

**CITY OF DANA POINT  
AGENDA REPORT**

<b>Reviewed By:</b>	
DH	<u>  X  </u>
CM	<u>  X  </u>
CA	<u>  X  </u>

**DATE: JUNE 2, 2015**

**TO: CITY MANAGER/CITY COUNCIL**

**FROM: URSULA LUNA-REYNOSA, DIRECTOR OF COMMUNITY DEVELOPMENT  
SAIMA QURESHY, AICP, SENIOR PLANNER**

**SUBJECT: HEARING ON THE APPEAL OF PLANNING COMMISSION DECISION APPROVING COASTAL DEVELOPMENT PERMIT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31 FOR THE DEMOLITION OF THREE EXISTING BUILDINGS AND CONSTRUCTION OF FOUR NEW BUILDINGS AND A TWO LEVEL, PARTIALLY SUBTERRANEAN PARKING STRUCTURE ON A 6-ACRE SITE FOR SOUTH SHORES CHURCH, LOCATED AT 32712 CROWN VALLEY PARKWAY. CONSIDERATION OF A SHARED PARKING PROGRAM AND PARKING MANAGEMENT PLAN IS INCLUDED IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT. A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) HAS BEEN PREPARED TO ADDRESS POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROJECT.**

**RECOMMENDED ACTION:**

That the City Council hold a Public Hearing and 1) adopt Resolution No. 15-06-02-xx certifying Final Environmental Impact Report (EIR SCH#2009041129) and adoption of Findings of Fact entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR SCH# 2009041129) FOR A COASTAL DEVELOPMENT PERMIT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31; AND ADOPTION OF FINDINGS OF FACT FOR SOUTH SHORES CHURCH MASTER PLAN PROJECT LOCATED AT 32712 CROWN VALLEY PARKWAY; AND**

2) Uphold the Planning Commission's approval and adopt Resolution No. 15-06-02-xx, approving Coastal Development Permit CDP04-11, Conditional Use Permit CUP04-21 and Site Development Permit SDP04-31 entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31 FOR SOUTH SHORES CHURCH MASTER PLAN PROJECT LOCATED AT 32712 CROWN VALLEY PARKWAY AND ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM**

**BACKGROUND:**

In 2004, the project applicant, South Shores Church, ("the Applicant") submitted a request for the approval of a Coastal Development Permit (CDP), Conditional Use Permit (CUP) and a Site Development Permit (SDP) for the demolition of three outdated structures and construction of four new buildings with a two level, partially subterranean, parking structure on the project site. The proposed project needs the approval of a CDP since the project site is located within the Coastal Overlay District; a CUP since the use of a Church is a conditionally permitted use and also for the approval of a Shared Parking Program; and a SDP since the proposed project is for a non-residential structure with more than 2,000 square feet of floor area.

To comply with California Environmental Quality Act ("CEQA") requirements, the City prepared a Mitigated Negative Declaration (MND). Two public hearings were conducted by the Planning Commission on June 15, 2009, and then on July 20, 2009 to consider the MND and the proposed project. Subsequent to the two public hearings in 2009, the City determined that the level of CEQA review should be elevated to an Environmental Impact Report ("EIR"). The City then retained the services of LSA Associates ("LSA"), an environmental consulting firm, to prepare an EIR for the project.

A public scoping meeting was held on March 4, 2010 and the Draft EIR was finally released for public comment on September 15, 2014. The Draft EIR concluded that all potentially significant effects of implementing the proposed Master Plan could be reduced to a level of insignificance with the adoption of mitigation measures.

A 45-day Draft EIR public comment period ended on October 30, 2014. The City received 118 comment letters during the public review period or immediately thereafter. Of the letters received, 53 were in support of the proposed project and did not raise any environmental concerns. Detailed responses to all the comments were drafted by LSA Associates and City staff. The EIR, with all the comment letters and responses to comments, is attached to this report as Supporting Document H. It should be noted that the total environmental document is comprised of the Draft and the Final EIR.

On October 13, 2014 the Planning Commission conducted a study session for the project and the EIR. At the study session, forty (40) members of the public provided public testimony. After receiving the applicant's presentation and hearing public speakers, Planning Commissioners provided feedback to the applicant on various aspects of the project to assist in future deliberation when a subsequent public hearing would be held.

Planning Commission Meeting; March 30, 2015: The Planning Commission conducted a duly noticed public hearing to consider the EIR and the proposed project. The staff report prepared for this hearing detailed the proposed project (also referred to as Revised Alternative 2) and the proposed phased construction. After receiving public testimony and considering all the facts, the Commission unanimously certified the EIR and approved the project. ***The Planning Commission Staff Report, Resolutions and Minutes, attached to this report as Supporting Documents C, D, & E, are incorporated herein by reference and contain the project details and analysis to support the staff recommendation.***

Appeal: The Planning Commission's decision was appealed by "Clean Water Now", a representative entity of neighboring condominium property owners and Todd Glen, an adjacent condominium owner, on April 10, 2015 to the City Council (See Supporting Document F).

### **DISCUSSION:**

The proposed project's history, environmental review process, site characteristics, evolution of design alternatives, details of the proposed project, construction phasing, shared parking program, parking management during construction phases and compliance with the Zoning Ordinance are detailed in the attached Planning Commission staff report dated March 30, 2015 (Supporting Document C).

Due to the appeal of the Planning Commission's decision to approve the project the City Council will consider the merits of that appeal and decide whether to uphold, modify or reverse the Planning Commission's decision. A detailed response to the appeal was prepared by LSA Associates and reviewed by City staff and is attached as Supporting Document G.

*Public Comment:* The City received another letter in opposition from Mr. Bob Sopko after the appeal period ended. Pursuant to Section 9.61.110 of the Zoning Code, all appeals must be received within fifteen (15) calendar days after the rendering of the decision being appealed. In this case, the appeal period ended on April 14, 2015. While the letter from Mr. Sopko is dated March 26, 2015, within the appeal period, it was not received by the City until May 20, 2015, via email and well after the appeal period; therefore, Mr. Sopko is not considered an appellant. The letter is attached to this report as Supporting Document J. The main concerns raised in the letter and City's responses are summarized below:

1. *Who will be responsible for the clean-up and refurbishment of the hill side if the EIR is wrong and there is failure of the hill side? How long do they have to restore the property?*

A complete geotechnical report for the project has been prepared by a registered geotechnical engineer and has been reviewed by City professionals and third party professionals to assure the best possible design. The proposed geotechnical design will meet current codes and factors of safety to avoid any

landslide occurrence. Based on the analysis in the EIR, staff does not expect a landslide to occur. The question, therefore poses an unlikely hypothetical situation and the answer is dependent on specific facts; therefore, a direct response to the question is not possible.

2. *Who will be responsible for Noise abatement? How do we communicate the issue and control the hours?*

The City's Noise Ordinance regulates the timing of construction activities and includes special provisions for sensitive land uses. Construction activities are allowed between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday. No construction is permitted outside of these hours, on Sundays, or on federal holidays.

