

**CITY OF DANA POINT  
M E M O R A N D U M**

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**DATE: JUNE 24, 2024**

**TO: PLANNING COMMISSION**

**FROM: BRENDA WISNESKI, DIRECTOR OF COMMUNITY DEVELOPMENT**

**SUBJECT: ITEM #5 - COASTAL DEVELOPMENT PERMIT CDP24-0010 & SITE DEVELOPMENT PERMIT SDP24-0017 - DANA POINT STORAGE**

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Please see the attached revised resolution (see underlined language) that includes additional findings to support the Class 32 CEQA exemption and an amendment to Condition #45 for restriction that would be included in the lot tie agreement.

## **RESOLUTION NO. 24-06-24-XX**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT CDP24-0010 AND SITE DEVELOPMENT PERMIT SDP24-0017 TO ALLOW THE DEMOLITION OF EXISTING IMPROVEMENTS AND THE CONSTRUCTION OF A TWO (2), THREE (3) STORY SELF-STORAGE BUILDINGS LOCATED AT 25802 AND 25831 VICTORIA BOULEVARD**

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

WHEREAS, Pickering Properties, LLC (the "Owner"), owns the real property commonly referred to as 25802 and 25831 Victoria Boulevard (APN: 668-341-45 and APN: 121-254-43) (the "Property"); and

WHEREAS, La Terra Development is the "Applicant" for the subject project; and

WHEREAS, the Owners caused to be filed a verified application for a Coastal Development Permit and Site Development Permit to allow the demolition of existing improvements and the construction of a two (2), three (3) story, indoor self-storage buildings with required parking, hardscaping and landscaping; 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 the 24<sup>th</sup> day of June, 2024, 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) in that projects on project sites that are five acres or less, are surrounded by urban uses, are consistent with all applicable General Plan designations and policies and all Zoning designations and regulations, do not have a significant effects relating to Land Uses, Habitat, Traffic, Noise, Air Quality or Water Quality, can be adequately served by all required utilities and public resources, and there are no unusual circumstances associated with the project site; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP24-0010 and Site Development Permit SDP24-0017.

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

- A) That the above recitations are true and correct and incorporated herein by reference;

Findings:

B) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP24-0010, subject to conditions:

- 1) That the proposed project is in conformity with the certified Local Coastal Program (LCP) as defined in Chapter 9.75 of this Zoning Code **in that the project is in conformance with the applicable goals and policies associated with the LCP and the Dana Point Zoning Code (DPZC). Both 25831 Victoria Boulevard (Parcel 1) and 25802 Victoria Boulevard (Parcel 2) are zoned as Village Commercial/Industrial (C-VI), and the self-storage facilities are a permitted use. Furthermore, except for the proposed FAR increase and loading stall reduction, which is met via the requisite SDP, the project satisfies all development standards set forth by the V-C/I zone, thus ensuring compliance with the Local Coastal Program.**
- 2) That the proposed development is not located between the nearest public roadway and the sea or shoreline of any body of water and is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act, **in that, the proposed development is not located between the nearest public roadway and the sea or shoreline of any body of water. Furthermore, both parcels are surrounded by a railroad right of way, a public street, and adjacent industrial and commercial properties. Consequently, the project aligns with the public access and recreation policies outlined in Chapter Three of the Coastal Act.**
- 3) That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act), **in that, as set forth in subdivision (E) of this Resolution, 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).**

**CEQA guidelines-Section 15332 “In-fill Development Projects” provides that projects that are in-fill development projects on lots that are 5 acres or less, are surrounded by urban uses, are consistent with all applicable General Plan**

**designations and policies and all Zoning designations and regulations, do not have a significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources. As set forth in Subdivision (E) of this Resolution, this Project meets all of the requirements to qualify for the In-fill Exemption.**

- 4) That the proposed development will 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, **in that both parcels are currently improved and contain an abundance of boats and recreational vehicles and other miscellaneous items with no landscaping, and no environmentally sensitive habitats or scenic resources exist on either site. There are also no designated sensitive areas within close proximity of the site that construction of the proposed project, or subsequent operation, would impact.**
- 5) 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 subject parcels have been graded and contain no topographical features or natural landforms. Although both parcels are in a FEMA identified flood hazard area, the applicant has provided the necessary flood analysis documentation and designed each building to be elevated above the required base flood elevation (BFE) to mitigate any potential flooding risks to the proposed buildings. Furthermore, the portion of Victoria Boulevard City right of way between the end of the cul-de-sac and the railroad ROW will be graded as close to the existing condition as possible to minimize negatively impacting the flood depth through this corridor.**
- 6) 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 development is consistent with the requirements of Doheny Village. The proposed buildings exhibit high quality finish materials, new landscaping and hardscaping and will be a visual enhancement to two (2)**

degraded lots that currently contain dilapidated buildings, an abundance of boats and vehicles in all conditions and hazardous materials (gasoline and oil) with no landscaping. Moreover, the proposed contemporary-industrial/ industrial style buildings are compatible with surrounding development which includes a combination of existing older buildings and newer and/or updated commercial and industrial buildings and commercial yards. The architectural style incorporates contemporary-industrial design features with high quality materials, finishes and colors, resulting in a design consistent with the eclectic mix of surrounding building styles.

