

CAPISTRANO BAY DISTRICT
AGENDA REPORT
May 29, 2012

Administration Office Relocation

ITEM H.1

District Admin Office Project

Permit Application Rejected

On May 2nd the District received a letter from the City officially rejecting the Coastal Development Permit application for returning the District's portable Administrative Office back to Beach Road (see attached EXHIBIT A).

Since the proposed office location would have placed it on Railroad property, which is in the Transportation Corridor Zone, the City is unable to process the application, stating that the proposed office use does not meet the zoning standards for the TC zone.

It was always known, from the very beginning of the entitlement process, that the admin office could be a problem due to the limiting nature of the specified development standards within the TC zone. However, the fact that the District has operated the admin office on Railroad property since about 1999 and the copy room annex since about 1989, the City felt it could justify the continued use as long as there were no objections or protests from the Beach Road community.

On April 16th the City received a protest letter from a Beach Road property owner and again on April 30th from a second property owner, both citing their objection to the City processing a permit application for a proposed use that does not comply with the allowable uses in the TC zone and Residential Beach Road zone (see attached EXHIBITS B and C).

Due to the City's rejection of the CDP application, the District has no choice but to withdraw its application at this time.

Admin Office Alternatives

Given the short notice, the Board has not had any time to discuss alternatives. Recognizing the need to have the District Office back on Beach Road, some immediate options come to mind:

- *move the current office location closer to the community (Capistrano Surf Center)*

This is much closer to the front gate than the current location over in Doheny Village.

- *reoccupy the small office in the rear of the guard shack*

This is already occupied by the security post supervisor and keep in mind that in the past when the Manager used this office, there was always the copy room annex across the driveway where a copy machine, a plan table and files were stored – so for the past 22 years, the District has had use of this additional 100 square feet of floor space.

- *move the office into an RV or a construction trailer*

The City actually suggested this since a permit is not required. The interior of an RV could be easily and inexpensively refitted into an office.

- *invite the Railroad to store one of their surplus Pullman train cars or a caboose*

This would definitely be a permitted use within the TC zone – no one could object.

CITY OF DANA POINT



COMMUNITY DEVELOPMENT DEPARTMENT

April 26, 2012

REC'D MAY 02 2012

John Tran
 JT Consulting Engineers
 14371 Euclid Street, #2F
 Garden Grove, CA 9284359

Dear Mr. Tran:

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP12-0013 LOCATED AT 35000 BEACH ROAD

Thank you for applying for Land Use Permits in the City of Dana Point on March 30, 2012. The Community Development Department has reviewed your application for Coastal Development Permit CDP12-0013.

A comprehensive review of the project relative to the permitted land uses in the Transportation Corridor (TC) and the definitions related thereto reveals that the proposed modular office building use and restroom is not a permissible use in the TC Zoning District where the buildings are proposed to be located. The TC Zoning District lists only two (2) uses: (1) Roads, Streets and Highways, and (2) Transportation Uses. The TC District also allows accessory uses and structures.

Uses in the district must promote the transportation character of the district, and, in accordance with Section 9.23.010 (Intent and Purpose) of the Dana Point Zoning Code (DPZC), railroad rights-of-way shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices, and the movement of rolling stock, and accessory uses. Accessory uses, by DPZC definition, are clearly incidental and subordinate to the principal use of the land or building which is located on the same lot as such principal use.

The proposed office building and restroom is neither an allowed use in the TC Zoning District, nor is it accessory or incidental to any use contained therein. Consequently, the proposed office building use is not permitted on land zoned as TC, and the application cannot be further processed.

A refund of the monies paid to process the application will be processed and returned to the Capistrano Beach Community Services District under a separate cover.

Please contact me at (949) 248-3572, if you have any questions regarding this matter.

Sincerely,

Kurth B. Nelson III
 Senior Planner

Copies to: Don Russell, Capistrano Beach Community Services District
 Kyle Butterwick, Community Development Director
 John Tilton, City Architect/Planning Manager

EXHIBIT B

REC'D MAY 07 2012

ITEM NO. H.1

From: Chris Miller [mailto:chrismiller@beachroadrealty.com]
Sent: Monday, April 30, 2012 12:25 PM
To: KURTH NELSON
Cc: KYLE BUTTERWICK; MARK SUTTON
Subject: Re: Beach Road Admin Bldg Proposal

Kurth,

Thank you for meeting with me last week and showing me the blue prints for the temporary office building and restroom proposed near the "gate" at Beach Road.

Please note my objection to this temporary office and restroom based upon the fact that this property is under the scope of the Federal Railroad Administration and no office is allowed unless it is selling train tickets or providing a service to the rail road right of way.

Furthermore, allowing the placement of a temporary office building near an "entry gate to the beach" is probably not a good idea with the existing litigation involving the Coastal Commission and the The Surfrider Foundation at the Dana Strands beach gate.

Thank you very much for your time and please note my objection to this application,

Chris Miller
35119 Beach Road
Dana Point, CA 92624

EXHIBIT C

REC'D MAY 07 2012

ITEM NO. H.1

351 Beach Rd.
Dana Point, CA 92624
(949) 931-1111

April 16, 2012

Kyle Butterwick, Director of Planning
City of Dana Point
Community Development Department, Suite 212
Dana point, CA 92624

Re: CDP Beach Road

Dear Mr. Butterwick:


I am a resident living on Beach Road in Dana Point (Capistrano Bay District). In the past I have served on the Board of Directors for our community, however, this letter is written purely from the perspective of being a resident homeowner.

CDP for commercial office structure as posted

As you know, CBSD is a residential community comprised of 180+ homes comprising approximately 1.5 miles bordering PCH and the ocean. It is my understanding that as such, no commercial structures are permitted within the confines of our residential community. It appears by the CDP posting that the community is proposing some sort of modular office structure which will also include an ADA conforming bathroom. I thought I would investigate this further so I requested that my attorney advise me if such a use was a legal use. It appears that the code is pretty clear that commercial buildings do not belong in residential communities.

In that regard, I would like to go on record that I am opposed to a "non permitted use" of an office structure and bathroom facility within our community. I am also interested in knowing if either the Coastal Commission or Metro-Link is aware of this proposed request for this non-permitted use?

I also request and trust that my confidentiality be respected as to this letter as other residents may not be in agreement with me concerning this matter.

Yours truly, 

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