As described on page 4.10-14 in Volume I of the Final EIR, construction activities at the proposed project would be required to comply with Standard Condition 4.10.1, which would require the Applicant's construction contractor to implement several noise abatement measures, including more stringent restrictions on the hours of certain construction activities than those set forth in the City's Noise Ordinance. Under Standard Condition 4.10.1, all grading and equipment operations and all construction-related activities that would result in high noise levels (90 A-weighted decibels [dBA] or greater) would be limited to between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. No high noise level construction activities are permitted outside of these hours or on Saturdays, Sundays, and federal holidays.

Neighbors are encouraged to call the City's Code Enforcement Line if they believe the Applicant's construction contractor is not complying with Standard Condition 4.10.1 or the City's Noise Ordinance.

3. *Who will be responsible for managing the dust and dirt that goes airborne? What checks and balances are in place? How much "watering" will be done during our drought to keep dust & dirt to a minimum?*

To mitigate fugitive dust emissions, the project would be required to comply with measures in South Coast Air Quality Management District (SCAQMD) Rule 403 and Title 24, as specified in Standard Conditions 4.2.1 and 4.2.2, respectively (refer to page 4.2-26 of Volume I of the Final EIR). Standard Condition 4.2.1 requires that the Applicant's construction contractor apply nontoxic chemical soil stabilizers to all inactive construction areas (previously graded areas inactive for

10 days or more), while Standard Condition 4.2.1 requires that the Applicant's construction contractor water all active construction areas at least twice daily (locations where grading is to occur will be watered thoroughly prior to earthmoving). Standard Condition 4.2.2 requires that the Applicant's construction contractor conserve water, whenever possible throughout the construction process. Compliance with Standard Condition 4.2.1 will be monitored by the South Coast Air Quality Management District and the City's Public Works Department. Neighbors may also contact SCAQMD if they believe the Applicant's construction contractor is not complying with Standard Condition 4.10.1. Compliance with Standard Condition 4.2.2 will be monitored by the City's Public Works Department.

Because the amount of water required to comply with SCAQMD Rule 403 would depend on the duration of construction activities and weather conditions at the time of construction, it would be highly speculative to quantify how much water would be required to comply with SCAQMD Rule 403 at this time.

**CONCLUSION:**

As outlined in Supporting Document G, staff believes the appeal to be without merit and recommends the City Council deny it, thereby upholding the Planning Commission's decision to certify Final Project Environmental Impact Report (EIR SCH#2009041129) and associated Mitigation Monitoring and Reporting Program (MMRP), reaffirming the Planning Commission's findings and approving Coastal Development Permit CDP04-11, Conditional Use Permit CUP04-21, Site Development Permit SDP04-31.

**NOTIFICATION:**

Notices of the appeal Public Hearing were mailed to property owners within a 500-foot radius, occupants within a 100-foot radius and select communities of Ritz Pointe residential neighborhood on or before May 21, 2015 and published within a newspaper of general circulation on May 21, 2015 and posted on May 21, 2015 at the Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, Dana Point Library, and on the City of Dana Point website.

**FISCAL IMPACT:**

The appellant has paid the costs associated with the request for an appeal per the Schedule of Services Fee Charges adopted by City Council Resolution No. 98-01-13-05.

**STRATEGIC PLAN IMPLEMENTATION:**

In compliance with the Strategic Plan to evaluate land use issues to ensure goals, policies and programs of the General Plan reflect the community vision and mission, the proposed action supports existing Zoning Code regulations.

**ACTION DOCUMENTS:****Page No.**

- A. [Draft City Council Resolution No. 15-06-02-xx \(EIR\).....](#) 7  
• [Exhibit "A"](#) (PDF)
- B. [Draft City Council Resolution No. 15-06-02-xx \(CDP04-11/CUP04-21/SDP04-31\) ...](#) 10  
• [Exhibit "A"](#) (PDF)

**SUPPORTING DOCUMENTS:**

- C. [Planning Commission Staff Report dated March 30, 2015](#) (Link) (Hard copies provided to the Council)
- D. [Planning Commission signed Resolutions](#) (Link) (Hard copies provided to the Council)
- E. [Planning Commission Minutes dated March 30, 2015](#) (Link)
- F. [Letter of Appeal dated April 10, 2015](#) (Link)
- G. [City Response to letter of appeal with attachment on Geotechnical Issues](#) (Link)
- H. [Environmental Impact Report](#) (Link) (Hard copies distributed to the Council and available on the City's web site)
- I. [Project Plans](#) (Link) (Hardcopies provided to the Council and available on the City's web site)
- J. [Letter from Mr. Bob Spoko](#) (Link)
- K. [Correspondence received at/after March 30, 2015 Planning Commission meeting](#) (Link)

**ACTION DOCUMENT A****RESOLUTION NO. 15-06-02-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR SCH# 2009041129) FOR A COASTAL DEVELOPMENT PERMIT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31; AND ADOPTION OF FINDINGS OF FACT FOR SOUTH SHORES CHURCH MASTER PLAN PROJECT LOCATED AT 32712 CROWN VALLEY PARKWAY.**

**Applicant/Owner:** South Shores Church

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

WHEREAS, South Shores Church (the "Applicant") filed a verified application for development to demolish three on-site structures comprising 23,467 square feet of building space and construct four new structures totaling 52,651 square feet of building space and a partially subterranean parking structure comprising 328 parking spaces, (the "Project"); and

WHEREAS, the Project is located at 32712 Crown Valley Parkway (Assessor Parcel Number 670-181-02), is bounded by Crown Valley Parkway to the west, Monarch Bay Villas condominiums to the south, an undeveloped hillside to the east with Monarch Beach Golf Links golf course beyond, and Monarch Coast Apartments to the north (the "Site"); and

WHEREAS, the Site is located in the Community Facilities (CF) zoning district of the Dana Point Zoning Map and within the Coastal Overlay District; and

WHEREAS, the application filed by the Applicant includes a request for a Coastal Development Permit ("CDP") for development within the Coastal Overlay District as defined by the Dana Point Municipal Code ("DPMC"); a Conditional Use Permit ("CUP") to permit a church and preschool within the CF zoning district and to allow for an on-site Shared Parking Program and Parking Management Plan; and a Site Development Permit ("SDP") for new development exceeding 2,000 square feet in size; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's local CEQA Guidelines, the City prepared a Draft and Final Environmental Impact Report (EIR), SCH# 2009041129; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on March 30, 2015; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments of all persons desiring to be heard, the Commission considered all factors and approved Coastal Development Permit CDP04-11, CUP04-21 and Site Development Permit SDP04-31, including potential environmental impacts; and

WHEREAS, the Planning Commission had prior to its approval, received, reviewed and considered the Final EIR as the supporting environmental documentation for the Project; and

WHEREAS, on April 10, 2015, the appellant filed an appeal of the Planning Commission decision; and

WHEREAS, the City Council did, on the 2<sup>nd</sup> day of June, 2015, hold a duly noticed public hearing as prescribed by law to consider the appeal; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Council considered all factors relating to the appeal of the certification of the EIR for the approval of the Coastal Development Permit CDP04-11, Conditional Use Permit CUP04-21 and Site Development Permit SDP04-31.