- 7) That the proposed development will conform with the General Plan, Zoning Code, Local Coastal Program, or other applicable adopted plans and programs, **in that the proposed project is consistent with all the applicable policies associated with the development of the subject parcels, as discussed in CDP finding number one (1) above. Additionally, the development is consistent with the applicable DPZC general development standards.**
- 8) That the requirements of the California Environmental Quality Act have been satisfied **in that, as set forth in subdivision (E) of this Resolution, 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).**

CEQA guidelines-Section 15332 "In-fill Development Projects" provides that projects that are in-fill development projects on lots that are 5 acres or less, are surrounded by urban uses, are consistent with all applicable General Plan designations and policies and all Zoning designations and regulations, do not have a significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources. **As set forth in subdivision (E) of this Resolution, this Project meets all of the requirements to qualify for the In-fill Exemption.**

- C) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Site Development Permit SDP24-0017, subject to conditions:
- 1) That the site design is in compliance with the development standards of the DPZC...

**Non-residential development exceeding 2,000 GFA**

in that pursuant to Section 9.71.020 of the DPZC, a SDP shall be required for all non-residential development exceeding two thousand gross square feet. The proposed building on Parcel 1 consists of 93,878 square feet and the proposed building on Parcel 2 consists of 47,810 square feet of non-residential area which each conform to the respective zoning specific development standards and general development standards identified within the DPZC.

**Floodplain**

in that pursuant to the DPZC Section 9.31.050, a Site Development Permit is necessary prior to any construction or development within areas of flood hazards, flood-related erosion, or mudslide risk. Given the project's location within the FP-2/AO district, the requisite SDP is required. The applicant has submitted a FEMA Floodplain Analysis for both parcels, and the City's Engineering Department reviewed and confirmed the validity of the proposed recommendations to raise the finish floor elevation (FFE) above the surrounding grade within five feet of the proposed building footprint to mitigate flood risk which also conforms to the City's building height measurement requirements as prescribed in the DPZC.

**FAR Increase**

in that the proposed building designs result in an FAR of 1.56 for Parcel 1 and an FAR of .81. for Parcel 2. When the FAR for both parcels is combined, the project results in a total FAR of 1.2. When combining the parcels, the overall FAR of 1.2 is below the maximum allowed FAR of 1.5 for the Commercial/Industrial uses as identified in Development Intensity/Density Standards table (LU-2) within the Doheny Village. Although the requested FAR increase allows for additional square footage and storage units, the project provides the required parking to accommodate the increase. Therefore, the increase

would not result in the need for additional facilities or services. Additionally, the project proposes exterior building finishes, refreshed landscaping and improvements to the City ROW, thereby demonstrating exceptional design quality which exceeds minimum City standards. The project also promotes significant public amenities by adding a sidewalk and landscaping along the southern cul-de-sac of Victoria Boulevard and working with the City to provide trolley parking.

**Reduction in Loading Spaces**

in that Section 9.35.110(a)(D) allows for a modification to the number of loading spaces required via review and approval of the requisite SDP. The project complies with the required parking stalls for the self-storage use, while also providing additional loading areas near each lobby and additional oversized stalls for City trolleys. This reduction also allows for increased landscaped areas, improving the overall design.

- 2) That the site is suitable for the proposed use and development...

**Non-residential development exceeding 2,000 GFA**

in that the proposed buildings are being developed on two parcels which are zoned for the proposed use by-right and are located near a mix of industrial and commercial uses. The parcels are large enough to accommodate the proposed buildings, hardscaping, landscaping and on-site parking for the proposed uses. Furthermore, self-storage produces limited noise and little traffic, resulting in negligible impact to the community. The building design is contemporary/industrial with a variety of materials and colors which is architecturally compatible with the surrounding eclectic development in the area.

**Floodplain**

in that although the parcels are located within the FP2/AO flood hazard zone as identified by the City Zoning map and FEMA, the project proposes to elevate the buildings to the necessary height above the base flood elevation (BFE) to mitigate any potential flood risks. Additionally, site grading along Victoria Boulevard will be designed to minimize elevation changes to mitigate any potential flood risks to the street and surrounding properties.

**FAR Increase**

in that the although the FAR increase will accommodate additional square footage and storage units, self-storage facilities do not generate a significant amount of traffic as customers access the facility at various times and the additional parking needed for the FAR increase is provided. The parcels are large enough to not only accommodate required vehicle parking but also provide additional oversized parking stalls that can be used when not occupied by City trolleys.

