the Dana Point Specific Plan, and shall include provisions addressing additional parking demand, noise, light, and glare, and hours of operation.

- 16. The applicant shall submit engineered plans, along with documentation confirming that the proposed development will not interfere with structures and tie backs nor compromise the stability of the slope owned and maintained by the County of Orange to OC Parks for review prior to issuance of any permit associated with the project. Should the applicant require access to County property for evaluation or investigation of slope and structures, please ask them to contact Helen Edwards in the OC Parks Permit Unit (Helen.Edwards@ocparks.com or 949-585-6429), to process an encroachment permit.
- 17. Applicant shall obtain written approval for any work proposed on adjoining property.
- 18. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services. All utility services shall be shown on the construction plans. All utility work in the right of way will require separate permits from the Public Works Department.
- 19. The use of the public right of way for construction purposes shall not be allowed, except as permitted by the Director of Public Works/City Engineer. An encroachment permit is required for all use of the public right-of-way.
- 20. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion control measures. The applicant shall maintain the erosion control devices until the final approval and sign off of all permits.
- 21. The applicant shall use all acceptable means and methods necessary to prevent dust and off-site siltation impacting the neighboring businesses and residents.

- 22. The applicant, property owner 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.
- 23. Construction and Demolition Waste Ordinance (No. 03-17). The proposed project is required to prepare a Waste Management Plan outlining the estimated quantities of material to be recycled and the location where these materials would be taken for recycling. In addition, the proposed project would be required to comply with the City's Construction and Demolition Waste Ordinance (No.03-17), which requires contractors and other construction personnel to obtain a permit and haul at least 75 percent of their construction waste to a recycling facility certified by the City Community Development Director, or designee. The City requires a construction and demolition deposit in the amount of 1 percent of the project valuation in order to encourage compliance with the ordinance.
- 24. During the construction phase, all construction materials, waste, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.
- 25. Survey staking shall be placed along the approved Bluff Edge for construction purposes prior to all work, including demolition. Common property boundaries, other than public rights-of-way shall also be staked prior to any demolition or construction activities on the site.
- 26. The Director of Public Works/City Engineer, in his sole authority, reserves the right to add additional Conditions of Approval to address on-site or off-site improvements or issues as needed prior to any permit issuance, or during the progress of any permitted work.
- 27. Any City owned street or property damaged by the applicant's work shall be repaired per City Standards and as directed by the Director of Public Works/City Engineer.
- 28. The project shall provide all necessary pedestrian protection along the project perimeter, including Green Lantern, Blue Lantern and

Santa Clara for the duration of the project. The pedestrian protection shall be in compliance with the current Building Code requirements, as well as all applicable Traffic Safety guidelines, including, but not limited to, the Work Area Traffic Control Handout.

- 29. Any improvements or construction activities that impact the public right of way, (including shoring tie-backs, construction staging, traffic detours, etc.) shall require separate approval from the City Engineer and may require separate agreements with the City of Dana Point and the developer.
- 30. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
- 31. Trees planned as part of this Project shall not impact any public views.
- 32. Any new structure foundations or improvements requiring a building permit within the bluff edge setback shall be reviewed per the Dana Point Specific Plan. Upon review, proposed foundations or improvements may not be allowed within the bluff edge setback.
- 33. All plans submitted shall reflect the determined Bluff Edge and all associated setbacks, as shown on the approved entitlement geotechnical reports, prepared by Geofirm dated October 12, 2015.
- 34. Wayfinding Signage determined necessary adjacent to the planned Hotel shall be designed and installed by the applicant, subject to review and approval by the Community Development Director and the Director of Public Works/City Engineer.
- 35. The approved haul route for all construction activities shall be the Beach Cities exit from Interstate 5, north on Pacific Coast Highway, left turn at Blue Lantern, Right turn at Santa Clara to the project site, or other designated route as approved by the Director of Public Works/City Engineer. Construction vehicles not following the approved haul route are subject to administrative citation. No truck traffic shall utilize Green Lantern south of the Project, Scenic Drive or Cove Road, unless otherwise approved by the Director of Public Works/City Engineer.
- 36. The Building Official shall consult the Director of Public Works/City Engineer for any variation from the work hours as described in the noise ordinance of the Dana Point Municipal Code. Any requested

- exception to the work hours shall be made in writing and approved by the Director of Community Development and Director of Public Works/City Engineer in advance.
- 37. Temporary six (6) foot or higher screen fencing with green/black screening shall be provided around work areas for each construction phase, unless otherwise approved by the City Engineer.
- 38. Prior to the issuance of any permits the applicant shall submit construction staging and phasing plan from the rough grading phase until full build out of the for review and approval by the Community Development and Public Works & Engineering Service Directors, prior to issuance of any permits. It shall also include (at minimum) all stockpile locations, entrances, erosion and sediment controls as well as construction staging areas. The staging plan shall take into account all noise regulations and the separation of construction activities to neighboring businesses and residences. Any revisions to the timeline or staging areas shall be reviewed and approved by the City prior to implementation.
- 39. Construction Hours. Prior to issuance of any clearing and grubbing or grading permits, the project Applicant shall provide proof to the City of Dana Point's (City) Director of Public Works, City Engineer, or designee, that the final construction plans require that the project construction contractor limit construction activities to the hours between 7:00 a.m. and 5:00 p.m. on weekdays, although the City may further restrict said hours based on the planned work. Further, the project construction contractor shall require that construction workers arrive at and depart from the project site during off-peak hours (i.e., arrive prior to 7:00 a.m. and depart prior to 4:00 p.m. or after 6:00 p.m.). No construction activities shall occur on Saturdays, Sundays, or City holidays.
- 40. The City may further restrict construction hours. The construction site shall be posted with signage indicating the site's construction hours.
- 41. Construction Hauling. Prior to issuance of any demolition, grading, or other construction permits, the project Applicant shall provide proof to the City's Director of Public Works, City Engineer, or designee, that the final construction plans require the project construction contractor to ensure that all hauling activities and deliveries to the project site are limited to off-peak hours (i.e., prior to 7:00 a.m., between 9:00 a.m. and 4:00 p.m., or between 6:00 and 8:00 p.m.), excluding weekends and City holidays. Additionally,

the construction plans shall require the project construction contractor to identify a haul route prior to any demolition, material delivery activities, or site preparation phases. Further, the project construction contractor shall take all measures required, including, but not limited to, use of a construction street sweeper to ensure that all haul routes are clean and free of debris at all times. In the event that hauling operations cause damage to existing pavement, streets, curbs, or gutters, the Applicant shall be responsible for the repairs and shall complete such repairs to the satisfaction of the City Engineer within 7 days of the damages.

- 42. The approved haul route for all construction activities shall be the Beach Cities exit from Interstate 5, north on Pacific Coast Highway, left turn at Blue Lantern, Right turn at Santa Clara to the project site, or other designated route as approved by the Director of Public Works/City Engineer. Construction vehicles not following the approved haul route are subject to administrative citation. No truck traffic shall utilize Green Lantern south of the Project, Scenic Drive or Cove Road, unless otherwise approved by the Director of Public Works/City Engineer.
- 43. The project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below. The proposed project would be required to implement the following SCAQMD measures (Final EIR Standard Condition 4.2.2):
 - Nontoxic chemical soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 10 days or more) according to manufacturer's specifications.
 - Active sites shall be watered at least three times daily (locations where grading is to occur will be thoroughly watered prior to earthmoving).
 - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet (ft) of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard refers to vertical space between the top of the load and the top of the trailer).

- Construction access roads shall be padded at least 30 meters (100 ft) onto the site from the main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 miles per hour (mph) or less.
- Prepare a high-wind dust control plan, implement plan elements, and terminate soil disturbance when winds exceed 25 mph.
- Stabilize previously disturbed areas if subsequent construction is delayed.
- Replace ground cover in disturbed areas quickly.
- Wash/sweep site access points within 30 minutes of any observed visible dirt spilling on public streets at the end of the workday.
- Require 90-day low-nitrogen oxide (NO_X) tune-ups for off-road equipment.
- Limit allowable idling time to 5 minutes for trucks and heavy equipment.
- Utilize diesel oxidation catalysts on heavy equipment where feasible.
- Utilize a diesel particulate filter on heavy equipment where feasible.
- Use low-volatile-organic-compound (VOC) coatings and lowpressure/high-volume sprayers.
- 44. To ensure that the proposed project complies with and would not conflict with or impede the implementation of reduction goals identified in Assembly Bill (AB) 32, the Governor's Executive Order (EO) S-3-05, and other strategies to help reduce greenhouse gases (GHGs) to the level proposed by the Governor, the project shall implement a variety of measures that will further reduce its GHG) emissions. To the extent feasible, and to the satisfaction of the City of Dana Point (City), the following measures shall be incorporated into the design and construction of the project:
 - Construction and Building Materials. Divert at least 50 percent of the demolished and/or grubbed construction materials (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) to a nearby recycling facility.
 - Energy Efficiency Measures. Design all project buildings to exceed the California Building Code's (CBC) Title 24 energy standard by 15 percent, such as installing energy-efficient heating and cooling systems, appliances and equipment, and control systems.

- Water Conservation and Efficiency Measures. Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate:
 - o Create water-efficient landscapes within the development.
 - Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
 - Restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff.
- 45. The applicant shall obtain all applicable permits for the proposed improvements, including any that may be required from outside agencies.
- 46. All new sewer house connections and facilities, water mains, services, meters, backflow devices, laterals, fire hydrants, and appurtenances shall be designed and installed in accordance with SCWD Standard Specifications. Please see SCWD's Website at: http://SCWD.org. (SCWD)
- 47. The owner/developer must use a SCWD Pre-Qualified Contractor for the construction of all sewer and water facilities (see website). (SCWD)
- 48. If a large meter (greater than 2-inch diameter) is required to serve the domestic demand, it shall be installed aboveground on private property. Access must be provided to the meter and service lateral for maintenance and repairs. The owner shall dedicate an easement to SCWD, per SCWD's standards, for the meter and service lateral. (SCWD)
- 49. Any unused existing service connections must be capped and abandoned at the main per SCWD standards. (SCWD)
- 50. The onsite water and sewer systems shall be private. (SCWD)
- 51. All new water service connections shall be installed from Santa Clara Avenue. (SCWD)
- 52. Separate service connections and meters shall be installed for domestic water, fire and irrigation. (SCWD)
- 53. The landscape irrigation system shall be designed and installed to be recycled water ready (please see the attached form). A

- separate dedicated meter is required for the irrigation system. (SCWD)
- 54. Backflow prevention assemblies shall be installed on all water services. The assemblies must be installed aboveground on private property. Said assemblies shall belong to the property owner, who shall be responsible for all annual testing, ongoing maintenance and repairs. (SCWD)
- 55. The developer/owner shall submit an estimate of the maximum fire flow rate and maximum day and peak hour water demands for the project along with the peak sewer flows for the project. This information will be used to determine the adequacy of the existing water and sewer systems to serve the project. Any off-site water system or sewer system improvements required to serve the project shall be in accordance with SCWD's ordinances.(SCWD)
- 56. The developer/owner shall submit (3) sets of improvement plans to SCWD's Engineering Permitting Specialist for plan review along with the required fire demand (fire flow and fire sprinkler system), list of fixtures, and \$300.00 plan check fee. Upon plan approval, connection fees will need to be paid before SCWD will provide water and sewer to property. (SCWD)
- 57. The construction manager shall ensure all construction equipment is muffled and maintained in good working order to reduce the equipment-related noise generation.
- 58. All construction and drilling equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines used in the project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.
- 59. Trash and recycling storage areas shall be designed in accordance with the City's franchised waste hauler (CR&R) and their "City of Dana Point Waste & Recycling Guideline", which shall include space for food waste required for hotels. As designed, the proposed development requires stinger service to accommodate solid waste and recycling pick-up and the ceiling heights must accommodate a minimum clearance height of eight and one-half feet. The applicant

shall coordinate necessary design approvals with CR&R directly.

- 60. A separate site wall plan shall be required for all site walls and pilasters which shall include a site plan, and shall identify the finish materials and colors of all proposed walls. Final review of the finish materials and colors shall be reviewed and approved by the Director of Community Development. The walls proposed between the proposed parks adjacent to Pacific Coast Highway shall be designed structurally to accommodate any elements of public art that may be proposed on the walls.
- 61. Separate review, approval, and permits are required for:
 - Separate Structures
 - Retaining Walls
 - Fire Sprinklers
 - Demolition of Structures
 - Site walls over 3'
 - Swimming Pool/Spa
 - Signs

B. Prior to recordation of the final tract map for any phase or combination thereof the applicant shall meet the following conditions:

- 62. A Final Map shall be submitted for review and approval in accordance with requirements of the Public Works Department and Community Development Department. The Final Map must be in substantial compliance with Tentative Tract Map, as determined by the Director of Community Development and the Director of Public Works. Said map shall be prepared as required by the City of Dana Point Subdivision Code.
- 63. All taxes and fees shall be paid to the County of Orange and the County Treasurer-Tax Collector's Certificate shall be signed.
- 64. All existing and proposed easements shall be shown and labeled on the Final Map clearly indicating the easement ownership, location, purpose and width. A copy of the recorded easements shall be included along with the plan submittal for review by the City Engineer. The Final Map shall also include a note to identify any easements proposed to be vacated with the Map.
- 65. All easements vacated, relocated, or released per separate instrument shall be noted on the map. The separate instrument or quit-claim documents from the governing utility shall submitted.