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

- A. That the above recitations are true and correct; and
- B. The City Council has reviewed and considered the Final EIR with regard to the analysis of the Project. Based on this review, and pursuant to CEQA Guidelines section 15090, the City Council hereby certifies the Final EIR and finds that
  - (i) as the decision making body for the Project, the City Council has reviewed and considered the information contained in the EIR, and finds that the EIR was prepared in compliance with CEQA;
  - (ii) the City complied with CEQA's procedural and substantive requirements;
  - (iii) the City Council has independently reviewed and analyzed the EIR and finds that the EIR is an accurate and objective statement that fully reflects the independent judgment of the City Council; and
  - (iv) the EIR was presented to the City Council, and the City Council reviewed and considered the information contained in the EIR prior to taking any approval actions concerning the Project.
- C. Based on the evidence presented at the public hearing and in accordance with CEQA Guidelines Section 15093, the City Council hereby adopts the "Findings of Fact in support of Findings for the Final Environmental Impact Report for the South Shores Church Master Plan Project" attached to this resolution and incorporated herein as Exhibit "A".

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dana Point, California, held on this 2<sup>nd</sup> day of June, 2015.

\_\_\_\_\_  
CARLOS N. OLVERA, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )  
CITY OF DANA POINT )

I, Kathy M. Ward, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 15-06-02-XX adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 2<sup>nd</sup> day of June, 2015, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Kathy M. Ward  
City Clerk

**ACTION DOCUMENT B**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP04-11, CONDITIONAL USE PERMIT CUP04-21 AND SITE DEVELOPMENT PERMIT SDP04-31 FOR SOUTH SHORES CHURCH MASTER PLAN PROJECT LOCATED AT 32712 CROWN VALLEY PARKWAY AND ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM.**

**Applicant/Owner:** South Shores Church

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

WHEREAS, South Shores Church (the "Applicant") filed a verified application, which constitutes a request as provided by Title 9 of the Dana Point Municipal Code ("DPMC"), for development to demolish three on-site structures comprising 23,467 square feet of building space and construct four new structures totaling 52,651 square feet of building space, including a partially subterranean parking structure comprising 328 parking spaces, (the "Project"); and

WHEREAS, the Project is located at 32712 Crown Valley Parkway (Assessor Parcel Number 670-181-02) is bounded by Crown Valley Parkway to the west, Monarch Bay Villas condominiums to the south, an undeveloped hillside to the east with Monarch Beach Golf Links golf course beyond, and Monarch Coast Apartments to the north (the "Site"); and

WHEREAS, the Site is located in the Community Facilities (CF) zoning district of the Dana Point Zoning Map and within the Coastal Overlay District; and

WHEREAS, the application filed by the Applicant includes a request for a Coastal Development Permit ("CDP") for development within the Coastal Overlay District as defined by the DPMC; a Conditional Use Permit ("CUP") to permit a church and preschool within the CF zoning district and to allow for an on-site Shared Parking Program and Parking Management Plan; and a Site Development Permit ("SDP") for new development exceeding 2,000 square feet in size; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on March 30, 2015; and

WHEREAS, A Final Environmental Impact Report (EIR SCH# 2009041129) has been prepared for the Project in accordance with Section 15081 of the California Environmental Quality Act; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Commission considered all factors and approved Coastal Development Permit CDP04-11, Conditional Use CUP04-21 and Site Development Permit SDP04-31, including any potential environmental impacts; and

WHEREAS, the Planning Commission had prior to its approval, received, reviewed and considered the Final EIR as the supporting environmental documentation for the Project; and

WHEREAS, on April 10, 2015, the appellant filed an appeal of the Planning Commission decision; and

WHEREAS, the City Council did, on the 2<sup>nd</sup> day of June, 2015, hold a duly noticed public hearing as prescribed by law to consider the appeal; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Council considered all factors relating to the appeal of Coastal Development Permit CDP04-11, Conditional Use Permit CUP04-21 and Site Development Permit SDP04-31, including any potential environmental impacts.

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

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

Findings:

- B) Based on the evidence presented at the public hearing, the City Council adopts the following findings and approves Coastal Development Permit CDP04-11, subject to conditions:
  - 1) That the proposed development is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 California Code of Regulations/13096) in that **the project site is designated as Community Facilities (CF) in the City's General Plan and Zoning Map. This designation allows for religious uses and since the proposed Master Plan for the Church will not change the overall use of the site, the project is consistent with both**

**the Zoning and the General Plan designations for use. Additionally the proposed project is designed to conform to all the applicable development standards of CF Zone.**

- 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 therefore not subject to conformity with the public access and public recreation policies of Chapter Three of the Coastal Act.**
- 3) That the proposed development conforms with Public Resources Code Section 21000 (the California Environmental Quality Act) **in that an Environmental Impact Report (EIR) was prepared assessing the impacts of the project on the environment and as determined therein implementation of the proposed project would not result in any significant and unavoidable adverse impacts, and all potentially significant impacts have been effectively mitigated to a less than significant level.**
- 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 the majority of the site is currently developed and was previously graded to allow for the development of current on-site structures. The proposed project will be built entirely within the property lines of the subject site and will not extend into adjacent areas beyond. The project will result in the removal of 0.18 acres of disturbed coastal sage scrub in the northeastern corner of the site, but would preserve undisturbed 0.12 acre of coastal sage. Additionally, the existing Sanctuary has a setback of 38 feet from the eastern most property line which separates the off-site Open Space lot from the subject site. All new buildings proposed as part of the project are located farther than the existing Sanctuary building from eastern property line thereby maintaining the buffer between the Open Space and the proposed development.**
- 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 site has been previously graded and is improved with several existing structures that are already on the site as part of the existing church. The construction of the proposed project will require grading on-site, including corrective grading to mitigate unstable geology of the site in the north eastern part of the site. The grading, however, will not involve any alterations to**

natural landforms. The proposed project would be designed in compliance with OCFA design requirements and a Fuel Modification Plan is reviewed and approved by OCFA to minimize any Fire related hazards. According to the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) No. 06059C0501J (December 3, 2009), the project site is located within Zone X, areas determined to be outside the 0.2 percent annual chance (500-year) floodplain. Therefore the project will not result in any undue risk of flooding.