**Reduction in Loading Spaces**

in that the design provides loading areas in front of the lobbies on both parcels which can be used if needed as loading spaces. Additionally, loading stalls are typically used for delivery or pick up of mail or parcels from couriers. Loading facilities are more common for residential, mixed-use, retail and restaurant type uses and therefore would not be necessary for self-storage. Additionally, since self-storage is a low intensity use, it is likely that only a small percentage of the standard and oversized stalls will be occupied at any given time, resulting in an abundance of space for loading when unoccupied. Therefore, the site and design of the project is appropriate for a reduction in loading spaces request.

- 3) That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines...

**Non-residential development exceeding 2,000 GFA**

in that the proposed development fulfills Goal 7 of the Land Use Element of the General Plan which promotes revitalization of the Doheny Village area as a primary business district in the City and more specifically Policy 7.2: "Improve the appearance of the area through revitalization activities." The proposed development removes older, dilapidated structures and outdoor storage of boats, vehicles and other miscellaneous equipment and replaces them with contemporary buildings and a variety of landscaping, thereby revitalizing the subject parcels. Additionally, the project fulfills the Industrial Section of the City's Urban Design Guidelines by including a fifteen-foot to twenty-seven-foot landscaped area along the street frontage and



exterior wall materials with complementary texture and color, including cement wall panels, plaster, metal trim and awnings, painted CMU and spandrel glass. The building is a contemporary/industrial design and is compatible with the surrounding development.

**Floodplain**

in that the proposed development fulfills Goal 2, Policy 2.2 of the Public Safety Element of the General Plan: “Regulate the construction of non-recreational uses on coastal stretches with high predicted storm wave run-up to minimize risk of property damage.” Both parcels are proposed to be graded to include fill to elevate the finished floor elevation of the buildings above the base flood elevation as identified by FEMA, thereby minimizing the risk of property damage from flood hazards.

**FAR Increase**

in that the proposed development fulfills Goal 6, Policy 6.3 of the Circulation Element of the General Plan to: “Provide sufficient off-street parking.” In addition to providing the minimum number of required parking for the proposed additional square footage for the requested FAR increase, the project provides a total of four (4) oversized parking stalls on private property to be used by the City trolleys. An additional three (3) trolley stalls will be provided adjacent to the private property on City ROW, just beyond the entrance to both parcels. When not occupied, any standard or oversized stalls can be used for additional overflow parking. Therefore, there is an abundance of parking on site to fulfill Policy 6.3 of the City’s Circulation Element of the General Plan.

**Reduction in Loading Spaces**

in that the proposed development fulfills Goal 6, Policy 6.3 of the Circulation Element of the General Plan which: “Provide sufficient off-street parking.” Together, the parcels are large enough to accommodate the required parking on-site and also provide loading areas in front of each lobby. Therefore, although the development does not include dedicated loading spaces, there will be more than enough opportunity via the existing parking stalls to accommodate loading.

- 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...

**Non-residential development exceeding 2,000 GFA**

in that the proposed self-storage use is sited in accordance with applicable development standards and provides the required parking, circulation and landscape areas. The site layout and building design provides fire and customer access and circulation while also providing an aesthetically pleasing site and building design. The structural building design is specific to self-storage, designed on a grid to allow for different sizes of self-storage units. The architectural style is contemporary-industrial industrial, unique, and compatible with the surrounding neighborhood.

**Floodplain**

in that both parcels are located within the FP2/AO flood hazard zone as defined by FEMA and are adjacent to the San Juan Creek flood control channel. Therefore, both sites have been designed to be graded with potential flood levels in mind, elevating the finish floor elevation above the base flood elevation (BFE) for the zone. Additionally, the project is designed with a contemporary/industrial style architecture, utilizing finish materials and landscaping which blend well into the surrounding environment and help protect against possible flood hazards.

**FAR Increase**

in that both parcels are large enough to accommodate the additional parking needed for the FAR increase, therefore mitigating any possible increase in intensity. Additionally, the block style of contemporary/industrial architecture can easily accommodate additional square footage without changing the overall design.

**Reduction in Loading Spaces**

in that the project provides loading areas in front of the lobby and the proposed elimination of dedicated loading spaces does not physically affect the overall size or circulation of the existing parking lot on each parcel. Customers will have ample available parking and loading

areas onsite without blocking drive aisles, ingress and egress to each site. The proposed elimination in loading spaces has no affect on the type of style or architecture of the buildings.