- 66. Utility easements shall be provided to the specifications of the appropriate utility companies and subject to review and approval by the City Engineer.
- 67. 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 Department.
- 68. The Final Map shall clearly state the subdivision is for merger of underlying parcels and lots.
- 69. Applicant shall provide to the City a copy of a current title report not less than six months old and any other survey documentation in relation to the subject subdivision.
- 70. The applicant shall submit evidence of the availability of an adequate water supply for fire protection for review and approval by the Fire Chief. A copy of the documentation shall be submitted to the Public Works and Engineering Department.
- 71. The approved Fire Master Plan shall be submitted to the City of Dana Point Public Works Department.
- 72. Prior to the recordation of a Final Map, a note shall be placed on the map stating that all structures shall be protected by an approved automatic fire sprinkler system.
- 73. All monuments shall be set, or a security provided, to ensure all monuments will be set in accordance with the County of Orange and City of Dana Point standards.
- 74. Applicant shall enter into a Subdivision Improvement Agreement, as needed, for the design, construction, and installation of the private and public improvements in accordance with plans and specifications, meeting the approval of the City Engineer. A security to guarantee the performance of work described in the Subdivision Improvement Agreement will be required, up to 100% of the value of the work shall be posted to the satisfaction of the City Engineer and the City Attorney
- C. Prior to issuance of any grading permit the applicant shall meet the following conditions:

- 75. A lateral access easement shall be irrevocably offered for dedication to ensure implementation of the bluff top trail system shown in the Dana Point Specific Plan/Local Coastal Program. Said easement shall be ten (10) feet wide and setback a sufficient distance from the bluff edge to assure safety from the threat of erosion for 50 years. Said dedication shall be in the form of a recorded, irrevocable offer to dedicate until the City acquires the same rights from continuous bluff top property owners. This offer to dedicate shall be valid for 21 years or until the City accepts the easement, or until an amendment of the Local Coastal Program deleting the requirement of dedication of a lateral access easement for trail purposes, whichever occurs first. The irrevocable offer to dedicate shall be in the standard City format or, if prepared by the property owner(s), submitted for review and approval by the Director of Community Development and the City Attorney prior to being executed and ultimately recorded.
- 76. The applicant shall execute the City's standard deed restriction or, if prepared by the owner(s), shall be submitted for review and approval by the City Attorney. The deed restriction shall provide that; (1) the applicant understands that the subject site is subject to bluff retreat and that the owner(s) assumes the liability from these hazards; (2) the owner(s) unconditionally waive any claim of liability on the part of the City or any other public agency from any damage from such hazards; and (3) the owner(s) assume all liability for damages incurred as a result of any required off-site grading. The deed restriction shall be recorded, free of prior liens, to bind the owner(s) and any successors in interest or otherwise recorded to the satisfaction of the City Attorney.
- 77. The hours of high noise level construction activities (over 90 A-weighted decibels (dBA)) shall be limited to between 10:00am and 4:00pm Monday through Friday. This typically could occur during grading operations and grading plans shall be explicitly noted.
- 78. The applicant shall prepare and process a Final Map to merge all historical tract lots into one parcel. The applicant shall submit a Final Map, in compliance with City standards, for review and approval by the Director of Public Works/City Engineer and the County of Orange Surveyor's office. Upon City and County review and approval, the Final Map will be recorded with the County Recorder.
- 79. The applicant shall prepare all needed reports and implement all required actions to meet current water quality regulations including, but not limited to, a Final Water Quality Management Plan, a Storm

- Water Pollution Prevention Plan, and all other required reports/actions.
- 80. The preliminary location of grease interceptor for proposed restaurant shall be reviewed and revised as needed during construction stages of permitting.
- 81. The applicant shall submit grading plans, in compliance with City standards, for review and approval by the Director of Public Works/City Engineer. 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. A statement shall be provided on the grading plans that on-site inspection shall be provided to allow the Engineer of Record to certify all work completed.
- 82. The applicant shall submit a plan for managing construction parking for the duration of the construction activity. The parking management plan shall outline the parking needs for construction activities and limit the impact of construction employee parking and construction equipment parking on surrounding businesses and residents. The plan shall clearly state that no construction parking is allowed along Santa Clara Ave, east of Blue Lantern at the emergency access gateway.
- 83. The applicant shall coordinate all traffic, site ingress and egress and construction parking along Santa Clara, the Street of the Green Lantern, and Scenic Drive with the City of Dana. The coordination shall address and minimize any potential impacts to neighboring residents, businesses, and surrounding streets.
- 84. The applicant shall apply to the Building Department for all temporary shoring and/or retaining wall permits required for the site. The applications shall also be reviewed and approved by the Director of Public Works/City Engineer.
- 85. A separate surety to guarantee the completion of the project shoring, protection of existing improvements, protection of the Green Lantern retaining wall, and protection of neighboring property and neighboring improvements, up to 100% of the cost shall be posted to the satisfaction of the Director of Public Works/City Engineer and the City

- Attorney. The surety shall be returned upon completion and City approval of the permanent structural support system.
- 86. Surety to guarantee the completion of the project grading and drainage improvements, including erosion control and WQMP elements, up to 100% of the approved Engineer's cost estimate shall be posted to the satisfaction of the Director of Public Works/City Engineer and the City Attorney.
- 87. The applicant shall submit a geotechnical report in accordance with City standards. The applicant shall prepare a detailed geotechnical report for review and approval by the Director of Public Works/City Engineer. A statement shall also be provided in the geotechnical report that on-site inspection shall be provided to allow the Geotechnical Engineer of Record to certify all work completed.
- 88. Prior to grading permit issuance, provide geotechnical recommendations for constructing the retaining walls and/or provide the layback requirements if deemed feasible by the Geotechnical Engineer.
- 89. The applicant's general contractor and design professionals shall prepare and submit a monitoring program for the bluff edge and existing slope stabilization structure. The monitoring program shall be reviewed and approved by the Director of Public Works/City Engineer.
- 90. The project geotechnical report must address water quality volume infiltration feasibility specifically to support final WQMP. determination.
- 91. Grading permit, temporary and permanent shoring permits (as necessary), retaining wall permits, and any necessary Building permits for structural components of the grading shall be obtained concurrently.
- 92. The design proposal for the parking structure was processed through the entitlement process with the existing wall supporting Green Lantern to remain. All shoring activities shall protect in place the existing retaining wall along Green Lantern. Revisions to the parking structure that impact the existing wall along Green Lantern shall be reviewed by the Director of Public Works/City Engineer as a separate permit.

- 93. The grading plans, or a separate improvement plan and permit shall depict the size and location of existing and proposed gas, sewer and water and electrical conduit from the point of connection in the Public Right-of-Way to the building. Location of all meters and backflow devices shall be shown.
- 94. The applicant shall submit a separate Landscape Plan, in compliance with City standards, for review and approval by the Director of Public Works/City Engineer and Director of Community Development Director. The Landscape plan shall be in accordance with the approved grading plan, City of Dana Point Municipal Code, the City of Dana Point Grading Manual, the City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements. The plan shall be prepared by a State licensed landscape architect and shall include all proposed and existing plant materials (location, type, size, quantity), an irrigation plan, note wall/fence locations, a grading plan, an approved site plan and a copy of the entitlement conditions Landscaping and the corresponding Landscape of approval. Documentation Package shall comply with Chapter 9.55 (Water Efficient Landscape Standards and Requirements) of the Dana Point Zoning Code and the associated Submittal Requirements and Guidelines referenced therein. Any structural elements included as part of the landscaping plan shall also include appropriate structural plans and calculations prepared by the appropriate State licensed professional and be reviewed concurrently by the Building Department.

The Landscape Plan shall specify screening and/or decorative finishes for all above grade walls, utilities and other structures to the satisfaction of the Director of Public Works/City Engineer and the Community Development Director.

All landscaping (including planting, irrigation, decorative features, etc.) within the City right-of-way surrounding the development shall also be a part of the landscape plan and shall be maintained by the applicant.

- 95. The submitted Landscape plan shall illustrate and identify the bluff edge setback area and be in accordance with the approved grading plan and the Dana Point Specific Plan. Irrigation within the bluff edge setback shall be prohibited.
- 96. The applicant shall obtain coverage under the state NPDES General Permit for Constriction Activities. The project applicant shall apply for

coverage under the electronic system. Permit Registration Documents must be electronically filed for all new projects using the Stormwater Multiple Applications and Reporting Tracking System (SMARTS) and must include: Notice of Intent, Risk Assessment, Site Map, and Stormwater Pollution Prevention Plan (SWPPP).

- 97. The Director of Public Works/City Engineer reserves the right to approve and issue a phased grading permit, partial grading permit or rough grading permit in accordance with the above Conditions of Approval.
- 98. Applicant shall prepare a Fire Master Plan (service code PR145) (Plan) and submit said Plan to the Orange County Fire Authority (OCFA) and the Director of Public Works/City Engineer for review and approval. Hydrant locations shall be designated as part of the Plan.
- 99. The improvement plan shall include a final utility plan as approved by South Coast Water District, San Diego Gas and Electric, and all other utilities identifying all improvements, including off-site improvements, required to provide adequate services to the proposed development, for each phase.

D. Prior to Building Plan Check Submittal:

- 100. The cover sheet of the building construction documents shall contain the City's conditions of approval and it shall be attached to each set of plans submitted for City approval or shall be printed on the title sheet verbatim.
- 101. Plans shall comply with the 2016 editions of the codes with the local amendments.
- 102. Building plan check submittal shall include the following construction documents:
 - Building Plans (4 sets)
 - Plans shall comply with the 2016 editions of the codes with the local amendments.
 - Energy calculations (2 sets)
 - Acoustical Report (2 sets)
 - Structural Calculations (2 sets)
 - Soils/geology report (3 sets)
 - CASp Report (incorporated into the plans)

• Fire/Life/Safety Code Analysis Report (exiting, occupancy separation, fire-rating, etc.).

All documents prepared by a professional shall be wet-stamped and signed.

- 103. Provide building code analysis showing conformance to 2016 CBC Chapter 3 and 5. Specify occupancy group(s), type(s) of construction, including fire sprinklers, location on property, actual and allowable floor area, building height, number of stories, and conforming exiting.
- 104. Orange County Health Department review is required. Submit plans directly to them for their review and approval.
- 105. **Undergrounding of all onsite utilities is required**. An Approved SDG&E Work Order and Undergrounding Plan is required prior to permit issuance
- 106. **Building Code Analysis**: Provide building code analysis showing conformance to 2016 CBC Chapter 3 and 5. Specify occupancy group(s), type(s) of construction, including fire sprinklers, location on property, actual and allowable floor area, building height, number of stories, and conforming exiting.
- 107. **Exiting Plan & Analysis**: Plans should include an occupant load analysis on the plans and provide an "**Exit Plan**" to show a clear and dimensioned Means of Egress system that provides a continuous, unobstructed exit from any occupied point in the building to a public way.
- 108. **Fire-rated Construction**: Plans should clearly identify the locations of the Fire Areas, Fire Walls, Fire Barriers, Fire Partitions, and all Occupancy separations. Provide complete legends and details on the plans.
- 109. Third party inspection by an independent certified deputy inspector for fire-stopping, fire-resistant penetrations and joints are required. (CBC Sections 1704, 1705, 1705.16)
- 110. Plans should clearly show compliance with CBC Chapters 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing. A Certified Access Specialist (CASp) report is required and shall be incorporated onto

the plans.

- 111. Please provide analysis & a summary matrix of the accessible and/or adaptable units on the Title Sheet.
- 112. Transient Lodging: Plans should clearly show compliance with CBC Chapter 11B (Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing). A Certified Access Specialist (CASp) report is required and shall be incorporated onto the plans.
- 113. Hotels, motels, inns, and similar transient lodging facilities shall provide guest rooms in accordance with CBC Sections 11B-224.1 through 11B-224.6. Please provide analysis & a summary matrix of the guest rooms with mobility and guest rooms with communication features on the Title Sheet.
- 114. Valet Parking (CBC 11B-209.4): Parking facilities that provide valet parking services shall provide at least one passenger loading zone complying with CBC Section 11B-503. The parking requirements of Section 11B-208.1 apply to facilities with valet parking.
- 115. Swimming pools, spas, and deck areas shall be fully accessible per CBC Section 11B-242.
- 116. Soils Report (1803): Submit a foundation and soils investigation report by a Registered Design Professional and conducted in conformance with CBC Section 1803.3 through 1803.5. The report shall comply with CBC Section 1803.6.
- 117. Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w/c ratio of 0.45, F'c of 4500 psi.
- 118. Green Building: Plans shall show compliance & indicate method of verification of compliance with all CALGreen requirements. Third party or other methods shall demonstrate satisfactory conformance with mandatory measures.
- 119. In Group R occupancies (2 units or more) wall and floor-ceiling assemblies separating dwelling units or guest rooms from each other and from public space such as interior corridors and service areas shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies.

- 120. Provide construction details for penetrations or openings in construction assemblies for piping, electrical devices, recessed cabinets, bathtubs, soffits, or heating, ventilating or exhaust ducts to be sealed, lined, insulated or otherwise treated to maintain the required smoke, fire and sound/noise ratings.
- 121. Provide blow-up details of all fire-rated construction and sound & noise (acoustical) attenuation assemblies. Call out all construction, finish materials and their approval numbers from approved testing agencies.
- E. Prior to issuance of a building permit or release on certain related inspections, the applicant shall meet the following conditions:
 - 122. The applicant shall Record the approved Final Tract Map.
 - 123. The applicant shall submit an improvement plan, in compliance with City standards, for review and approval by the Director of Public Works/City Engineer. 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.
 - 124. The right of way improvements along Green Lantern and Santa Clara Avenue shall be in compliance with the City's standards and the City generated Green Lantern Master Plan documents. The improvements should provide additional parking, particularly on Santa Clara adjacent to the Project.
 - 125. The applicant shall provide design documents for all traffic control for the construction of all proposed street improvements, unless otherwise approved by the Director of Public Works/City Engineer. The traffic control plans, if required, shall be prepared by a licensed California Traffic Engineer and submitted for review and approval by the Director of Public Works/City Engineer. The applicant is encouraged to use Standard Traffic Control Plan documents for situations for efficiency.
 - 126. The applicant shall relocate all impacted public and private utilities to allow for the construction of the proposed improvements along Street of the Green Lantern, and Santa Clara. Further, the

- applicant shall provide easements if needed on the applicant's property to allow for the necessary relocations.
- 127. The applicant shall construct all public sidewalks at a minimum width dimension of 8 feet on the Street of the Green Lantern and all associated accessibility improvements for pedestrian circulation, unless otherwise approved by the Director of Public Works/City Engineer.
- 128. The applicant shall provide a permit from South Coast Water District for water and sewer services, and construct all necessary public and private infrastructure improvements to support said services.
- 129. The applicant shall provide and install a full-capture trash BMP, as defined per San Diego Regional Water Quality Control Board Order R9-2017-007, as technically feasible, or provide for an equivalent measure, as approved per City Water Quality Engineer, at the downstream inlet along Street of the Green Lantern.
- 130. The applicant shall prepare plans and apply for a Building Permit in accordance with the latest submittal requirements.
- 131. The applicant shall obtain a grading permit and complete rough grading (establishment of pad grades) in accordance with the approved grading plans and reports. Certifications from the design professionals per City standards and Conditions of Approval shall be submitted for review and approval for completed grading.
- 132. The applicant shall obtain all permits and construct all temporary and permanent shoring, retaining wall permits, and any necessary permitted structural components of the grading. All permitted structural components and construction activities shall be completed and certified in accordance with the approved and reports.
- 133. The applicant shall obtain a street improvement permit for completion all required street improvements in accordance with the approved grading plans and reports.
- 134. The parking structure circulation and maneuvering (including turning) shall be reviewed and approved by the City Engineer and Traffic Engineer for functional use and in accordance with the Dana Point Specific plan and County of Orange code sections.