- 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 proposed development is designed in the same style of architecture that is consistent with the existing Sanctuary building which will remain on the property. The project would alter the existing visual character and quality of the proposed project site; however, the proposed project would be designed to a height and scale consistent with existing development to remain on the project site and development surrounding the project site. Additionally, the proposed project would be designed in the Mediterranean style, also consistent with surrounding development. The new buildings will enhance the visual quality of the area by removal of outdated structures and construction of new buildings with a cohesive design throughout the project site. Furthermore, the proposed buildings will be compatible with the development standards set forth in the Zoning Code.**
  - 7) That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs **in that, the subject project has been reviewed by the Planning and Building/Safety Division staffs, and the Public Works/Engineering Department, and is found to conform with all the applicable requirements of applicable adopted plans. The project is consistent with all applicable policies in the City's General Plan Land Use, Public Safety, Circulation, Noise, Public Facilities/Growth Management and Conservation/Open Space Elements. The project is designed in compliance with the development standards of CF Zoning District.**
- C). Based on the evidence presented at the public hearing, the City Council adopts the following findings and approves Site Development Permit SDP 04-31 subject to conditions:

- 1) That the site design will comply with development standards of the Zoning Ordinance in that **the project is designed in compliance with the all the applicable development standards set forth in the Dana Point Zoning Code-Community Facilities District.**
- 2) That the site is suitable for the proposed use and development in that **the site is currently used by the Church for its various functions. The proposed project, which is for demolition of three buildings and construction of four new structures with a two level partially below grade parking structure will provide for the continued operation of the Church operations. The project is design to conform to all the applicable development standard of CF Zoning District. Additionally the Parking Management Plan and the on-site Shared Parking Program will provide for the parking needs of the project during construction and at the completion of the project.**
- 3) That the project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines in that **the proposed project is for demolition of three buildings on-site and construction of four new structures to provide for continued operations of an existing Church. The project site is designated as "CF" in the Land Use element of the General Plan. Therefore the current and continued function of the site as a Church will remain compatible with this designation. The new buildings and landscaping will be compatible with the existing Sanctuary and will further enhance the site. Furthermore, the project is consistent with Goals and Policies of the Urban Design Element of the General Plan which stipulates design excellence in site planning, architecture, landscape architecture and signage in new developments and modifications to existing development.**
- 4) That the site and structural design is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture in that **the proposed project is compatible with the design guidelines and development standards set forth in the General Plan, Urban Design Element and the Zoning Ordinance. The four (4) proposed buildings and parking structure with partial sub-grade design have been incorporated to accommodate the existing topography of the site. As a result, the overall building height of the tallest structure, the Community Life Center, will be approximately 35 feet in height. Other structures will be approximately 31 feet in height.**

- D) Based on the evidence presented at the public hearing, the City Council adopts the following findings and approves Conditional Use Permit CUP 04-21 subject to conditions:
- 1) That the proposed conditional use is consistent with the General Plan in that **the Church and its associated operations including the preschool are uses that are allowed with a Conditional Use Permit in the CF zone. The CUP request is also to allow a shared parking arrangement between various Church operations on-site. The shared parking analysis conducted by LSA Associates concludes that the on-site parking at project build-out will be sufficient to meet the parking demand generated by the project. During construction, on-site parking is identified to be deficient to meet parking demand. The applicant is therefore required to secure off-site parking to meet the demand on Sundays as part of the Parking Management Plan. The parking for Phase 1A is tentatively secured at two off-site locations: St. Anne's School parking lot located at 32451 Bear Brand Road; and an Orange County parking lot located near the intersection of Pacific Island Drive and Alicia Parkway. An updated Parking Management Plan will be reviewed by the Planning Commission for each subsequent phase at a public hearing. The Parking Management Plan provides a reasonable, accountable and enforceable means to provide required parking for each construction phase. A designated number of parking spaces are to be provided on-site and a certain number of parking spaces are to be provided off-site based on each respective phase's parking demand. Off-site parking will be allowed in conjunction with the provision of off-site parking agreements. The EIR contains a detailed description of all the on-site activities. Parking quantities and number of trips generated to and from the site was based upon the overall use of the proposed buildings. Future usage of the buildings will be limited to that identified in the EIR as well as the submitted floor plans for each of the buildings.**
  - 2) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that **the project site has operated as South Shores Church since early 1960s. The proposed project will upgrade the site with new structures that will be architecturally compatible with the Sanctuary building and architecture of other surrounding properties. The Church operations will not change significantly from its current operations. The project is designed in compliance with all the applicable development standards of the CF Zoning district. The parking demand for the project will be met on-site as concluded in**

the Parking Analysis conducted for the project by LSA Associates. The parking will be shared among various on-site uses. Parking deficiencies during various phases of construction will be met by providing off-site parking or by other means. The Parking Management Plan will be brought before the Planning Commission for future phases as the applicant has not secured off-site parking for future construction phases. The approved Parking Management Plan includes the requirement that off-site parking agreements be provided to the City prior to the issuance of any demolition, grading or building permits for each respective phase. South Shores Church will remain operational throughout the proposed expansion. As a result, demand for parking at the site will be continuously met.

- 3) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity **in that the project site has been functioning as South Shores Church since early 1960s. This use will continue on-site in proposed new structures that will be built as part of the project. The site is adequate in size and shape to accommodate the proposed new structures on-site including walls, fences and parking. The site is bounded with an Open Space lot to the east and Monarch Beach Golf Links golf course beyond; Crown Valley Park way to the west and single family residential neighborhood beyond; multi-family residential apartments to the north and residential condominiums to the south. The Shared Parking arrangement for various on-site uses and the associated Parking Management Plan provides for the continued availability of requisite parking for the project.**
- 4) That the applicable parking and loading requirements are excessive or inappropriate due to either the nature of the specific use(s) involved or because of special circumstances applicable to the site in that, **as detailed in the Parking Analysis by LSA Associates for the proposed project, various on-site operations are conducted at different times and days of the week. The demand for parking for the project is therefore determined based on on-site activities. The highest parking demand occurs on Sundays when the Church conducts its weekly services with Bible studies that are conducted in groups of various sizes. The project is designed to meet all parking demands on-site at project completion. The identified parking deficiencies during construction will be mitigated by provision of off-site parking or other means. Deficient parking spaces and provided on-site spaces for each phase are identified in the project conditions and Mitigation / and Reporting Program. The Parking Management Plan for Phase 1 A has identified two potential off-site locations for the provision of parking spaces for this particular phase. The applicant**

is conditioned to obtain Planning Commission's approval for the Parking Management Plan for future phases.