- D) Based on the evidence presented at the public hearing, the Planning Commission adopts the following **additional** findings required for an increase to FAR and a reduction in loading spaces, subject to conditions:

**FAR Increase**

- 1) That the requested increase will not significantly contribute to the temporary or cumulative demand for public facilities or services **in that the additional square footage to the building on Parcel 1 results in an FAR of 1.56 and the additional square footage to the building on Parcel 2 results in an FAR of .81. The combined FAR for the project is 1.2, falling below the maximum FAR limit of 1.5 designated for the Commercial/Industrial intensity/density requirements. Furthermore, the 11<sup>th</sup> Edition of the Institute of Traffic and Engineering (ITE) Trip Generation Manual explains that self-storage/ mini-warehouse facilities produce minimal trip generations, posing negligible changes to intensity. Therefore, the increase in FAR does not require an increase of public amenities or services. Additionally, compliance with building and fire codes ensures a secure storage environment as well. The development aims for high energy efficiency, utilizing minimal energy and water with no natural gas, surpassing CalGreen code standards. It optimizes climate control, lighting, and solar panel usage to reduce energy consumption significantly. Additionally, the drought tolerant landscape plan ensures landscaping meets low water consumption guidelines.**
- 2) That the proposed project warrants increased intensity because it demonstrates exceptional design quality exceeding minimum City standards **in that the development showcases outstanding design excellence through a contemporary-industrial aesthetic, incorporating diverse textures, materials, and colors such as spandrel glass, painted CMU, cement panels, plaster, metal trim, and awnings, surpassing the City's basic design**

requirements. The building facades feature a dynamic mixture of materials and planes, enhancing visual interest. Moreover, Parcel 1 includes over 8,000 (~13%) square feet of landscape area where 2,993 (5%) square feet is required and Parcel 2 includes over 6,000 (~11%) square feet of landscape area where 2,960 (5%) square feet is required, particularly accentuated along the public right of way, thereby exceeding the requisite landscape minimum of five percent minimum per lot.

- 3) That the proposed project provides significant or exceptional public amenities, improvements or benefits, in excess of the minimum standards applicable to the project, which promote the goals and objectives of the General Plan **in that the development aims to refresh the public right-of-way at the terminus of the existing cul-de-sac and area to the north, abutting the property line of Parcel 2 to accommodate three (3) oversized parking stalls for City trolleys, with an addition four (4) oversized stalls allocated on private property, inside of Parcel 2. This project aligns with General Plan Policy 3.5, by facilitating an agreement with the City to accommodate trolley parking without impeding public access or coastal parking. The Dana Point Trolleys play a crucial role in Dana Point's transportation system, and this parking solution safeguards valuable coastal parking while exceeding landscaping requirements by over double the requirement, enhancing the streetscape in accordance with General Plan Goal 3's directive to enhance quality of life through growth.**

#### **Reduction in Loading Spaces**

- 1) That the proposed modifications to the parking and loading standards result in a project which is of a superior design quality and functionality as compared to the project which could have been built under the existing regulations **in that pursuant to DPZC Section 9.35.090, a total of five (5) loading spaces would be mandated for this project based on the proposed building areas. As designed, the project provides additional loading areas in front of the lobby's which could accommodate courier mail and parcel pick up and drop off as well as other miscellaneous loading needs. Implementing additional loading stalls would**

entail excessive paving and circulation space, detracting from aesthetics and functionality. The project conforms to the required parking provisions for self-storage uses while also providing multiple oversized stalls and wide maneuvering areas, rendering the loading spaces unnecessary. Removing this requirement enables greater landscaped area, enhancing overall design.

- 2) That the proposed parking and loading facilities, as conditioned, comply with the intent and purpose of the parking and loading regulations **in that the layout proposed aligns with the intent and objectives of loading regulations, ensuring a functional site layout and convenient customer access to both the site and the building. With ample parking available, additional loading areas positioned near customer lobbies further facilitate easy access to each building. Overall, the facility fully adheres to the objectives of parking and loading regulations.**

E) **Based on the foregoing, the City of Dana Point Planning Commission determines that this project is Categorically Exempt pursuant to Section 15332 Class No. 32, (Infill Development Project) of the California Environmental Quality Act (CEQA), based on the following:**

- 1) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations in that the subject project is located within the Village Commercial/Industrial (V-C/I) zone which permits self-storage uses by-right and the proposed improvements conform to the applicable development standards, as required within the Dana Point Zoning Code (DPZC). Furthermore, the project is surrounded by a mixture of commercial and industrial existing uses including an existing storage center which borders 25831 Victoria Boulevard. Additionally, the project complies with the General Plan and Urban Design Guidelines and the overall design is appropriate for the site and function of the proposed self-storage use as the overall goal of the Doheny Village plan was to permit by-right the existing uses within their respective zones. The project has no impact on public access, environmentally sensitive habitats and scenic resources and will not only be compatible, but a visual enhancement to the area it will be located in;**