- 135. The review and approval of the parking structure shall be in accordance with the Dana Point Specific Plan and the applicable Orange County Zoning Code sections. All parking stalls, including parking stalls next to ramps shall be evaluated during structural plan check for compliance with Dana Point Specific Plan and County of Orange code section7-9-145.4, specifically related to "other obstructions."
- 136. Prior to any foundation work, the applicant shall submit a rough grade certification for review and approval by the Director of Public Works/City Engineer by separate submittal. The rough grade certification by the civil engineer (City's standard Civil Engineer's Certification Template 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 Director of Public Works/City Engineer and 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.
- 137. Prior to any foundation work, an as graded geotechnical report shall be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all observations of construction activities from a geotechnical standpoint. The reported observations include drilling depths, tieback lengths, shoring activities, backfill, all field density testing, depth of reprocessing and recompaction, as well as a map depicting the limits of grading. Locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading of the site, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report.
- 138. Prior to any foundation work, the applicant shall submit a rough grade certification from the geotechnical professional for review and approval by the Director of Public Works/City Engineer by separate submittal. The rough grade certification by the geotechnical professional (City's standard Geotechnical Engineer's Certification

Template for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plans and report.

- 139. Prior to any foundation work, the applicant shall submit a separate certification for all shoring construction and activities, as needed, from the geotechnical professional for review and approval by the Director of Public Works/City Engineer by separate submittal. The rough grade certification by the geotechnical professional (City's standard Geotechnical Engineer's Certification Template for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plans and report.
- 140. A Record of Survey shall be reviewed and approved by the Orange County Surveyor for the property boundary, specifically the property line at the Bluff Edge.
- 141. The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review and approval:
 - architectural (service codes PR200-PR285)
 - hazardous materials compliance and chemical classification (service codes PR315-PR328) (pool chemicals)
 - hazardous equipment, processes, or operations (service codes PR345-PR360)
 - underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475)
 - fire sprinkler system (service codes PR400-PR465)
- 142. The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review *prior to concealing interior construction:*
 - sprinkler monitoring system (service code PR500)
 - fire alarm system (service code PR500-PR520)
 - hood and duct extinguishing system (service code PR335)
- 143. Approvals are required from:
 - Planning Department
 - Public Works
 - Obtain Orange County Fire Authority Approval
 - Obtain Health Department approval

- Obtain "Will Serve" letter from Water District. This letter needs to specify any requirements for grease trap(s) or interceptor(s).
- Provide an SDG&E service work order for proposed service location.
- Cal/OSHA (for chair lifts & elevators)
- 144. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
- 145. Verification of all conditions of approval is required by all City Departments.
- 146. Prior to commencement of framing, the applicant shall submit a foundation certification, by survey that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines included as part of CDP16-0005. Each subsequent floor of the structure shall also certify that floor heights are consistent with the vertical elevation data for each floor on the approved grading and construction plans. The City's standard "Setback & Grade Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
- 147. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structures and any encroachments above the height limit are in compliance with plans approved by the Planning Commission and the structure heights included as part of CDP16-0005. The City's standard "Height Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted.
- 148. An Exterior Lighting Plan for the proposed project shall be submitted to the Director of Community Development for review and approval. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall include a photometric study that demonstrates that all exterior lighting has been designed and located so that all direct rays are confined to the property. All lighting shall be designed to accommodate the possibility of any required adjustments to the lighting to mitigate unforeseen impacts

- to properties and public rights-of-ways surrounding the subject property. The lights on the balcony posts shall include only minimal accent lighting and shall be included in the photometric Plan.
- 149. The applicant shall submit for review and approval a noise study in compliance with the City's General Plan and Chapter 11.10 (Noise Control) of the Dana Point Municipal Code. The noise study shall address both interior and exterior noise standards of the City's Noise Ordinance.
- F. Prior to the issuance of a certificate of use and occupancy or during operation of the project the applicant shall meet the following:
 - 150. The applicant shall submit, to the Public Works and Engineering Department, a copy of the recorded Final Map as approved by the City Council and recorded with the Office of the County Recorder.
 - 151. The applicant shall develop a parking management plan outlining the operational characteristics of all on-site parking levels relative the hotel, any permitted accessory uses, and any employee of the hotel or any permitted accessary use. The parking management plan shall address employee parking, guest check-in protocols and queuing, as well as any valet parking that is utilized on site. The plan shall educate all hotel and accessory use employees of the visitor serving parking stalls for use by the public, and inform them that employee parking is free, and only permitted on-site and not on public streets or surrounding properties. The parking management plan shall be subject to review by the Director of Community Development and shall be updated as operational characteristics of the site change, and shall be subject to the provisions of the adopted Local Coastal Program during the life of the project.
 - 152. All landscaping and irrigation shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall certify that all plant and irrigation materials have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development. The Community Development Department shall inspect the site to ensure that the landscaping has been installed in accordance with the approved plans.
 - 153. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.

- 154. A written approval by the Geotechnical Engineer of Record (City's standard Geotechnical Engineer's Certification Template for Final Grading) approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
- 155. The final condition of the bluff edge setback shall be in accordance with Dana Point Specific Plan, with any new foundations or improvements requiring a building permit within the bluff edge setback reviewed and approved prior to construction.
- 156. A written approval by the Civil Engineer of Record (City's standard Civil Engineer's Certification Template for Final Grading) 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.
- 157. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions, the approved improvement plans, and in compliance with all other requirements to the satisfaction of the Director of Public Works/City Engineer.
- 158. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
- 159. The applicant shall obtain all utility agencies' final approval of the project improvement plans.
- 160. All works of improvements outlined in the Subdivision Improvement Agreement, if needed, are completed and approved by the City of Dana Point.
- 161. A written certification per City standards and approval by the Civil Engineer approving any street improvements as being substantially in conformance with the approved street improvement plans including all improvements thereon.
- 162. Any and all outstanding fees associated with any part of the entire project shall be paid.
- 163. The applicant shall submit a final certification for all improvements associated with water quality and the project WQMP for review and approval by the Director of Public Works/City Engineer by separate submittal. The final improvement certification by the civil engineer

- (City's standard Civil Engineer's Certification Template for Final Grading) shall approve the improvements as being substantially completed in conformance with the approved WQMP.
- 164. A deed restriction must be placed on the property obligating the property owner to operate and maintain the BMPs and the WQMP and O&M Plan into perpetuity. The document must be executed and recorded with the County prior to issuance of Certificate of Occupancy.
- 165. A separate title document must be placed on the property record obligating the property owner to operate and maintain the proposed sump pump system and storm water drainage system into perpetuity. The document must be executed and recorded with the County Recorder's office prior to issuance of Certificate of Occupancy.
- 166. The applicant shall demonstrate that all structural best management practices (BMPs) described in the Project's WQMP have been constructed and installed in conformance with approved plans and specifications via the City's WQMP Construction Certification letter template.
- 167. The applicant shall demonstrate that contracts or qualified personnel to implement all non-structural BMPs described in the Project WQMP Operations and Maintenance Manual are in place.
- 168. The applicant shall provide a distribution list for the approved Project WQMP and Operations and Maintenance Manual.
- 169. All permanent BMP's shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
- 170. Any ground mounted utility and mechanical equipment shall be screened and sound buffered to the satisfaction of the Director of Community Development and the Director of Public Works & Engineering.
- 171. The applicant shall schedule a final inspection with the Community Development Department at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through this discretionary action, and compliance with any outstanding project conditions of approval.

RESOLUTION NO. 18-06-11-XX TTM 18164, CDP16-0005, CUP18 0008, & SDP18-0016 PAGE 39

Planning Col 2018, by the	mmission of	the City of Da	AND ADC ana Point, C	PTED at alifornia, he	a regular me eld on this 11 th	eeting of the day of June,
	AYES:					
	NOES:					
	ABSENT:					
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Planning Cor	mmission				Scott McKha	nn, Chairman
ATTEST:						
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VICINITY MAP



Project:

Tentative Tract Map TTM 18164, Coastal Development Permit

CDP16-0005, Conditional Use Permit CUP18-0008, and Site

Development Permit SDP18-0016

Applicant: Joe Lancor, AIA

Location: 34344 Green Lantern Drive



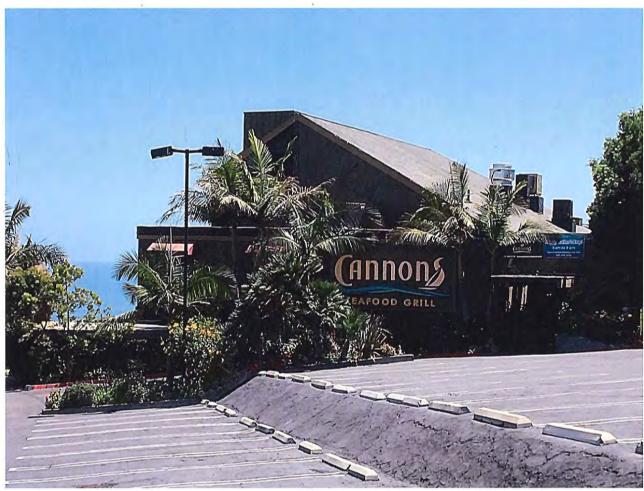






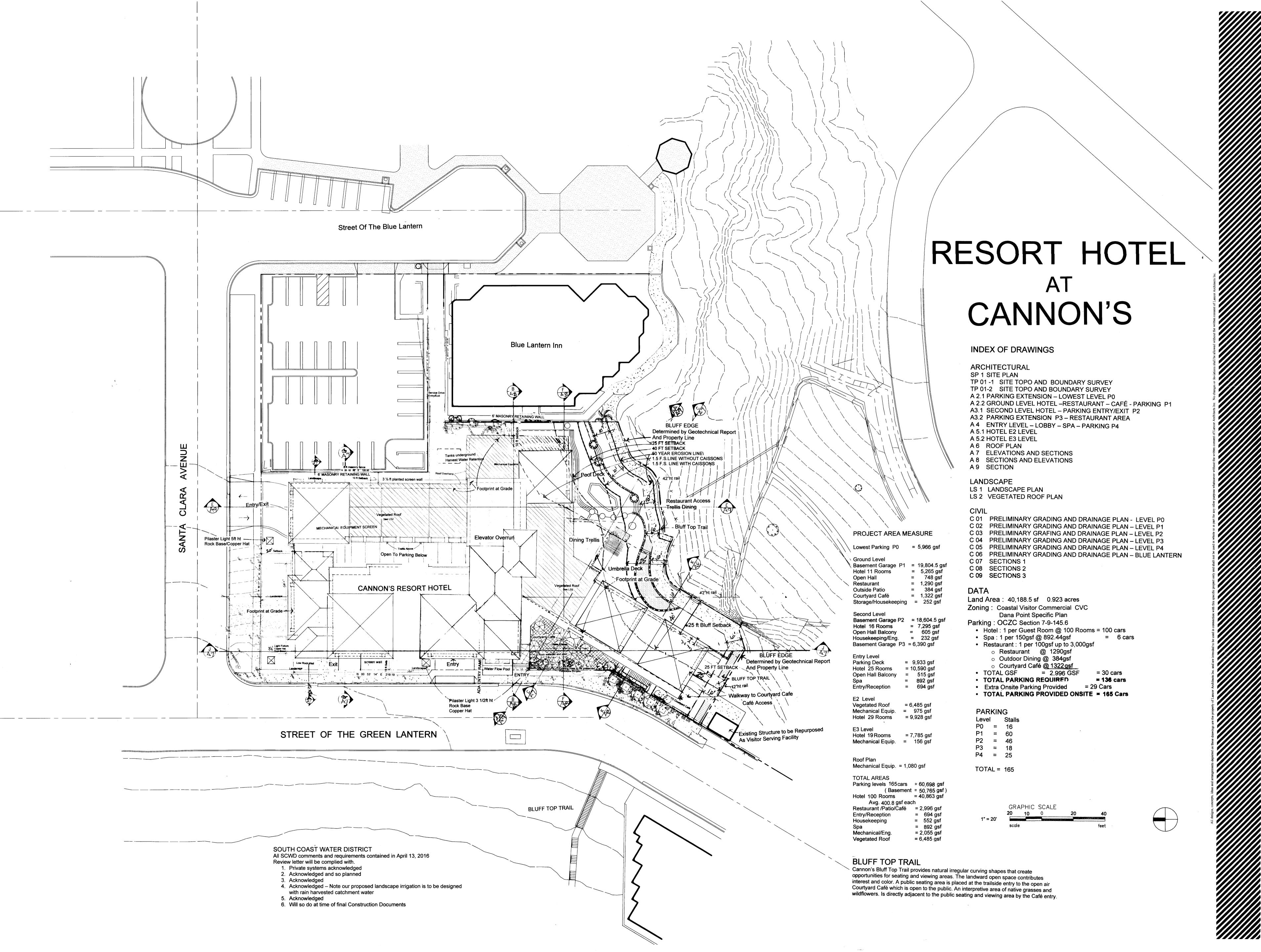


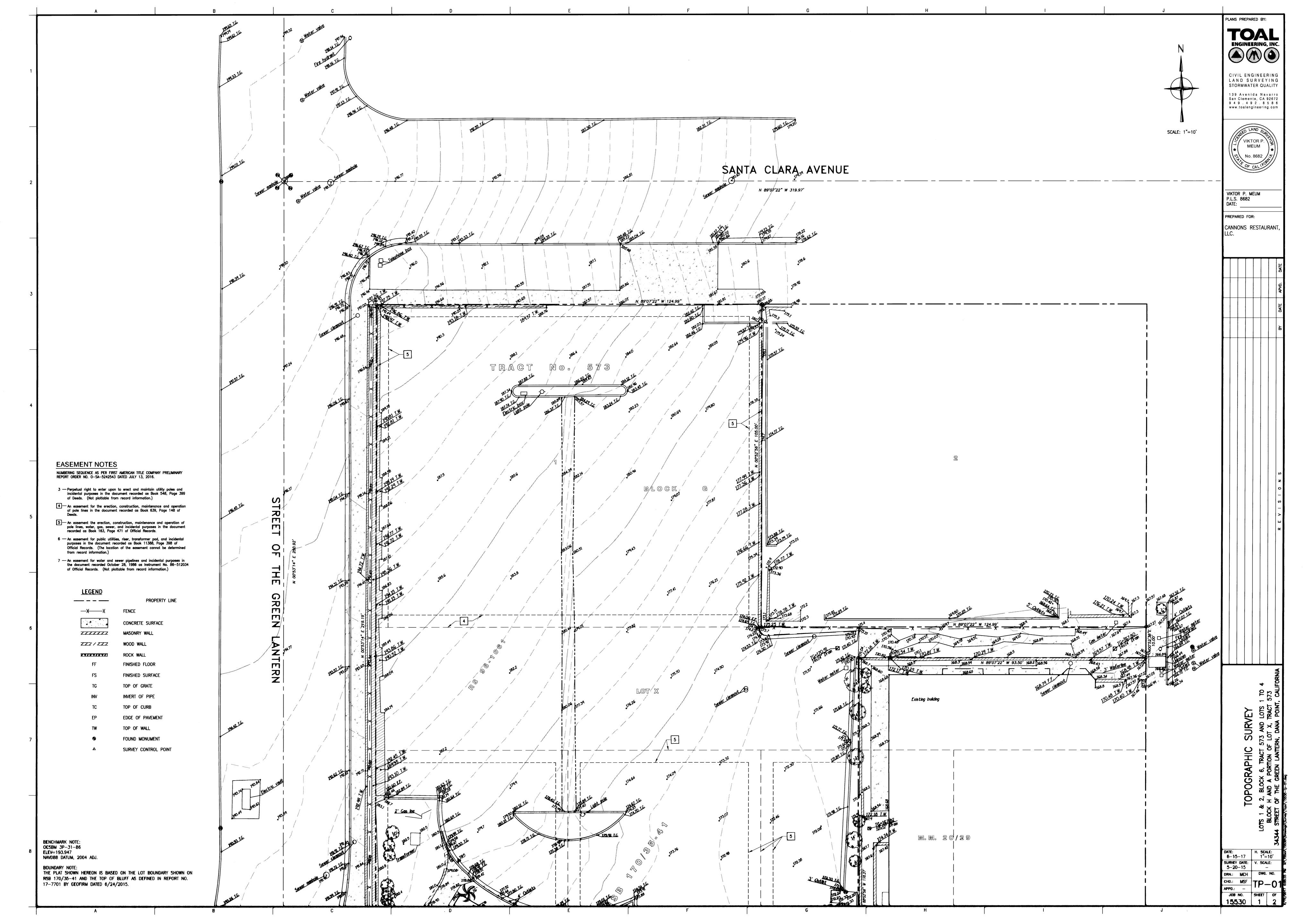


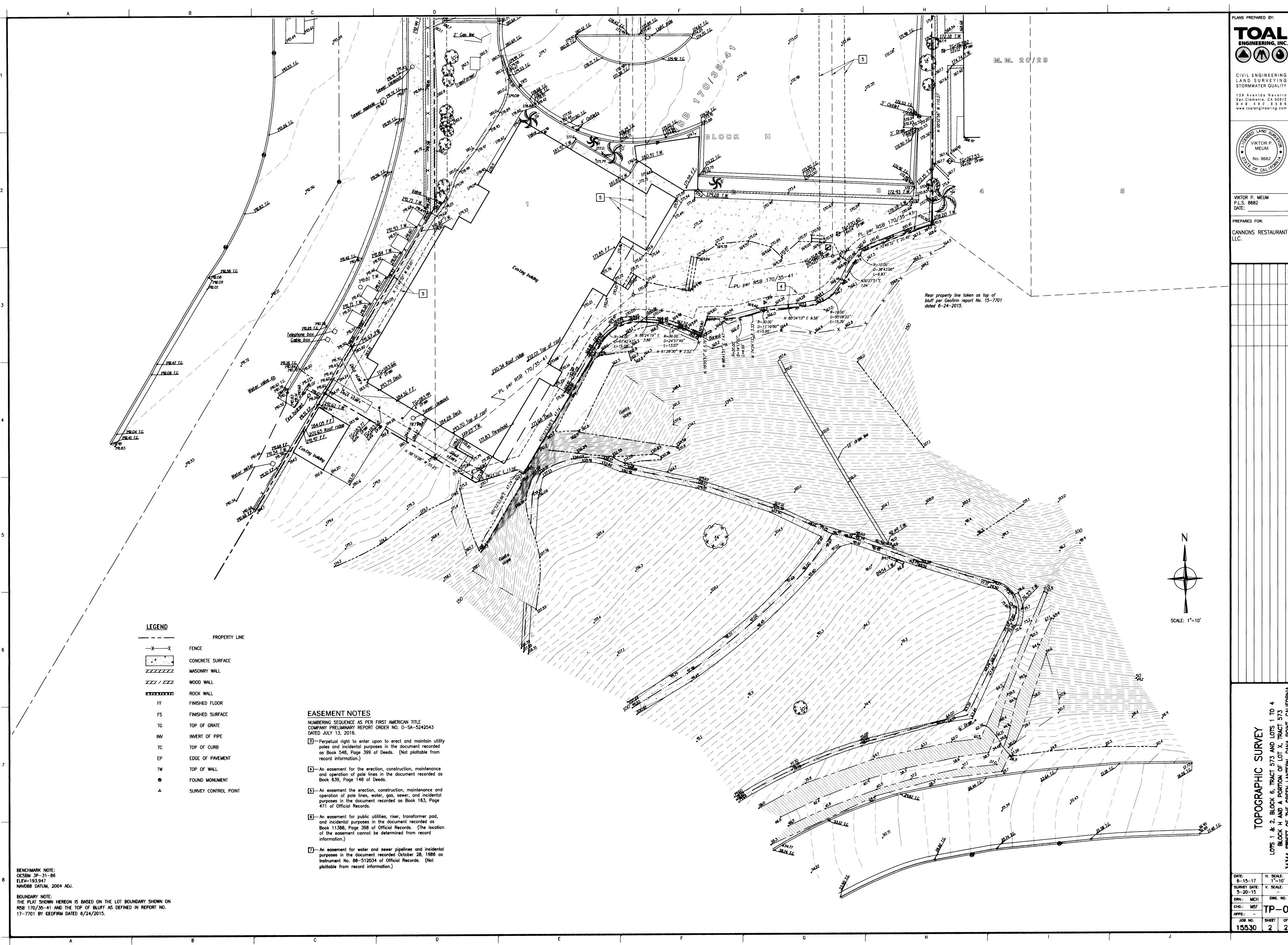










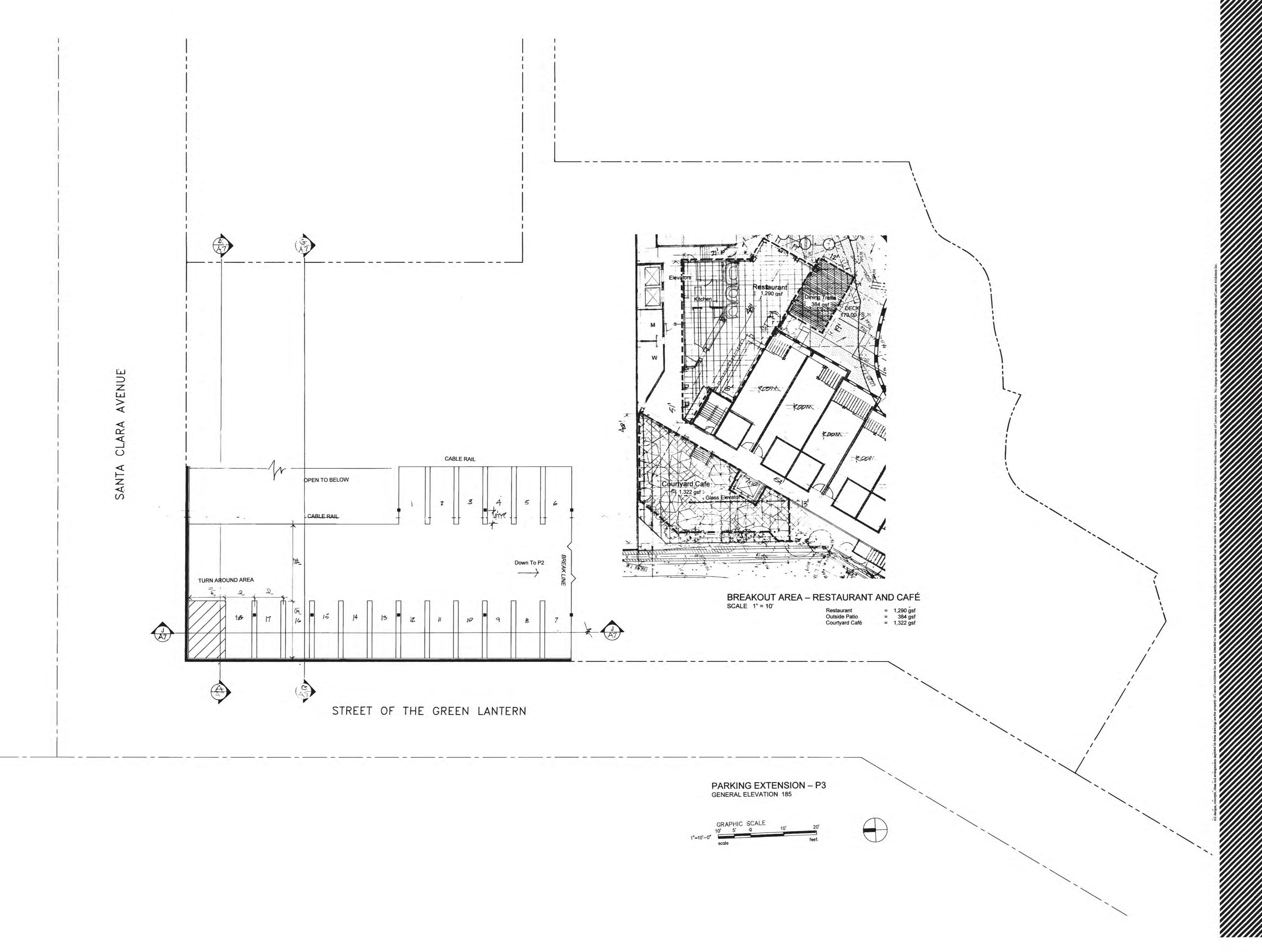


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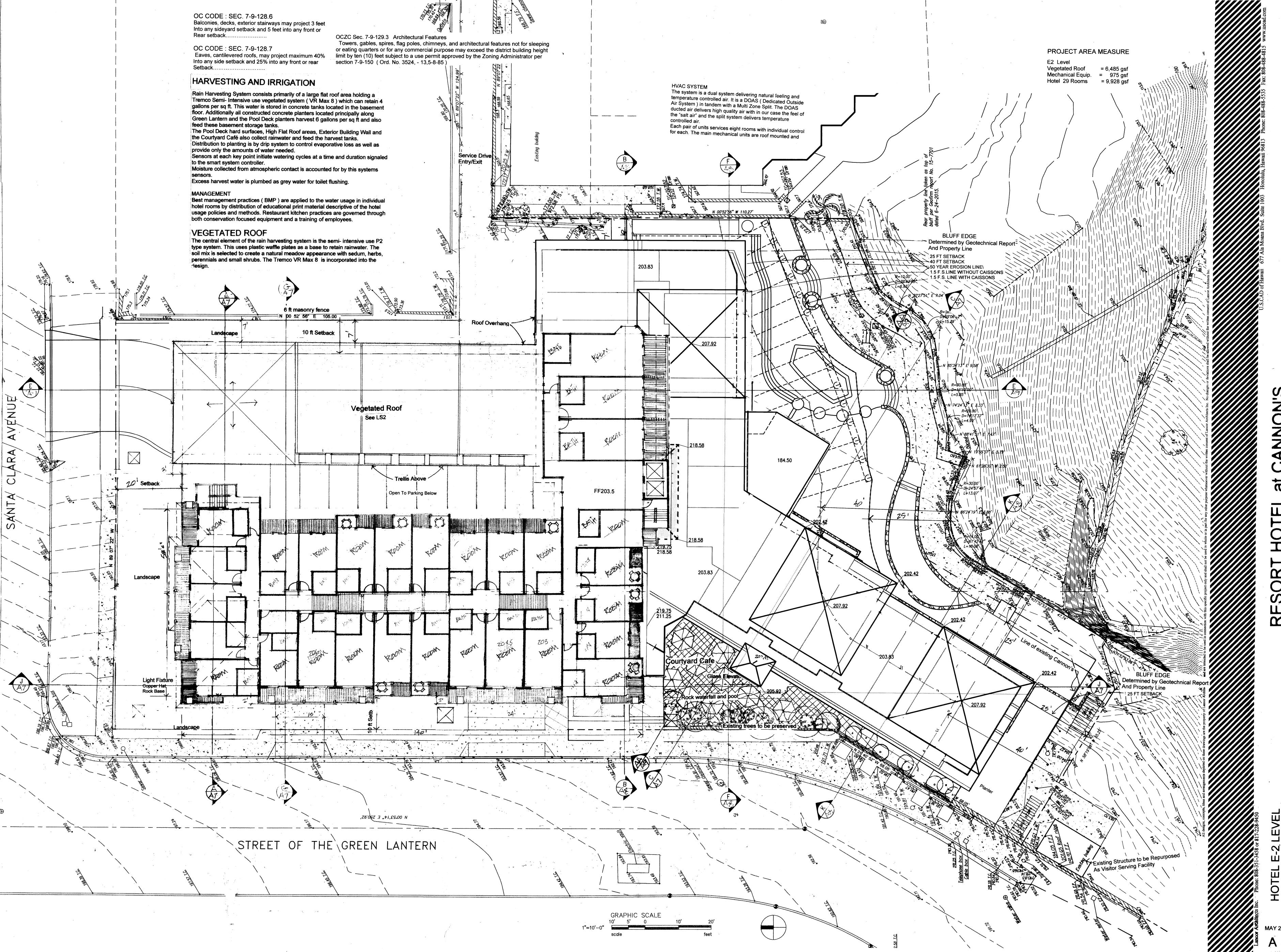
CANNONS RESTAURANT

