

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

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**DATE:**       **AUGUST 10, 2020**

**TO:**           **DANA POINT PLANNING COMMISSION**

**FROM:**       **COMMUNITY DEVELOPMENT DEPARTMENT  
BRENDA WISNESKI, DIRECTOR OF COMMUNITY DEVELOPMENT  
JOHN CIAMPA, SENIOR PLANNER**

**SUBJECT: COASTAL DEVELOPMENT PERMIT CDP20-0013 FOR A LOT LINE  
ADJUSTMENT AT 34297 AND 34293 PACIFIC COAST HIGHWAY**

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**RECOMMENDATION:**     That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP20-0013 (Action Document 1).

**APPLICANT:**           Scott Darnell

**OWNER:**               Dana Point Harbor Drive Land, LLC

**REQUEST:**            A request for a Coastal Development Permit to allow a Lot Line Adjustment involving two parcels.

**LOCATION:**            34297 Pacific Coast Highway (APN:682-166-21) and 34293 Pacific Coast Highway (APN:682-166-22)

**NOTICE:**             Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on July 31, 2020, published within a newspaper of general circulation on July 31, 2020, and posted on July 31, 2020, at Dana Point City Hall, the Dana Point, and Capistrano Beach Branch Post Offices, as well as the Dana Point Library.

**ENVIRONMENTAL:**     Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15305 (Class 5 – Minor Alterations in Land Use Limitations) in that the project involves a Lot Line adjustment for two parcels.

**ISSUES:**

- Project consistency with the Dana Point General Plan, Dana Point Specific Plan (DPSP), and Local Coastal Program (LCP).
- Project satisfaction of all findings required pursuant to the LCP and DPSP for approval of a Coastal Development Permit (CDP).
- Project compatibility with and enhancement of the site and surrounding

neighborhood.

### **BACKGROUND:**

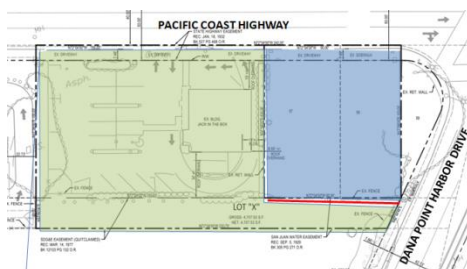
The project site includes two parcels under one ownership, totaling 28,707 square feet, located at the southwest corner of Dana Point Harbor Drive and Pacific Coast Highway. Parcel one is an interior lot, improved with a commercial structure (Jack in the Box), and parcel two is a vacant corner lot that had a structure demolished in 2016. The site is surrounded by commercial uses to the north and undeveloped lots to the south. The subject site is located in the Coastal Couplet Commercial (C-CPC(CD)) zone of the Dana Point Specific Plan (DPSP) and the Coastal Overlay but outside the California Coastal Commission Appeals Jurisdiction area.

### **DISCUSSION:**

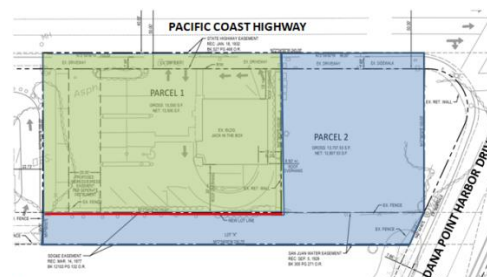
The project proposes to reconfigure the rear property lines (illustrated in red) for the two parcels to transition the land area at the rear of the site from parcel one to parcel two, as shown in Figure 1 below. The proposed LLA would decrease parcel one from 19,707 to 15,000 gross square feet and increase the square footage of parcel two from 9,000 to 13,707 gross square feet. The DPSP regulates the land use and development standards for this area and does not require a minimum lot size or dimensions for the C-CPC(CD) zone; therefore, the proposed LLA complies with the DPSP regulations. The LLA would not reduce the frontage of the lots along Pacific Coast Highway to ensure adequate access for existing structures and future development. The applicant is also proposing a 20-foot access easement on parcel one that would extend from Pacific Coast Highway to the back of the lot to connect with parcel two and provide access to Dana Point Harbor Drive.