- 2) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses in that** the subject project is located within the Dana Point city limits across two (2) parcels totaling approximately 2.73 acres and is surrounded by a mixture of improved urban uses including, but not limited to industrial, manufacturing and storage uses. Furthermore, there is an existing storage facility bordering 25831 Victoria Boulevard;
- 3) **The project site has no value, as habitat for endangered, rare or threatened species in that** the project site, which encompasses two parcels, are both improved with parking and a mixture of permanent and temporary structures and are being used for outdoor storage of boats, vehicles and other miscellaneous equipment. Therefore, the site has no value as habitat for endangered, rare or threatened species;
- 4) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that** the project will be comprised of two (2) self-storage buildings which have a low intensity of use, resulting in minimal traffic. The self-storage units are accessed via the interior of each building and therefore do not produce any significant effects to noise. Additionally, the buildings will not produce any effects to air or water quality. Furthermore, the proposed use is located on parcels that allow storage uses by-right and are surround by a mixture of commercial and industrial uses, including a neighboring existing storage center which borders 25931 Victoria Boulevard. Therefore, the proposed project would not have a significant effect on the environment due to unusual circumstances;
- 5) **The site can be adequately served by all required utilities and public services in that** the site will be connected to all required utilities and public services including but not limited to water, sewer, and power.; **and that further,**
- 6) **There are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2 in that the project site is located on developed parcels, which are average in size to other parcels in the Doheny Village area and the application includes a storage use that is**

**permitted by-right, is bordered by another storage use, and is surrounded by industrial and commercial uses.**

Conditions:

**A. General:**

1. Approval of this application permits a request allow the demolition of existing improvements and the construction of a two (2), three (3) story, indoor self-storage buildings with required parking, hardscaping and landscaping. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, and the Dana Point Zoning 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, 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.
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, they may approve the amendment without requiring a new public hearing.
4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.

5. The Owner 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. Owner'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 Owner or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the Owner or the Owner's agents, employees, or contractors. Owner'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 Owner 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 Owner and Owner'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. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety and Engineering Division for plan check for Building and Grading Permits.
8. The Owner and Owner'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.
9. The construction site shall be posted with signage indicating that construction shall not commence before 7:00 a.m. and must cease by 8:00 p.m., Monday through Saturday, and no construction activity is permitted on Sundays or Federal holidays.
10. All proposed exterior building finishes and landscape and hardscaping shall be reviewed and approved in the field prior to installation to ensure consistency with the architectural design and detail approved by Planning Commission.



11. All exterior building lights shall be aesthetically consistent with the approved architecture and proportionally consistent with the area for which they are located. All exterior light sources shall have light cutoffs to avoid light trespass and offsite glare.
12. No signs are approved associated with this project. A separate Master Sign Program, including any wayfinding signage, needs to be developed and approved prior to certificate of occupancy. All signs, materials, and methods of illumination should be of high quality to match the architecture of the building.
13. All roof mounted equipment (mechanical, electrical, plumbing, HVAC, solar) including all outside utilities and antennas shall be at or below the roof mounted equipment screening.
14. The proposed uses shall comply with the provisions of the City's Noise Ordinance at all times.
15. The applicant shall ensure that no activities take place contrary to the public health, safety and welfare.
16. Deliveries and refuse collection shall be prohibited between the hours of 10:00 P.M. and 7:00 A.M. daily, unless otherwise approved by the Director of Community Development.
17. The project shall meet all water quality requirements.
18. 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.
19. The applicant is responsible for letter of permission for all the easement holders along the property for the proposed improvements (retaining walls and landscape improvements within all easement areas. Letters shall be provided prior to issuance of any permit with work proposed in the easement area.
20. The applicant shall exercise special care during the construction phase of this project. The applicant shall provide erosion and sediment control. The erosion control measures shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion and sediment control devices until the final approval for all permits.

21. 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.
22. The applicant shall apply for an Address Assignment from Public Works prior to any application for permits. The Address Assignment shall assign the addresses for all proposed units and City permits.
23. Prior to the commencement of any work within the public right-of-way, the applicant shall apply and be approved for an encroachment permit.
24. As recommended in the City of Dana Point Environmental Impact Report (EIR), Doheny Village Zoning District Update Project, future development within the limits of the project site shall be required to implement the following measures in accordance with the California Air Pollution Control Officers Association's Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures:

- Improve Design of Development
- Provide Pedestrian Network Improvements
- Traffic Calming Measures

Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.

25. As recommended in the City of Dana Point Environmental Impact Report (EIR), Doheny Village Zoning District Update Project, Future non-residential developments and non-residential components of a development within the limits of the project area shall be required to implement the following commute trip reduction measures in accordance with the California Air Pollution Control Officers Association's Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures:

- Implement Voluntary CTR Programs
- Implement Mandatory CTR Programs
- Provide Ride-Sharing Programs
- Implement Subsidized or Discounted Transit Program
- Provide End of Trip Facilities;
- Telecommuting and Alternative Work Schedules
- Implement Commute Trip Reduction Marketing
- Implement Preferential Parking Permit Program;
- Implement Car-Sharing Program
- Implement School Pool Program
- Provide Employer-Sponsored Vanpool/Shuttle
- Implement Bike-Sharing Program;
- Implement School Bus Program
- Price Workplace Parking
- Implement Employee Parking “Cash-Out”

Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.