- 5) That the proposed parking and loading facilities, as conditioned, comply with the intent and purpose of the parking and loading regulations in that **the project is designed to provide all required parking on-site at project completion. The identified parking deficiencies during construction will be mitigated by provision of off-site parking or through other means. Deficient parking spaces and provided on-site spaces for each phase are identified in the conditions of approval and Mitigation Monitoring and Reporting Program. The Parking Management Plan for Phase 1 A has identified two potential off-site locations for the provision of parking spaces for this particular phase. The applicant is conditioned to obtain Planning Commission's approval for Parking Management Plan for future phases.**
- 6) That the provisions of the proposed shared parking program are reasonable, accountable and enforceable in that **various Church activities occur at different times and days of the week as detailed in the Parking Analysis conducted by LSA Associates for the project. Parking, therefore, is shared among various uses on-site. The identified parking deficiencies during construction will be mitigated by provision of off-site parking or through other means. Deficient parking spaces and provided on-site spaces for each phase are identified in the conditions of approval and Mitigation Monitoring and Reporting Program. The Parking Management Plan for Phase 1 A has identified two off-site locations for the provision of parking spaces for this particular phase. The applicant is conditioned to obtain Planning Commission's approval for Parking Management Plan for future phases.**
- E) Based on the evidence presented at the public hearing and in accordance with CEQA Guidelines Section 15093, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached to this resolution and incorporated herein as Exhibit "A"

**Conditions:**

**A. General:**

1. Approval of this application is to allow the demolition of three existing on-site buildings, and construction of four new buildings with a partially subterranean parking structure for South Shores Church. The project is proposed to be built in five phases over a

ten year period, with periods of time when construction activity will not be taking place. Approval of a Shared Parking Program and a Parking Management Plan is also requested in conjunction with the proposed development. The four new proposed buildings comprise of a Pre-School/Administration Building (13,867 sf), a Community Life Center Building (11,378 sf) and two Christian Education Buildings (Bldg. 1: 17,258 sf; Bldg. 2: 9,788 sf). No changes are proposed to the main Sanctuary building. The Church will remain operational during construction.

2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved and such work is not commenced 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 and in accordance with the appropriate sections of the Dana Point Zoning.
3. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, the Director may approve the amendment without requiring a new public hearing.
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's fees,

costs and expenses incurred concerning the claim, action, or proceeding.

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

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

6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
8. The Mitigation Monitoring and Reporting Program (MMRP) included in this Resolution as Exhibit A shall be conditions of approval by reference. Where there is a conflict between these conditions and the MMRP, the more restrictive shall apply as determined by the Community Development Director.
9. Final locations for any above-ground utility boxes or fire suppression systems shall be subject to the review and approval of the Community Development and Public Works Departments.
10. Any ground mounted utility and mechanical equipment shall be placed on private property and be screened and sound buffered to the satisfaction of the Director of Community Development.
11. The approved Parking Management Plan is a function of the uses identified in Traffic Impact Analysis and Parking Analysis, prepared by LSA Associates, dated July, 2014. The future usage of the buildings (i.e. Preschool/Administration building, Community Life Center and Christian Education Center buildings, etc.) shall be limited to those uses identified in the Traffic Impact Analysis and

Parking Analysis, prepared by LSA Associates, dated July, 2014. Should the usage of the buildings within the Project intensify, the Parking Management Plan shall be re-evaluated to ensure that adequate parking will be provided.

12. The attendance of the pre-school is limited to a maximum of 86 students on-site at the same time.
13. All retained professionals, including the Civil, Structural, and Geotechnical Engineer of Record shall perform construction site inspections as required to provide sufficient oversight during construction to assure all project elements are built to plans and specifications, so they can certify same.
14. The southernmost access to the site off of Crown Valley shall be restricted to right-in and right-out only. Specific signage shall be installed and channelization shall be included in the driveway to encourage this traffic pattern. Any impact to traffic signal equipment and loop sensors at Crown Valley Pkwy and Sea Island Drive shall be replaced within seven (7) days unless immediate action is required by the City Engineer. The applicant shall provide 72 hour notice to the City Engineer prior to any traffic signal work.
15. Prior to the issuance of any permits, the applicant shall obtain approval of a construction staging plan by the Directors of Public Works and Community Development.
16. In the event of construction ceasing for a period of longer than 3 months, additional landscaping and screening will be required of applicant and/or installed by the City of Dana Point at the owner's expense.
17. Temporary fencing with green/black screening shall be provided around work areas for each Phase, unless otherwise approved by the City Engineer.
18. Separate review, approval, and permits are required for:
  - Separate Structures
  - Retaining Walls
  - Fire Sprinklers
  - Site walls over 3'
19. The applicant shall provide specific number of parking spaces on-site during each construction phase and in between the phases as identified on the approved project plans and as summarized below:

- Phase 1A – 161 spaces on-site (67 parking spaces will be utilized for staging and construction; 101 parking spaces will be provided off-site)
- At the completion of Phase 1A – 210 spaces on-site
- Phase 1B – 202 spaces on-site (8 parking spaces will be utilized for staging and construction; 60 parking spaces will be provided off-site)
- At the completion of Phase 1B – 210 spaces on-site
- Phase 1B.E1 – 200 spaces on-site (10 spaces will be utilized for staging and construction; 62 parking spaces will be provided off-site)
- At the completion of Phase 1B.E1 – 210 spaces on-site
- Phase 1B.E2 – 200 spaces on-site (10 spaces will be utilized for staging and construction; 62 parking spaces will be provided off-site)
- At the completion of Phase 1B.E2 – 210 spaces on-site
- Phase 1C – 121 spaces on-site during the first 2 months of construction and 262 after 2 months of construction (89 spaces will be utilized for staging and construction; 118 parking spaces will be provided off-site during the first two months of construction)
- At the completion of Phase 1C – 262 spaces on-site
- Phase 2 – 82 spaces on-site (180 parking spaces will be utilized for staging and construction; 161 parking spaces will be provided off-site)
- At the completion of Phase 2 – 294 spaces on-site
- Phase 3 – 242 spaces on-site (52 parking spaces will be utilized for staging and construction; 29 parking spaces will be provided off-site)
- At the completion of Phase 3 – 282 spaces on-site
- Phase 4 – 242 spaces on-site (40 parking spaces will be utilized for staging and new construction; 34 parking spaces will be provided off-site)
- At the completion of Phase 4 – 282 spaces on-site
- Phase 5 – 134 spaces on-site (148 parking spaces will be utilized for staging and construction; 121 parking spaces will be provided off-site)
- At the completion of Phase 5/proposed project – 364 spaces on-site

The number of parking spaces identified above for each phase shall be fixed and cannot be altered without triggering additional parking or traffic analysis/study to review the adequacy of the parking both on and off site.

20. Prior to the issuance of any demolition, grading, or construction permits associated with any phases of the proposed project, the

project Applicant shall obtain the City of Dana Point (City) Planning Commission's approval for an updated Parking Management Plan as detailed in Chapter 9.35 of the City's Zoning Ordinance. The approval of the Parking Management Plan shall be conditioned upon the requirement that the Applicant obtain any and all permits required by any other jurisdictions where the off-site parking is located and parking agreements to accommodate parking needs for each construction phase off-site or other means to provide required spaces on-site during each phase on Sundays in an amount equal to or greater than the following number of spaces for each phase:

- Phase 1A – 101 parking spaces;
- Phase 1B – 60 parking spaces;
- Phase 1B-E1 – 62 parking spaces;
- Phase 1B-E2 – 62 parking spaces;
- Phase 1C – 118 parking spaces (during the first 2 months of this phase);
- Phase 2 – 161 parking spaces;
- Phase 3 – 29 parking spaces;
- Phase 4 – 34 parking spaces; and
- Phase 5 – 121 parking spaces.