**Figure 1 – Existing and Proposed Parcel Configurations**

#### **Existing Configuration**



#### **Proposed Configuration**



Pursuant to Section 10 of the DPSP, the LLA is a subdivision action in the City's Coastal Overlay District and requires the approval of a CDP; however, if the LLA were out of the Coastal Overlay, this request would be an administrative action. The project complies with all applicable provisions of the DPSP for the issuance of a Coastal Development Permit, as the LLA does not impact public access or Environmentally Sensitive Habitat Areas (ESHA) as no ESHA exists on the site.

Section 10 of the Coastal Development District Regulations of the DPSP stipulates a minimum of three (3) findings to approve a Coastal Development Permit, requiring that the project:

- 1. That the development project proposed by the application conforms with the certified local coastal program.*
- 2. That the application is consistent with the purpose and intent as well as the other provisions of the orange county zoning code or district regulations of this specific plan applicable to the property.*
- 3. That the project conforms with the public access and public recreation policies of the California Coastal Act.*

The recommended findings for approval of the CDP are outlined in the draft Resolution No. 20-08-10-XX, attached to this report as Action Document 1.

**CORRESPONDENCE:**

No correspondence received as of the publication date of this staff report.

**CONCLUSION:**

Staff finds that the proposed project is consistent with the policies and provisions of the City of Dana Point General Plan, Dana Point Specific Plan, and Local Coastal Program. The project complies with all standards of development; therefore, staff recommends the Planning Commission adopt the attached draft Resolution, approving Coastal Development Permit 20-0013 subject to the findings and conditions of approval contained therein.

  
John Ciampa, Senior Planner

  
Brenda Wisneski, Director  
of Community Development

**ATTACHMENTS:**

**Action Documents**

1. Draft Planning Commission Resolution No. 20-08-10-xx

**Supporting Documents**

2. Vicinity Map
3. Site Photos
4. Plans

**Action Document 1:          Draft Planning Commission Resolution No. 20-08-10-XX**

**RESOLUTION NO. 20-08-10-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT  
PERMIT CDP20-0013 FOR A LOT LINE ADJUSTMENT AT 34297 AND  
34293 PACIFIC COAST HIGHWAY**

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

WHEREAS, Dana Point Harbor Drive Land, LLC (the "Applicant") is the owner of real property commonly referred to as 34297 Pacific Coast Highway (APN:682-166-21) and 34293 Pacific Coast Highway (APN:682-166-22) (the "Property"); and

WHEREAS, the Applicant has made an application to process a lot line adjustment for two legal lots located at 34297 and 34293 Pacific Coast Highway; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section 15305 of the CEQA Guidelines (Class 5 – Minor Alterations to Land Use Limitations) in that the project consists of a minor alteration to parcel configurations; and

WHEREAS, the Planning Commission did, on the 10th day of August, 2020 hold a duly noticed public hearing as prescribed by law to consider said requests; and

WHEREAS, at said public hearing, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP20-0013.

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

- A) The above recitations are true and correct.
- B) Based on the evidence presented, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP20-0013, subject to conditions:

Findings:

1. That the project proposed by the application conforms with the certified local coastal program **in that, the proposed lot line adjustment (LLA) is found to comply with all applicable development standards of the Dana Point General Plan and Dana Point Specific Plan (the latter acting as the Local Coastal Program Implementation Plan for the property). The LLA is consistent with the DPSP which calls for the development and maintenance of a commercial area in the C-CPC(CD) zone to offer a wider variety**

PLANNING COMMISSION RESOLUTION NO. 20-08-10-XX  
COASTAL DEVELOPMENT PERMIT CDP20-0013  
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of commercial uses. It is intended to provide an environment that will take advantage of the superior access of the Pacific Coast Highway and couplet area, yet not unduly limit effective use of the highway. The project has no impact on coastal resources as it is located within a developed commercial area and the proposed LLA will not impact environmentally sensitive habitat, as none exists on or adjacent to the project site. The project does not include any actual development on the site and the existing commercial use (Jack In the Box) at 34297 Pacific Coast Highway and the adjacent vacant lot at 34293 Pacific Coast Highway comply with the regulations of the C-CPC(CD) zone.