26. The Applicant shall secure an Encroachment Permit and Agreement to allow for the use of City right-of-way on Victoria Boulevard. The encroachment permit and associated agreement will address ingress/egress to the planned facility and provide for City trolley parking.
27. The Public Works Director/City Engineer reserves the right to approve and issue a phased grading permit, partial grading permit or other grading permit in accordance with the above Conditions of Approval.
28. Building materials, unlicensed vehicles, construction equipment, portable toilets, and construction-related items shall not be placed in the public right-of-way unless otherwise approved by the Public Works Director/City Engineer.
29. The applicant shall use all acceptable means and methods necessary to prevent dust and off-site siltation impacting the neighboring businesses and residents.
30. Any private improvements remaining within the public right-of-way shall require a Removal and Maintenance Agreement, an easement, or other similar instrument, as approved by the Public Works Director/City Engineer.

31. 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 and temporary desiltation/detention basins as required. The applicant shall maintain the temporary basins and erosion control devices until the Director of Public Works approves of the removal of said facilities. Failure to do so may result in fines for illicit discharge and shall obligate the City to repair/replace as appropriate and charge the applicant.
32. Any damage to existing public or adjacent private property facilities shall be repaired or replaced to the satisfaction of the Public Works Director/City Engineer, per the City's standard encroachment conditions and other applicable standards, within ten working days unless otherwise approved by the Public Works Director/City Engineer.
33. In the event of construction ceasing for a period of longer than one month, additional landscaping and screening may be required and installed at the owner's expense. Landscaping and screening requirements shall be established by the Community Development Director and Public Works Director/City Engineer.
34. All above-grade utility enclosures, including power transformers, and fire service structures shall be located outside of the building, on private property, and screened from the public right-of-way. Should adequate clearance and screening not be provided, additional architectural plan changes may be required at the discretion of the Community Development Director and Public Works Director/City Engineer.
35. Final layout (i.e. parking stalls, striping, aisle widths, etc.) shall be reviewed prior to issuance of building permits for the parking area to ensure compliance with the Dana Point Zoning Ordinance .
36. All tree placements and hardscape in or near the City right of way shall be reviewed by the Public Works Department to ensure that there is no impact to required sight distance.
37. No construction vehicles or employee parking shall be allowed on Victoria Boulevard.
38. Building(s) shall comply with the current year editions of the Building Code with all local amendments.

39. **Electronic** building plan check submittal shall include the following construction documents:

- Building Plans
- Electrical/Plumbing/Mechanical plans by a Registered Design Professionals
- Energy Calculations (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 registered-design-professional shall be wet-stamped & signed.

40. The applicant shall enter into an encroachment agreement with the City of Dana Point for any private improvements below or above the public right-of-way.

41. 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 parcels.

42. The applicant shall submit "will serve" letters from the applicable water and sewer district.

43. The stamped approved Fire Master Plan shall be submitted to the City.  
**A. Prior to or at the time of building department submittal the applicant shall meet the following conditions:**

44. The subject site plan illustrates compliant parking across both sites, however the additional sheets (landscape plan, grading plan etc.) illustrate a previous site plan which does not demonstrate compliant parking. Upon grading and plan-check submittal, the applicant shall revise all remaining sheets to match the subject, approved site plan which demonstrates compliant parking across both sites.

45. To include the total number of required parking stalls between both Parcel 1 and Parcel 2, and the increase in FAR, the applicant shall execute a "Covenant and Agreement to Hold Property as One Parcel" or other similar instrument acceptable to the City Attorney which includes details as to how the required parking is allocated for Parcel 1 and Parcel 2. The agreement (or instrument) shall be

recorded against both Parcel 1 and Parcel 2, and during the life of the project, shall include the following conditions: (a) prohibit the parcels from being sold separately, (b) require that the parcels remain combined for the life of the project, and (c) prohibit modification of either structure without first adjusting parking and FAR to meet minimum and maximum requirements, respectively. Prior to recording, additional conditions may be added to the agreement at the discretion of the City Attorney.

46. The applicant shall apply for a grading permit prior to or concurrently with any building permit application.
47. Minimum roofing classification is Class "A".
48. Building Code Analysis: Provide building code analysis showing conformance to the Chapter 3 and 5 of the CBC. 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.
49. 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.
50. 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.
51. 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)
52. Fire sprinkler system is required.
53. Please provide analysis and a summary matrix of the accessible and/or adaptable units on the Title Sheet.
54. Provide an Accessibility and Exit Analysis for the Building/Development.
55. 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.

56. 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.
57. 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.
58. 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.
59. 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.
60. Separate review, approval, and permits are required for:
  - Separate Structures
  - Retaining Walls
  - Site Walls over 3 ft.
  - Fire Sprinklers
  - Landscaping
  - Signs

**B. Conditions required and enforced by the Orange County Fire Authority**

61. The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. OCFA approval shall be obtained on each plan prior to the event specified.