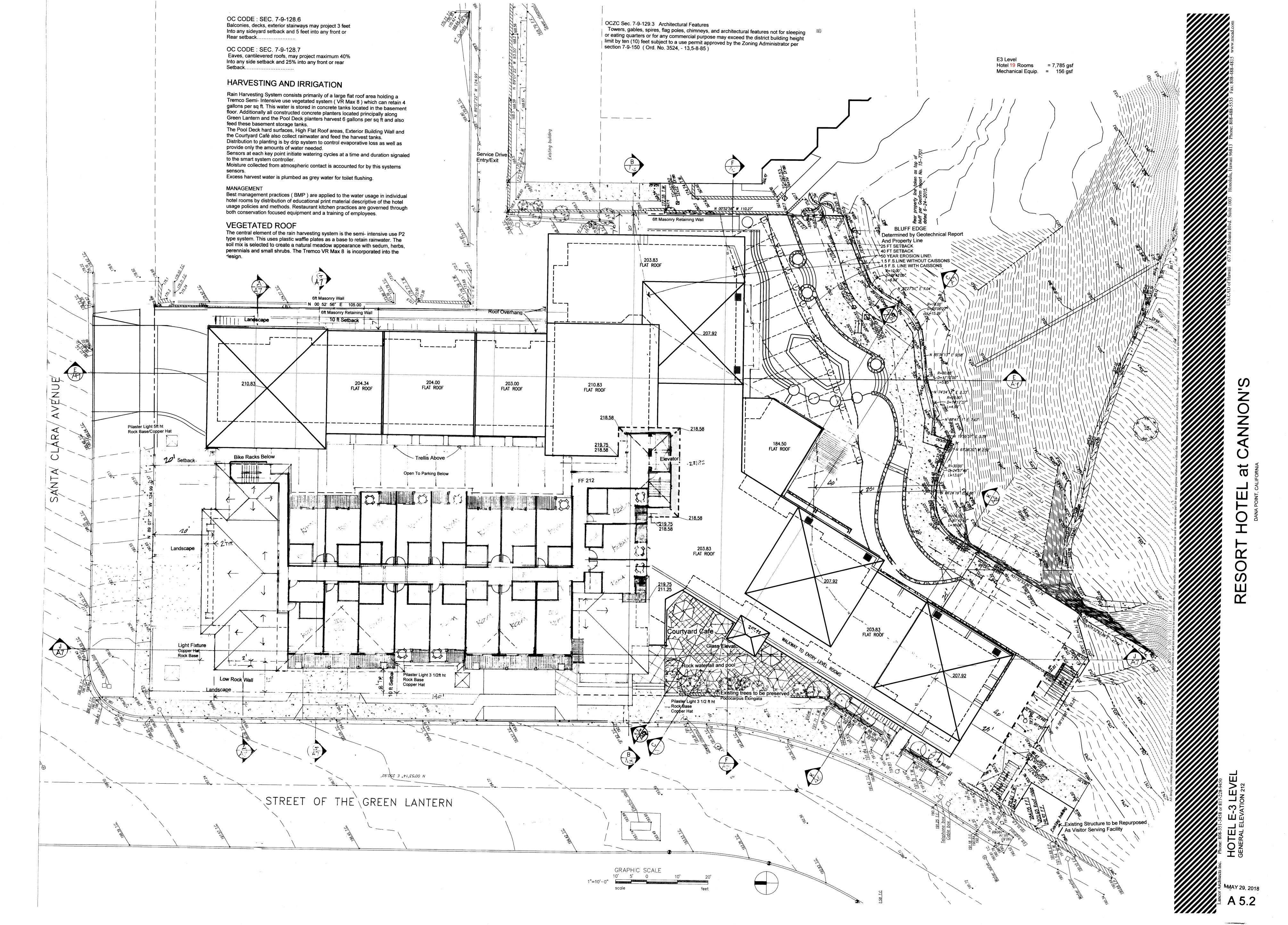
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SURVEY DATE: V. SCALE: 5-20-15