2. That the application is consistent with the purpose and intent as well as the other provisions of the orange county zoning code or district regulations of this specific plan applicable to the property **in that, the proposed reconfiguration of the rear property lines for 34297 Pacific Coast Highway and 34293 Pacific Coast Highway conforms to the C-CPC(CD) zone of the Dana Point Specific Plan in that there are no limitations for lot size, depth, or width; however, the lot frontage remains the same for both lots which will ensure adequate vehicle access to the property.**
3. That the project conforms with the public access and public recreation policies of the California Coastal Act **in that, the proposed project includes the relocation of an existing shared property line and does not impact public access or public recreation opportunities.**

Conditions:

**A. General:**

1. Approval of this application permits a lot line adjustment in order to reconfigure the rear lot lines 34297 Pacific Coast Highway and 34293 Pacific Coast Highway. Subsequent submittals for this project shall be in substantial compliance with the sign plans approved by the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, and the Dana Point Specific Plan.
2. Approval of this application shall be valid for a period of 24 months from the date of determination. If the scope-of-work approved by this action is not established, or the Lot Line Adjustment for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.

PLANNING COMMISSION RESOLUTION NO. 20-08-10-XX  
COASTAL DEVELOPMENT PERMIT CDP20-0013  
PAGE 3

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3. 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.
4. The Applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify and hold harmless the city shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action or proceeding.

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

The Applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

5. 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.
6. 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.
7. An application for a Lot Line Adjustment to Public Works & engineering Services is required. The application shall be in conformance with the City standard Lot Line Adjustment checklist. The application will be reviewed and approved by the City of Dana Point.
8. The approved Lot Line Adjustment shall be recorded by the City of Dana Point.

PLANNING COMMISSION RESOLUTION NO. 20-08-10-XX  
COASTAL DEVELOPMENT PERMIT CDP20-0013  
PAGE 4

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9. The Applicant shall be responsible for coordination with SDG&E, AT&T California, SCWD, Southern California Gas Company, and Cox Communication Services for the provision of all utility services.
10. Any and all outstanding fees associated with any part of the entire project shall be paid.
11. The shared access easement proposed for parcel one shall be recorded under a separate instrument.



PLANNING COMMISSION RESOLUTION NO. 20-08-10-XX  
COASTAL DEVELOPMENT PERMIT CDP20-0013  
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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 10<sup>th</sup> day of August 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mary Opel, Chair  
Planning Commission

ATTEST:

\_\_\_\_\_  
Brenda Wisneski, Director  
Community Development Department

## Supporting Document 2: Vicinity Map



### VICINITY MAP



**Project :** CDP20-0013

**Project Applicant:** Dana Point Harbor Drive Land, LLC

**Location:** 34297 and 34298 Pacific Coast Highway





### Supporting Document 3: Site Photos







**Supporting Document 4: Plans**

ATTACHMENT

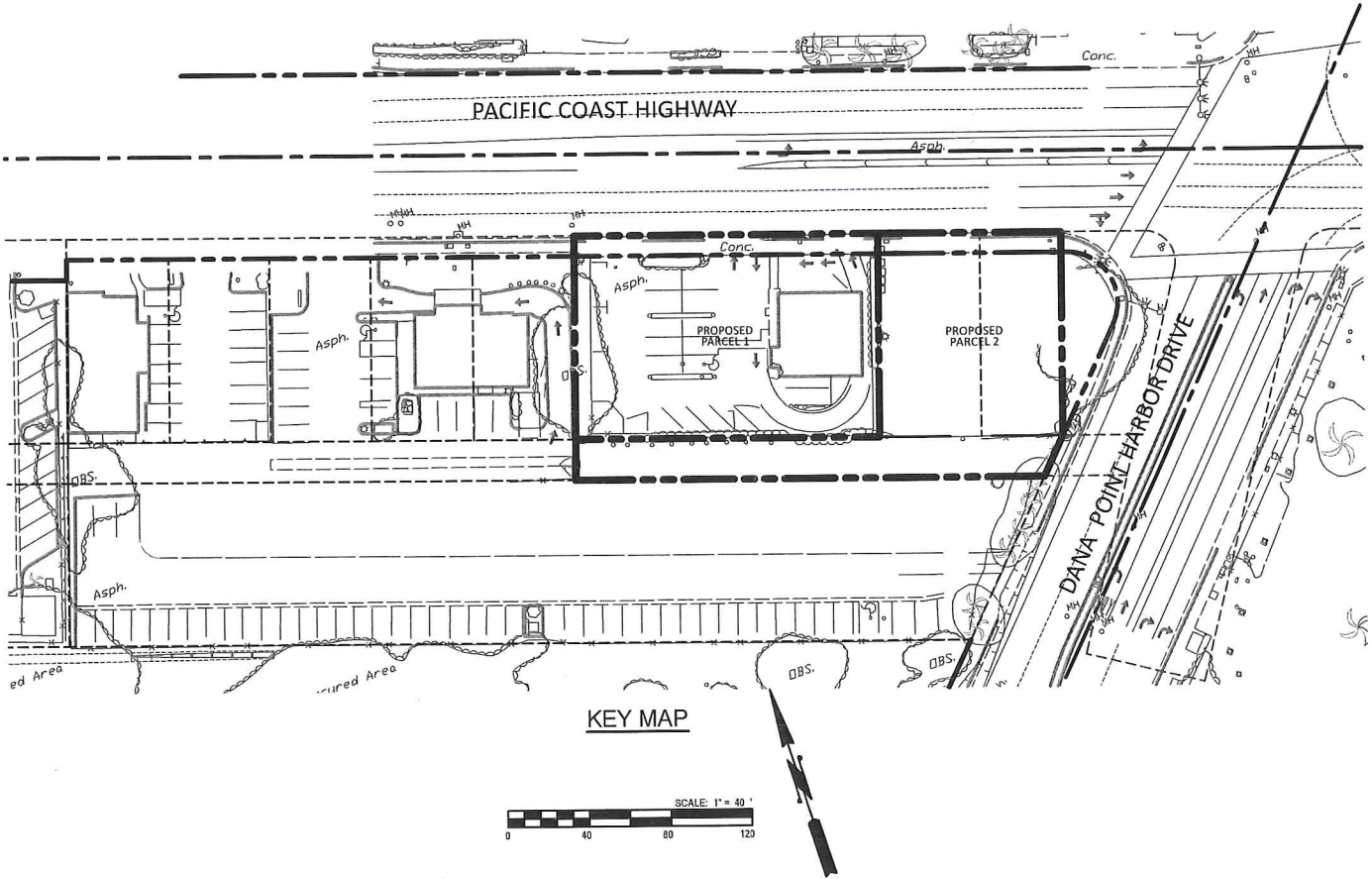
CITY OF DANA POINT  
COASTAL DEVELOPMENT PERMIT  
TITLE SHEET

LEGEND

---	EXISTING R/W OR PL
---	PROPOSED LOT LINE
---	STREET CENTERLINE
---	EXISTING LOT LINE
---	PROPOSED EASEMENT

ABBREVIATIONS

CY	CUBIC YARDS
EX	EXISTING
FH	FIRE HYDRANT
FYSB	FRONT YARD SETBACK
INV	INVERT
MH	MANHOLE
PROP.	PROPOSED
RYSB	REAR YARD SETBACK
SD	STORM DRAIN
SF	SQUARE FEET
SFM	SEWER FORCED MAIN
STL	STEEL
SS	SANITARY SEWER
SYSB	SIDE YARD SETBACK
VCP	VITRIFIED CLAY PIPE
WM	WATER METER



OWNERS CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THE TENTATIVE SUBDIVISION MAP AND THAT SAID MAP SHOWS ALL OUR CONTIGUOUS OWNERSHIP IN WHICH WE HAVE ANY DEED OR TRUST INTEREST, WE UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS-OF-WAY.

