



MARCH 2, 2020

ROSARIO PATRICIA ORTEGA
FARMERS INSURANCE AGENCY
34085 PACIFIC COAST HIGHWAY, SUITE 115
DANA POINT, CA, 92629

**CITY OF DANA POINT
ADMINISTRATIVE PERMIT
CUP21-0001(M)**

PROJECT APPLICANT: Rosario Patricia Ortega (Farmers Insurance Agency)

PROPERTY OWNER: Blue Lantern Property, LLC

LOCATION: 34085 Pacific Coast Highway, Suite 115 (APN: 672-231-06)

REQUEST: A request to establish an administrative office use inside an existing suite within an existing multi-tenant commercial center (Blue Lantern Plaza).

ENVIRONMENTAL: The project is categorically exempt per Section 15301 of the CEQA Guidelines (Class 1 – Existing Facilities).

DETERMINATION: The Community Development Director hereby
_____ APPROVES
_____ DENIES
the requested ENTITLEMENT described herein subject to the attached findings and applicable conditions.

Brenda Wisneski, Director
Community Development Department

BACKGROUND/DISCUSSION:

- 34085 Pacific Coast Highway, Suite 115 is an in-line, ground floor suit located near the intersection of Green Lantern and Santa Clara Avenue, within the Blue Lantern Plaza commercial center.
- Blue Lantern Plaza is located southwest of the intersection of Blue Lantern and Pacific Coast Highway and is zoned Town Center Mixed Use (TC-MU) on the City's Zoning Map.
- Suite 115 was previously established as a retail sales outlet within a multi-tenant commercial building containing a mixture of retail, restaurant, personal service and office uses.
- The applicant is requesting to establish an administrative office use (Farmers Insurance) inside of an existing suite and within the Blue Lantern Plaza commercial center.
- Farmers Insurance is an insurance agency providing miscellaneous types of insurance policies to match the needs of their clientele within Dana Point and surrounding areas.
- The applicant proposes only minor interior tenant improvements to the 900-square foot suite.
- A maximum of two (2) employees will work out of the suite.
- Pursuant to the Land Use Matrix within the Dana Point Town Center Plan (DPTCP), an Administrative Office use is permitted, subject to review and approval of a minor conditional use permit.
- Staff recommends approval subject to the attached findings and conditions of approval.

FINDINGS:

A. Based on the evidence presented at the public hearing, the Director of Community Development makes the following findings and approves CUP21-0001(M), subject to conditions of approval:

- 1) The proposed conditional use is consistent with the City of Dana Point General Plan **in that the proposed Administrative Office use is identified as a conditionally permitted use in the Land Use Matrix of the DPTCP. The DPTCP contains requirements, which implement the City's General Plan through the establishment of permitted uses and development standards for properties within the plan area. The proposed Administrative Office is also consistent with Goal 6, Policy 6.2, which states that the use should "encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area." With the implementation of the new Administrative Office Use, the subject commercial building will provide a mixture of businesses that will help to encourage pedestrians to visit the Dana Point Town Center.**

- 2) The nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the proposed, conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures **in that the proposed Administrative Office use will be established within an existing suite inside of a commercial building within the TC-MU District. All activities associated with the Administrative Office use will take place within the confines of 34085 Pacific Coast Highway, Suite 115. The proposed use is accordingly compatible with and complimentary to existing development within the project's vicinity as conditioned and would not be materially detrimental to adjacent uses, buildings or structures.**
- 3) 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 the Dana Point Municipal Code in order to integrate the use with existing and planned uses in the vicinity **in that the site is located in a previously developed commercial center containing all the land use development features prescribed by the DPTCP and Dana Point Zoning Code. Furthermore, the change from a retail use to the proposed Administrative Office use results in a reduction to the required amount of parking to serve the proposed and existing uses at the commercial center. Additionally, the proposed Administrative Office use is proposed in a vacant suite and requires only minor interior tenant improvements (except for any exterior signage) and any existing, exterior site improvements will remain unchanged with the introduction of the Administrative Office use.**
- 4) The requirements of the California Environmental Quality Act have been satisfied **in that the project qualifies as a Class 1 (Section 15301 Existing Facilities) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) because the project involves the establishment of an "Administrative Office" use within an existing suite with no exterior improvements proposed.**

CONDITIONS OF APPROVAL:

The City of Dana Point hereby grants approval of CUP21-0001(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General:

1. Approval of this application permits a request to establish an administrative office use inside an existing suite and within the Blue Lantern Plaza commercial center, located at 34085 Pacific Coast Highway, Suite 115. Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans

presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal and Zoning Codes.

2. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.
3. 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, such work is not commenced with 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.
4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
5. 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.

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 applicant shall obtain all applicable permits for the proposed improvements.
9. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
10. All proposed activities shall comply with the provisions of the City's Noise Ordinance at all times.
11. Any proposed exterior building signage shall be reviewed and approved under a separate permit.
12. The City shall maintain the option to reconsider the Conditional Use Permit (and conditions contained herein), at any time if the Community Development Director finds it necessary to re-evaluate impacts of the use on the surrounding community.
13. The proposed hours of operation are Monday through Sunday, 7:00 A.M. to 7:00 P.M.

A. Prior to the issuance of a certificate of use and occupancy or during operation of the project the applicant shall meet the following:

14. The subject "Conditions of Approval" section of this permit shall be copied in its entirety, placed directly onto a separate plan sheet in both the City and job plan sets prior to the Planning Division signing off for building final.
15. Verification of all conditions of approval are required by all City Departments.

16. All approvals from outside Departments and Agencies are required.
17. The applicant shall contact the Planning Division to conduct an inspection of the completed project including compliance with all conditions prior to contacting the Building/Safety Division for final project sign-off.
18. Building/Safety division sign off is required to finalize building permits.