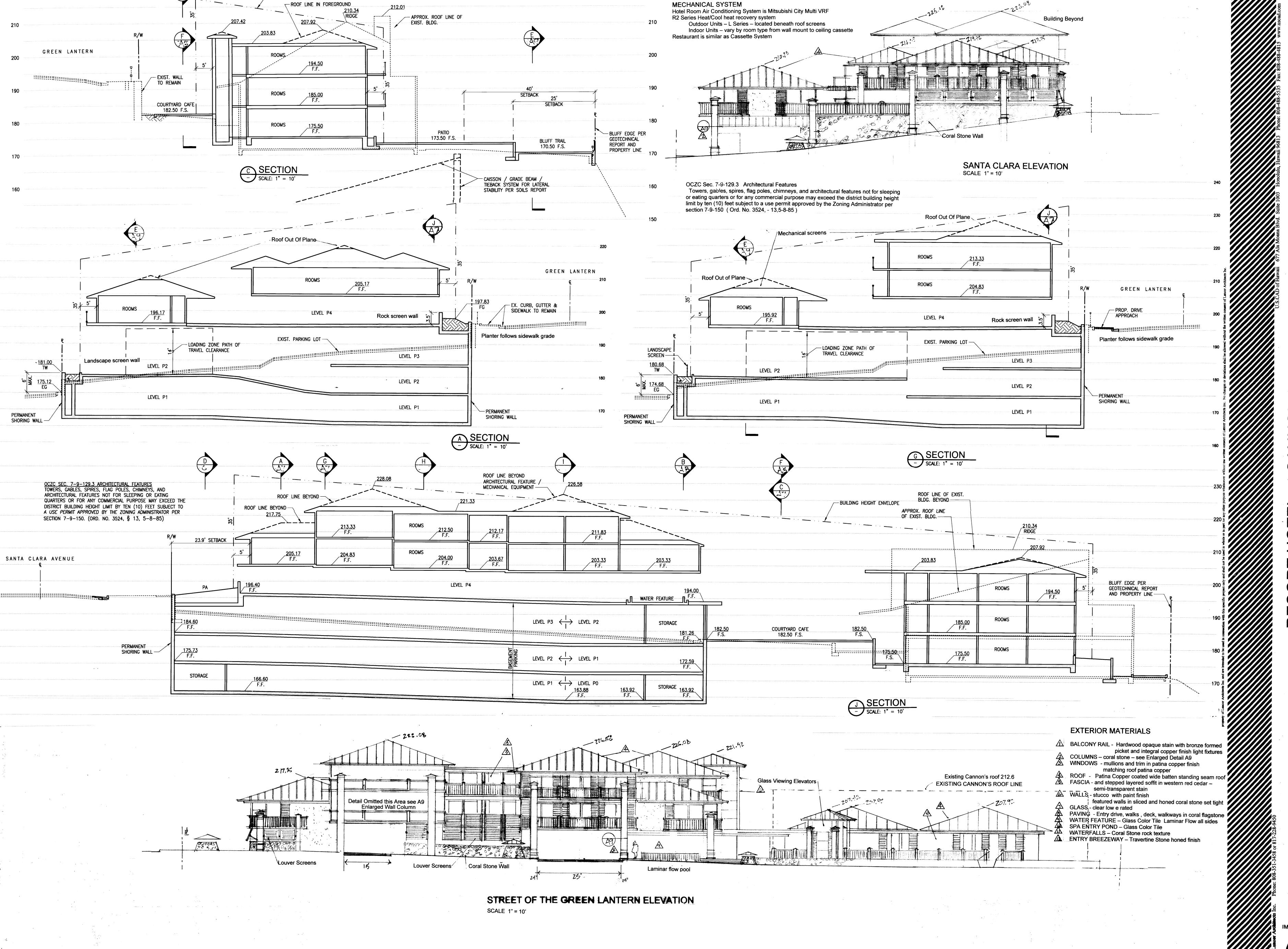


RESORT HOTEL at CANNON'S

ENTRY LEVEL – LOBBY
GENERAL ELEVATION 194





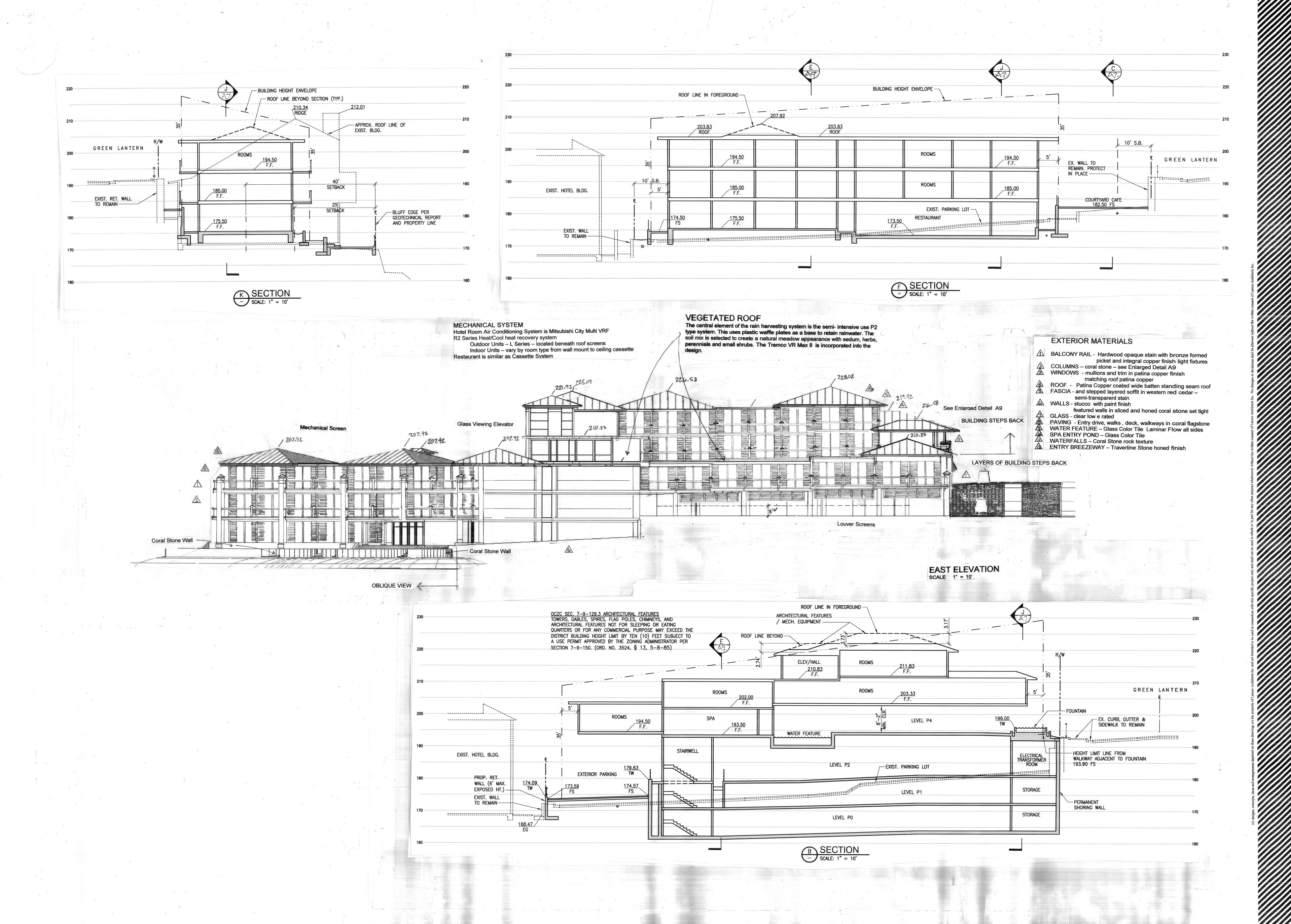


makes along the stronger of th

- BUILDING HEIGHT ENVELOPE





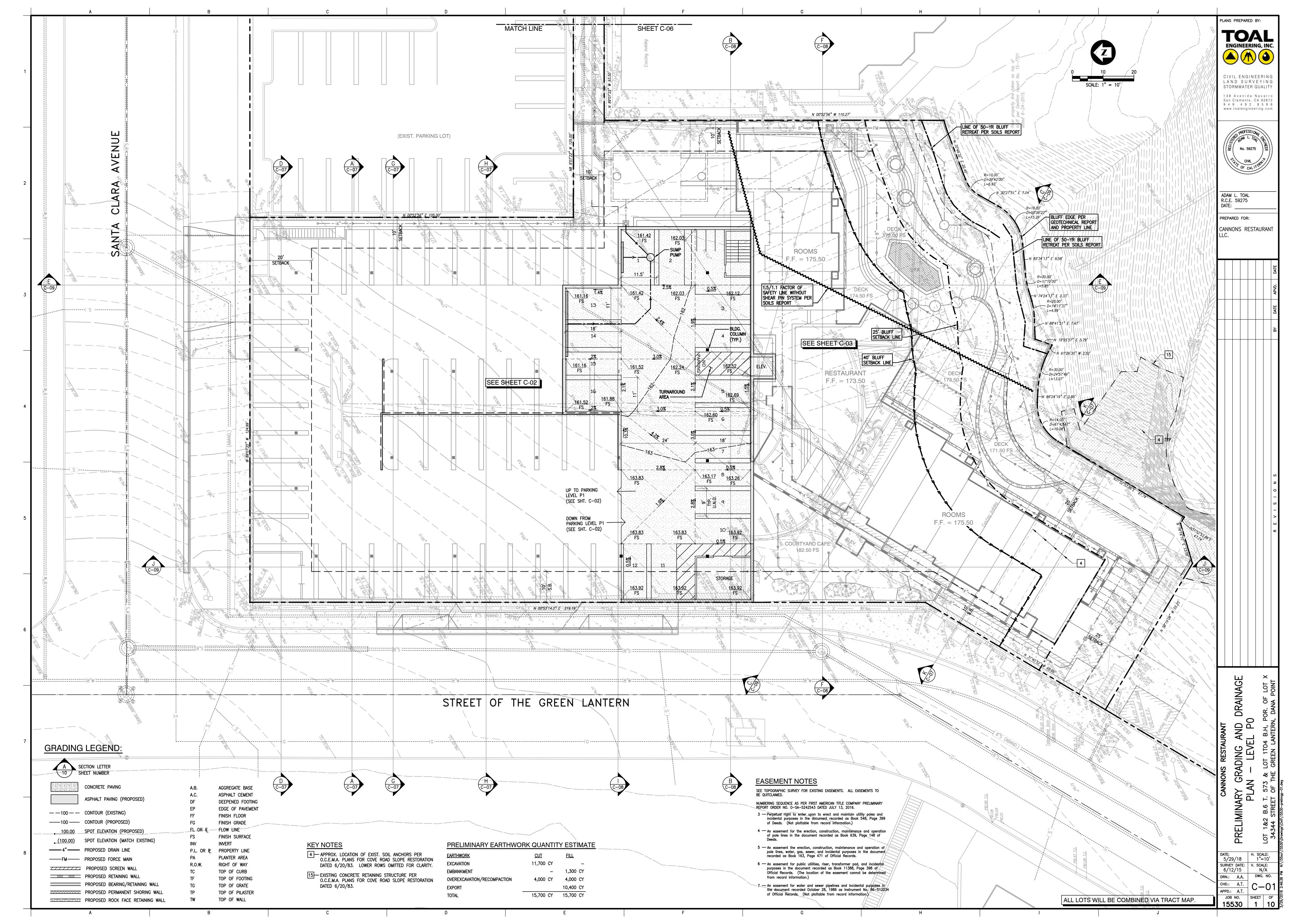


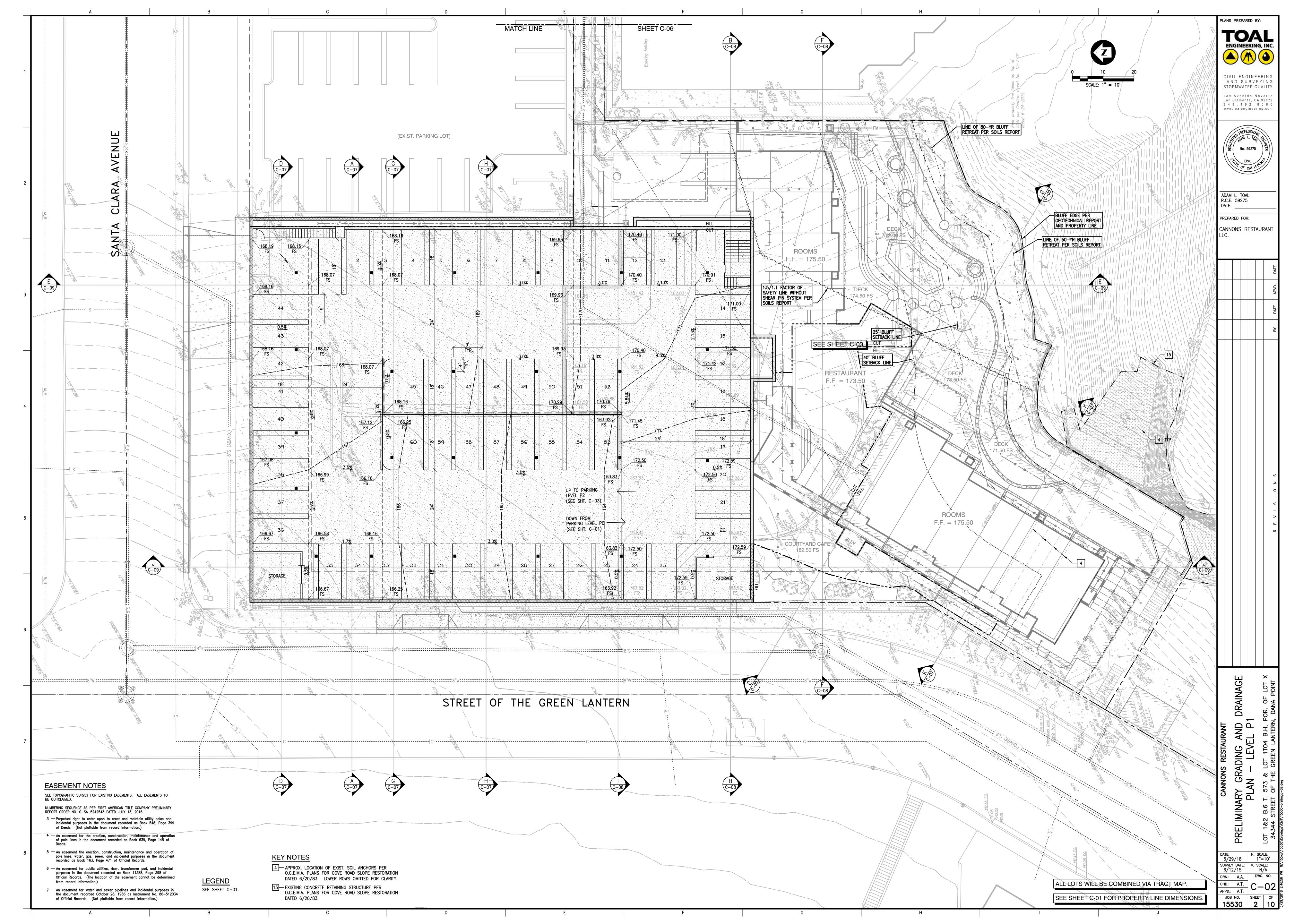
ESORT HOTEL at CANNON'S

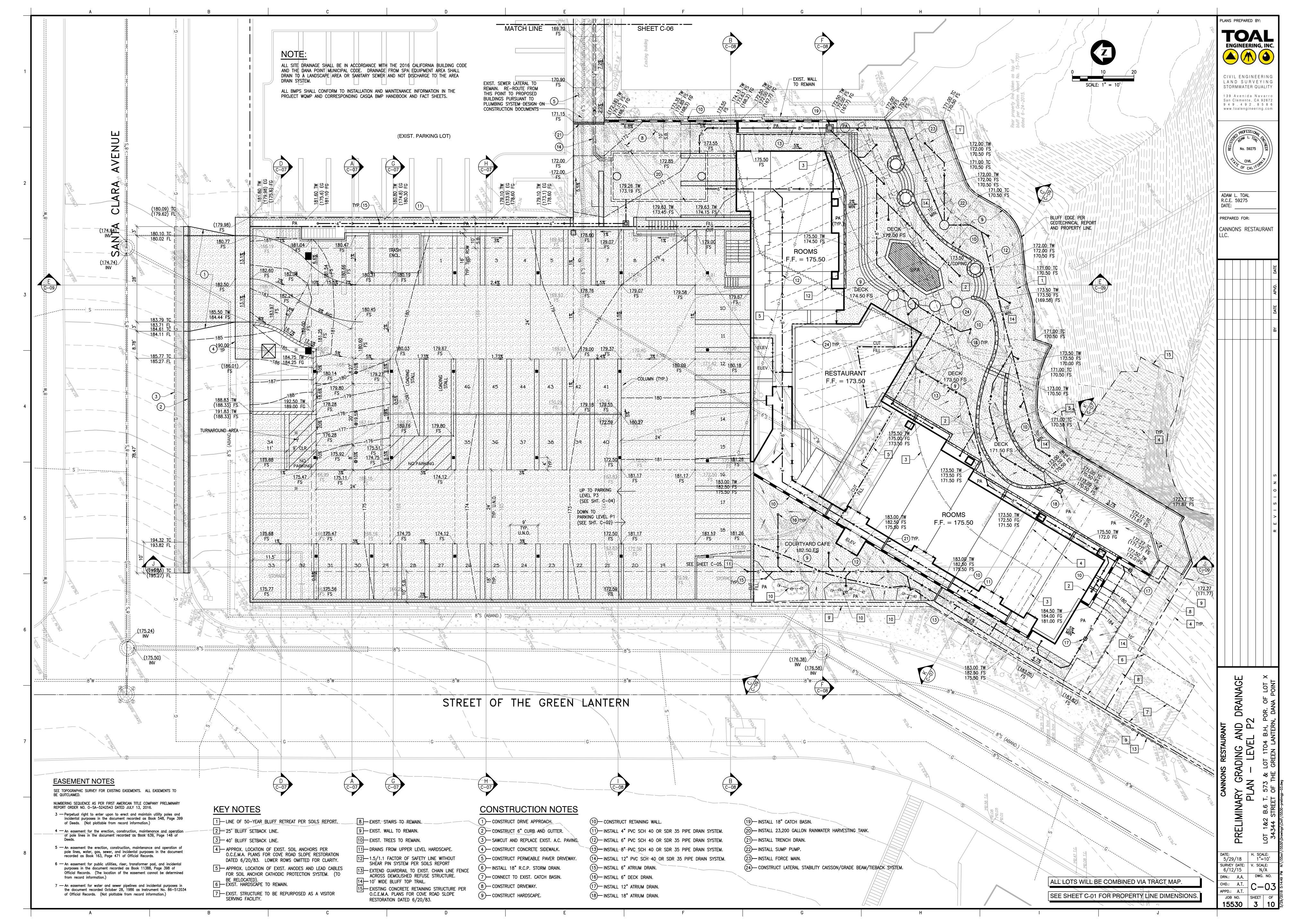
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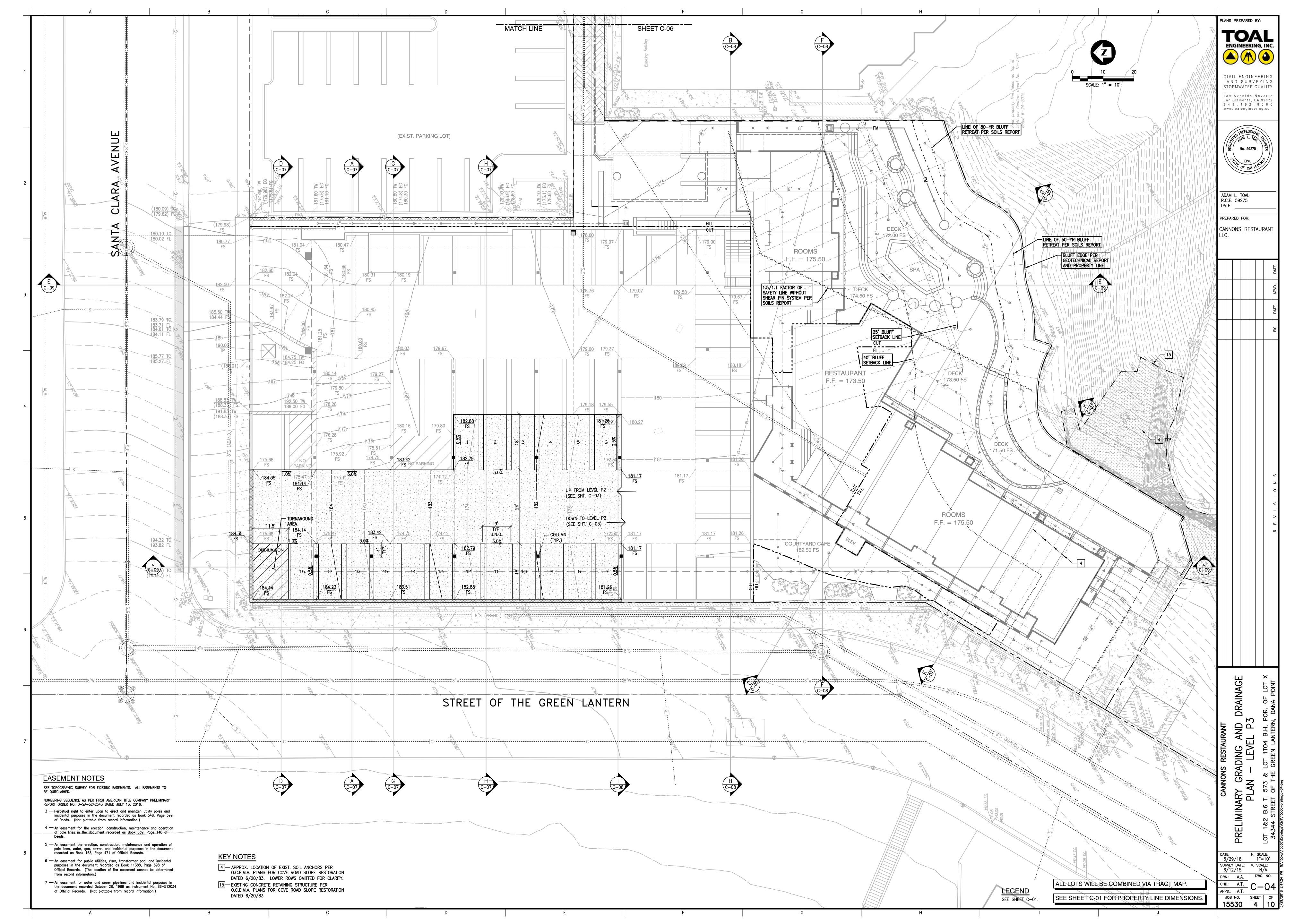
MAY 29, 2018