OWNER

DANA POINT HARBOR DRIVE LAND, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY  
852 5TH AVENUE, STE 235  
SAN DIEGO, CA, 92101

ENGINEER OF WORK

WILLIAM X. SUITER RCE NO. 68964



ASSESSOR'S PARCEL NO.

PARCEL 1 : 682-166-21  
PARCEL 2 : 682-166-22

SITE ADDRESS

34293 PACIFIC COAST HIGHWAY, DANA POINT, CA 92629  
34297 PACIFIC COAST HIGHWAY, DANA POINT, CA, 92629

GENERAL NOTES

EASEMENTS OF RECORD NOT SHOWN HEREON SHALL BE HONORED, ABANDONED AND/OR RELOCATED TO THE SATISFACTION OF ALL INTERESTED PARTIES, AND PUBLIC UTILITY EASEMENT NECESSARY TO SERVE THIS PROJECT WILL BE COORDINATED WITH SERVING UTILITY COMPANIES.

THE PARCELS ARE LOCATED WITHIN THE COASTAL ZONE BOUNDARY

ZONE: COASTAL COUPLET COMMERCIAL COASTAL DEVELOPMENT DISTRICT C-CPC(CD)

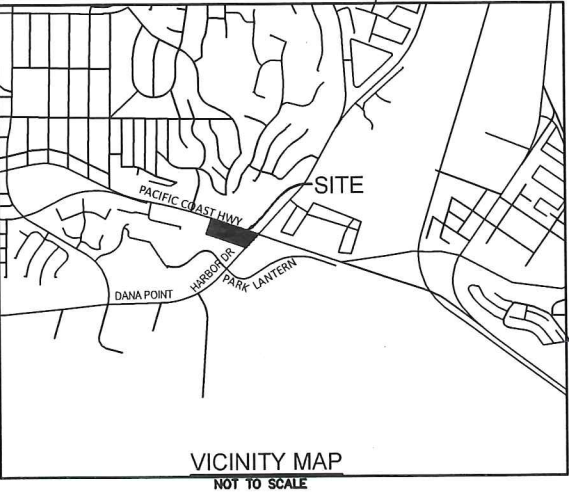
GENERAL PLAN: VISITOR/RECREATION COMMERCIAL

NO IMPROVEMENTS OR STRUCTURES ARE PROPOSED

SHEET INDEX

SHEET 1 - TITLE SHEET  
SHEET 2 - SITE PLAN  
SHEET 3 - EXISTING SITE PLAN

RECEIVED  
AUG 04 2020  
CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
DEPARTMENT