Prior to OCFA clearance of a final map or issuance of a precise grading permit or a building permit, if a grading permit is not required:

- *Fire master plan (service code PR145).*
- *Gates (service code PR 180)*

Prior to issuance of a building permit:

- *Emergency responder radio system design (approved by OCSD; this submittal may be deferred when acceptable to*

*OCSD and the Building Department, but the required conduit must be installed prior to concealing interior construction.*

- *Underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475).*
- *Fire sprinkler system (service codes PR400-PR465).*

Prior to concealing interior construction:

- *Fire alarm system (service code PR500-PR520).*

62. **Temporary/ Final Occupancy Inspections:** Prior to issuance of temporary or final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least five days in advance by calling OCFA Inspection Scheduling at 714-573-6150.
63. **Emergency Responder:** Digital Radio System: An emergency responder digital radio system shall be provided in this structure. Refer to CFC 510 and the OCC/OCFA DAS/BDA guidelines (available at [ocfa.org](http://ocfa.org)) for requirements. Evidence of compliance with emergency responder digital radio system design and performance criteria shall be provided prior to occupancy.
64. **Lumber-drop Inspection:** After installation of required fire access roadways and hydrants the applicant shall receive clearance from OCFA prior to bringing combustible building materials on-site. Call OCFA Inspection Scheduling at 714-573-6150 with the Service Request number of the approved fire master plan at least five days in advance to schedule the lumber droop inspection.

**C. Prior to the issuance of a grading permit the applicant shall meet the following conditions:**

65. The applicant shall submit an application for a grading permit. The application shall include a grading plan, in compliance with City standards, for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.



66. The applicant shall submit a geotechnical report for review and approval by the Director of Public Works. This report shall, at a minimum, involve a discussion of the current development and an assessment of potential geotechnical related constraints and geologic hazards such as slope instability, settlement, liquefaction, and/or related seismic impacts. The report shall also include an evaluation of expansive soils and recommend construction procedures and/or design criteria to minimize the effect of these soils on the proposed development. All reports shall recommend appropriate mitigation measures and provide a statement of the feasibility or approval of the project from a geotechnical standpoint. All reports shall be completed in the manner specified by the current CBC, City of Dana Point Municipal Code, the City of Dana Point Grading Manual, and Orange County Grading Manual.
67. As recommended by the Geotechnical Evaluation included in the City of Dana Point Environmental Impact Report (EIR), Doheny Village Zoning District Update Project, a detailed assessment of the potential for liquefaction of on-site soils and their effect on the project area would be evaluated by the project Geotechnical Engineer on a site-by-site basis prior to design and construction of future project improvements, and incorporated into the design, as appropriate. Site-specific geotechnical evaluations may include exploratory borings, cone penetration tests, groundwater depth evaluations, and laboratory soil testing. Specifically, structural design and mitigation techniques would be developed to reduce the impacts related to liquefaction.
68. As recommended in the City of Dana Point Environmental Impact Report (EIR), Doheny Village Zoning District Update Project, Prior to issuance of grading permits, applicants for future development projects in undeveloped and developed areas where grading is proposed five feet below current elevation shall provide a technical paleontological assessment prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, assessing the sensitivity of the project site for buried paleontological resources to the City of Dana Point Planning Division for review and approval.
69. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.

70. As recommended in the City of Dana Point Environmental Impact Report (EIR), Doheny Village Zoning District Update Project, to help prevent long-term impacts associated with land use changes, and in accordance with the requirements of the City and the regional MS4 permit, new development and significant redevelopment projects within Doheny Village must prepare and implement Project WQMPs aimed at reducing pollutants in post-development runoff. Specifically, a Project WQMP would include, where applicable, LID, site design, and source or treatment control BMPs to address postconstruction storm water runoff management.
71. The applicant shall obtain coverage under the state NPDES General Permit for Constriction Activities as required. The project applicant shall apply for coverage under the State electronic system. Approved application and registration shall be provided prior to permit issuance.
72. As recommended in the City of Dana Point Environmental Impact Report (EIR), Doheny Village Zoning District Update Project, Future development accommodated through implementation of the Doheny Village Zoning District Update may result in the removal and replacement of structures within a 100-year flood hazard area. According to the Dana Point 2016 LOMR Study and revised FIRM map indicate the potential for flooding Hydrology Assessment, during the design of the new structures, the new Base Flood Elevations would be utilized to ensure the new structures are in conformance with FEMA guidelines.
73. As recommended in the City of Dana Point Environmental Impact Report (EIR), Doheny Village Zoning District Update Project, if unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following: 1) Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; 2) Notify the Director of Public Works/City Engineer; 3) Secure the area as directed by the Director of Public Works/City Engineer; 4) Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Orange County Health Care Agency [OCHCA], Regional Water Quality Control Board, San Diego Region [San Diego RWQCB], and/or Department of Toxic Substances Control [DTSC], as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