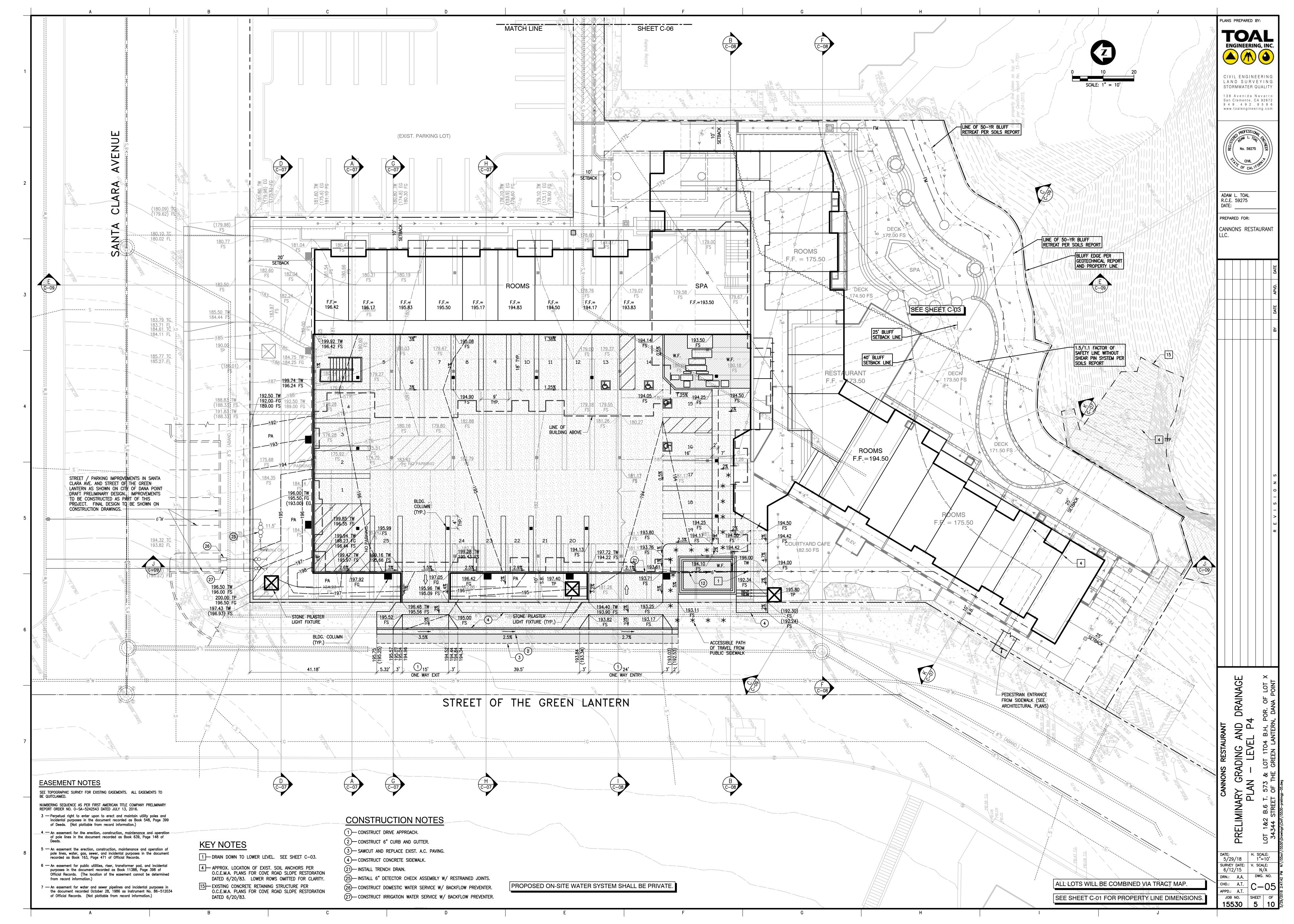
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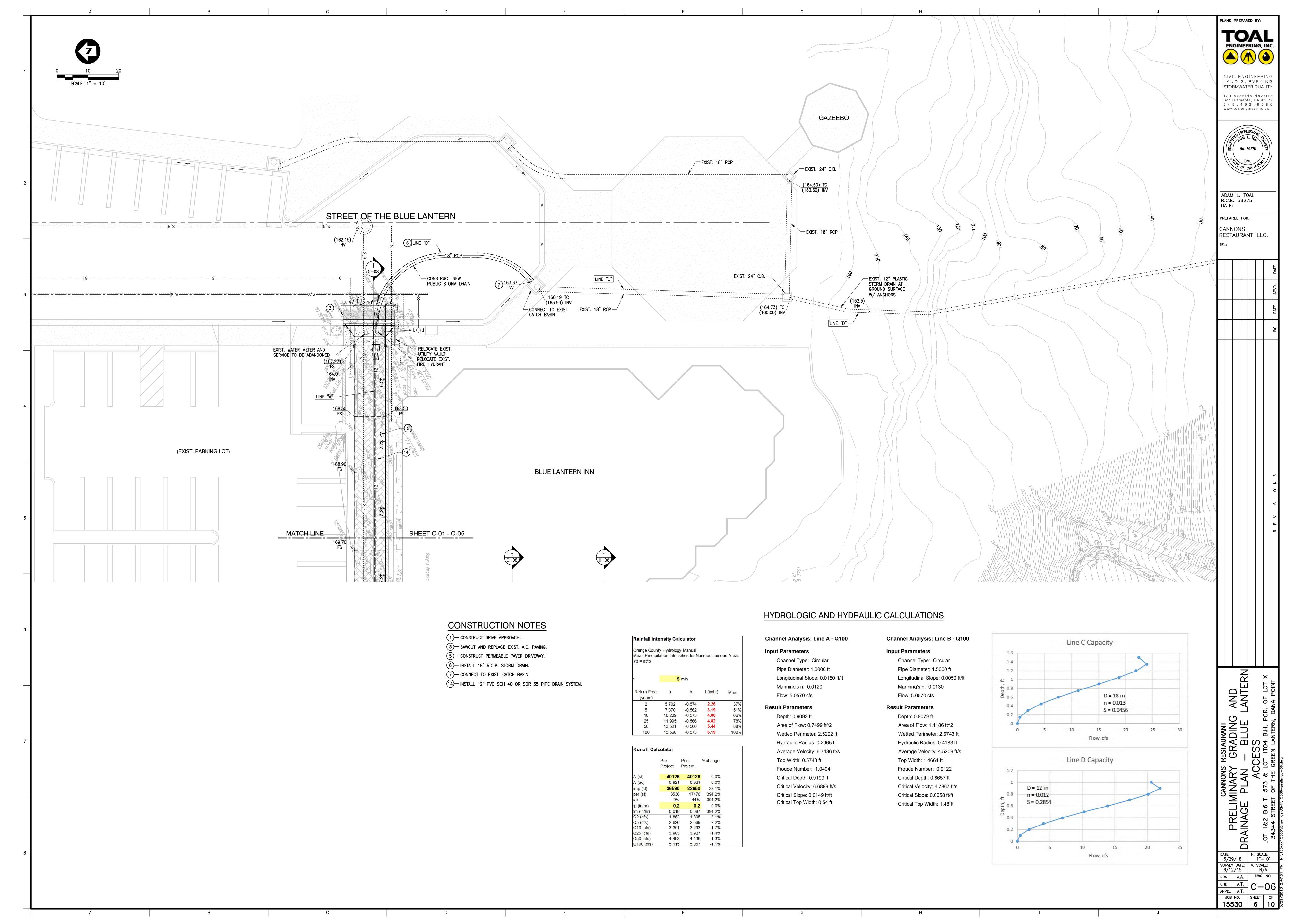