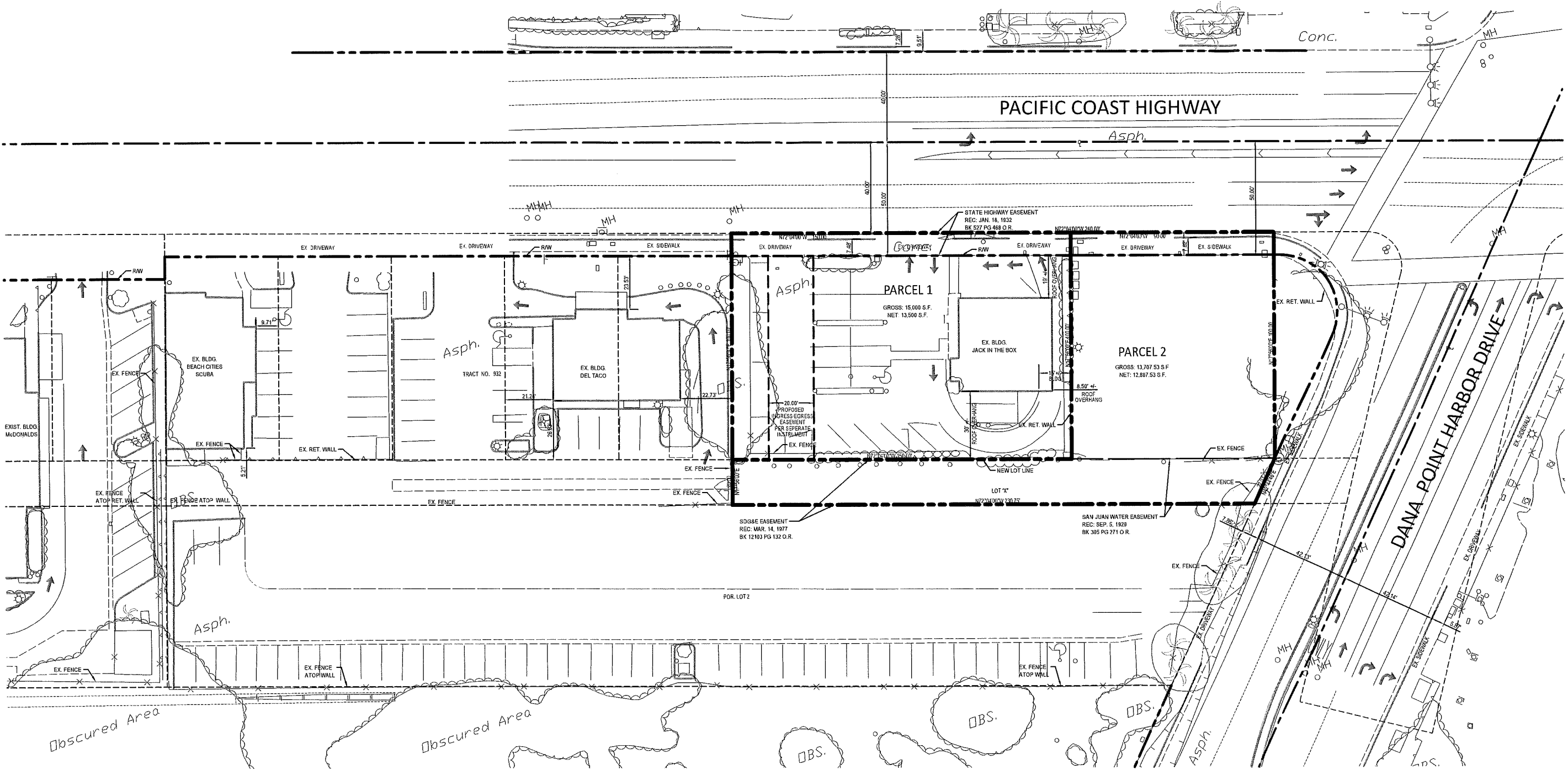


PASCO LARET SUITER  
& ASSOCIATES  
San Diego | Solana Beach | Orange County  
Phone 949.661.6695 | www.plasengr.com