Off-site shared parking agreements and permits for those off-site parking areas for each construction phase shall be in effect until commencement of the following phase or until the Applicant demonstrates to the City's Community Development Director and Public Works Director, or designee, that the project site is able to provide adequate on-site parking to meet the proposed project's parking demand.

21. The City can require discontinuation or re-scheduling of any Church operations during any of the construction phases, if determined necessary to avoid peak period parking problems.
22. The Certificate of Use and Occupancy for Pre-School/Administration Building (Phase 1A) will not be issued until the demolition commences on existing pre-school and administration building. (Phase 1B).
23. The applicant will discontinue two Sunday Bible Study classes that run concurrent with second and third worship services during i) the first two months of Phase 1C when construction will be taking place on main access drive and northern portion of the surface parking lot,

- ii) during the construction of Phase 2 and iii) during the construction of Phase 5.
24. Any sports league or public assembly functions in the Community Life Center building will not take place on Sundays or at the same time as the Wednesday Women's Bible Study Fellowship.
  25. The Women's Bible Study Fellowship will be discontinued during construction phases of the project.
  26. All buildings and activities shall comply with the City's Noise Ordinance as specified in the City of Dana Point Municipal Code with respect to decibels for both indoor and exterior noise levels.
  27. Any outdoor or peripheral lighting for the project shall be minimized and directed downwards to avoid light spilling off-site. Lighting shall be shielded and directed downwards.
  28. Prior to the issuance of any permits, the applicant shall submit a revised lighting and photometric plan for approval by the Community Development Director that shows the average upper deck parking lot lighting in compliance with, but in excess of, the minimum standards in Section 9.35.040 of the Zoning Ordinance.
  29. Prior to the issuance of any permits, the applicant shall submit a revised landscaping plan for approval by the Community Development Director that shows native and/or drought tolerant plantings on the slope beyond the caissons in the north-eastern part of the Site, in compliance with OCFA requirements, and shall work with the adjacent HOA to provide additional screening vegetation along the current crib wall located along the southern property line.
  30. This is a Priority Project. The project phases must each comply with the NPDES permits and Dana Point Municipal Code Chapter 15.10 Storm Water/Surface Runoff Water Quality Ordinance (DPMC 15.10) and Local Implementation Plan, including Section 7, Development Planning and Model Water Quality Management Plan (WQMP) current at the time of construction / grading. Approved by the Director of Public Works or his Designee, the final WQMP may require an update if NPDES requirements change.
  31. During construction, the project shall implement and maintain all applicable final WQMP and construction Best Management Practices (BMPs), assigned by priority level and/or as required by the Director of Public Works or designee. Applicable minimum BMPs, for the project's priority as determined by the Urban Runoff Threat Assessment Form may be found in the City's Construction

Urban Runoff Best Management Practices (BMPs) Requirements Manuals.

32. During the construction phases, all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, adjacent property, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.
33. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services.
34. Prior to commencement of any work within the public right-of-way, an encroachment permit application and fee shall be filed with the City, and a permit obtained.
35. Building materials, unlicensed vehicles, portable toilets, and similar items shall not be placed in the public right-of-way.
36. Driveways shall be constructed per City standard and approved by the City Engineer. Driveways shall provide a maximum 2% cross slope for the adjacent sidewalk in conformance with the Americans with Disabilities Act (ADA) Standards.
37. All proposed utilities lines within the project shall be installed underground.
38. The applicant shall exercise special care during construction of any phase of this project to prevent any off-site siltation. The applicant shall provide an effective combination of erosion and sediment control measures and shall construct temporary desiltation/detention basins of a type, size and location as approved by the Director of Public Works or his Designee. The erosion and sediment control measures shall be shown and specified on the grading plan and shall be constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. Prior to the removal of any basins or erosion and sediment control devices constructed, the area served shall be protected by additional drainage facilities, slope erosion control measures and other methods as may be required by the Director of Public Works. The applicant shall regularly inspect and maintain the temporary basins and erosion and sediment control devices until the Director of Public Works approves of the removal of said facilities.

39. Building/Grading Permits shall only be issued for one Phase at a time unless approved otherwise by the Director of Public Works and Community Development. Permits for subsequent phases will only be issued after completion and approval of all work associated with the current phase. The following are identified as separate phases for permit application purposes, in accordance with the approved site plan:
- a. Phase 1A
  - b. Phase 1B, (including E1 and E2)
  - c. Phase 1C
  - d. Phase 2
  - e. Phase 3
  - f. Phase 4
  - g. Phase 5
40. The signalized entrance to the site shall be operational during all Church business hours and activities including, but not limited to, services, Sunday school, and any general church business or functions not related to construction.
41. A grading permit shall be obtained and a pre-construction meeting shall be held prior to commencement of any site work including mobilization of equipment for each phase.
42. All Geotechnical and Geology Reports are subject to approval by the City's third party Geotechnical Consultant. The applicant is responsible for all costs associated with third party geotechnical reviews.
43. Any damaged sidewalk, curb and gutter adjacent to the Project site shall be replaced at the discretion of the City Engineer, per City standards.
44. Construction access shall be protected and erosion and sediment control installed at least 30 meters (m) (100 ft.) onto the site from the main road. Additional measures such as tire washing and street sweeping may be required to ensure no off-site tracking. No tracking onto streets will be allowed. All erosion and sediment control methods as required shall be per City standards.
45. The construction contractor shall limit all grading and equipment operations and all construction-related activities that would result in high noise levels (90 dBA or greater) to between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. No high noise level construction activities shall be permitted outside of these hours or on Saturdays, Sundays, and federal holidays.

46. The applicant shall submit a Construction Management Plan each phase for review and approval by the City of Dana Point (City) Engineer.
47. All Draft and Final EIR mitigation measures and standard conditions shall be required conditions of approval.
48. Offsite parking associated with the Parking Management Plan shall be no more than 4 miles from the Project site.
49. The Applicant shall ensure no contractors use Sea Island Drive for parking, staging or truck usage. Use of Sea Island Drive for any construction-related activities or parking is prohibited.

**Prior to Issuance of a Grading Permit for each phase:**

50. The applicant shall pay a deposit and submit to the City for review and approval a project-specific Final Water Quality Management Plan (WQMP) and Operation & Maintenance Plan (O&MP).
51. The applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity (CGP). Projects subject to this requirement shall comply with all requirements of said CGP, including by not limited to: prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), inspect, monitor, prepare Rain Event Action Plans (REAPs), hire a Qualified SWPPP Developer (QSD) and Practitioner (QSP), etc.. A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
52. The applicant shall submit an erosion and sediment control plan for each phase and annually by September 1 during construction to the City's Director of Public Works. The Erosion & Sediment Control Plan shall include, but not be limited to, the following:
  - a. The name and 24 hour telephone number of the person responsible for performing emergency erosion control work.
  - b. The signature of the civil engineer or other qualified individual who prepare the grading plan and who is responsible for inspection and monitoring of the erosion control work.
  - c. All desilting and erosion and sediment controls necessary to protect adjacent property from sediment deposition.
  - d. The streets and drainage devices that shall be completed and paved during the phase and by September 30 or October 1 of each year.