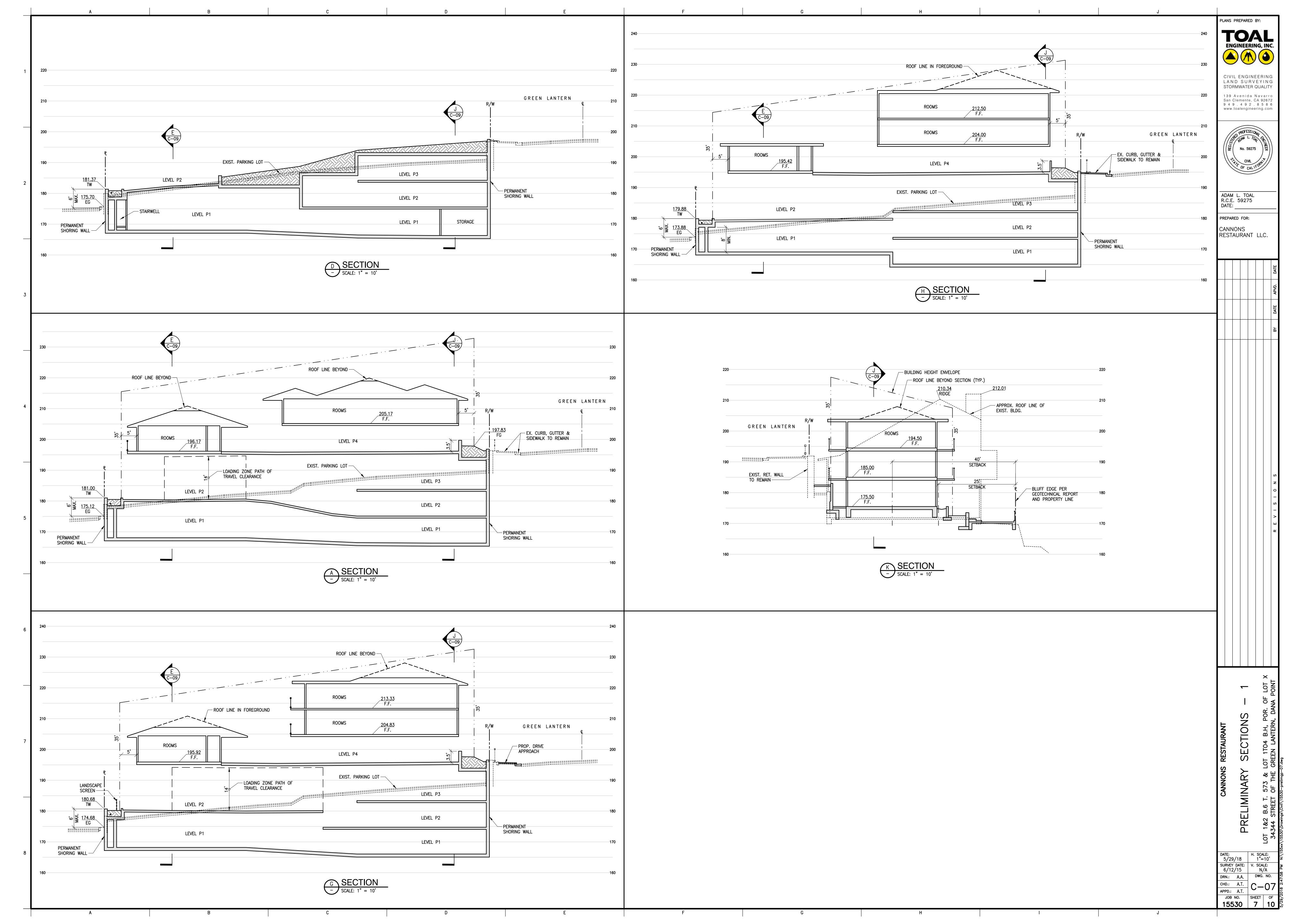


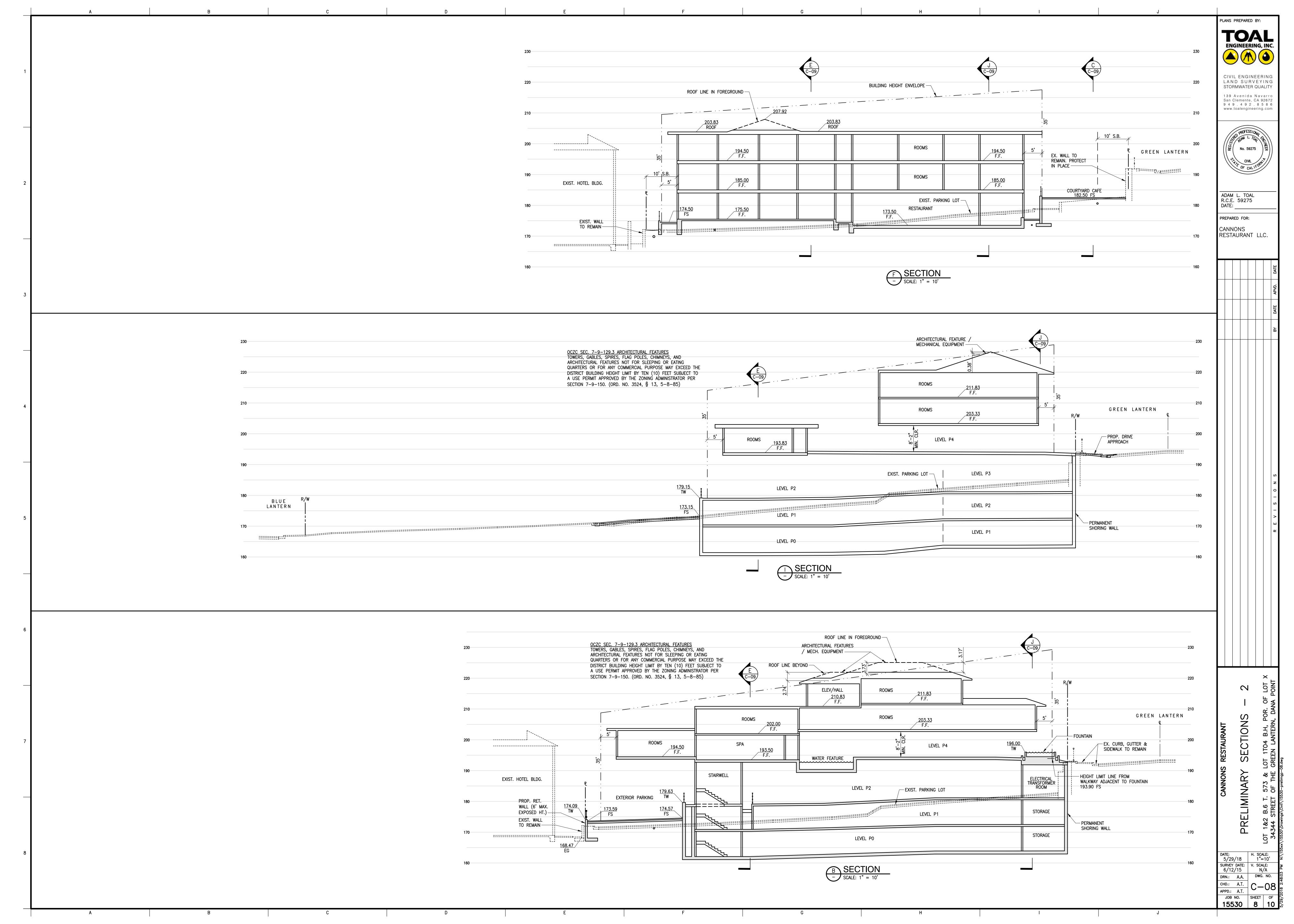


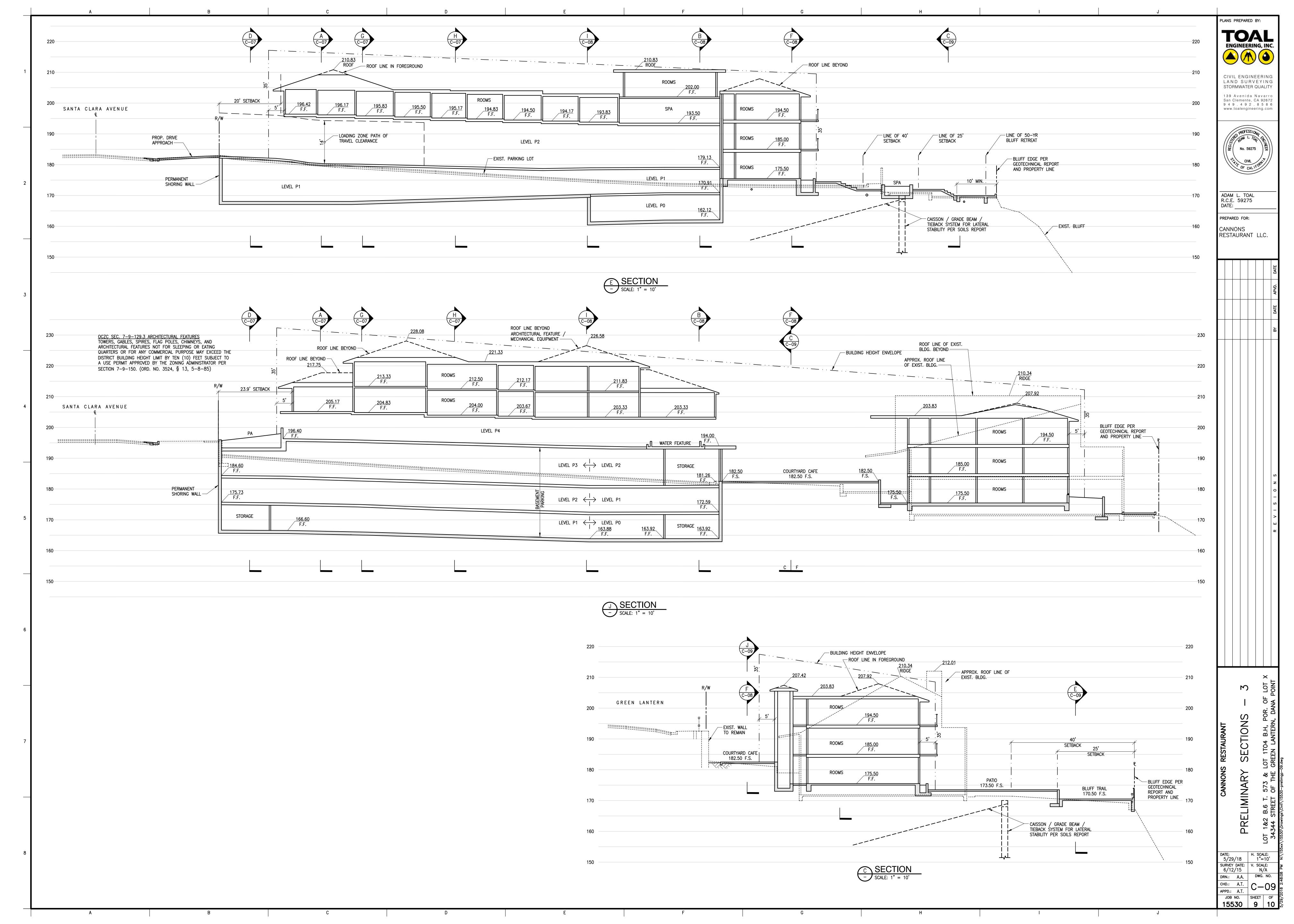


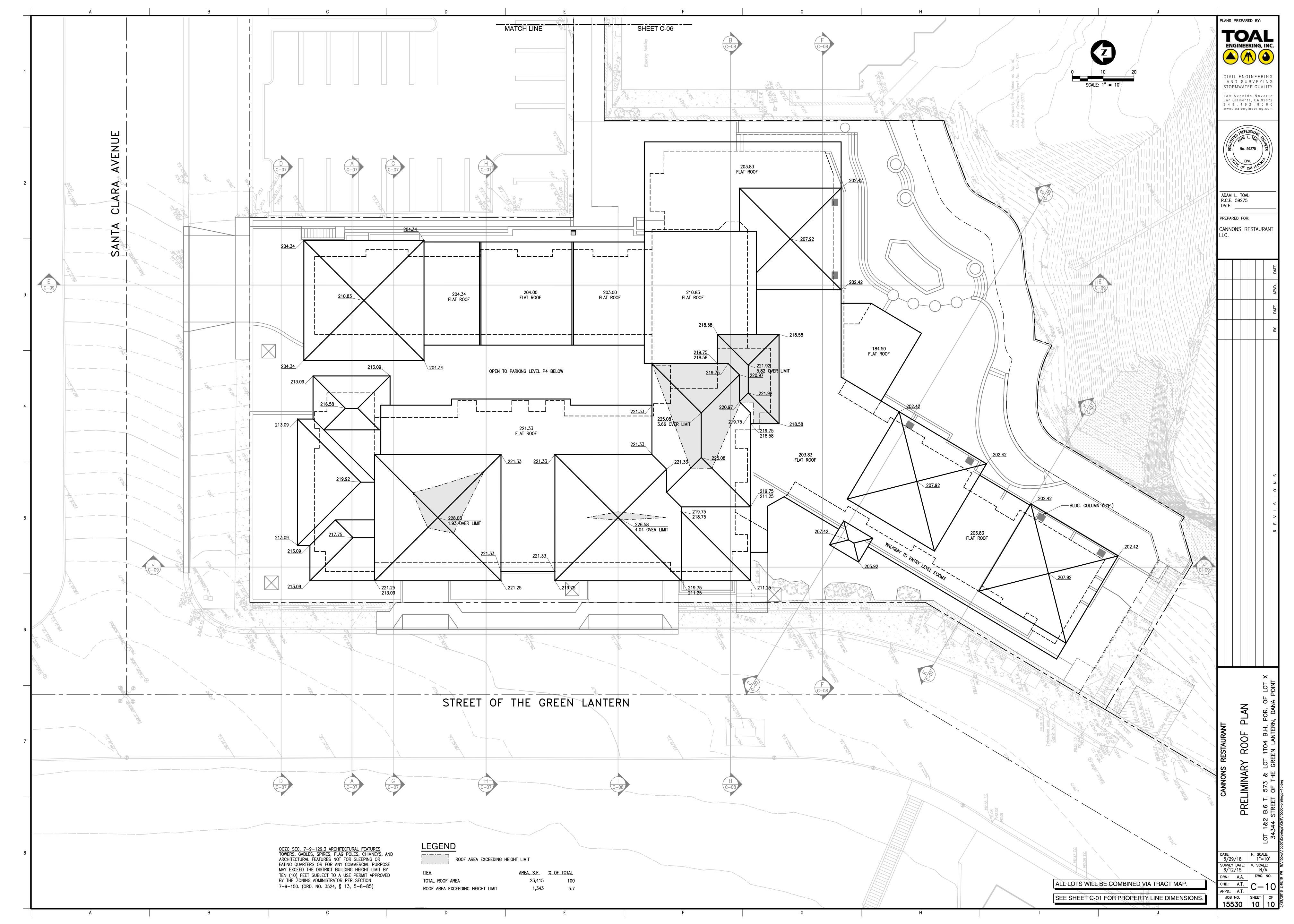


















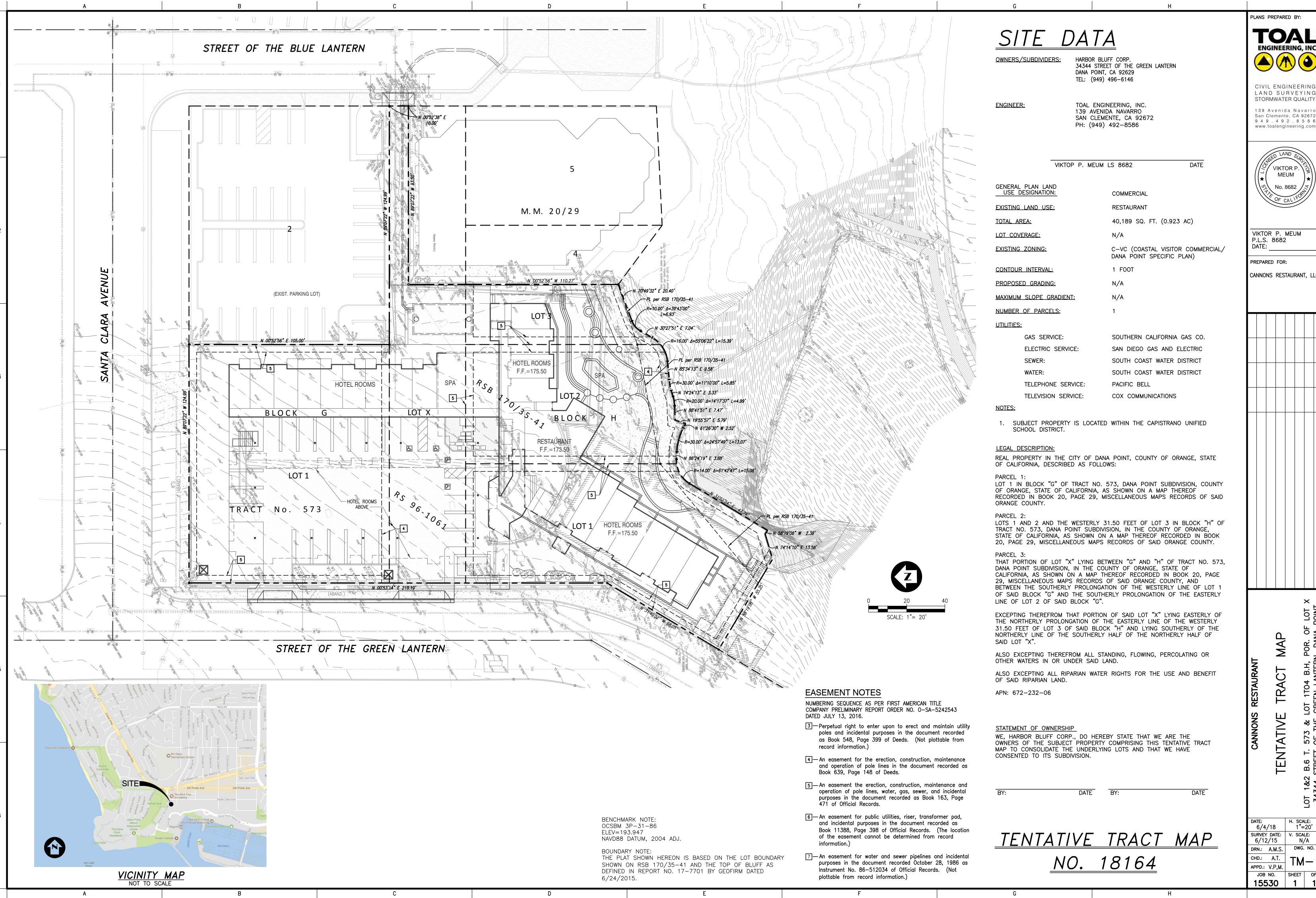












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H. SCALE: 1"=20' DWG. NO.