74. Prior to any work or grading permit issuance, the applicant shall submit a Parking Management Plan that addresses the Grading and Excavation phase of construction. The Management Plan shall include construction worker parking, construction material deliveries, and mechanisms to avoid impacts to surrounding residential streets and neighborhoods. No construction parking is allowed on residential streets at any time, and the applicant shall take all necessary steps to prevent said parking. 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.
75. The applicant shall submit a haul route for review and approval by Public Works for the Grading and Excavation phase of construction. No hauling of equipment or materials shall be allowed without advanced written approval of the submitted haul route. The haul route shall be clear and ensure that no construction vehicles and equipment shall be allowed in the surrounding residential areas.
76. A performance bond shall be required for the completion of all grading activities up to 100% of the proposed improvements. The grading and final improvements shall be constructed and approved by Director of Public Works, prior to the issuance of a Certificate of Occupancy.
77. Separate submittal for review, approval and permits are required for project walls. Separate applications shall be made to the Community Development Department for all project walls. The submittals shall be in accordance with the latest Community Development requirements.
78. All walls required to be construction to facilitate the grading operations or establishment of the design PAD grades and rough grading certification shall be issued concurrently with the grading permit. This includes but not limited to temporary shoring walls, permanent shoring walls, property line masonry walls, or other structures as determined by the Director of Public Works.

**D. Prior to Issuance of a Building Permit or release on certain related inspections, the applicant shall meet the following conditions:**

79. Approvals are required from:
- Planning Department
  - Public Works
  - Orange County Fire Authority
  - Health Department Approval
  - Obtain “Will Serve” letter from SCWD. 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)
80. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
81. The applicant shall submit a rough grade certification from the Civil Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (the City’s standard Civil Engineer’s Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the satisfaction of the City Engineer. 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.
82. The applicant shall submit a rough grade certification from the Geotechnical Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (the City’s standard Geotechnical Engineer’s Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint.
83. An as graded geotechnical report may be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of 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.

Verification of all applicable conditions of approval is required by each City Department responsible for compliance with the applicable conditions.

84. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
85. Prior to commencement of framing, the applicant shall submit a setback 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 CDP24-0010 & SDP24-0017. The City's standard "Setback 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.
86. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structure is in compliance with plans approved by the Planning Commission and the structure heights included as part of CDP24-0010 & SDP24-0017. 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.
87. The development shall include sufficient lighting for public sidewalk safety, including lighting for the commercial spaces and surrounding public sidewalks. Public sidewalk lighting shall follow the Parking Facility Development Standards and be directed away from adjacent properties.
88. The applicant shall enter into an agreement with the City's waste collection franchise holder to ensure that trash collection services shall include moving of all trash containers and/or bins to the truck and return of containers and/or bins to the inside of the designated

trash areas. At no time shall containers and/or bins be stored on the sidewalk. All collection activities shall be done at a time approved by the applicant and City of Dana Point.

89. The applicant shall be responsible for the proposed irrigation of any proposed parkway landscaping. The irrigation shall be a part of an irrigation plan showing the irrigation connection point and all irrigation in the right-of-way.
90. 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.

**E. Prior to the issuance of a certificate of occupancy, the applicant shall meet the following:**

91. The applicant shall submit a final landscape and irrigation plan for review and approval by Public Works & Engineering Services and Community Development Department. 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 (if irrigation utilized), note wall/fence locations, a grading plan, an approved site plan and a copy of the entitlement conditions of approval. The Landscape plan shall include any easement or proposed City ROW improvement areas. The plan shall be in substantial compliance with the applicable provisions of the Zoning Code, the preliminary plan approved by the Planning Commission, and further, recognize the principles of drought tolerant landscaping with additional respect to the AO floodplain. Landscape documentation shall also comply with Chapter 9.55 (Water Efficient Landscape Standards and Requirements) of the Dana Point Zoning Code as may be applicable and with the Submittal Requirements and Guidelines for Implementation of the Chapter 9.55 of the DPZC. Landscaping shall be maintained and installed to ensure that, during growing stages as well as at maturity, the landscaping will not obstruct public views.
92. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
93. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.

94. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction for all engineered drainage devices and retaining walls.
95. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
96. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
97. 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/Public Works Director/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.
98. A deed restriction shall 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.
99. 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.
100. 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.
101. The applicant shall provide a distribution list for the approved Project WQMP and Operations and Maintenance Manual.
102. All landscaping and irrigation shall be installed per the approved final landscape and irrigation plan.
103. All permanent BMP's shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.

104. Prior to certificate of occupancy, the applicant shall follow the Arts in Public Places process pursuant to DPZC 9.05.240, and all required/approved public art components shall be installed, or if applicable, required fees shall be paid.
105. All outstanding fees, **including any required development fees and/or in-lieu fees** associated with any part of the entire project shall be paid.
106. The applicant shall obtain all utility agencies' final approval of the project improvement plans.
107. The applicant shall schedule a final inspection with the Planning Division at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding project conditions of approval.



PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 24<sup>th</sup> day of June 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

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