DATE PREPARED: 04/21/2020

CITY OF DANA POINT  
SITE PLAN

SHEET 2 OF 3



LEGEND

---	EXISTING R/W OR PL
---	PROPOSED LOT LINE
---	EXISTING LOT LINE
---	EXISTING EASEMENT
---	PROPOSED EASEMENT



**PASCO LARET SUITER**  
& ASSOCIATES  
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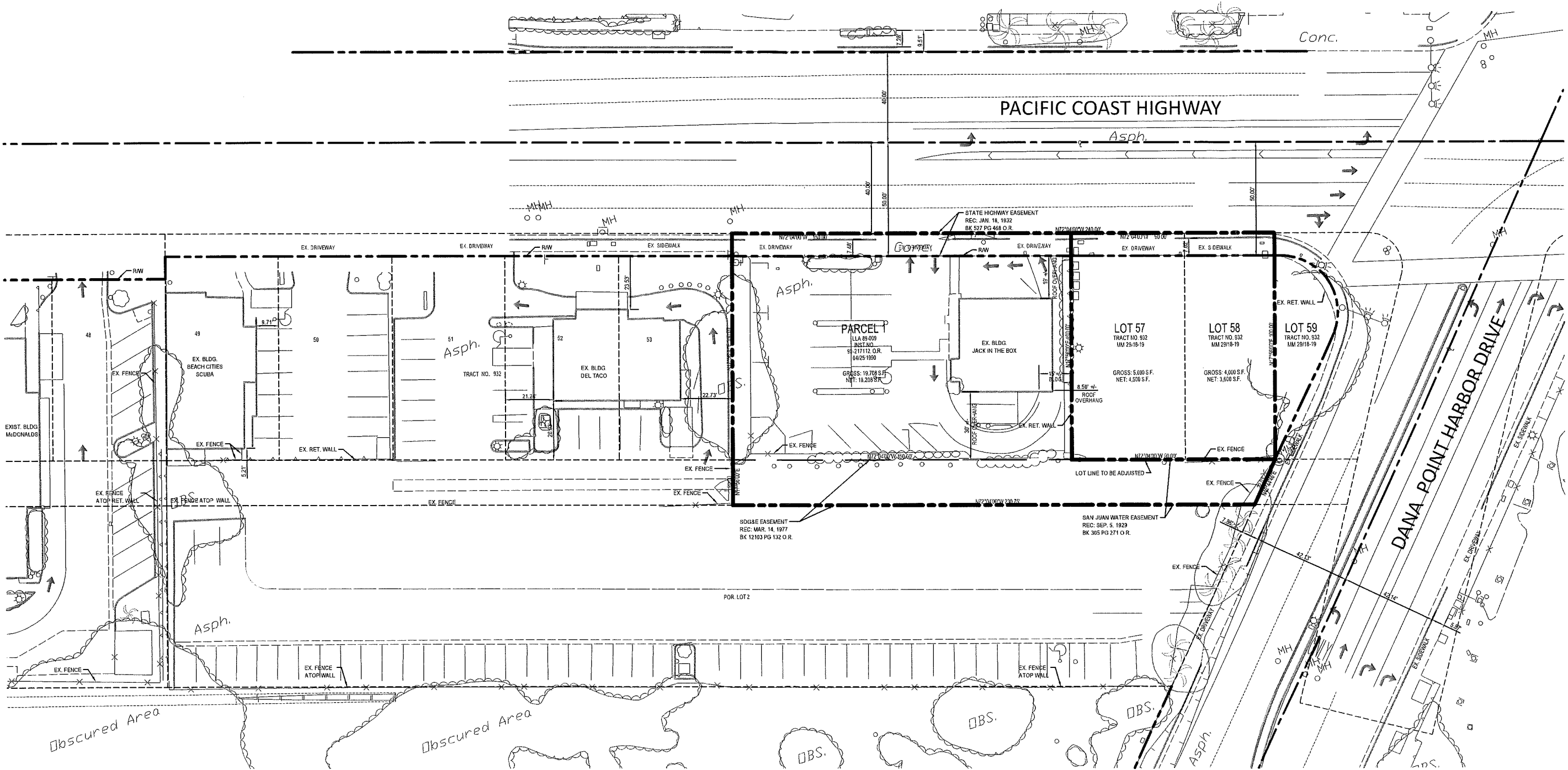
DATE PREPARED: 04/21/2020

SAVE DATE: 06/03/20 - PLOT DATE: 06/03/20 - FILE NAME: 4\_Visuals.dwg - DRAWING DISCREPANCY PLANS Coastal Development Permit 1316 CDP DWG



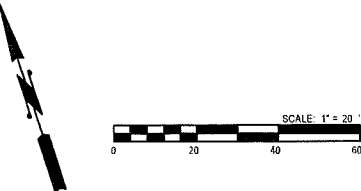
CITY OF DANA POINT  
EXISTING SITE PLAN

SHEET 3 OF 3



LEGEND

- EXISTING R/W OR PL
- PROPOSED LOT LINE
- EXISTING LOT LINE



**PASCO LARET SUTER**  
& ASSOCIATES  
San Diego | Solana Beach | Orange County  
Phone 949.661.6696 | www.pascoengineering.com

DATE PREPARED: 04/21/2020

SAVE DATE: 05/03/20 ~ PLOT DATE: 05/03/20 ~ FILE NAME: Active - 3316 DEL. CDSPO CIVIL DRAWING DISCRETIONARY PLANS Coastal Development, Permit 3316, CDP.DWG