- e. The plan shall indicate how access shall be provided to maintain desilting facilities and inspection schedule as required under the CGP.
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- 53. The applicant shall submit 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. All grading work must be in compliance with the approved plan and completed to the satisfaction of the Director of Public Works. All constructed and engineered slopes within this project shall be graded no steeper than 2:1, unless otherwise approved by the Director of Public Works.
  - 54. The applicant shall submit a lateral stability plan for review and approval by the Director of Public Works. The plan shall include location of shoring if utilized, limits of temporary cuts and cross-sections adequately depicting the construction methods.
  - 55. All grading and improvements on the subject property shall be made in accordance with the City of Dana Point Grading Ordinance, the Grading Manual, and to the satisfaction of the Director of Public Works. Grading shall be in substantial compliance with the tentative tract map and the proposed grading that is approved by the Planning Commission.
  - 56. The applicant shall submit a final drought tolerant native plant landscape and irrigation plan for review and approval by Planning and Engineering. The plan shall be prepared by a State licensed landscape architect and shall include all proposed and existing plant materials (location, type, size, and quantity), an irrigation plan, a grading plan, an approved site plan and a copy of the entitlement conditions of approval. 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. The final landscape and irrigation plan shall be approved and permitted prior to the issuance of a grading permit or the grading plan shall provide temporary hydro-seed and irrigation to the satisfaction of the Director of Public Works. No sprinklers or irrigation shall be installed beyond the limit of tie back system at top of slope.
  - 57. The final landscape and irrigation plan shall be reviewed and approved by the Geotechnical Engineer of Record for final slope condition.

58. Surety to guarantee the completion of the project grading and drainage improvements, including erosion control, up to 100% of the approved Engineer's cost estimate shall be posted to the satisfaction of the City Engineer and the City Attorney.
59. Any grading required outside of the property boundaries will require the applicant to either obtain easements or off-site grading agreements in a form suitable for recording from the affected property owner(s).
60. The applicant shall submit erosion control plans for all affected slopes.
61. All retaining walls and block walls constructed on or along the property line requiring construction access onto adjacent properties shall require a notarized letter of permission for construction from the adjacent, affected property owner.
62. The applicant shall submit a complete hydrology and hydraulic study, prepared by a qualified engineer, for review and approval by the Director of Public Works. Said study shall include formatting and content in conformance with the Orange County Hydrology Manual and the Orange County Local Drainage Manual.
63. The applicant shall submit a geotechnical report for review and approval by the Director of Public Works. This report will primarily involve assessment of potential soil related constraints and hazards such as slope instability, settlement, liquefaction, or related secondary seismic impacts, where determined to be appropriate by the Director of Public Works or his Designee. The report shall also include an evaluation of potentially 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 be completed in the manner specified by the City of Dana Point Grading Manual and the City of Dana Point Subdivision Ordinance.
64. At a minimum, specific recommendations in the geotechnical evaluations address the following and shall be incorporated into the final project plans and construction level geotechnical report:
  - a. Mechanical slope stabilization
  - b. Tieback access excavation
  - c. Retaining walls for the Community Life Center and Christian Education building
  - d. Retaining walls for the Pre-School/Administration building and Meditation Garden

- e. Existing crib wall
  - f. Parking structure
  - g. Deepened foundations for top-of-slope structures
  - h. Site earthwork
  - i. Geotechnical consultant role during construction
  - j. Temporary stability
  - k. Subsurface drainage
  - l. Grading plan review
  - m. Irrigation and planting of all constructed/engineered slopes.
65. The applicant shall submit a report by an engineering geologist indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated g-factors shall be submitted for review and approval by the Director of Public Works or his Designee.
66. The grading plans shall depict the size and location of existing and proposed storm drains, gas, sewer and water and electrical conduit from the point of connection in the Public Right-of-Way to the building. Location of water and gas meters shall be shown.
67. The applicant shall submit a Preliminary Title Report that is dated no more than one year prior to the permit application date.
68. The applicant shall provide verification of site handicapped accessibility to structures.
69. The applicant shall submit "will serve" letters from the applicable water and sewer district.
70. The Applicant shall submit for review and approval by the Director of Community Development and Director of Public Works a grading plan review report that includes a long-term slope maintenance program for the unimproved slopes. The Applicant shall demonstrate to the City Director of Community Development and Director of Public Works that he/she is prepared to implement all slope maintenance procedures described in the grading plan review report. All future transfers of the property shall have conditions requiring the recipient to assume responsibility for implementation of the slope maintenance program.
- B. Prior to Building Plan Check Submittal for each Phase:**
71. The cover sheet of the building construction documents shall contain the City's conditions of approval and the Adopted Mitigation

Measures related to the Final EIR (SCH# 2009041129) and it shall be attached to each set of plans submitted for City approval or shall be printed on the title sheet verbatim.

72. Building plan check submittal shall include 2 sets of the following construction documents:
- Building Plans (3 sets)
  - Energy calculations
  - Acoustical Report (consistent with Preliminary Acoustical Study dated November 27, 2013)
  - Structural Calculations
  - Soils/geology report
  - Drainage Plan

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

73. The applicant shall submit architectural plans for the review and approval of the Fire Chief. The Plans shall be reviewed and approved by the Fire Chief prior to building permit issuance.
74. Fire Department review is required. Submit three (3) separate sets of building plans directly to the Orange County Fire Authority for review and approval.
75. The applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems".
76. Underground piping plans shall be approved prior to or concurrent with the approval of sprinkler system plans.
77. Building(s) shall comply with 2013 California Code of Regulations Parts 1-12 and any local amendments thereto. Building(s) shall comply with 2013 T-24 Energy Conservation Regulations.
78. Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w.c. ration of 0.45, F'c of 4,500 psi.
79. Minimum roofing classification of type "A" is required.
80. Project is in/adjacent to high fire, hazard severity zone. Show conformance with CBC Chapter 7A.

81. Building shall conform to State amendments for disabled accessibility, CBC Chapter 11A or B. Provide an Accessibility and Exit analysis for the building/development.

**Prior to the Issuance of a Building Permit for each phase:**

82. Proof of all approvals from applicable outside departments and agencies is required including the Orange County Fire Authority (OCFA).
83. The applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (along with the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the project.

An as graded certified geotechnical/geology report shall 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.

84. Building addresses shall be located on the Crown Valley Parkway street frontage. Addresses shall be 4" high with 1" stroke and of noncombustible, contrasting materials.
85. Prior to the approval of the foundation inspection, the applicant shall submit certification, by licensed surveyor or registered civil engineer, that the building will be constructed in compliance with the dimensions shown on the approved.

86. Prior to the approval of the foundation inspection, the applicant shall submit a wet-stamped and signed field memo from the project geologist or engineer approving the foundation excavation.
87. Expansion and sulfate tests shall be run after the creation of the building pads. Soil design data shall then be submitted to the structural Engineer.
88. Prior to commencement of framing, the applicant shall submit a foundation certification, by survey that the proposed 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 the approved project plans. The City's standard "Line & Grade Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
89. Prior to the release of roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structure and any encroachments above the height limit are in compliance with plans approved by the Planning Commission and the structure heights included as part of project plans. 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.
90. All plan check and building permit fees shall be paid to the City of Dana Point.

**Orange County Fire Authority (OCFA) for each phase:**

91. The applicant shall obtain approval of the Fire Chief for all fire protection access roads within 150 feet of all portions of the exterior of the structure on the site. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Chief. The applicant may contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access".
92. The applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval.

93. The applicant shall submit a fire hydrant location plan to the Fire Chief for review and approval.
94. The applicant shall submit evidence of the on-site fire hydrant system to the Fire Chief and indicate whether it is public or private. If the system is private, it shall be reviewed and approved by the Fire Chief prior to building permit issuance, and the applicant shall make provisions for the repair and maintenance of the system in a manner meeting the approval of the Fire Chief. Please contact the OCFA at (714) 573-6100 or visit the OCFA website for a copy of the "Guidelines for Private Fire Hydrant &/or Sprinkler Underground Piping".
95. The applicant shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads less than 36 feet in width. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements".
96. The applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems".
97. Plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems".
98. This system shall be operational in a manner meeting the approval of the Fire Chief.
99. The applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the "Orange County Fire Authority Plan Submittal Criteria Form". Please contact the OCFA at (714) 573-6100 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.
100. The Director of the Orange County Environmental Health Division, or designee, shall review and approve a contingency plan that addresses the potential to encounter onsite unknown hazards or hazardous substances during demolition and construction activities.

The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the contractor shall stop work, cordon off the affected area, and notify the Orange County Fire Authority (OCFA). The OCFA responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations.

**Prior to the Issuance of a Certificate of Use and Occupancy for each phase:**

101. A Final Geotechnical/Geology Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual and submitted for approval by the City and the City's third party Geotechnical Consultant. The report shall state that grading of the site and construction of improvements, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report.
102. The Geotechnical Engineer of Record shall provide a report or other approved method documenting the site inspections performed. The Engineer of Record shall perform sufficient inspections to certify all Project elements are built to plans and specifications.
103. A written approval by the Civil Engineer of record approving the grading as being substantially in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.
104. The Civil Engineer of Record shall provide a report or other approved method documenting the site inspections performed. The Engineer of Record shall perform sufficient inspections to certify all Project elements are built to plans and specifications.
105. The Structural Engineer of Record shall provide a report or other approved method documenting the site inspections performed. The Engineer of Record shall perform sufficient inspections to certify all Project elements are built to plans and specifications.
106. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions to the satisfaction of the City Engineer.
107. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.

108. All previously existing on-site parking spaces to remain shall be restored and available. All proposed parking per the Parking Management plan shall be in place and available for use.
109. Any and all outstanding fees associated with any part of the entire project shall be paid.
110. All fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner. Please contact the OCFA at (714) 573-6100 or visit the OCFA website for a copy of the "Guideline for Installation of Blue Dot Hydrant Markers".
111. The fire lanes shall be installed in accordance with the approved fire master plan. The CC&R's or other approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes and a method of enforcement.
112. Prior to the issuance of a certificate of occupancy, the required automatic fire sprinkler system shall be operational in a manner meeting the approval of the Fire Chief.
113. Prior to the issuance of a certificate of occupancy, the fire alarm system shall be operational prior to the issuance of a certificate of occupancy.
114. The applicant shall:
  - Demonstrate that all structural best management practices (BMPs) described in the Project's approved final WQMP have been constructed and installed in conformance with approved plans and specifications via the City's WQMP Construction Certification letter template, available from the City's Water Quality Engineer;
  - Demonstrate that applicant is prepared to implement all structural and non-structural BMPs described in the Project WQMP and Operation and Maintenance Plan (O&MP), and
  - Provide a distribution list for the approved Project WQMP & O&MP
115. All landscaping and irrigation shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall certify that all plants, irrigation and other improvements have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development and the Director of Public Works. The applicant shall contact the Community Development Department

once all landscaping has been installed in accordance with the approved plans.

116. Prior to the issuance of certificates of use and occupancy for each phase, the applicant shall pay art in-lieu fees, in compliance with Section 9.05.240 of the Zoning Ordinance, for that respective phase which will be deposited in a holding account by the City. If the applicant elects to install an on- or off-site public art component, the collected fees will be reimbursed to the applicant. Alternatively, the fees will be transferred into the City's Art in Public Places fund to be used for Public Art at the City's discretion.

**General Conditions for Phase 1B including sub-phases E1 and E2:**

117. Grading permit, temporary and permanent shoring permits (as necessary), retaining wall permits, and any necessary Building permits for structural components of the grading/landslide remediation shall be obtained concurrently.
118. The Demolition Permit and a Grading Permit shall be issued concurrently.
119. A direct or third party representative of the City shall be on-site during all construction activities, related to Phase 1B, at the discretion of the Director of Public Works and the Director of Community Development. The applicant shall be responsible for all costs associated with said representative.

**Prior to Release of Bonds and Permit Issuance for Subsequent Phased Work (Phase 1B; 1B E.1; 1B E.2):**

120. Any and all outstanding fees associated with any part of the entire project shall be paid.
121. The applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (along with the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the project.
122. An as graded geotechnical/geology report shall 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 re-compaction, 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.

123. All Building, shoring and retaining wall permits shall be finalized.
124. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions to the satisfaction of the City Engineer.
125. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
126. All fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner. Please contact the OCFA at (714) 573-6100 or visit the OCFA website for a copy of the "Guideline for Installation of Blue Dot Hydrant Markers".
127. The fire lanes shall be installed in accordance with the approved fire master plan. The approved plans and documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes and a method of enforcement.
128. Landscaping and irrigation shall be installed per the approved landscape and irrigation plan. A State licensed landscape architect shall certify that all plants, irrigation and other improvements have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development and the Director of Public Works. The applicant shall contact the Community Development Department once all landscaping has been installed in accordance with the approved plans.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dana Point, California, held on this 2<sup>nd</sup> day of June 2015.

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CARLOS N. OLVERA, MAYOR

ATTEST:

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KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )  
CITY OF DANA POINT )

I, Kathy M. Ward, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 15-06-02-XX adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 2<sup>nd</sup> day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Kathy M. Ward  
City Clerk